

In Reply Refer To: FF-096599

**CATEGORICAL EXCLUSION /PLAN CONFORMANCE DOCUMENTATION AND DECISION  
For Long Term Campsite FM 14.0R**

DOI-BLM-AK-02000-2013-0016-CX

**A Background**

Proposed Action: Renewable Minimum Impact Land Use Permit (43 CFR 2920.06)

Date of Proposed Action: May 1, 2013 through April 30, 2016

Location: NE1/4/SE1/4, Sec.12 T7S. R18E CRM (SF 14.0R)

Applicant: Jim Whary  
P.O. Box 1363  
Longmont, CO 80502

Serial Number: FF096599

**Description of Proposed Action:**

Jim Whary submitted an application requesting a Long-Term Campsite (LTC) on the South Fork of the Fortymile River. The site is located at 14.0 river miles downstream of the headwaters of the South Fork on the right bank. The site is an improved LTC and has been used in the past by suction dredge miners for camping to support their state riverbed mining operations.

The site is described as NE1/4/SE1/4, Sec.12 T7S. R18E CRM (14.0R) on the right bank of the South Fork the Fortymile River facing downstream. The site is less than one acre in size.

The applicant will use the site for camping and equipment storage, limit occupancy of the site to four people, and have a tent for cooking, tents for sleeping, a pit toilet, and a pit cooler. Access will be by watercraft from the South Fork River Bridge.

**B. Land Use Plan Conformance**

This proposed action has been determined to be in conformance with the following land use plans:

- Fortymile River Management Plan  
Date Approved/Amended: 10/11/1983.

The proposed action is in conformance with item 6 (pp.49-50) "Long term camping in the river corridor will be authorized by permit. Camping will be subject to such provisions as necessary to protect scenic, recreational, fish and wildlife and other values

of the river area”.

- Land Use Plan Name: Fortymile Management Framework Plan  
Date Approved/Amended: 9/08/1980.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP objective under Lands-(1), “Make lands available for intensive use and public purposes”.

**C. Compliance with NEPA:**

This proposed action qualifies as a categorical exclusion under 516 Departmental Manual (DM), 11.9, Appendix 4, E (16), BLM Handbook H-1790-1, which states “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes”. None of the exceptions in 516 DM Chapter 2, Appendix 2, apply, as reviewed here:

The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215 and listed below. Any “yes” finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO</b>
1) May have significant impacts on public health or safety.	No
2) May have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	No
3) May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	No
4) May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5) Might establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6) May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
7) May have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No
8) May have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No
9) Might violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10) May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
11) Might limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No
12) Could contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No

**Recommendation**

I have found that the Proposed Action is compatible with the Fortymile MFP, and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 43 CFR 46.215. I recommend that the Proposed Action be allowed and that an Environmental Assessment or Environmental Impact Statement is not needed.

/s/ Kevan Cooper  
Kevan J. Cooper, Realty Specialist  
Eastern Interior Field Office

5/6/2013  
Date

**Concurrence**

I concur that the above action is in conformance with the Fortymile MFP, does not meet any of the extraordinary circumstances, and qualifies as a Categorical Exclusion.

/s/ Lenore Heppler  
Lenore Heppler  
Field Manager  
Eastern Interior Field Office

5/6/2013  
Date

**Contact Person**

For additional information concerning this CX review, contact Kevan J. Cooper, Realty Specialist Eastern Interior Field Office, at 907-474-2316.