



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588
<http://www.blm.gov/ak>

Commercial Special Recreation Permit to KME LLC DOI-BLM-AK-A020-2013-0013-DNA

Case File: AA-93542

Applicant:
Egil Fjellheim, KME LLC

DECISION RECORD

Background

The BLM Glennallen Field Office has received a Special Recreation Permit (SRP) application for commercial river guide and outfitter operations on BLM-administered lands within the Gulkana and Delta Wild and Scenic River corridors.

The permit issuance would help meet public demand for guided recreational activities within the Glennallen Field Office boundaries. The permit would be valid for the 2013 operating season, June 15th-September 15th, with the option for renewal.

Findings of No Significant Impact (FONSI) were prepared for the related Environmental Assessments, documenting that the selected alternatives, authorization of an SRP for commercial river guide and outfitter activities on the Delta and Gulkana rivers would have no significant effects. Given that the current Proposed Action, authorization of the KME LLC SRP, is identical to the selected alternatives in the related EAs, the preparation of a new FONSI is not necessary (BLM 2008). The FONSI indicates that the current Proposed Action has been analyzed in an EA(s) and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required.

Decision

It is my decision to authorize the requested SRP to the Egil Fjellheim, doing business as KME LLC (DOI-BLM-AK-A020-2013-013-DNA).

Specifically, it is my decision to authorize:

- A one-year SRP for the 2013 season with the option for renewal, pending all permit requirements are met annually.

- The SRP allows for one guided trip on the Gulkana River and one guided trip on the Delta River.
- All stipulations in the related Environmental Assessments apply to these permits, unless otherwise approved by the BLM.

Rationale for the Decision

Since the Decision Records for the initial SRP authorizations, the Glennallen Field Office has completed the East Alaska Resource Management Plan (EARMP) and Record of Decision (ROD) (BLM 2007).

The No Action Alternative would not fulfill the EARMP decision to provide commercial recreation opportunities where consistent with area objectives.

The purpose underlying the BLM's authorization of the requested permit is to retain commercial activities including commercially guided river tours as part of the range of quality recreational opportunities offered on BLM-managed lands within the Glennallen Field Office boundaries.

ANILCA Section 810 Compliance

The Proposed Action will not result in a significant restriction in abundance, availability, or access of harvestable resources used for subsistence purposes

Lands with Wilderness Characteristics

The Proposed Action has been reviewed for wilderness characteristics and was found to contain conditions for meeting lands with wilderness characteristics. The stipulations and conditions attached to this authorization will ensure existing wilderness characteristics, such as size, naturalness; solitude and opportunities for primitive and unconfined recreation will not be impaired.

Consultation and Coordination

Internal scoping was conducted by the Glennallen Field Office staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

Compliance and Monitoring

Compliance and monitoring of this authorization will be conducted by the BLM Glennallen Field Office. Inspections and annual performance evaluations shall be documented and saved within the case file for this authorization.

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 Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588, 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 Glennallen 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/ Elijah Waters

May 7, 2013

Acting Glennallen Field Manager

Date

Attachments

DOI-BLM-AK-A020-2013-0013-DNA
2013 Permit Stipulations



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STIPULATIONS FOR GULKANA/DELTA NATIONAL WILD AND SCENIC RIVERS

A. While operating

1. Camping for a period longer than fourteen (14) consecutive days within the river corridor without written authorization of the Field Manager, Glennallen Field Office, BLM is prohibited.
2. From June 1–July 31, camping in the same location for a period longer than seven (7) consecutive days on the lower river (downstream of the West Fork confluence) and three (3) consecutive days on the Main Stem (Paxson Lake to the West Fork confluence) is prohibited. This rule does not apply to the Middle Fork and West Fork Gulkana.
3. Leaving property unattended for more than 48 hours without written authorization of the Field Manager, Glennallen Field Office, BLM is prohibited.
4. Group sizes larger than twelve (12) people without written permission, in the form of a group letter of agreement, issued by the Glennallen Field Office, BLM are prohibited.
5. Discharging any type of fireworks within the river corridor is prohibited.
6. Discharging a firearm for the purposes of recreational shooting within the river corridor is prohibited.
7. Discharging a firearm is also prohibited at any time within 150 yards of a residence, building, developed or undeveloped recreation site, occupied area, and across or on any trail or body of water, whereby any person or property is exposed to injury or damage as a result of such discharge. Firearms may be used for hunting, personal protection against wildlife, and emergency situations only.
8. Constructing, placing, or maintaining any kind of road, trail, fence, enclosure, building, cabin, supply cache, or any other structure or equipment without written permission of the Field Manager, Glennallen Field Office, BLM is prohibited.
9. Possession and/or consumption of alcohol within the river corridor by anyone less than 21 years of age is prohibited.
10. Failing to exhibit required permits and identification when requested by a BLM Authorized Officer or representative is prohibited.

