



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>

Norton Sound Sled Dog Club, Competitive Use Special Recreation Permit (2930) Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0034-DNA

Case File, AA-093268

DECISION RECORD

Decision

It is my decision to authorize a one-year Special Recreation Permit (SRP) to William Johnson of the Norton Sound Sled Dog Club (NSSDC) for the purposes of holding two winter sled-dog race events in the Norton Sound Region. This SRP is subject to the Special Permit Stipulations identified in the attached Determination of NEPA Adequacy. The SRP will be issued for the 2015 race season with the option to renew annually subject to successful compliance with permit conditions and stipulations and a written request from the permittee.

A Finding of No Significant Impact (FONSI) was prepared in 2008 documenting that the selected alternative, initial authorization of SRPs for winter dog mushing events on the Iditarod winter trail would have no significant effects. Given that the current Proposed Action, authorization of this SRP, is essentially the same as the alternative selected in 2008, the preparation of a new FONSI is not necessary. The 2008 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 and will not be prepared.

Rationale for the Decision

Since the 2008 Decision Record, the Anchorage Field Office and Central Yukon Field Office has approved the Record of Decision for the Kobuk-Seward Peninsula Resource Management Plan (2008).

The No Action Alternative would not fulfill the 2008 RMP decision to provide for improved access to appropriate recreation opportunities, ensure a quality outdoor experience and enjoyment of natural resources and cultural resources, and provide for fair value in recreation (page RMP-39).

Therefore, my decision to authorize the requested SRP is based on the rationale that authorization of the SRP best fulfills the RMP decisions by providing opportunities for recreation access and opportunities with area objectives.

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, email, or other electronic means.* 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

August 15, 2014

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0034-DNA, including all attachments



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>

DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET

Proposed Action Title/Type: Norton Sound Sled Dog Club, Competitive Use Special Recreation Permit (2930)

NEPA Register Number: DOI-BLM-AK-A010-2013-0034-DNA

Case File Number: AA-093268

Location / Legal Description: **Kaltag Portage**
Kateel River Meridian
T 15 S, R 4 W, Secs. 35 and 36.
T 16 S, R 4 W, Secs. 2, 3, 8, 9, 10, 17, 18.
T 16 S, R 5 W, Secs. 21, 22, 23, 24, 28, 29, 31, 32.
T 17 S, R 6 W, Secs. 1, 2, 11, 15, 20, 21, 29, 30, 31.
T 17 S, R 7 W, Sec. 36.
T 18 S, R 7 W, Secs. 1, 2, 9, 10, 16, 17, 18, 19.
T 18 S, R 8 W. Secs. 19, 20, 21, 22, 23, 24, 30.

Approximately thirty-four and one half miles of the route traverses these lands.

South Shaktoolik
Kateel River Meridian
T 15 S, R 11 W, Secs. 17, 19, 30.

Approximately two and a half miles of the route traverses these lands.

West Koyuk
Kateel River Meridian
T 8 S, R 14 W, Secs. 14, 15.

Approximately two miles of the route traverses these lands.

East Golovin
Kateel River Meridian
T 11 S, R 20 W, Secs. 19, 20.

Approximately two miles of the route traverses these lands.

West White Mountain

Kateel River Meridian

T 9 S, R 25 W, Secs. 20, 21, 22, 23, 24.

Approximately five miles of the route traverses these lands.

Port Safety Roadhouse

Kateel River Meridian

T 12 S, R 30 W, Sec. 7.

Approximately one quarter mile of the route traverses these lands.

Applicant (if any): William Johnson, Norton Sound Sled Dog Club

A. DESCRIPTION OF THE PROPOSED ACTION

The Norton Sound Sled Dog Club (NSSDC) has applied for a Special Recreation Permit (SRP) to hold two competitive use events on BLM-managed lands in the Norton Sound region during the winter. Both the Norton Sound Portage 200 Race and the Paul Johnson Memorial 450 Race will be held during the first week of February of each year.

The races would travel the existing Iditarod winter trail between Kaltag and Nome. Designated race checkpoints would be located on non-BLM managed lands in Kaltag, Unalakleet, Shaktoolik, Koyuk, Elim, Golovin, White Mountain, and Nome. There would be no snowmachine use or snowmachine assistance during the events. Each musher would be allowed no more than 14 dogs at the start of the race and each race would consist of a pool of approximately 11 dog teams. Dog straw would not be staged or used on BLM-managed lands.

Environmental protection measures are included in the attached Special Stipulations for the NSSDC events.

