



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507-2591
<http://www.blm.gov/ak>

Lance Kronberger Film Permit
Categorical Exclusion, DOI-BLM-AK-A010-2014-0017-CX

Case File, FF-94313

DECISION RECORD

Decision

It is my decision to authorize commercial filming in conjunction with an existing Special Recreation Permit (SRP) to Mr. Lance Kronberger (FF-94313) in accordance with Special Recreation Handbook H-2930-1 (H-2930-1, pages 13 and 14) on BLM-managed lands as described in the attached categorical exclusion documentation, DOI-BLM-AK-A010-2014-0017-CX.

Mr. Kronberger's SRP was renewed for a ten-year period on March 25, 2010. The renewal was reviewed for NEPA compliance (DOI-BLM-AK-A010-2010-0016-CX) and the stipulations of the 2010 SRP renewal are applicable to the authorization of commercial filming (see attached). One additional stipulation is required per H-2930-1:

Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices are not allowed, unless the camera support device is part of the recreation activity authorized under the SRP. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two, battery-powered, auxiliary lighting sources may be used. If the filming project is more complex than allowed under this stipulation, then a separate 2920 permit should be issued.

Rationale for the Decision

The proposed action has been reviewed by Anchorage Field Office staff and appropriate project Design Features, as specified, will be incorporated into the project. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

The rationale for the decision is based on the limited environmental impacts associated with the commercial filming. The permit also allows for public viewing of recreational activities on the public lands in a remote area of northwest Alaska which may increase recreational use of public lands.

The proposed action is in conformance with Kobuk-Seward Peninsula Resource Management Plan, September 2008. The proposed action will not significantly restrict Federal subsistence uses, decrease the abundance of Federal subsistence resources, alter the distribution of Federal subsistence resources, or limit Federal subsistence user access from currently existing conditions. No further analysis is necessary at this time.

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 Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, 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 Anchorage 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/ Alan Bittner

September 16, 2014

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. Categorical Exclusion, DOI-BLM-AK-A010-2014-0017-CX
2. 2010 SRP Stipulations

Appendix A

Terms and Stipulations for Special Recreation Permit FF-94313, Lance Kronberger

In addition to the terms included on the back of the special recreation use application (conditions 1-16 on Form 8370-1), the following general terms and stipulations are applicable and a part of this permit.

1. General Terms

- A. 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 Special Recreation Permit (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.
- B. A SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.
- C. 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.
- D. 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.
- E. 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, contracting of equipment or services may be approved by the authorized officer 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.

- F. All advertising and representations made to the public and the authorized officer 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. 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.
- G. 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.
- H. 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.
- I. The permittee cannot, unless specifically authorized under a 2920 Permit, erect, construct, or place any building, structure, or other fixtures on public lands. If permittee has paid an Assigned Site Fee, any temporary structures or improvements placed upon the public lands must be either: 1) Removed from the public lands or 2) Disassembled and stored, in such a manner as to not cause any adverse condition at the conclusion of the event or activity on an annual basis. For the purposes of this permit, "conclusion of event or activity on an annual basis" shall be the following annual date: November 30. Upon expiration of SRP permit, the lands must be restored as nearly as possible to pre-existing conditions.
- J. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. The permittee must also display a copy of the permit at a prominent place where the permitted activities take place.
- K. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
- L. The permittee must submit a Post Use Report which includes the reconciliation of the three percent (3%) gross fee to the authorized officer for every year the permit is in effect. If the Post Use Report and three percent (3%) gross fee are not received by November 30 of each year permit is in effect, the permit will be suspended. Permittee shall also pay the minimum \$95 annual fee, or the estimated three percent (3%) of gross fees, (whichever is greater) for the next calendar year by November 30 of each year. The minimum annual fee may be automatically adjusted by Instruction Memorandums, or any recalculations using the Gross National Product (GNP) Implicit Price Deflator Index. The Post Use Reporting Form is attached as Exhibit "A".

- M. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage. (Note: The authorized officer shall report accidents to the Bureau safety officer.)

