



# 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>

## **Yamaha Motor Corporation Land Use Permit** Categorical Exclusion, DOI-BLM-AK-A020-2013-0017-DNA

Case File, AA-093580

### **DECISION RECORD**

#### **Decision**

It is my decision to implement the proposed action, the issuance of a three-year land use permit to the Yamaha Motor Corporation on BLM-managed land in the vicinity of Paxson Lake, as described in the attached Determination of NEPA Adequacy (DNA) documentation, DOI-BLM-AK-A020-2013-0017-DNA.

A Finding of No Significant Impact (FONSI) was prepared in 2000 documenting that the selected alternative, authorization of a permit to the applicant for snowmachine testing activities in the Paxson area, would have no significant effects. Given that the current Proposed Action is essentially the same as the alternative selected in 2000, the preparation of a new FONSI is not necessary (BLM 2008). The 2000 FONSI indicates that the current Proposed Action has been analyzed in an EA and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required.

#### **Rationale for the Decision**

The current Proposed Action supports the East Alaska Approved Resource Management Plan Lands and Realty goal to, "Provide a balance between land use...and resource protection that best serves the public at large," (BLM 2007). The applicant's proposed activity would occur on snow-covered ground, thereby minimizing impacts to natural and cultural resources. Additionally, because the proposed activity would generate lodging, fuel, food, and other amenity demands in the winter and spring, the project provides economic benefits to Paxson community in the tourism "off-season."

#### **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/ Laurie Hull-Engles*

August 21, 2013

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Laurie Hull-Engles  
Acting Glennallen Field Manager

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Date

### **Attachments**

DOI-BLM-AK-A020-2013-0017-DNA  
Permit Stipulations

### **References**

BLM 2008. BLM National Environmental Policy Handbook (NEPA), H-1790-1. Released January 30, 2008.

BLM 2007. East Alaska Approved Resource Management Plan and Record of Decision. Approved September 7, 2007.

Exhibit A  
08-19-2013

1.0 Definitions

- 1.1 The Glennallen Field Office Manager or its designees is the Authorized Officer (AO), as defined by 43 CFR 2920.0-5(c).
- 1.2 "Permit Holder" means Yamaha Motor Corporation, USA, and any and all assignees that may be of record, including all agents, contractors, subcontractors, and employees.
- 1.3 "Permit" means the license, lease, permit, or other permissions granted by the United States to the grantee for the use of public lands and resources.

2.0 General

- 2.1 This permit is subject to all prior valid and existing rights, and the United States makes no representations or warranties whatever, neither expressed nor implied, as to the existence, or nature of such valid existing rights.
- 2.2 Any modifications to the proposed activities must be approved in writing by the AO.
- 2.3 It is the responsibility of the permit holder to ensure that association members are familiar with and adhere to these stipulations.
- 2.4 These provisions do not relieve the permit holder of any responsibilities or provisions required by any applicable State or Federal law and regulations.
- 2.5 The permit holder may be required by the AO to furnish transportation and quarters for designated field representatives or observers while inspecting field operations.
- 2.6 In the advent of a disagreement of the interpretation or implementation of these stipulations the permit holder agrees that the AO shall have the final say in how these stipulations are interpreted and implemented.
- 2.7 Permit holder shall defend, indemnify and hold the United States, its assigns, agents, employees, representatives and successors in interest harmless from and against any and all actions, fees, for injury to or death of any person, persons, or property arising in connection with and as a direct result of permit holder's activities, included but not limited to United States negligence, if any in failing to recognize or remedy a hazardous condition existing on public lands.
- 2.8 Permit holder shall comply with Title VI of the Civil Rights act of 1964 (42 U.S.C. 2000 et seq) and the regulations of the Secretary of the Interior issued pursuant thereto.
- 2.9 This permit may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.10 The AO may revoke or terminate this permit in whole, or in part, upon a determination by the AO that the terms, conditions, or stipulations of the grant have been violated, or by determination by the AO that the grantee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.

