



# 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 Renewal for Matt Wade-Peak Mountain Guides and Jayson S. Jones-Crested Butte Mountain Guides**

Categorical Exclusion, DOI-BLM-AK-A020-2014-0010-CX

Case Files: AA-92715/AA-92893

### **DECISION RECORD**

#### **Decision**

It is my decision to implement the proposed action as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A020-2014-0010-CX.

Specifically, Matt Wade operating as Peak Mountain Guides and Jayson Simons-Jones operating as Crested Butte Mountain Guides are authorized to operate day-use commercial backcountry ski touring activities on BLM-administered lands north and south of Thompson Pass. The permit will be issued for March 15-May 15, 2014-2019.

The requested permits will help meet public demand for guided winter recreational activities in the Copper River region. These permits would be valid for the 2014-2019 operating seasons, March 15<sup>th</sup> through May 15<sup>th</sup> are 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 date 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.

AA-92715/AA-92893

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, Acting for

January 29, 2014

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Dennis C. Teitzel  
Glennallen Field Manager

Date

### **Attachments**

Categorical Exclusion, DOI-BLM-AK-A020-2014-0010-CX  
Permit stipulations



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## A. BACKGROUND

**Project Name / Type:** Peak Mountain Guides and Crested Butte Mountain Guides  
Special Recreation Permit Renewal (2930)

**NEPA Register Number:** DOI-BLM-AK-A020-2014-0010-CX

**Case File Number:** AA-92715/AA-92893

**Location / Legal Description:** BLM-managed lands encompassed completely by or in portions of: T.6S., R.1E.; T.6S., R.1W.; T.7S., R.1W.; T.7S., R.1E.; T.8S., R.1W.; T.8S., R.4W.; T.8S., R.7W.; T.8S., R.8W.; T.8S., R.1E.; T.8S., R.2E.; T.9S., R.2W.; T.10S., R.4W.; T.10S., R.5W.; T.10S., R.6W.; Copper River Meridian

**Applicants:** Matt Wade, Peak Mountain Guides  
Jayson Simons-Jones, Crested Butte Mountain Guides

**Requested use period:** March 15 – May 15, 2014-2019

### Description of Proposed Action:

The BLM Glennallen Field Office has received two Special Recreation Permit renewal applications for commercial backcountry ski-touring on BLM-administered lands north and south of Thompson Pass.

The applicants' requested use period is March 15–May 15, 2014-2019. The SRP would be used to conduct ski touring/mountaineering courses which would teach participants fundamental ski mountaineering skills including map, compass, and GPS navigation; tracksetting; and glacier travel. The group size would be limited to a maximum of five clients with one guide and no more than 45 user days would be utilized annually between both operators.

All activities would be conducted as day trips; the group would spend the night in Valdez. In addition to teaching clients outdoor skills, both operations would incorporate and teach Leave No Trace principles to instill an understanding of responsible use of public lands in their clients..

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 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. 37):

### **M. RECREATION**

M-1: Goal

Manage recreation to maintain a diversity of recreational opportunities.

## **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:

### **H. Recreation Management**

1. 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).

The Tielke Special Recreation Management Area (SRMA) does not meet the criteria for “Special Area” management. Special Areas are identified in the following examples: Wilderness Areas, Wilderness Study Areas (WSA), Wild and Scenic Rivers (WSR), Areas of Critical Environmental Concern (ACECs). Therefore, it is appropriate to use the Categorical Exclusion listed above.

## 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.

<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO</b>
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. 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 5,000 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 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 March-May, 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/ Elijah Waters, Acting for

January 29, 2014

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Dennis C. Teitzel  
Glennallen Field Manager

Date



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## 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) Guides and clients are expected to be courteous toward other backcountry users. The backcountry is heavily used at times and conflicts may occur. Safe skier etiquette is expected from all users. If conflicts occur, these will be documented and reported to the BLM within 24 hours.
- 2) Guides shall use GPS equipment and maps to ensure that their permitted activities are occurring within designated areas on Bureau of Land Management lands. Incidents and accidents will be reported to the BLM in accordance with operating plan.
- 3) Permit holder will provide the BLM with a yearly report of skiers per day, including number of guides per group and starting and ending points of each tour.
- 4) Overnight camping is not authorized. All trash shall be packed out on each trip, including human waste. Burying any trash is prohibited.
- 5) 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.
- 6) 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.
- 7) 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:
  - a. Avalanche safety addressing client safety and the safety of other backcountry users in the area.
  - b. Emergency rescue, and
  - c. Guide requirements

- 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.
- 9) 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.
- 10) Annual permit renewal shall be based upon permit performance which is associated with stipulation compliance.
- 11) Commercial filming may be authorized in conjunction with this permit only when the 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) 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.

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Applicant's Name (Print)

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Signature

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Date