

**Decision Record - Memorandum**  
**Preston Kelley, dba — Arctic Alaska Outfitters**

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# **Chapter 1. Preston Kelley, dba — Arctic Alaska Outfitters**

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## 1.1. Compliance

The Proposed Action does not trigger any of the Extraordinary Circumstances found in 43 CFR 46.21 516 DM Chapter 2, Appendix 2. In addition, the decision to process this application as a Categorical Exclusion falls within the guidance provided in Appendix 4 NEPA Handbook Appendix 4, 516 DM 11.9 (H) 1, as described above in ‘Compliance with NEPA’

## 1.2. Selected Action

It is my decision to allow Mr. Kelley to conduct commercial big game hunting activities on BLM lands in the Kivalina River watershed in Guide Use Area 23-01. He is allowed to guide from 4-6 hunters per year. Dates of approved activity are August 1 — September 30, 2014– 2018. Access into the area will be through regulated commercial air transporters. Game species to be hunted include moose, caribou, and brown bear. Hunting regulations and number of species taken per year are set by the State of Alaska for Game Management Unit 23.

## 1.3. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9 H; which states, “Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

## 1.4. Public Involvement:

BLM employees participate in the Game Management 23 Working Group and receive input from the stakeholders in the region which help in the permitting process. Comments about concerns for commercial and sport hunters impacting migration movements of caribou have been used in determining that access by the transporter industry can be delayed or cancelled at the discretion of the authorized officer.

## 1.5. Rationale:

1. Authorizing the permit is specifically provided for in the Kobuk/Seward Peninsula Resource Management Plan.
2. The action is categorically excluded and does not trigger any of the extraordinary circumstances found in CFR 46.215.
3. There will be no restriction to subsistence use (See attached ANILCA 810 documentation).
4. There will be no adverse impacts to cultural resources (See attached Assessment of Archaeological and Historic Resources Sec. 106 documentation).
5. There will be no impact on Essential Fish Habitat (see attached EFH determination).

## 1.6. Appeal or Protest Opportunities:

If you choose to protest this decision you must do so within 15 days of the receipt of permit determination. The protest must be filed with and received by the BLM's CYFO Field Manager within the allotted time. The protest must present any evidence that would show the decision is in error and should be vacated or modified. Within 15 days of receipt of a timely protest the Field Manager will review any evidence provided by you and forward a recommended final decision to the Fairbanks District Manager. The decision of the District Manager will be the final BLM decision, and may be appealed to the Interior Board of Land Appeals.

## 1.7. Authorizing Official:

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Nichelle W Jacobson  
Manager, Central Yukon Field Office

Date

## 1.8. Contact Person

For additional information concerning this Finding, contact.

Kelly Egger, Natural Resource Specialist  
Central Yukon Field Office  
1150 University Ave.  
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# Appendix A. Essential Fish Habitat Assessment

**NEPA Document No.:** DOI-BLM-AK-F030-2014-0033-CX

**Prepared by:** David Esse

**Date:** 4/29/14

**Essential Fish Habitat (EFH) Finding:** The Kivalina River and its tributaries contain spawning chum, sockeye, pink, coho, and Chinook salmon and dolly varden (ADF&G 2014). The effects of the action on EFH are expected to be insignificant in the area encompassed by this permit. It is also unlikely the impacts downstream of the project area will be significant. Based on these assumptions, the proposed action is assigned the EFH determination: *No effect* No further EFH consultation is required.

## References:

Alaska Department of Fish and Game. 2014. Fish Distribution Database. Internet website at: <http://www.sf.adfg.state.ak.us/SARR/FishDistrib/PDFListing/int/wisb1.pdf>.

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# Appendix B. Compliance with ANILCA Section 810

**NEPA Document No.:** DOI-BLM-AK-F030-2014-0033-CX

**Applicant(s):** Preston Kelley, dba — Arctic Alaska Outfitters

**Case File/Serial No.:** FF093930

**Proposed Action:** Preston Kelley, dba — Arctic Alaska Outfitters has applied for use of BLM lands from August 1 — September 30, 2014–18. The applicant is registered with the State of Alaska Big Game Commercial Services Board as a commercial guide.

**Location:** The activity will take place in Guide Use Area 23–01 within the Kivalina River watershed.

**Evaluation by:** David Esse and Erin Julianus

**Date:** 5/5/2014

**Type of Assessment/Sources:** Review of application materials, subsistence database, local knowledge, interviews with staff knowledgeable about the area and the proposed action

## Effect of the proposal on subsistence uses and needs

Fisheries: The proposed action would occur in the Kotzebue Sound District encompassing the communities of Kivalina and Noatak. These communities harvest salmon, whitefish, and other subsistence fish species (Banaducci et al. 2007). The Kivalina River contains spawning chum, sockeye, pink, coho, and Chinook salmon and dolly varden (ADF&G 2014) and produces many of the fish caught by subsistence users in these communities. The proposed action, along with its cumulative effects, is not expected to result in an adverse effect on salmon species and other subsistence fish species and/or their habitat. It would not reduce harvestable fisheries resources that are available for subsistence. The proposed action will not alter the distribution, migration or location of harvestable fisheries resources. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.

