



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>

Special Recreation Permit for Njord Rota, operating as Majestic Heli Ski Categorical Exclusion, DOI-BLM-AK-A020-2013-0025-CX

Case File, AA-093596

DECISION RECORD

Decision

It is my decision to implement the proposed action as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A020-2013-0025-CX.

Specifically, Njord Rota operating as Majestic Heli Ski is authorized to operate day-use commercial heliskiing activities on BLM administered lands south of the Glenn Highway in the north central Chugach Mountains. The permit will be issued for February 15-May 15, 2014. This is a one-year probationary Special Recreation Permit authorization which is subject to annual renewal.

The proposed action has been reviewed by Glennallen Field Office staff and appropriate stipulations (see attached) will be incorporated during project implementation. Based on the attached Categorical Exclusion review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

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, 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/ Dennis C. Teitzel

02/05/2014

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Categorical Exclusion, DOI-BLM-AK-A020-2013-0025-CX
Permit stipulations



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A. BACKGROUND

Project Name / Type: Majestic Heli Ski Special Recreation Permit (2930)

NEPA Register Number: DOI-BLM-AK-A020-2013-0025-CX

Case File Number: AA-93596

Location / Legal Description: Areas within the north central Chugach Mountains, Alaska on state-selected BLM administered lands south of the Glenn Highway.

Section 4-9.T.19 N., R. 12 E.; Section 28-33, T. 20 N., R. 12 E. Seward Meridian

Section 18-19, 30-31, T. 2 S. R. 10 W.; Section 13-14, 23-26, 35-36, T. 2 S. R. 11 W. Copper River Meridian

Applicants: Njord Rota, Operating as Majestic Heli-Ski

Requested use period: February 15 – May 15, 2014

Description of Proposed Action:

Majestic Heli Ski (MHS) has applied to the BLM Glennallen Field Office for a Special Recreation Permit (SRP) to operate day-use commercial heliskiing activities on BLM administered lands within the north central Chugach Mountains.

The applicant anticipates a maximum of 30 clients for the 2014 season. The applicant proposes a maximum of 130 landings. A “landing” is defined by two helicopter touch-downs: the first to drop-off skiers the second to pick-up the same group of skiers. The duration at each landing site would be approximately 10 minutes. The applicant would be using a Bell 407 or the Euro-copter AStar helicopter. Operations would occur during the months of February through early May, 2014. The SRP would be valid for the 2014 season and is subject to annual renewal.

A detailed operation and safety plan has been submitted to the BLM. Special stipulations, general terms and conditions for the proposed action will be consistent with similar permitted heliskiing operations on BLM-managed lands within the region.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: East Alaska Resource Management Plan (EARMP) and Record of Decision (ROD), September 2007

The proposed action is in conformance with the plan even though it is not specifically provided for because it is clearly consistent with the following planning decisions (EARMP ROD, p. 35):

M. Recreation

M-1: Goal

Manage recreation to maintain a diversity of recreational opportunities.

6. Other Areas

Areas outside those identified above would be managed as Extensive Recreation Management Areas, with recreation management based on maintenance of existing ROS classes in the areas. Inventory and monitoring could occur and standards may be identified for trail density in these areas based on monitoring and inventory information. Some education/interpretation at trailheads may occur, particularly at 17(b) easement trailheads within these areas.

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:

Issuance of Special Recreation Permits for day or overnight use up to 14 consecutive nights; that impacts no more than 3 (cumulative) staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5).

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 | No |

| EXTRAORDINARY CIRCUMSTANCES | YES/NO |
|---|---------------|
| birds; and other ecologically significant or critical areas. | |
| 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. LANDS WITH WILDERNESS CHARACTER REVIEW

In conformance with Secretarial Order 3310, proposed actions must be reviewed for the following Lands with Wilderness Characteristics:

- 1) Size-roadless areas over 5000 acres of contiguous BLM lands.
- 2) Naturalness-affected primary by the forces of nature, with the works of humans substantially unnoticeable to the average visitor.
- 3) Outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 4) Supplemental values-if size, naturalness, and solitude/outstanding opportunities are met, then consider if the area contains ecological, geological, or other features of scientific, educational, scenic, or historical value. Supplemental values are not required to be classified an area as Lands with Wilderness Characteristics.

The proposed project area contains lands that have wilderness characteristics. The proposed action does not involve any planned construction or alterations of the lands or their wilderness characteristics. The proposed activities would be temporarily impact the wilderness characteristics for “Outstanding opportunities for solitude or primitive and unconfined type of recreation,” because of the helicopter activities. However, this impact would be limited to a total of less than 90 days in the February-May, 2014 operating season and would not permanently

impact any of the wilderness characteristics. There would be no impairment of the wilderness characteristics by the proposed action.

