

Decision Record - Memorandum

Prepared by
U.S. Department of the Interior
Bureau of Land Management

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Table of Contents

1. Project Name	1
1.1. Compliance	1
1.2. Selected Action	1
1.3. Compliance with NEPA:	1
1.4. Public Involvement:	1
1.5. Rationale:	1
1.6. Appeal or Protest Opportunities:	1
1.7. Authorizing Official:	2
1.8. Contact Person	2
Appendix A. — Essential Fish Habitat Assessment	3
Appendix B. — Wilderness Characteristics Assessment	5
Appendix C. — Section 810 Analysis	7

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Chapter 1. Project Name

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1.1. Compliance

The proposed action is in conformance with the approved Bureau of Land Management Kobuk-Seward Peninsula Resource Management Plan approved September 4, 2007. The project has been considered in the context of public health, safety and consistency with regards to Federal, State and local laws.

1.2. Selected Action

John Tate of Dry Creek Production proposes to film a guide and hunter in pursuit of grizzly bears in the Kimulik River Drainage northeast of Shatktoolik, Alaska from June 1, 2013 through June 15, 2013.

1.3. Compliance with NEPA:

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 § 45.210 or United States Department of Interior Manual, Part 516, Chapter 11 which provides:

11.9 (Realty)

(12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way

1.4. Public Involvement:

It was determined that no public involvement was needed due to the remoteness of the action.

1.5. Rationale:

The proposed action is consistent with the use of public lands under the authority of Title III of the Federal Land Policy and Management Act and the regulations found in 43 CFR 2800. All concerns are appropriately addressed in the DOI-BLM-AK-F030-2013-0029-CX. This includes cultural resources and subsistence concerns (see attached ANILCA 810 findings, boundary and wilderness characteristic assessments and essential fish habitat finding.

1.6. Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4, 43 CFR 2801.10 and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from your receipt of this decision. In deciding whether or not to file an appeal, you have the burden of showing this decision is in error. If you decide to file an appeal, you must carefully follow the procedure described in 43 CFR Parts 4 and 4.413 and the enclosed form 1842-1. If you do not file your appeal at the locations specified on the form within 30 days, the Board may dismiss your appeal as untimely filed without considering its merits. Notices of appeal transmitted by electronic means, such as facsimile or e-mail, will not be

accepted as timely filed. In order to avoid dismissal of the appeal, there must be strict compliance with the regulations. Be sure to send a copy of your notice of appeal to each party named in this decision and to all of the addresses on the enclosed form 1842-1. In accordance with regulations found at 43 CFR 4.21 or 2801.10, you may also ask the Board to stay or suspend the effect of this decision while your appeal is pending. If you desire a stay, you must enclose your request for a stay with your notice of appeal. Copies of the notice of appeal and the petition for a stay must also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor at the same time the original documents are filed with this office. You have the burden of showing a stay is justified.

The Board will grant a stay only if you provide 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 success of your appeal 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.

1.7. Authorizing Official:

Nichelle W. Jacobson
Field Manager, Central Yukon Field Office

Date

1.8. Contact Person

For additional information concerning this Finding, contact.

Robin Walthour, Realty Specialist
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Fairbanks, Alaska 99709
(907) 474-2304 or rwalthour@blm.gov

Appendix A. — Essential Fish Habitat Assessment

NEPA Document No.: DOI-BLM-AK-F-030-2013-0029-CX

Prepared by: David A. Esse

Date: 5/24/2013

Essential Fish Habitat (EFH) Finding: The proposed project takes place within the Kingmetolik River watershed which is known to contain populations of coho and Chinook salmon as well as anadromous Dolly Varden (ADF&G 2013). However, while anadromous species are present in the project area, it is not anticipated that the proposed action will have an adverse effect on EFH. Therefore, the proposed action is assigned the EFH determination: *No effect*. EFH consultation with NMFS is not required.

References: Alaska Department of Fish and Game. 2013. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

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Appendix B. — Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F-030-2013-0029-CX

Case File/Serial No.: F-96605

Applicant(s): John Tate doing business as Dry Creek Productions

Location: Secs. 14-36, T. 10 S., R. 7 W., Sec. 25, T. 10 S., R. 8 W., and Secs. 1-6, T. 11 S., R. 8 W., Kateel River Meridian, Alaska encompassing 19,840 acres in the Kimulik River Drainage northeast of Shaktoolik, Alaska.