### Wildlife:

The Western Arctic Caribou Herd (WACH), which uses the North Fork of the Squirrel River during fall migration, is a critical subsistence resource in northwest Alaska (Dau 2009). Current population estimates for the WACH are 348,000 caribou, which is a modest decline from the 2007 census. The WACH is large, is considered healthy, and ranges throughout most of northwestern Alaska. Users hunting the WACH tend to concentrate in the area during the fall but State hunting regulations have tried to reduce user conflicts between resident and nonresident hunters through reducing nonresident bag limits for caribou. Residents of villages within the Kobuk River drainage harvest WACH caribou for their subsistence needs. Caribou was used in 94% of households in the village of Kiana (Magdanz et al. 2011) and is the most important source of red meat for inland villages in the Kobuk River drainage (Bureau of Land Management 1995).

Local residents of Kiana, Noorvik, Kotzebue, and surrounding villages hunt moose in the Squirrel River. Moose density is low in this portion of the state, about 0.1-0.6 moose/mi<sup>2</sup>, and appears to be stable (Dau 2008). Bull:cow ratios are relatively high and sport harvest, which is mostly bulls, is not considered a significant factor limiting the moose population. The Amount Necessary for Subsistence (ANS) estimate is 325-400 moose.

Community-based harvest assessments indicate a higher level of harvest as indicated by the harvest reporting system. Where interviews estimate that approximately 400-450 moose are harvested annually by residents of Unit 23, combined with the harvest ticket data, the total annual harvest of moose in Unit 23 is approximately 530 moose (Dau 2008).

Brown bear populations are considered stable in the region (Dau 2007). The Squirrel River falls within the area where hunting regulations have been liberalized to increase hunting opportunity and reduce predation on moose.

User group conflict exists in the Squirrel River (Harrington and Fix 2009). Among the components of the conflict, the subject of caribou changing migration patterns due to non-local hunters was expressed by some local residents as highly contributing to the conflict, although this belief was not universally held in the communities of Noorvik and Kiana (Harrington and Fix 2009). Other components of the conflict include the perception of numbers of sport hunters and non-local hunting behavior such as letting meat rot, not salvaging meat, and hunting on the wrong side of the river.

Conflicts among user groups may have more to do with access points and space to accommodate all users than numbers of wildlife (Dau 2009). Guide-outfitters generally provide a finer resolution of hunter distribution in the area. The Squirrel River SRMA is in GUA 23-06. From 1983-1994, GUA 23-06 (Squirrel, Aggy, and Eli drainages) had one of the highest densities of hunters (1-2 hunters/mi<sup>2</sup>) in Unit 23. GUA 23-06 is one of the most heavily used areas in Unit 23 since 1999-2000 (Dau 2008).

In order to minimize perceived conflict, one mitigating factor may be to delay the entry of transporters into the SRMA after the start of the caribou hunting season. This would allow the lead caribou to go through the Squirrel River as part of local tradition. Furthermore, this would also give local hunters some time to harvest caribou for their subsistence needs before non-local hunters using air transporters come to the area and be perceived as conflicting with traditional practice.

Based on current known population estimates and harvest data, it is not likely that populations of important subsistence species, such as caribou and moose, will be reduced as a result of hunters brought into the Squirrel River SRMA using transporters and air taxi services. However, allowing lead caribou to come through and giving local hunters lead time from the start of the caribou season to hunt ahead of non-local hunters using air transporters will go a long way into clearing up perceived user conflict in the Squirrel River.

#### Other resources:

The proposed action would not appreciably impact any other harvestable resources such as wood, water, berries or vegetation.

#### **Expected reduction, if any, in the availability of resources due to alteration in resource distribution, migration, or location:**

The potential for user conflict exists. Traditional knowledge indicates that caribou migration through the Squirrel River SRMA is vital for subsistence uses of local residents of nearby villages. If the lead caribou that go through the Squirrel River SRMA is diverted, local knowledge indicates that herd migration may be affected. Harrington and Fix (2009) indicate that this view is not shared throughout the region, and that there are other reasons for the perceived conflict. The proposed action will not significantly alter the distribution, migration or location of harvestable wildlife resources, nor would it create any legal or physical barriers that would limit subsistence harvest and access. The area is open for both sport and subsistence harvest, as regulated by the State of Alaska and the BLM. If any restrictions are placed on harvest of wildlife resources for the management of game populations, subsistence is given preference over sport harvest.

**Expected limitation, if any, in the access of subsistence users resulting from the proposal: None. Access to subsistence resources will not be hampered by the proposed action.**

None. Access to resources by subsistence users will not be limited by the proposed action.

**Availability of other lands, if any, for the purpose sought to be achieved:**

Other public lands are available for the purposes to be achieved. However, the proposed action is a permitted activity on BLM lands and there is no compelling reason to change the site of operation outside of BLM lands.

**Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:**

The only alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

**Findings:**

The proposed action will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by the proposed activity. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to the proposed action.

**References**

Alaska Department of Fish and Game (ADF&G). 2014. Fish Distribution Database. Internet website at: <http://www.sf.adfg.state.ak.us/SARR/FishDistrib/PDFListing/int/wisb1.pdf>.