B. LAND USE PLAN CONFORMANCE

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

and

Southwest Management Framework Plan (MFP),
November 1981

Competitive use events are not directly addressed in the Kobuk-Seward RMP or the Southwest MFP. However, the proposed action is in conformance with the applicable land use plans, even

though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

From the Kobuk-Seward RMP:

M. Recreation

M-1: Goal

On BLM-managed lands, improve access to appropriate recreation opportunities, ensure a quality outdoor experience and enjoyment of natural and cultural resources, and provide for and receive fair value in recreation (RMP, p. 31).

P. Travel Management (OHV Use and Access)

P-1: Access

P-1-a: Goal

Manage trails to provide access to public lands, recreation, and subsistence resources (RMP, p. 39).

And, from the Southwest MFP:

Visual Resources

VR-2.1. Allow only management activities that are compatible with the character of the natural landscape (MFP, p. 155).

C. IDENTIFY APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS AND OTHER RELATED DOCUMENTS THAT COVER THE PROPOSED ACTION

AK-010-08-012, *Tesoro Iron Dog Snowmobile Race, Alaska Ultra Sport and Iditarod Trail Committee, Inc. (Iditarod Trail Events)* Environmental Assessment; February 2008.

D. NEPA ADEQUACY CRITERIA

1. *Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?*

Yes. With two minor exceptions, the current proposed action is essentially the same as the Iditarod Sled Dog Race component of 2008 Proposed Action Alternative (2008 EA, Section 2.1.2.4). The first exception is that the duration of the events is four weeks earlier than analyzed for the Iditarod Trail Sled Dog Race. This change is not considered to be substantially different from the 2008 Proposed Action Alternative due to the fact that both time periods occur in winter

when the Iditarod winter trail and surrounding landscape and resources are sufficiently snow- and ice-covered. The second exception is that the current proposed action would cover a distance of only 450 miles whereas the 2008 Proposed Action Alternative encompassed approximately 1,150 miles. This difference is insignificant because the 450 miles currently proposed are fully encompassed within the 1,150 miles previously analyzed.

The current proposed action would utilize the exact same route and be conducted in the same manner as the Iditarod Trail Sled Dog Race.

2. *Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?*

Yes. The range of alternatives analyzed is appropriate given current environmental concerns. The analysis of impacts and alternatives in the 2008 EA considered current information on cultural resources, invasive and non-invasive plants, subsistence, hazardous or solid waste, competing uses, personal and public safety, social economic, visual resources and wildlife resources with respect to dog-mushing events on the Iditarod winter trail between Kaltag and Nome. The current proposed action would utilize the exact same route and be conducted in the same manner as the Iditarod Trail Sled Dog Race. There are no new issues or concerns that would prompt development or consideration of additional alternatives.

3. *Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?*

Yes, the existing analysis is still valid. No new information or circumstances pertaining to dog-mushing activities have arisen that would affect the applicability of the 2008 analysis. The environmental consequences section regarding the resource areas outlined in item 2 is still appropriate and adequate for the current proposed action.

The current proposed action would be subject to Special Recreation Permit (SRP) stipulations, or terms and conditions, for authorized dog-mushing operations on BLM-managed land along the Iditarod winter trail. These conditions include restrictions intended to reduce potential impacts to or impacts from invasive and non-invasive plants, hazardous or solid waste, competing uses, personal and public safety, and wildlife, in general (see attached SRP stipulations).

Additionally, the current proposed action has been analyzed for conformance with recent guidance for lands with wilderness characteristics (LWC). In 2013, an LWC inventory was completed for the Norton Sound area and it was determined that the area contains wilderness characteristics. With implementation of the attached SRP stipulations, the proposed action may temporarily impact but will not permanently impair wilderness characteristics of the area.

4. *Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?*

Yes. Resource concerns and anticipated impacts are substantially the same as those addressed in the 2008 EA, and would be minimized or altogether avoided through implementation of the attached SRP stipulations. The 2008 EA included an analysis involving up to 100 dog-mushing teams during the winter use season, which is less than the current proposed action.

5. *Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?*

Yes. Preparation of the 2008 EA included consultation with several government agencies, Native Corporations and villages, and communities and organizations (2008 EA, Section 5.0.3).

E. PERSONS, AGENCIES, AND BLM STAFF CONSULTED

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Doug Ballou	Assistant Field Manager, Resources
John Jangala	Archaeologist
Merben Cebrian	Subsistence Biologist
Molly Cobbs	Planning and Environmental Coordinator
Jeff Kowalczyk	Outdoor Recreation Planner
Bruce Seppi	Wildlife Biologist

F. CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation identified in Part C of this DNA Worksheet fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

/s/ Alan Bittner, Anchorage Field Manager

August 15, 2014

Signature of the Responsible Official

Date

Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR § 4 and the program-specific regulations.