11. Selling or offering for sale any merchandise or service or conducting any kind of business enterprise without the written authorization of the Field Manager, Glennallen Field Office, BLM is prohibited.
12. Violating the terms of any written permission or permit issued by the BLM is prohibited.
13. Causing a fire, other than a campfire or signal fire, to be ignited by any source is prohibited.
14. Leaving a fire without extinguishing it, except to report if it has spread beyond control, is prohibited.
15. Failing to obey fire closure orders issued by the BLM is prohibited.
16. Except as herein authorized, damaging, disturbing, or removing any timber or other vegetation is prohibited. The use of reasonable amounts of dead, down, or detached timber for campfires in the river corridor is permitted.
17. Defacing, disturbing, or removing any natural feature, vegetation, timber, rocks, or property of the United States is prohibited.
18. Digging, scraping, disturbing, or removing any natural land features for the purpose of mineral prospecting or mining is prohibited.
19. Campsites must be completely dismantled at the end of each visit, and camp areas left in a natural state. Equipment may not be left unattended at a site in order to “save” a spot, nor cached for convenience on subsequent trips. Materials and supplies may not be cached within the area during non-use periods without proper authorization from the Bureau of Land Management. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands, nor make use of existing structures or foundations nor establish or improve landing areas.
20. With the exception of outhouses, camping near man-made structures located in the river corridor is prohibited. Disturbance of any man-made structures or remains of structures is prohibited, as is any disturbance of any structures or remains. There shall be no additional ground disturbance. There shall be no disturbance of archaeological sites, and no collection of artifacts whatsoever. Collection of vertebrate fossils, including mammoth and mastodon bones, tusks, etc., is prohibited. Evidence of any such resources encountered by the permittee must be reported to the Glennallen Field Office Cultural Heritage staff.
21. Use existing campsites and fire rings to limit camping impacts to areas with repeated use. Do not leave trash in fire rings. All trash shall be packed out on each trip, including items not completely burned in fire rings (melted plastic, charred aluminum, etc.). Keep a clean

campsite and store food and trash in such a manner as to avoid attracting bears and other wildlife. Burying any trash is prohibited.

22. All permittees shall carry and use a portable toilet system while operating within the wild river corridor and dispose in an approved disposal site. There is an approved boater dump station at Sourdough Creek Campground.
23. Gray water shall be disposed of 200 feet from water, camps and trails. Strain food particles to pack out.
24. Cutting of standing (dead or live) trees is prohibited.
25. Feeding of wildlife, or in anyway intentionally harassing or disturbing wildlife, is prohibited.
26. Intentional harassment or disturbance of birds (individually, their nests, eggs or seasonal breeding, nesting, roosting, brooding or molting habitat) is prohibited. Specifically all raptors (including bald eagles), waterfowl (including trumpeter swans and harlequin ducks), and other smaller birds (including Arctic terns) are protected under federal law.
27. Any spill of petroleum products shall be reported and cleaned up in accordance with the rules and regulations established by the Alaska Department of Environmental Conservation and the Environmental Protection Agency. BLM will recover all costs incurred in reporting the spill, rehabilitation, and clean up, with said costs the responsibility of the party responsible for the spill.
28. Clearly visible identification of all commercial watercraft, using your operation's name, is required.

B. Campground Related:

1. Permittee will observe the closure of the former temporary boat launch (used during periods of construction at Sourdough Creek Campground), located just north of Sourdough Creek Campground.
2. Permittee must observe all campground regulations posted in the Sourdough and Paxson Campgrounds as they commence and/or conclude authorized activities. Permittee's may not use campgrounds as a location from which to operate a base camp or office.
3. Registration at the Paxson Lake or Sourdough Creek Campground Boat Launch
Registration stand for each trip (or each day, if making multiple trips per day) is required. Boat launch records will be reviewed against post use reports and on site monitoring, and instances of failure to register will result in documentation of failure to comply with permit stipulations.

4. Authorized operators are required to complete a river trip survey form, available in both Paxson and Sourdough Campground, at the end of each season. Encourage your clients to individually complete the form at the end of their use period(s).
5. Permittee must supply the Bureau of Land Management with the license number of the vehicle(s) that will be used to transport watercraft, clients and supplies in and out of the Paxson Lake and Sourdough Creek campgrounds.
6. The boat launch in Paxson Lake and Sourdough Creek campgrounds is for launching only. Unloading or loading of clients or gear should be done in the ready area to keep the launches clear for others.
7. Abide by the Leave No Trace practice that is described in the educational information that has been provided to you. Permittee's are encouraged to share this information with clients.

C. The Special Recreation Permit:

1. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
2. Fishing is allowed, subject to applicable State and Federal regulations and licensing requirements as stated above.
3. A Special Recreation Permit authorizes special uses of the public lands and related waters. The permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.
4. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
5. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.

6. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
7. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM.
8. A complete post season use report must be filed within 30 days of completion of operations. Late reports will be subject to late fees of \$50.00 per month and will reflect negatively on the permittee's performance record which could affect future authorizations.
9. Any and all permit violations will be documented to the permittee's file as part of overall annual evaluation of performance. Performance is one factor that may be considered in the future, should availability of permits become subject to a limited entry system.
10. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.
11. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
12. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
13. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
14. If approved by the authorized officer in advance, a payment bond or other guarantee may be used to pay estimated advance fee payments in excess of the minimum annual permit fee.

D. Insurance and Liability:

1. A property damage, personal injury, and comprehensive public liability insurance policy is required of all commercial and competitive permittee's and may be required for vending or organized group activities and events (depending upon the kind of activity and risk to the government).
2. The permittee shall indemnify and hold harmless the United States against any liability for personal injury, loss of life, or property damage arising in any way from activities under the permit
3. The permittee must submit a valid certificate of insurance covering the authorized activity prior to initiating operations.

I declare I have read and understand all of the stipulations associated with this Special Recreation Permit. I acknowledge that as signee of the permit and these stipulations that I am fully responsible for all of the mitigation measures and compliance with stated permit stipulations and that non-compliance with any permit stipulations will be grounds for denial of future permits, and/or cancellation, and/or prosecution of applicable Federal, State and/or Local laws.

Applicant's Name (Print)

Signature

Date