



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507-2591
<http://www.blm.gov/ak>

Tom Gray, Renewal of Special Recreation Permit (Commercial Guiding) DOI-BLM-AK-A010-2013-0019-DNA

Case File, FF-93637

DECISION RECORD

Decision

It is my decision to implement the proposed action described in the attached Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0019-DNA. Specifically, it is my decision to authorize a Special Recreation Permit to Mr. Thomas Gray for a period of ten years within Game Outfitter Area 22-05 and 22-06.

Rationale for the Decision

The proposed action has been reviewed by Anchorage Field Office staff and based upon the EA (AK-040-07-EA-009) prepared for Mr. Tom Gray's previous authorization by BLM, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required. Guiding services offer the public increased safety while in remote or relatively inaccessible and unfamiliar locations on the Seward Peninsula of Alaska. State law requires non-residents to retain the services of a registered guide to hunt grizzly bear.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Anchorage Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the

merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Teresa McPherson, Acting for

04/12/2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0019-DNA

Finding of No Significant Impact

Stipulations for Special Recreation Permit FF-93637, Tom Gray



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Case File, FF-93637

FINDING OF NO SIGNIFICANT IMPACT

Background

On August 3, 2012, special recreation permit (SRP) AA-93637 issued to Tom Gray, expired. Mr. Gray of Nome, Alaska applied for a renewal of his SRP for the same areas as previously permitted by BLM to conduct commercial guiding operations (State of Alaska's Guide Outfitter Area 22-05 & 22-06). The applicant is seeking a ten-year authorization.

Finding of No Significant Impact

This action and its effects have been evaluated consistent with the Council on Environmental Quality regulations for determining *significance*. Per 40 CFR § 1508.27, a determination of *significance* requires consideration of both context and intensity. The former refers to the relative context in which the action would occur such as society as a whole, affected region, affected interests, etc. The latter refers to the severity of the impact.

Context

Mr. Gray has been operating as a guide since 2003; therefore, the renewal of this SRP would result in no net change in the existing number of commercial guides in the region. The renewal of this existing SRP will not add to increased commercial guiding pressure in the region. The State of Alaska manages game for sport hunts. The federal subsistence board regulates subsistence hunts on federal lands and closes lands to sport hunts when the game resources do not ensure adequate subsistence harvest of wildlife.

Intensity

1. Impacts that may be both beneficial and adverse.

Commercial guiding for limited resources can put pressure on game populations and local harvest as well as subsistence harvests. Largely, decreased populations of game will trigger an action to close federal lands to sport hunting by the federal subsistence board and change State game management to eliminate non-resident hunting, limit resident tags, and if necessary, enter a

Tier II hunt if local use needs cannot be met. Guiding operations can give non-resident hunters the opportunity to harvest grizzly bear and other big game and increase recreational use of federal lands.

2. *The degree to which the proposed action affects public health and safety.*

The proposal will allow for safer non-resident hunts by a guiding operator. Some hunts by State of Alaska regulations require a guide (grizzly bear hunting) which increases hunter success and safety.

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

Several Areas of Critical Environmental Concern (ACECs) are within Guide Use Areas 22-05 and 22-06 which were analyzed in there 2007 EA. No adverse impacts to these ACECs were identified in the 2007 EA.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The SRP has been in effect since 2003 with no controversy. The effects of the proposed reauthorization of the SRP are not highly controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no highly uncertain, unique, or unknown risks associated with renewal of the SRP. The possible environmental effects on the human environment are known and have been analyzed in an EA prepared for the previous SRP.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed renewal of an SRP is a routine recreational permitting action and will not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The SRP renewal will have no net change on commercial guiding operations within the Guide Use Areas. The SRP renewal is not related to other actions with individually insignificant but cumulatively significant impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.*

The proposed SRP will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

The proposed SRP will not adversely affect any endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed SRP does not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Conclusion

Therefore, on the basis of the information contained in the EA, and all other information available to me, it is my determination that:

1. None of the environmental effects identified meet the definition of significance as defined by context and intensity considerations at 40 CFR § 1508.27;
2. The alternatives are in conformance with the Kobuk-Seward Peninsula Resource Management Plan (September 2008); and
3. The Proposed Action and alternatives do not constitute a major federal action having a significant effect on the human environment.