Attachments

Special Permit Stipulations for AA-93268

Map of proposed event route

Attachment 1

SPECIAL STIPULATIONS For NORTON SOUND SLED DOG CLUB SPECIAL RECREATION PERMIT #AA-093268

In addition to the terms included on the back of the enclosed Special Recreation Application and Permit (SRP) (Form 2930-1), the following special stipulations are a part of this permit and are applicable to BLM-managed lands and water, including State and Native selected areas. Failure to comply with any of these conditions or stipulations constitutes a knowing and willful violation of 43 CFR 2932.57, punishable by up to a \$100,000 fine and/or a year in jail.

Safety

1. Permittee shall provide a copy of this permit with stipulations to each Lead Volunteer and event Official working on BLM lands and shall ensure compliance by all volunteers, participants, or spectators under the permittee's supervision.
2. At least two weeks prior, the permittee shall notify the residents of the communities along the event route, including village councils and village police safety officers, of the start and ending of the event. Within seven days of the start, the permittee shall issue a press release informing the general public about the timing of the event and recommended safety precautions of spectators and other trail users potentially affected by the event.
3. The permittee must initiate appropriate search and rescue procedures by contacting the Alaska State Troopers in the event of any lost or injured event participants.
4. Participants must be equipped with adequate safety and survival equipment, and be advised by event officials of any natural or man-made hazards along the event route. It is recommended that each racer be equipped with sufficient reflective materials or other apparatus to be effectively visible in the dark.

Use Conditions

5. Adequate snow cover shall be required to conduct the races over BLM lands. Adequate snow cover means snow of sufficient depth, generally 6-12 inches or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil (43 CFR 36.11(a)(2)).
6. Burning of combustible materials such as paper and wood within 30 feet of any BLM cabin is prohibited.
7. Report wildland fires in Alaska at *1-800-237-3633*.
8. All campsites, checkpoints, and staging areas will be kept in a neat and sanitary condition at all times. Only the use of dead trees for campfires and wood stoves at BLM public shelter cabins is permitted. This permit does not authorize the cutting of live trees. Permittee shall

make their volunteers and event participants aware of responsible low-impact practices and techniques, as outlined in the enclosed Alaska Wildlands Leave No Trace Skills and Ethics booklet.

9. The permittee accepts responsibility for the existing condition of any camp site; cabin and aircraft landing area used and will be liable for all site damages which occur as a result of the activity.
10. The maximum number dog mushing race participants is 20.
11. Authorizations shall terminate two days prior to any approved conveyance of Native or State selected lands which involve your permitted operating area.
12. Storage of gear or equipment on BLM lands is prohibited without approval from the authorized officer (AO).

Fuel and Waste Management

13. Waste water, non-hazardous solid waste, hazardous substance storage containers, and spills shall be managed in accordance with Title 18 Alaska Administration Code Chapter 72- Wastewater Disposal and Chapter 75-Oil & Hazardous Substances Pollution Control (refer to Attachment 1).
14. Dumping of fuel in pits, outhouse, or on the ground is prohibited.
15. Within seven (7) days from the passage of the last participant crossing each section of BLM lands, all trash shall be hauled out by the permittee. Trash shall be disposed of in a proper landfill, dumpster, or trashcan. Cans, glass, plastics, batteries and other non-combustible/non-degradable materials shall not be burned. Do not bury refuse. Gray water and human waste shall be disposed of at least 100 feet beyond the ordinary high water mark of any water body. When possible, bury all gray water and human waste.
16. A second and final sweep of use areas shall be completed by May 15 of every year the permit is authorized.