- N. A certificate from an insurer will be supplied to the Bureau of Land Management prior to activity authorized under the SRP. Insurance shall be in place during the time frame of permitted activities. The certificate will be in the minimum amount of (1) \$300,000 for bodily injury for any one person; \$600,000 for any one occurrence; and (2) \$30,000 property damage for any one occurrence. The certificate shall also state that such insurance is in force and that the insurer will give BLM reasonable notice prior to cancellation or modification of such insurance. The certificate shall also name the United States Government as additional insured.

- O. The permittee shall supply the Bureau of Land Management prior to operations for each calendar year, a General Operation Plan. A General Operation Plan guide form is attached as Exhibit "B". Latitude and Longitude coordinates and/or maps showing all base and spike camps as well as aircraft landings shall be supplied in order to complete compliance checks on the activities authorized.

- P. The Federal Government shall not be held responsible for protection of the permittee's structures or personal property. Fire protection in the area will be consistent with the approved fire management plan. The permittee shall be liable for damages to public lands resulting from his/her negligent use of fire.

- Q. This permit is not valid for lands selected by the State of Alaska or any Native Regional or Village Corporation. This permit is not valid for lands owned by the State of Alaska. This permit is not valid for any lands selected by the State of Alaska or any Native Regional or Village Corporation unless letters of non objection are obtained.

II. Stipulations:

- A. No cutting of live vegetation (trees) is allowed and must be left in its natural state.

- B. No commercial use of public cabins is permitted. No burning of trash within 100 feet of any public cabin or historic structure is permitted.

- C. The use of Off Highway Vehicles (OHV) over 2,000 pounds Gross Vehicle Weight Rated is not permitted unless expressly approved by the Authorized Officer. Particular care will be exercised to avoid disturbing the cutbanks of anadromous streams of OHV's less than 2,000 pounds Gross Vehicle Weight Rated.

- D. Wastewater must be managed in accordance with Title 18 Alaska Administrative Code, Chapter 72, (18 AAC 72) Wastewater Disposal. Wastewater is defined as Human Waste (sewage), and Gray Water (water which has been used for personal hygiene, washing clothing or equipment, or sanitizing cooking and eating materials). If the standards for Pit Privies found at 18 AAC 72.030 cannot be met, all wastewater must be collected and transported to a state approved disposal facility. Upon closure of the campsite the Pit Privy must be completely back-filled with the surface area covered and re-graded to approximate original appearance.
- E. Non-Hazardous Solid Waste (trash/refuse) may be burned in campfire pits. All unburned/unburnable trash/refuse will be back hauled from the area and disposed in an approved waste disposal site. All fire rings/pits must be removed or destroyed after use. Trash/refuse will not be disposed of in a Pit Privy.
- F. Fuel Handling and Storage: Fuel shall be stored at least 150 feet from surface waters. Fuel and other petroleum products and hazardous materials shall be stored in containers designed to hold that product, identified with the owner's name, the contents and date of purchase (e.g. L. Kronberger, Coleman Fuel, 2008). Fuels shall not be stored over the winter or outside of established State of Alaska hunting seasons or field operations conducted under the SRP. All fuel spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Fuel storage in excess of 55 gallons and/or fuel storage containers that are situated where a spill may reach a water body or watercourse requires secondary containment. Secondary containment is defined as a diked, impermeable impoundment capable of containing 110 percent of the volume of the largest independent container. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to: The Authorized Officer at 1-800-478-1247. Such other Federal and State officials as are required by law to be given such notice including Alaska Department of Environmental Conservation at (907) 478-9300.
- G. All operations shall be conducted in such a manner as to avoid damage or disturbance to any prehistoric or historic sites or modern camp sites. The Archaeological Resource Protection Act prohibits the excavation, removal, damage, or disturbance of any archaeological resource located on public lands. Violation of this law could result in the imposition of both civil and criminal penalties of the violator. Should any historic or prehistoric site be located during the course of operations under this permit, the applicant shall immediately notify the BLM authorized officer.
- H. The permittee shall supply the Bureau of Land Management with a copy of the following items prior to the hunting season they will be operating within: 1) Copy of the certification from the State of Alaska, Division of Occupational Licensing stating that the permittee is a Registered Guide and states which Game Management Unit(s) the certification is valid; 2) Copy of Alaska Business License; and 3) Copy of any published quotes of fee schedule for services provided under the SRP. 4) Supply the names, license copies, contact addresses, and phone numbers for all guides and assistant guides

operating under this permit. It is the responsibility of the permittee to ensure that the items above are submitted and are valid for the periods authorized under the SRP.