Therefore, neither an Environmental Impact Statement nor a supplement to the existing Environmental Assessment is necessary and neither will be prepared.

/s/ Teresa McPherson, Acting for

04/12/2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0019-DNA



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DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET

Proposed Action Title/Type: Tom Gray, Renewal of Special Recreation Permit

NEPA Register Number: DOI-BLM-AK-A010-2013-0019-DNA

Case File Number: FF-93637

Location / Legal Description: BLM Anchorage Field Office managed lands within Game Management Unit 22-06 & 22-05

Applicant (if any): Tom Gray

A. DESCRIPTION OF THE PROPOSED ACTION

The proposed action is to renew Tom Gray's special recreation permit (SRP) for a term of ten (10) years on the BLM-managed lands within the State of Alaska's Guide Outfitter Area 22-06 and 22-05. The SRP expired as of August 3, 2012. Mr. Gray conducts big game guiding operations in Game Management Units 22-06 and 22-05. The requested permit would allow for spring bear hunt guiding (April-June) and fall moose/bear hunt guiding (August-December).

B. LAND USE PLAN CONFORMANCE

The proposed action is in conformance with the applicable land use plan, the Kobuk-Seward Peninsula Approved Resource Management Plan and Record of Decision (RMP and ROD), September 2008. Specifically, the proposed action is in conformance with the following Recreation decision:

M-3: Management Actions

2. Outside SRMAs, applications for SRPs (for commercial use) will be handled on a case-by-case basis within identified ROS guidelines in areas of concern (Table B-1 in Appendix B).

C. IDENTIFY APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS AND OTHER RELATED DOCUMENTS THAT COVER THE PROPOSED ACTION.

The BLM Anchorage Field Office prepared the following Environmental Assessment for this SRP in 2007: *Special Recreation Permit (43 CFR 2930) Thomas Gray, d/b/a Grizzly Outfitters FF-093637, #AK-040-07-EA-009*. A Record of Decision was signed on August 3, 2007 by the Anchorage Field Manager. The 2007 EA is on file at the Anchorage Field Office.

D. NEPA ADEQUACY CRITERIA

1. *Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?*

The current proposed action is identical to the proposed action alternative analyzed in 2007 EA. The applicant has proposed a range of clients from 5-50; however, limits on non-resident tag availability by the State of Alaska (for bear and moose) will limit the client base (excluding caribou). Past post-use reports filed by the applicant since 2002 indicate that the number of clients has not exceeded 10 clients in any given year.

2. *Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?*

The range of alternatives analyzed in the 2007 EA is appropriate given current environmental concerns, interests, and resource values. The EA addressed the environmental impacts of commercial guiding.

3. *Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?*

The existing analysis is still valid and no new information or circumstances would change the analysis. No rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species are known or affected by the new proposed addition the existing airport lease.

4. *Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?*

The direct, indirect, and cumulative effects resulting from implementation of the proposed action is the same as that analyzed in the 2007 EA.

5. *Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?*

The 2007 EA for the applicant's SRP was extensively reviewed by commercial guides, communities, tribes, and ANCSA Corporations; various comments were received. Given that no new information or circumstances are present (see #3), the previous public involvement and interagency review associated with the existing NEPA document is considered to be adequate for the current proposed action.

