United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Anchorage Field Office
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Anchorage, Alaska 99507-2591
http://www.blm.gov/ak

CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Orion Multimedia Film Permit

NEPA Register Number: DOI-BLM-AK-A010-2013-0033-CX

Case File Number: AA-93618

Location / Legal Description: Kateel River Meridian, Alaska, T. 5 S., R. 9 W., sec. 14, (within); T. 8 S., R. 10 W., sec. 5 (within), T. 10 S., R. 10 W., sec. 16, (within).

Applicant (if any): Orion Multimedia

Description of Proposed Action:

The Bureau of Land Management (BLM) would authorize a short-term land use permit to Orion Multimedia to film grizzly bear hunting on BLM managed-lands within the Inglutalik and Ungalik river basins. The permit would be valid from September 2nd through September 11th, 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). Orion Multimedia desires to film a grizzly bear hunt with Bob Hannon who conducts guiding operations under a commercial Special Recreation Permit (SRP) out of Koyuk, Alaska (BLM authorization FF-86238).

Orion Multimedia proposes to travel with Mr. Hannon by river boat from Koyuk to the Inglutalik and Ungalik rivers and establish up to three temporary tent camps for the nine days of hunting and filming. Once the temporary camps are established, Orion Multimedia would film a grizzly bear hunt along the rivers utilizing river boats and foot travel. Six people would be involved: two film crew, two hunters, and two guides.

Mr. Hannon is a master guide operating in the State of Alaska's Guide Use Area 22-06 concentrating on the Ungalik, Inglutalik, and Koyuk rivers for bear hunting and the occasional harvesting of a moose under State of Alaska game regulations.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan(s): Kobuk-Seward Peninsula Record of Decision and Approved Management Plan (RMP), September 2008

Commercial filming is not directly addressed in the Kobuk-Seward RMP. However, 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. Lands and Realty

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.

None of Orion Multimedia's proposed temporary camp or filming locations are listed as specific exclusion areas in Table 2-19 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 us 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 08/27/2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. Film Permit Stipulations
2. Maps of Ungalik and Inglutalik temporary film camp locations (3)

ATTACHMENT 1

Stipulations for Film Permit AA-93618, Orion Multimedia

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., Orion Multimedia, 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 lease 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/