



# 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>

## **Off Road Warriors** DOI-BLM-AK-A020-2014-0016-EA

Applicant: Original Productions Case File:AA093824

### **DECISION RECORD**

#### **Background**

The BLM received an application from Original Productions LLC for a land use permit to film a show for television production entitled *Off Road Warriors*. Proposed dates of filming run from June 2 through August 30, 2014. Up to six 4x4 vehicles, three to five OHV's, and a crew of fifteen people would be authorized to film and travel upon specific trails included within this proposal. Filming and associated activities could occur for up to 16 hours on each trail. Basecamps at trailheads may be utilized to accommodate up to 30 personnel. Filming activities would utilize five Go-pro digital cameras and four Sony digital cameras. Initially, six trails were included in the application. Through the application process, the proposal was narrowed down to four trails. Trails considered for authorization include Coal Mine Road, Onemile Creek, Swede Lake Trail, and 54 Mile Trail. If permitted a 2920 Land Use Authorization would be granted to Original Productions for commercial filming on public lands.

#### **Decision**

I have decided to select Alternative 3, Seasonal Restrictions and Intensity of Use Alternative. This decision is based on specific analysis found within the *Off Road Warriors Environmental Assessment* (DOI-BLM-AK-A020-2014-0016-EA). This decision is further supported by management decisions contained in the Record of Decision for the East Alaska Resource Management Plan (RMP/ROD; BLM 2007).

Specifically, it is my decision to authorize:

- Filming and associated activities on Coal Mine Road, Onemile Creek, Swede Lake, and 54 Mile trails with the restrictions as outlined in the EA in Figure 3, pages 7 and 8.
- Travel upon the trails for up to six 4x4 vehicles, three to five OHV's, and a crew of fifteen people.
- Up to 16 hours of filming on each trail.
- Basecamps at trailheads to accommodate thirty personnel.

Impacts will be minimized with the incorporation of the Best Management Practices and Design Features identified in the EA. To mitigate impacts further, it is my decision to implement the following mitigation measures;

- A BLM employee must be present at all times that filming is occurring on BLM managed lands. Operations shall cease if the BLM employee determines that the activity is causing damage to the trail to such a degree that the trail is impassable to the average user. The Authorized Officer will make a determination whether or not to allow filming to continue and if additional bonding is required if filming is allowed to proceed.
- Require a bond of \$17,895.00 to ensure that any damage to the trails or resources which renders the trail impassable is repaired to the original state. This bond amount is based on the estimation of costs to repair approximately 150-feet of trail utilizing geoblock techniques.

The Finding of No Significant Impact (FONSI) indicates that the selected alternative has been analyzed in an Environmental Assessment (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**

The No Action Alternative was not selected because it would not meet the purpose and need of the applicant nor BLM. The need for the action is established by BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to requests for the commercial use of public lands. Consistent with 43 CFR § 2920 and section 302 of FLPMA it is the BLM's objective or purpose in considering this action, to provide for the orderly and timely processing of proposals for commercial use of the public lands.

The Proposed Action Alternative was not selected because effects identified within the Environmental Assessment indicate this alternative would produce a greater intensity and impact of overall effects to recreation experiences and access, trail tread conditions, and hydrological and soil resources.

Alternative 3 was selected because it meets the BLM's purpose and need and will substantially reduce the effects of trail degradation, recreation experiences and access, and hydrological and soil resources. Additionally the seasonal date restrictions contained within this alternative would eliminate possible conflicts with subsistence resource users. Therefore, the selected alternative supports the RMP/ROD decision to, "issue land use authorizations for various authorizations and agreements to use BLM lands such as right-of-way grants, road, and temporary use permits under several different authorities including. leases, permits, and easements under section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA)."

### **Laws, Authorities, and Land Use Plan Conformance**

The EA and supporting documentation have been prepared consistent with the requirements of various statutes and regulations, including but not limited to:

- National Historic Preservation Act as Amended 1992
- North America Wetlands Conservation Act of 1989 (as amended 1990 and 1994)
- Executive Order 11987 of May 1977 (Exotic Organisms)
- Executive Order 11990 of May 1977 (Protection of Wetlands)

- Executive Order 11644 of February 1972
- Executive Order 11989 of May 1977
- Migratory Bird Treaty Act of 1918 (as amended 1936, 1960, 1969, 1974, 1978, 1986, and 1989)

The East Alaska Resource Management Plan and Record of Decision (RMP/ROD) provides the overall long-term management direction for lands encompassed by the proposed project (BLM 2007). The Proposed Action and alternatives are consistent with the RMP/ROD (EA, p. 2).

## **Public Involvement, Consultation, and Coordination**

A summary of the proposed project was posted to the BLM's national NEPA register website, ePlanning on April 21, 2014. A scoping notice was placed in the Copper River Record, Delta Wind, and Valdez Star the week of May 5, 2014. Notice of the Proposed Action and solicitation of comments were published on the What's Up Alaska list server, and mailed to Ahtna, Incorporated, and the village of Chickaloon on May 1, 2014. A radio announcement was placed on the regional radio station KCHU.

Comment deadline was Friday May 16, 2014. Twenty four comments were received. Two comments were received that raised new issues not identified by the interdisciplinary review team. These issues consisted of addressing the safety of trail users during filming activities and the social perceptions that permitting the proposed activity might depict about allowed uses of public lands. Two comments were received past the comment deadline date of May 16. These two comments did not reveal any new issues or provide any new information not already identified by previous comments.

## **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*

*June 20, 2014*

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Dennis C. Teitzel  
Glennallen Field Manager

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Date

**References**

BLM. 2007. East Alaska Resource Management Plan and Record of Decision. September, 2007.

**Attachments**

Finding of No Significant Impact (FONSI) for DOI-BLM-AK-A020-2014-0016-EA  
*Off Road Warriors Environmental Assessment*, DOI-BLM-AK-A020-2014-0016-EA  
Bond worksheet