E. PERSONS, AGENCIES, AND BLM STAFF CONSULTED

Jenny Blanchard	Archaeologist, AFO
Merben Cebrian	Subsistence Resources, AFO
Bruce Seppi	Wildlife Biologist (T&E Species), AFO
Tom Sparks	Lands and Realty, AFO

F. CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation identified in Part C of this DNA Worksheet fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Teresa McPherson, Acting for Anchorage Field Manager 04/12/2013

Signature of the Responsible Official

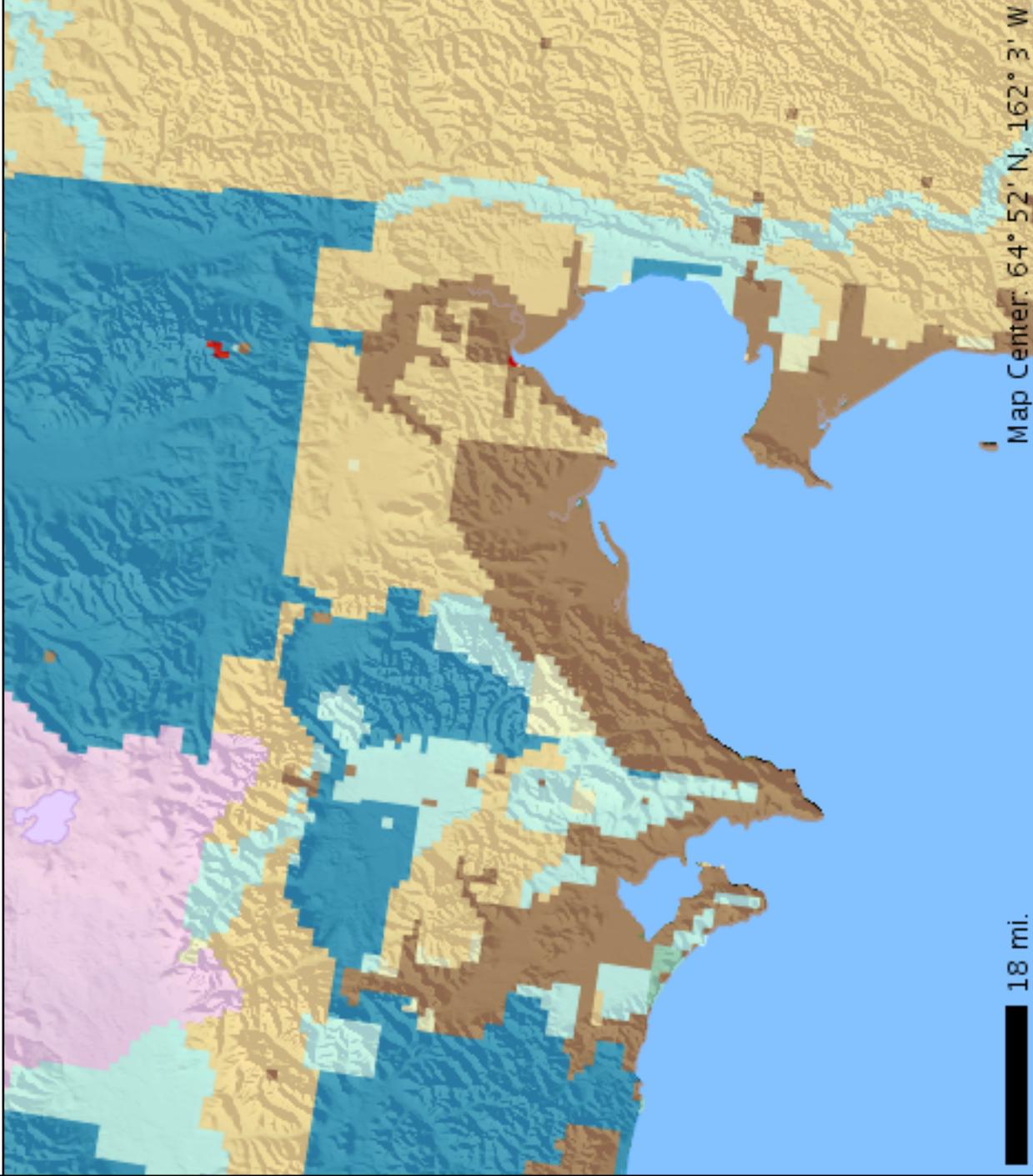
Date

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR § 4 and the program-specific regulations.