F. SIGNATURE

The proposed action is in conformance with the applicable land use 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/ Dennis C. Teitzel

02/05/2014

Dennis C. Teitzel
Glennallen Field Manager

Date



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Njord Rota, operating as Majestic Heli Ski (AA-93596)

SPECIAL STIPULATIONS

In addition to the standard recreation permit stipulations for commercial operations, the following special stipulations are adopted and shall apply to this permit.

- 1) The special use permit will include an advisement from the Alaska Department of Fish and Game Statute 16.05.940 which defines “taking” to include pursuing or deliberately disturbing of fish and game. Operators and guides shall comply with this statute at all times. Hovering, circling or harassing wildlife, raptors, or any other wildlife species with the use of a helicopter is a violation of this statute.
- 2) Helicopters, operators, guides, clients and custodial pets shall maintain a minimum of ½ mile (0.8 kilometers) from all observed wildlife at all times and under the following special circumstances:
 - a. From any active eagle and osprey nest (April 15 to the end of the heli-ski season)
 - b. From any bear or wolverine dens that may have been observed or located through radio telemetry.
- 3) Heli-ski operators and guides shall report all wildlife sightings (number of individual wildlife, precise location, and date/s observed) to the Glennallen Field Office with their post use report.
- 4) The use of explosives is prohibited for avalanche control on permitted lands.
- 5) Heli-ski operators and/or guides shall use GPS equipment and maps to ensure that their permitted activities are occurring within designated areas (heli-ski regions) on Bureau of Land Management lands.
- 6) All fuel storage sites will be temporary and comply with state and federal laws and regulations. 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. All costs incurred in reporting the spill and clean up shall be the responsibility of the party responsible for the spill.

- 7) There shall be no disturbance of any archaeological or historical sites, including graves, telegraph lines and poles as well as remains of cabins or other structures. There shall be no collection of artifacts whatsoever. Also, the collection of vertebrate fossils, including mammoth and mastodon bones, tusks etc., is strictly prohibited.
- 8) If heritage or paleontological resources are encountered during the permitted activities, then these items will be respectfully left in their locations and the Glennallen Field Office's Cultural Resource staff will be notified.
- 9) All helicopters will maintain a 2500-foot vertical and horizontal distance from all observed users as weather and ceilings allow. If weather or other conditions do not allow compliance with the above distances, the helicopter will maintain the greatest vertical distance that is safe for users and helicopter pilots and passengers.
- 10) Flights will be conducted in a manner to limit encounters between parties (including unguided parties).
- 11) Helicopters will avoid cross country and backcountry skiers.
- 12) All helicopter skiing operations will occur between sunrise and sunset.
- 13) All Federal Aviation Administration (FAA) rules shall be adhered to.
- 14) Filming activities will be limited to support by helicopters already in use for heli-ski operations.
- 15) No snowcat construction or brushing is authorized.
- 16) As part of their special recreation permit requirement, permittees will be required to prepare an Operation and Safety Plan for BLM approval. This plan will include:
 - i. Avalanche safety addressing client safety and the safety of other backcountry users in the area.
 - ii. Helicopter safety.
 - iii. Emergency rescue, and
 - iv. Guide requirements
- 17) Permittees will be required to participate in a communication plan, revised annually, that will have as a goal the continuation of close communication and cooperation between operators. The emphasis will be on safety and reasonable sharing of available operating areas for all operators.
- 18) 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.

- 19) The Bureau of Land Management reserves the right to schedule mandatory pre or post season meetings to discuss any issues or items associated with this permit. Each permittee (or a representative of the organization) shall be expected to attend and participate in these meetings.
- 20) Annual permit renewal shall be based upon permit performance which is associated with stipulation compliance.
- 21) Maps distributed annually to the helicopter skiing operators are not to be reproduced without expressed written permission from the Glennallen Field Office Field Manager.
- 22) Commercial filming in conjunction with this permit may be authorized only when this activity takes place at the same time, location, and in association with your activities permitted under this SRP. In this instance, both the SRP fee and commercial filming fee will be charged and submitted to the BLM.
- 23) 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 SRP. 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.
- 24) 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.
- 25) 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.
- 26) 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.
- 27) 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.

- 28) 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.
- 29) 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.
- 30) 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.
- 31) 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.
- 32) The permit, or copies thereof, shall be kept with the authorized individual(s) and presented to any BLM representative upon request as proof of authorization.
- 33) 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.

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