Prepared by: Lisa Shon Jodwalis, Park Ranger-Interpretation

Date: May 24, 2013

Proposed Action

John Tate dba Dry Creek Productions proposes to stage a base camp and film a guide and hunter in pursuit of grizzly bears from June 1, 2013 through June 15, 2013. They will be transported into and out of the base camp located at 64°35'18.60"N, 160°2'3.20"W by Freelance Outdoor Adventures contracted pilot Jim Tweeto. The film crew will consist of three persons, hunter, guide and a cameraman. All hunting and filming activities will be based out of the base camp and on foot.

BLM Purpose and Need

BLM Decision

Evaluation

The basis for this evaluation is BLM Manual 6310-Conducting Wilderness Characteristics Inventory on BLM Lands, and BLM Manual 6320 - Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which direct offices to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA). The BLM has further determined that, if a project or activity does not negatively affect wilderness characteristics, the permitting process may proceed as usual, regardless of whether an inventory of wilderness characteristics has been completed.

Mitigation stipulations such as those attached to SRP holders in the area should apply to all parties involved in the proposed activities to minimize any damage to the natural character of the area.

FINDING

The proposed activities will occur in an area inventoried and found to have wilderness characteristics (Area Unique Identifier CYFO-Nulato Hills v-2-001). They do not significantly

impair the size or naturalness of this area, or the opportunities for solitude and recreation of a primitive and unconfined nature. BLM Manual 6310 includes hunting as an example of primitive and unconfined recreation. The proposed action will not impair existing wilderness characteristics.

Type of Assessment/Sources

Chris Barns, BLM Representative, Arthur Carhart National Wilderness Training Center, 9 September 2012. "Wilderness Characteristics Guidance for the BLM. Training Module IIID – LWCs and Proposed Projects."

Appendix C. — Section 810 Analysis

NEPA Document No.: DOI-BLM-AK-F-030-2013-0029-CX

Applicant(s): John Tate doing business as Dry Creek Productions

Serial No.: F-96605

Proposed Action: John Tate dba Dry Creek Productions proposes to stage a base camp and film a guide and hunter in pursuit of grizzly bears from June 1, 2013 through June 15, 2013. They will be transported into and out of the base camp located at 64°35'18.60'N —160°2'3.20'W by Freelance Outdoor Adventures contracted pilot Jim Tweeto. The film crew will consists of three persons, hunter, guide and a cameraman. All hunting and filming activities will be based out of the base camp and on foot.

Location: Kingmetolik Creek Drainage northeast of Shaktoolik, Alaska.

Township/Range: Secs. 14–36, T. 10 S., R. 7 W., Sec. 25, T. 10 S., R. 8 W., and Secs. 1–6, T. 11 S., R. 8 W., Kateel River Meridian, Alaska encompassing 19,840 acre

Evaluation by: Jennifer McMillan and David A. Esse

Date: 5/24/13

Type of Assessment/Sources: Review of application materials, subsistence database, local knowledge, interviews with staff knowledgeable about the area and the proposed action.

Effect of the proposal on subsistence uses and needs

Fisheries: The proposed action would not alter the distribution, migration or location of harvestable fisheries resources. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.

Wildlife:

Other resources: The proposed activity will not significantly impact other resources such as berries, willows, and spruce roots. Subsistence activities that target these resources occur in a much broader area than where the proposed action is to take place. Therefore, the proposed action will not significantly affect subsistence uses and needs.

Expected reduction, if any, in the availability of resources due to alteration in resource distribution, migration, or location: None. Fish and wildlife resources may temporarily avoid the project area while the permittee and associates are present. However, there is no expected reduction in the

availability of resources due to alteration in resource distribution, migration, or location.

Expected limitation, if any, in the access of subsistence users resulting from the proposal: None. Access to subsistence resources will not be hampered by the proposed action.

Availability of other lands, if any, for the purpose sought to be achieved:

Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes: There is no substantial evidence that would indicate a significant impact on subsistence will result from the proposed action. No other alternatives were evaluated.

Findings: The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and no reasonably foreseeable limitations on harvester access have been forecasted to emerge as a function of the action that is analyzed in this document.

References