



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>

Brian Catalina Film Permit
Categorical Exclusion, DOI-BLM-AK-A010-2013-0021-CX

Case File, AA-93572

DECISION RECORD

Decision

It is my decision to implement the proposed action on BLM-managed lands as described in the attached categorical exclusion documentation, DOI-BLM-AK-A010-2013-0021-CX.

Specifically, it is my decision to authorize a short-term (June 1-10, 2013) film permit to Brian Catalina to film “Ultimate Survival: Alaska” for National Geographic. Applicable permit stipulations are attached.

Rationale for the Decision

The proposed action has been reviewed by Anchorage Field Office staff and appropriate project Design Features, as specified, will be incorporated into the project. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

The rationale for the decision is based on the limited environmental impacts associated with the commercial filming. The permit also allows for public viewing of recreational activities on the public lands in a remote area of northwest Alaska which may increase recreational use of public lands.

The proposed action is in conformance with Kobuk-Seward Peninsula Resource Management Plan, September 2008. The proposed action will not significantly restrict Federal subsistence uses, decrease the abundance of Federal subsistence resources, alter the distribution of Federal subsistence resources, or limit Federal subsistence user access from currently existing conditions. No further analysis is necessary at this time.

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/ Alan Bittner

April 29, 2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

Brian Catalina Film Permit Categorical Exclusion, DOI-BLM-AK-A010-2013-0021-CX, including permit stipulations



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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Brian Catalina Film Permit

NEPA Register Number: DOI-BLM-AK-A010-2013-0021-CX

Case File Number: AA-93572

Location / Legal Description: Kateel River Meridian, Alaska, T. 6 S., R. 32 W., sec. 13, (within), T. 5 S., R. 31 W., sec. 32 (within).

Applicant (if any): Brian Catalina

Description of Proposed Action:

The Bureau of Land Management (BLM) would authorize a short-term land use permit to film “Ultimate Survival: Alaska” for National Geographic near Salmon Lake. The permit would be valid from June 1-10, 2013. The application was filed under the authority of Section 302 of the Federal Land Policy Management Act (FLPMA) of October 21, 1976, as amended (90 Stat. 2762; 43 U.S.C. 1732).

The applicant proposes to drive on a state-maintained highway out of Nome, Alaska with rented vehicles. The applicant proposes to take a film crew, and cast on foot and by dog team, on defined routes near Salmon Lake. The applicant may also film from a helicopter rented in Nome and land at various points along the routes. No camps will be established on BLM lands.

The applicant has indicated that as many as 35 people will be involved including but not limited to 12 cast members, 4 camera operators, 4 producers, and 4 safety personnel.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan(s): Kobuk-Seward Peninsula Resource Management Plan (RMP), September 2008

The proposed action is in conformance with the applicable land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

H-1: Goals

1. Meet public needs for use authorizations such as ROW, leases, and permits while minimizing adverse impacts to other resource values.

H-2: Land Use Authorizations

Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, temporary use permits under several different authorities; leases, permits, and easements under Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.

H-2-a: Management Actions (Land Use Authorizations)

4. Permits: Permits cover occupancy, use, or development of a site. Specific exclusion areas are listed in Table 2-19 on page 2-113 of the PRMP/FEIS.

- In General: Cabin or permanent structure permits could not be issued for private recreation uses. Trapping shelters will be authorized by short-term (three years maximum) Section 302 permits renewable at the discretion of the BLM and tied to the applicant's ability to show actual use for profitable trapping purposes.
- Guide shelters will only be authorized in conjunction with Special Recreation Permits (SRPs) issued under FLPMA authority. The same criteria described above for cabin leases will be used during consideration of issuance of such permits.
- Military maneuver permits will be considered on a case-by-case basis.

The proposed action would not occur within any of the exclusion areas listed in Table 2-19 on page 2-113 of the PRMP/FEIS.