Banaducci, A., T. Kohler, J. Soong, and J. Menard. 2007. 2005 annual management report Norton Sound, Port Clarence, and Kotzebue, Alaska Department of Fish and Game, Fishery Management Report Np. 07-32, Anchorage.

Bureau of Land Management. 1995. Squirrel River Integrated Activity Plan Overview (Draft) Document. Kobuk District Office. Fairbanks, Alaska.

Dau, J. 2009. Units 21D, 22A, 22B, 22C, 22D, 22E, 23, 24 and 26A caribou management report. Pages 174-231. Alaska Department of Fish and Game. Caribou management report of survey-inventory activities 1 July 2006-30 June 2008. P. Harper, editor. Juneau, Alaska.

\_\_\_\_\_. 2007. Unit 23 brown bear. Pages 277-299 in P. Harper, editor. Brown bear management report of survey and inventory activities 1 July 2004-30 June 2006. Alaska Department of Fish and Game. Project 1.0. Juneau, Alaska.

\_\_\_\_\_. 2008. Unit 23 moose management report. Pages 558-578 in P. Harper, editor. Moose management report of survey and inventory activities 1 July 2005-30 June 2007. Alaska Department of Fish and Game. Project 1.0. Juneau.

Harrington, A.M. and P.J. Fix. 2009. Benefits based management study for the Squirrel River Area. Project report for USDI Bureau of Land Management. Fairbanks, Alaska: Department of Resources Management, University of Alaska Fairbanks.

Magdanz, J.S., D.S. Koster, L. Naves, and P. Fox. 2011. Subsistence harvests in northwest Alaska, Buckland, and Kiana, 2003 and 2006. Alaska Department of Fish and Game, Division of Subsistence Technical Paper No. 363. Anchorage, Alaska.

Schroeder, R., D.B. Anderson, and G. Hildreth, 1988A. Subsistence use areas by resource: Bowhead whale, salmon, waterfowl, and waterfowl and other bird eggs. Map 5. Maniilaq Association and Division of Subsistence, Alaska Department of Fish and Game, Juneau.

Schroeder, R., D.B. Anderson, and G. Hildreth, 1988B. Subsistence use areas by resource: Dall sheep, furbearers, polar bear, and non-salmon fish. Map 8. Maniilaq Association and Division of Subsistence, Alaska Department of Fish and Game, Juneau.

# Appendix C. Wilderness Characteristics Assessment

**NEPA Document No.:** DOI-BLM-AK-03000-2014-0033-CX

**Case File/Serial No.:** FF093930

**Applicant(s):** Preston Kelley, dba — Arctic Alaska Outfitters

**Location:** Guide Use Area 23–01 within the Kivalina River watershed

## **Proposed Action:**

Preston Kelley, dba — Arctic Alaska Outfitters has applied for use of BLM lands from August 1— September 30, 2014–18. The applicant is registered with the State of Alaska Big Game Commercial Services Board as a commercial guise.

## **Evaluation:**

The basis for this evaluation is BLM Manual 6310-Conducting Wilderness Characteristics Inventory on BLM Lands, and BLM Manual 6320 - Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which direct offices to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

The locations for the proposed action are in an area inventoried and found to have wilderness characteristics (Area Unique Identifiers: CYFO-Squirrel River-001, 002, 003 and 004). In addition, the BLM has determined that, if a project or activity does not negatively affect wilderness characteristics, the permitting process may proceed as usual, regardless of whether an inventory of wilderness characteristics has been completed (Chris Barns, 2012). BLM Manual 6310 includes hunting, hiking, and backpacking as examples of primitive and unconfined recreation suitable for lands characterized as wilderness.

## **FINDING:**

An inventory of lands with wilderness characteristics was completed for this area and found wilderness characteristics. Given the temporary duration of use, the limited use of single-engine aircraft, and the stipulations attached to this permit, the proposed activities in this area can be implemented in a manner that does not significantly impair the size or naturalness of this area, or the opportunities for solitude and recreation of a primitive and unconfined nature. The stipulations attached to this permit and recommended mitigation will further minimize the effects of human activities.

The proposed action will not affect existing wilderness characteristics.

## **PROPOSED MITIGATION**

1. Permittee and clients must adhere to Leave No Trace principles for camping and hiking in Alaska as specified by the Leave No Trace Center for Outdoor Ethics ([www.LNT.org](http://www.LNT.org))

## **Type of Assessment/Sources:**

- Barns, Chris, BLM Representative, Arthur Carhart National Wilderness Training Center, 9 September 2012. “Wilderness Characteristics Guidance for the BLM. Training Module IIID, LWCs and Proposed Projects”
- Bureau of Land Management, 2007. Kobuk-Seward Peninsula Proposed Resource Management Plan and Final Environmental Impact Statement, Volume 1.
- Maps: USGS Baird Mountains quadrangle; GIS layers with land status, acreage, townships, and HUCs identified
- Google Earth images

**Prepared by:** Karen Deatherage, Park Ranger-Interpretation

**Date:** 6/9/14