Attachments

Map of Tom Gray Special Recreation Permit area

Gray SRP Status Map



Legend

- Towns
- Highways
- Major Rivers
- Bureau of Land Management
- Fish and Wildlife Service
- Forest Service
- Metlakatla Indian Reservation
- Military
- National Park Service
- National Patent or IC
- Native Selected
- Private
- State Patent or TR
- State Selected
- Lakes
- International Boundary

Scale: 1:1,159,788

DO NOT USE FOR NAVIGATION

18 mi.

Map Center: 64° 52' N, 162° 3' W

Stipulations for Special Recreation Permit FF-93637, Tom Gray

- A. No cutting of live vegetation (trees) is allowed and must be left in its natural state.
- B. No commercial use of public cabins is permitted. No burning of trash within 100 feet of any public cabin or historic structure is permitted.
- C. The use of Off Highway Vehicles (OHV) over 2,000 pounds Gross Vehicle Weight Rated is not permitted unless expressly approved by the Authorized Officer. Particular care will be exercised to avoid disturbing the cutbanks of anadromous streams of OHV's less than 2,000 pounds Gross Vehicle Weight Rated.
- D. Wastewater must be managed in accordance with Title 18 Alaska Administrative Code, Chapter 72, (18 AAC 72) Wastewater Disposal. Wastewater is defined as Human Waste (sewage), and Gray Water (water which has been used for personal hygiene, washing clothing or equipment, or sanitizing cooking and eating materials). If the standards for Pit Privies found at 18 AAC 72.030 cannot be met, all wastewater must be collected and transported to a state approved disposal facility. Upon closure of the campsite the Pit Privy must be completely back-filled with the surface area covered and re-graded to approximate original appearance.
- E. Non-Hazardous Solid Waste (trash/refuse) may be burned in campfire pits. All unburned/unburnable trash/refuse will be back hauled from the area and disposed in an approved waste disposal site. All fire rings/pits must be removed or destroyed after use. Trash/refuse will not be disposed of in a Pit Privy.
- F. A certificate from an insurer will be supplied to the Bureau of Land Management prior to activity authorized under the Special Recreation Permit. Insurance shall be in place during the time frame of permitted activities. The certificate will be in the minimum amount of (1) \$300,000 for bodily injury for any one person; \$600,000 for any one occurrence; and (2) \$30,000 property damage for any one occurrence. The certificate shall also state that such insurance is in force and that the insurer will give BLM reasonable notice prior to cancellation or modification of such insurance. The certificate shall also name the United States Government as additional insured.
- G. The permittee must submit a Post Use Report which includes the reconciliation of the three percent (3%) gross fee to the authorized officer for every year the permit is in effect. If the Post Use Report and three percent (3%) gross fee are not received by January 1 of each year permit is in effect, the permit will be suspended. Permittee shall also pay the minimum \$100.00 annual fee, or the estimated three percent (3%) of gross fees, for the next calendar year by January 1 of each year. The minimum annual fee may be automatically adjusted by Instruction Memorandums, or any recalculations using the Gross National Product

- (GNP) Implicit Price Deflator Index. The Post Use Reporting Form is attached as Exhibit "A".
- H. The permittee shall supply the Bureau of Land Management prior to operations for each calendar year, a General Operation Plan. A General Operation Plan guide form is attached as Exhibit "B". Latitude and Longitude coordinates and/or maps showing all base and spike camps as well as aircraft landings shall be supplied in order to complete compliance checks on the activities authorized.
- I. Fuel Handling and Storage: Fuel shall be stored at least 150 feet from surface waters. Fuel and other petroleum products and hazardous materials shall be stored in containers designed to hold that product, identified with the owner's name, the contents and date of purchase (e.g. T. Gray, Gasoline, 2013). Fuels shall not be stored over the winter or outside of established State of Alaska hunting seasons or field operations conducted under the SRP. All fuel spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Fuel storage in excess of 55 gallons and/or fuel storage containers that are situated where a spill may reach a water body or watercourse requires secondary containment. Secondary containment is defined as a diked, impermeable impoundment capable of containing 110 percent of the volume of the largest independent container. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to: The Authorized Officer at 1-800-478-1263. Such other Federal and State officials as are required by law to be given such notice including Alaska Department of Environmental Conservation at (907) 478-9300.
- J. All operations shall be conducted in such a manner as to avoid damage or disturbance to any prehistoric or historic sites or modern camp sites. The Archaeological Resource Protection Act prohibits the excavation, removal, damage, or disturbance of any archaeological resource located on public lands. Violation of this law could result in the imposition of both civil and criminal penalties of the violator. Should any historic or prehistoric site be located during the course of operations under this permit, the applicant shall immediately notify the BLM authorized officer.
- K. The permittee shall supply the Bureau of Land Management with a copy of the following items prior to the hunting season they will be operating within: 1) Copy of the certification from the State of Alaska, Division of Occupational Licensing stating that the permittee is a Registered Guide and states which Game Management Unit(s) the certification is valid; 2) Copy of Alaska Business License; 3) Copy of any published quotes of fee schedule for services provided under the SRP; 4) Supply the names, license copies, contact addresses, and phone numbers for all guides and assistant guides operating under this permit. It is the

