



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>

Thompson Pass Helicopter Supported Special Recreation Permit Renewal DOI-BLM-AK-A020-2014-005-DNA

Case Files:

AA81350 / AA81716 / AA093344 / AA82942

Applicants:

Scott Raynor, Valdez Heli Guides
Dean Cummings, H20 Guides
Alexandra Meiners, Alaska Rendezvous Guides
Joshua Swierk, Black Ops

DECISION RECORD

Background

The BLM Glennallen Field Office has received four Special Recreation Permit (SRP) applications for commercial heli-ski operations on BLM-administered lands north and south of Thompson Pass. Operations would occur on snow-covered slopes, ridge tops and in valley bottoms. These permit renewals would be valid for the 2014 operating season, March 1st through May 15th.

Decision

It is my decision to authorize the requested SRPs to the applicants listed above as well as in the attached Determination of NEPA Adequacy (DOI-BLM-AK-A020-2014-005-DNA).

Specifically, it is my decision to authorize:

- Four one-year SRPs for the 2014 heli-skiing season (March 1st through May 15th) in the Thompson Pass area to Valdez Heli-Ski Guides, H20 Guides, Alaska Rendezvous Guides and Black Ops Valdez.
- All stipulations in the 2001 and 2005 Environmental Assessments apply to these permits unless otherwise approved by the BLM.

Two Findings of No Significant Impact (FONSI) were prepared in 2001 and 2005, respectively, documenting that the selected alternative, authorization of an SRP for heli-skiing activities for up to five applicants would have no significant effects.

Given the current Proposed Action, reauthorization of these SRPs, is identical to the alternatives selected in 2001 and 2005, the preparation of a new FONSI is not necessary. The 2001 and 2005 FONSI indicate that the current Proposed Action has been analyzed in an EA(s) and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required

Rationale for the Decision

Since the 2001 and 2005 Decision Records for the initial SRP authorizations, the Glennallen Field Office has completed the East Alaska Resource Management Plan (EARMP) and Record of Decision (ROD) (BLM 2007).

The No Action Alternative would not fulfill the EARMP decision to provide commercial recreation opportunities where consistent with area objectives.

The selected alternative will help meet public demand for guided winter recreational activities in the Copper River region. The purpose underlying the BLM's consideration of these permit renewals is to retain commercial activities such as helicopter-supported recreation, backcountry ski touring and competitive skiing events as part of the range of quality recreational opportunities offered on BLM-managed lands within the Thompson Pass area.

ANILCA Section 810 Compliance

The Proposed Action will not result in a significant restriction in abundance, availability, or access of harvestable resources used for subsistence purposes

Lands with Wilderness Characteristics

The Proposed Action has been review for wilderness characteristics and was found to contain a least one condition for meeting lands with wilderness characteristics. The stipulations and conditions attached to this authorization will ensure existing wilderness characteristics, such as size, naturalness; solitude and opportunities for primitive and unconfined recreation will not be impaired.

Consultation and Coordination

Internal scoping was conducted by the Glennallen Field Office staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

Compliance and Monitoring

Compliance and monitoring of these authorizations will be conducted by the BLM Glennallen Field Office. Inspections and annual performance evaluations shall be documented and saved within the case file for these authorizations.

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 the 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 Anchorage 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/ Elijah Waters, Acting for

01/29/2014

Glennallen Field Manager

Date

Attachments

DOI-BLM-AK-A020-2014-0005-DNA
2014 Permit Stipulations



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DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET

Proposed Action Title/Type: Thompson Pass Helicopter Supported Special Recreation Permit (2014)

NEPA Register Number: DOI-BLM-AK-A020-2014-0005-DNA

Case File Number: AA81350 / AA81716 / AA093344 / AA82942

Location / Legal Description: The specific area of analysis includes all the 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: Scott Raynor, Valdez Heli Guides
Dean Cummings, H20 Guides
Alexandra Meiners, Alaska Rendezvous Guides
Joshua Swierk, Black Ops

A. DESCRIPTION OF THE PROPOSED ACTION

The BLM Glennallen Field Office has received four Special Recreation Permit applications for commercial heli-ski operations on BLM-administered lands north and south of Thompson Pass. Operations would occur on snow-covered slopes, ridge tops and in valley bottoms.

The requested permits would help meet public demand for guided winter recreational activities in the Copper River region. These permits would be valid for the 2014 operating season, March 1st through May 15th.

The BLM is proposing to authorize four one-year Special Recreation Permits to the applicants listed above for 2014 heli-ski season on BLM-managed lands in the Thompson Pass area.