Miscellaneous

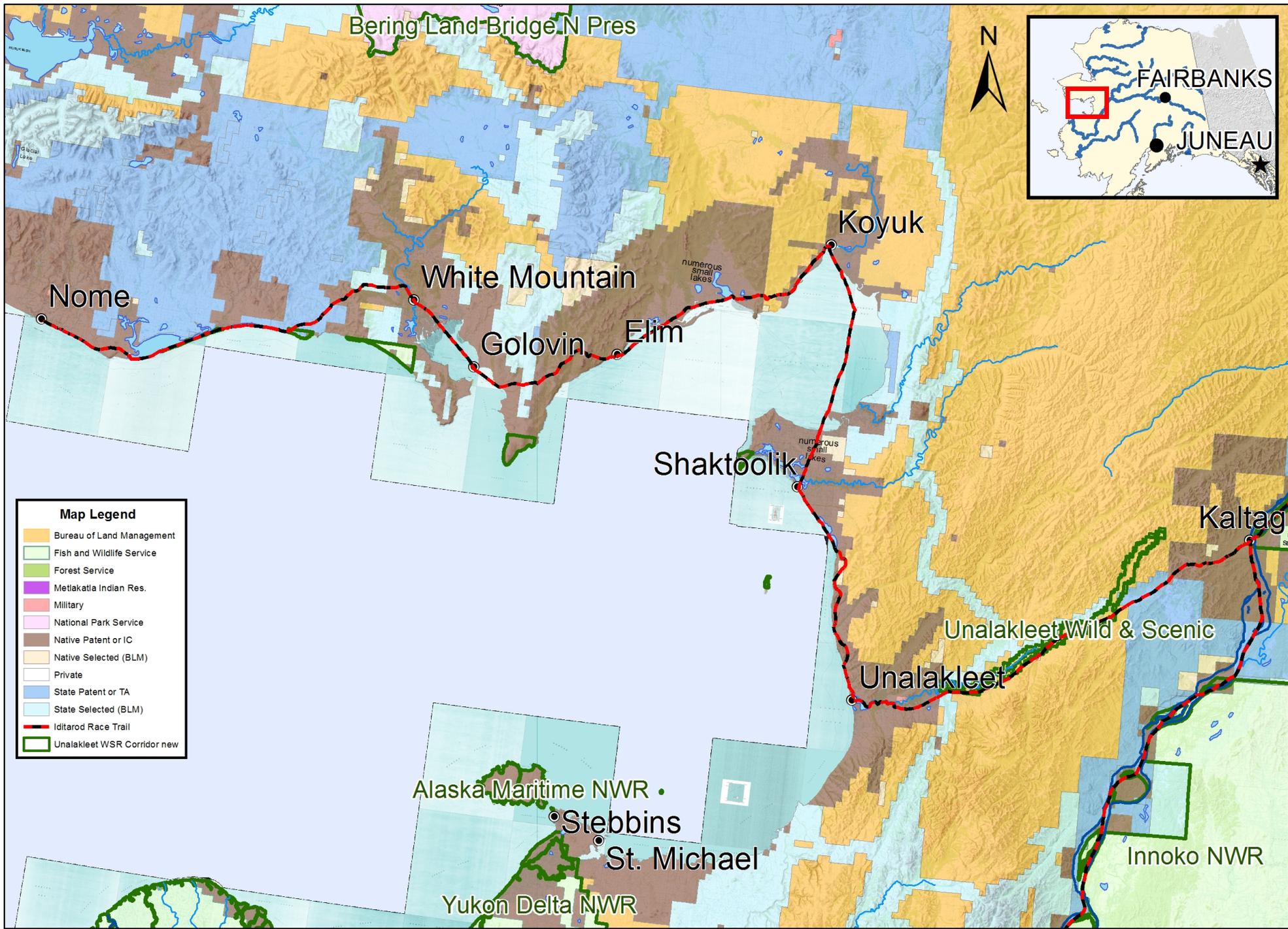
17. A performance evaluation of your permitted event shall be completed by the BLM annually. The purpose of the evaluation is to evaluate a permittee's performance and compliance with the terms and stipulations of the permit. The permittee will be given written notice of results of evaluations after the conclusion of the permittee's operating season, which will include the level of performance and the status of corrections that may be required to retain the permit.
18. A Post Use Report shall be completed and submitted to the BLM along with appropriate fees by January 1 of every year the permit is in effect.
19. The permittee shall comply with all Federal, state, local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area of operations covered by the SRP.

20. An SRP authorizes special uses of BLM-managed public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The AO may suspend an SRP, if necessary to protect public resources, health, safety, or the environment, or as a result of noncompliance with permits stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
21. 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.
22. 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 AO 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. This permit may not be reassigned or transferred by the permittee.
23. All advertising and representations made to the public and the AO 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 without written permission by the BLM. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax.
24. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, (e.g., trail and route conditions, landslides, 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.
25. 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.
26. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
27. The permittee must present or display a copy of the SRP to an AO's representative, or law enforcement personnel upon request as proof of authorization. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
28. The AO, or a duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

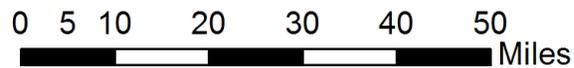
29. The permittee shall notify the AO of any accident that occurs on BLM-managed lands while involved in activities authorized by the permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports shall be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.

Attachment 2

Map of NSSDC Operating Area



DRAFT



The information displayed on this map should be used for graphic display only. For official land status information, refer to Cadastra Survey plats, Master Title Plats and land status case-files.