responsibility of the permittee to ensure that the items above are submitted and are valid for the periods authorized under the SRP.

- L. In order to prevent non-Native invasive plant spread, all vehicles, and equipment used in conjunction with the SRP must be thoroughly cleaned **prior to** moving equipment across or onto BLM managed lands. Washing and/or brushing equipment to remove material that can contain weed seeds or other propagates helps to insure equipment that is being transported across or onto BLM managed lands are weed and weed seed free. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and vegetative material.

Should any area used under the SRP have invasive plant infestations prior to activities authorized you must immediately confer with the land administrator by contacting: Laurie Thorpe, 907-267-1208, email: lthorpe@blm.gov

Exhibit "A"

**Bureau of Land Management, Nome Field Station, P.O. Box 925
Nome, AK 99762
Post Use Report**

Company Name _____ Operator _____
Permit Number _____ Permit Area _____

Date(s) on BLM Lands	# of Clients	# of Staff	User Days	Species Hunted	# Taken	Drainage Taken	Date Taken	Total Receipts
TOTALS								
ALLOWABLE DISCOUNT (circle one)				0%	40%	80%		
USER FEE 3% (adj. total x 0.03)						3%		

Exhibit “B”
Bureau of Land Management
Nome Field Office
Guide to General Operation Plan

Provide a signed, detailed operations plan that addresses the following:

1. Type of Business- (Big game hunting, fishing, hiking etc. Or a combination of activities)
2. List the species you plan to hunt and the specific dates for each species.
3. Number of expected clients.
4. Operation season (DD/MM/YY- DD/MM/YY)
5. Describe location of proposed activity. Be specific- (Supply location information such as Latitude/Longitude, Township and Range, Game Management Unit, River Drainage etc.)
6. Type of access to the site- (road, boat, plane, etc. If accessed by plane, give location of landing strip or water body)
7. Describe mode of transportation in the field- (foot, boat, 4-wheeler, horse, etc.)
8. On a 1: 63,360 scale USGS topographic map (or equivalent), outline/highlight existing trails that will be or have been used in the field.
9. Are you requesting to set up a base camp? Or spike camp?
If so, describe number, size, and design of temporary facilities. *(tents, privy, meat racks)
10. Describe location of proposed camp(s). (Include legal land description and lat/long, river drainage, mountain range and mark on a 1: 63,360 scale USGS topographic map (or equivalent)
11. Describe how you intend to supply drinking water and proposed method of human waste and trash disposal.
12. Is temporary storage of equipment on site during the off season requested? If so, describe what will be stored and how.

Provide a site sketch of your proposed temporary facility

*The sketch need not be drawn to scale. The sketch must identify the number, location, and dimensions of the temporary facility(s) including tents, privy, meat racks etc. Only those facilities shown on the site sketch will be considered and or authorized. Any prominent, naturally occurring features should be incorporated into the sketch (i.e. a river, lake, and hill). **The sketch must be signed by the owner/operator.**