C. CATEGORICAL EXCLUSION

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR 46.210 or United States Department of the Interior Manual, Part 516, Chapter 11, which provides:

Realty E-20. Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

D. EXTRAORDINARY CIRCUMSTANCES

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

EXTRAORDINARY CIRCUMSTANCES	YES/NO
1. Have significant adverse impacts on public health or safety.	No.
2. 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. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No.
7. 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. 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. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No.
11. 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. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or 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.

E. SIGNATURE

The proposed action is in conformance with the applicable land use plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 FM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that no further environmental analysis is required.

/s/ Alan Bittner

April 29, 2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

Film Permit Stipulations
Map of routes

Stipulations for Film Permit AA-93572, Brian Catalina

- A. The permit holder will comply with all regulations in 43 CFR §2920;
- B. Non-Hazardous Solid Waste (trash/refuse) will be back-hauled from the area and disposed in an approved waste disposal site;
- C. 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. Brian Catalina, Gasoline, 2013). Fuel will not be stored over the winter and will be removed by October 1. 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;
- D. 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 Right of Way Grant, the applicant shall immediately cease activities and notify the BLM authorized officer. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the permit holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The permit holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume;
- E. The permit holder shall protect all survey monuments found within the area of operations. Evidence of the Public Land Survey System (PLSS) and related Federal property boundaries will be identified and protected prior to commencement of any ground-disturbing activity. This will be accomplished by contacting Bureau Land Management (BLM) Cadastral Survey to coordinate data research, evidence examination and evaluation, and locating, referencing or protecting monuments of the PLSS and related land boundary markers from destruction. In the event of obliteration or disturbance of the Federal boundary evidence the responsible party shall immediately report the incident, in writing, to the Authorizing Official. BLM Cadastral Survey will determine how the marker is to be restored. The responsible party shall pay for all survey, investigation, penalties, and administrative costs;

- F. The permit holder assumes all risk of loss to the authorized improvements;
- G. The permit holder must comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S. C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, and maintenance of any facility, improvement, or equipment on the property;
- H. The permit holder must indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the permit holder's use or occupancy of the property. The permit holder's indemnification of the United States must include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of the permit. Indemnification must include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph survives the termination or revocation of the permit, regardless of cause;
- I. The United States has no duty, either before or during the permit term, to inspect the property or to warn of hazards and, if the United States inspects the property, it will incur no additional duty nor any liability for hazards not identified or discovered through such inspections. This paragraph survives the termination or revocation of the permit, regardless of cause. The permit holder has an affirmative duty to protect from damage the land, property, and interests of the United States;
- J. Non-Native Invasive Plant Prevention and Mitigation
- All vehicles, transport equipment used in access, construction, maintenance and operations of project 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.
 - Early detection, rapid response mitigates ecological damage from invasive species. Should a development or occupancy and use have invasive plant infestations prior to development or use, proponents must confer with the land administrator to develop an invasive plant treatment plan to eliminate and/or prevent the propagation of the species.
 - Site reclamation must be implemented as soon as possible after construction using the original duff layer. This original duff layer is to be removed and set aside upon initial site disturbance, and replaced on disturbed areas in lieu of revegetation with non-local materials.

- Certified weed-free mulch, hay or straw is required in areas needing mulch. Sources for weed free mulch can be found by calling the Plant materials Center: 907-745-4469. Revegetation Guidance can be found at: http://www.dnr.state.ak/ag/pmcweb/PMC_reveg
- For questions concerning invasive species prevention and mitigation, please contact: Laurie Thorpe, Anchorage Field Office, Natural Resource Specialist, 907-267-1208, lthorpe@blm.gov.
- The following websites may be useful to consult:

Homer Soil and Water Conservation District

<http://www.homerswcd.org/invasives/invasivepg.htm>

US Department of Agriculture & Alaska Natural Heritage Program

<http://akweeds.uaa.alaska.edu/>

USDA Natural Resources Conservation Service

<http://plants.usda.gov/java/noxiousDriver>

US Fish and Wildlife Service

<http://www.fws.gov/invasives/>

Alaska committee for Noxious and Invasive Plants Management

<http://www.uaf.edu/ces/cnipm/>

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<http://plants.usda.gov/java/noxiousDriver>

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