B. LAND USE PLAN CONFORMANCE

The Proposed Action is in conformance with the applicable land use plan because it is specifically provided for in the following land use plan:

East Alaska Resource Management Plan (EARMP) of 2007

The Proposed Action has been reviewed and determined to be in compliance with the EARMP for authorized allocations within the Proposed Action area. The Proposed Action is in conformance with the plan and is consistent with the following planning decisions:

M. RECREATION

M-1: Goal

Manage recreation to maintain a diversity of recreational opportunities.
(Page 34-38 of the EARMP)

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

2005 Environmental Assessment for Commercially Guided Helicopter Skiing and Associated Commercial Filming/Photography in the Thompson Pass and Surrounding Public Lands, (EA #AK-050-EA-05-02)

2001 Environmental Assessment for Commercially Guided Helicopter Skiing, and the World Extreme Skiing Competition in the Thompson Pass and Surrounding Public Lands, (EA #AK-050-EA-01-22)

Both of these documents are on file at the Glennallen Field Office.

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, the current Proposed Action is identical to Alternative 2 in the 2001 EA and Alternative 2 in the 2005 EA referenced above.

The current Proposed Action is located in the same region analyzed in the two existing NEPA documents. The 2001 and 2005 EAs analyzed up to five heli-ski operation permits as well as additional activities such as a competitive ski events and commercial filming. The current Proposed Action would authorize only four heli-ski operators for the 2014 season. The current

Proposed Action would authorize fewer permits than in the past years. The difference in anticipated effects is not expected to be substantial.

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 ranges of alternatives presented in the 2001 and 2005 EAs are appropriate and sufficient in respect to the current Proposed Action. There are no new issues or concerns that would prompt development or consideration of additional alternatives. The issues identified for analysis in the 2001 EA (noise impacts to wildlife, noise impacts to other recreationists, public safety, and protection of cultural resources) remain unchanged (p. 8, 2001 EA). There are no new issues around which to develop additional alternatives for the current Proposed Action.

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 this activity has arisen since the EAs were prepared in 2001 and 2005 that would affect the applicability of the past analysis. The environmental consequences sections regarding wildlife, recreation, and public safety is appropriate and adequate for the current Proposed Action.

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, the impacts of the current Proposed Action are anticipated to be substantially similar, if not identical, to those that were identified in the existing NEPA documents. The stipulations for the current Proposed Action are substantially similar to those identified in the previous NEPA documents. As discussed in criteria #1, the current Proposed Action would authorize fewer permits than in past years and the difference in anticipated effects is not expected to be substantial.

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

Yes, preparation of the 2001 EA included a scoping comment period, public meetings, and consultation with several government agencies and organizations (p. 7, 2001 EA). In 2005, a series of public workshops and meetings were held in the Copper River region (p. 3, 2005 EA).

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.

Sarah Bullock	Wildlife Biologist, BLM
Molly Cobbs	Planning and Environmental Coordinator, BLM
Denton Hamby	Outdoor Recreation Planner/Project Lead, BLM
John Jangala	Archeologist, BLM
Elijah Waters	Resources Manager, BLM

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.

Denton Hamby	01/29/2014
Signature of Project Lead	Date

/s/ Elijah Waters, Acting for	01/29/2014
Glennallen Field Manager	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.



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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) This permit is not valid in those areas shaded in orange and outline in red on the attached map. No activities, i.e., helicopter landings, skiing, snowboarding, or any other activities associated with this permit, are allowed within these areas. These areas are considered no-fly zones for goats and other wildlife from potential harassment due to human activities. These areas may be modified to reflect current use by the affected wildlife. Operators will be notified of any changes on this map. Current research data indicates that a minimum distance of ½ mile (0.8 kilometers) does not cause significant adverse disturbances to mountain goats; continuing research efforts may increase or decrease this minimal distance. Wolverine and bear may use the proposed heli-ski areas during the winter months. Raptors may use the lower slopes for nesting in early spring. Early spring is a time when wildlife is generally the most vulnerable either because of stress due to food availability and predators or because of nesting or calving activity at this time.
- 2) 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.
- 3) Helicopter operations associated with this permit shall maintain a horizontal distance of at least ½ mile and a vertical altitude of at least 1500 feet outside any area designated as wildlife refugia. Pilots will use flight paths that avoid overflights of designated wildlife refugia, if at all possible.
- 4) Helicopters, operators, guides, clients and custodial pets shall maintain a minimum of ½ mile (0.8 kilometers) from all observed wildlife at all times including 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.

- 5) 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.
- 6) The use of explosives is prohibited for avalanche control on permitted lands.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) Flights will be conducted in a manner to limit encounters between parties (including unguided parties).
- 13) Helicopters will avoid flying over mountain tops accessible by cross country and backcountry skiers.
- 14) All helicopter skiing operations will occur between sunrise and sunset.
- 15) All Federal Aviation Administration (FAA) rules shall be adhered to.
- 16) Filming activities will be limited to support by helicopters already in use for heli-ski operations.
- 17) No snowcat trail construction or brushing is authorized.

- 18) 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
- 19) 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.
- 20) 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.
- 21) 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.
- 22) Annual permit renewal shall be based upon permit performance which is associated with stipulation compliance.
- 23) Maps distributed annually to the helicopter skiing operators are not to be reproduced without expressed written permission from the Glennallen Field Office Field Manager.
- 24) 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.
- 25) 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.
- 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 permit, or copies thereof, shall be kept with the authorized individual(s) and presented to any BLM representative upon request as proof of authorization.

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.

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