**Case File No.: AA-093580**  
**DOI-BLM-AK-A020-2013-0017-DNA**

- 2.11 The permit holder shall not enclose in any manner, or erect or maintain any signs or structures on roads or trails commonly used for public travel or access to public lands surrounding the grant unless directed to do so by the AO.
- 2.12 This permit does not authorize the grantee to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq.
- 2.13 This permit does not authorize any other use of the public lands or improvements belonging to the U.S. Government.
- 2.14 Fire suppression or protection shall not be provided by the government. The permit holder shall be responsible for taking reasonable precautions to prevent and suppress brush, grass and other fire hazards within the authorized area, extinguishing all fires before departing the premises.

3.0 Environmental

- 3.1 All operations will be conducted in such a manner as not to cause damage or disturbance to any fish wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).
- 3.2 All activities shall be conducted so as to avoid or minimize disturbance to vegetation. If it becomes necessary to remove vegetation, prior approval by the AO is required.
- 3.3 All operations shall be conducted with due regard for good resource management and in such a manner as not to block any stream, or drainage system, or cause the pollution of siltation of any stream or lake.
- 3.4 Use of pesticides or herbicides shall comply with the applicable Federal and State laws. Pesticides or herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides or herbicides, the grantee shall obtain from the AO written approval of a plan showing the type and quantity of materials to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides or herbicides shall be approved in writing by the AO prior to such use.

4.0 Operational

- 4.1 There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoth and mastodon bones, tusks, etc, is strictly prohibited. Any cultural or Paleontological resources discovered by the permit holder, or any person working on behalf of the permit holder, shall be immediately reported to the AO. The permit holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. The permit holder shall not occupy or otherwise disturb any cultural sites including historical cabins. The

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**Case File No.: AA-093580**  
**DOI-BLM-AK-A020-2013-0017-DNA**

permit holder will be responsible for the cost of any evaluation and mitigating measures determined necessary by the AO.

- 4.2 All solid wastes shall be removed from the public lands to an Alaska State DEC approved solid waste disposal facility.
- 4.3 Areas of operation shall be left clean of all unauthorized foreign objects. This shall include, but is not limited to; wires, pins, flags and reflectors.
- 4.4 All fuel or lubricant 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. Any such spill sites will be documented so that they can be located during the compliance check.
- 4.5 Recovered spill fluids will be removed and incinerated in approved receptacles.
- 4.6 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 AO and any other Federal and State Officials as are required by law.
- 4.7 All State and Federal safety standards and regulations for fuel transportation and handling will be followed. Only fuel products and amounts specifically authorized shall be stored on site, and shall be located a minimum 100 feet away from any source of water. All fuel containers, including barrels and propane tanks, shall be marked with the permit holder's name, product type and year filled.
- 4.8 The permit holder shall protect all Survey Monuments. In the advent of obliteration or disturbance of a survey monument, the permit holder shall immediately notify the AO. The permit holder will be financially responsible to re-establish the survey monuments to the Bureau standards.
- 4.9 No hazardous materials shall be transported or disposed within the area of authorized use.
- 4.10 The permit holder shall ensure that a copy of the permit and stipulations is present on site at all times.
- 4.11 The permit holder shall notify the AO 7 (seven) days prior to removal of personal property and abandonment of the area, and shall be responsible for any rehabilitation of the site deemed necessary by the AO. At minimum all disturbed areas shall be re-contoured and re-vegetated using native species.
- 4.12 The permit holder shall have a representative available to accompany the Bureau's field representative during any compliance inspection, and shall provide the AO with documentation of all work performed. This shall include a description of the work, photographs and maps or charts depicting the specific sites where operations were conducted.

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**Case File No.: AA-093580**  
**DOI-BLM-AK-A020-2013-0017-DNA**

- 4.13 The permit holder will provide to the Bureau of Land Management, Glennallen Field Office, Authorized Officer, a copy of all data, reports and findings upon completion of the project.

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Permit Holder Representative Signature

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Date

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