- I. In order to prevent non-Native invasive plant spread, all vehicles, and equipment used in conjunction with the SRP must be thoroughly cleaned **prior to** moving equipment across or onto BLM managed lands. Washing and/or brushing equipment to remove material that can contain weed seeds or other propagates helps to insure equipment that is being transported across or onto BLM managed lands are weed and weed seed free. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and vegetative material.

Should any area used under the SRP have invasive plant infestations prior to activities authorized you must immediately confer with the land administrator by contacting:
Laurie Thorpe 907-267-1208 lthorpe@blm.gov



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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Lance Kronberger Film Permit

NEPA Register Number: DOI-BLM-AK-A010-2014-0017-CX

Case File Number: FF-94313

Location / Legal Description: 2014 filming would take place at the following location:

Kateel River Meridian, Alaska
T. 28 S., R. 14 W., sec. 8 (within),
T. 8 S., R. 8 W., sec. 8 (within).

Future locations would take place as described in the existing Special Recreation Permit (SRP) authorization (FF-94313) and include up to three base camp locations. The SRP also authorizes the use of BLM federally managed lands within Guide Use Area 22-06 and 22-07 for dispersed guiding operations.

Applicant (if any): Lance Kronberger

Description of Proposed Action:

The Bureau of Land Management (BLM) would authorize commercial filming in conjunction with an existing SRP issued to Mr. Lance Kronberger (FF-94313) in accordance with Special Recreation Handbook H-2930-1 (H-2930-1, pages 13 and 14).

Filming in 2014 would be for grizzly bear hunting on BLM managed-lands within the Ungalik, and Golsovia river basins. The commercial filming would be authorized in the future as long as the SRP is valid and the filming is completed in conjunction with activities authorized under the SRP. Fees would be paid separately for the SRP and filming activities.

Mr. Kronberger requested the addition of filming to the authorization via e-mail to the Nome Field Station on August 7, 2014. Mr. Kronberger would take guided clients and film during guiding operations. Access is by fixed-wing aircraft out of Unalakleet (Jim Tweeto-Hageland/Ravn Aviation). Eight days of filming is anticipated. Once a temporary camp is established, Mr. Kronberger would film a grizzly bear hunt. Up to three people would be involved: one hunter, one videographer/guide, and one assistant guide.

Mr. Kronberger's SRP was renewed for a ten-year period on March 25, 2010. The renewal was reviewed for NEPA compliance (DOI-BLM-AK-A010-2010-0016-CX) and the stipulations of the 2010 SRP renewal are applicable to the authorization of commercial filming. One additional stipulation as required per H-2930-1 follows and will be placed in the Decision Record to authorize commercial filming, if authorized:

Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices are not allowed, unless the camera support device is part of the recreation activity authorized under the SRP. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two, battery-powered, auxiliary lighting sources may be used. If the filming project is more complex than allowed under this stipulation, then a separate 2920 permit should be issued.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan(s): Kobuk-Seward Peninsula Record of Decision and Approved Management Plan (RMP), September 2008

Commercial filming is not directly addressed in the Kobuk-Seward RMP. However, the proposed action is in conformance with the applicable land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

H. Lands and Realty

H-2: Land Use Authorizations

Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, temporary use permits under several different authorities; leases, permits, and easements under Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.

H-2-a: Management Actions (Land Use Authorizations)

4. Permits: Permits cover occupancy, use, or development of a site. Specific exclusion areas are listed in Table 2-19 on page 2-113 of the PRMP/FEIS.

Recreation Management is addressed in the Kobuk-Seward RMP, M-3 2.

“Outside of SRMA’s, applications for SRP’s (for commercial use) will be handled on a case- by-case basis and within identified ROS guidelines in areas of concern (Table B-1 in Appendix B).”

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:

Realty E-20. Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

Further 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:

Recreation Management H-1. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impact no more than 3 staging areas acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used 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 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	No.

populations (Executive Order 12898).	
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. 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/ Alan Bittner

September 16, 2014

 Alan Bittner
 Anchorage Field Manager

 Date

Attachments

1. Kronberger SRP Renewal CX, DOI-BLM-AK-A010-2010-0016-CX
2. Map of film area