



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-A020-2015-001-DNA

Case Files:

AA81350 / AA81716 / AA093344 / AA82942/ AA93376

Applicants:

Scott Raynor, Valdez Heli Guides
Dean Cummings, H2O Guides
Alexandra Meiners, Alaska Rendezvous Guides
Joshua Swierk, Black Ops
Dave Geis, Alaska Snowboard Guides

DECISION RECORD

Background

The BLM Glennallen Field Office has received five Special Recreation Permit (SRP) applications for commercial heli-ski operations on BLM-administered lands north and south of Thompson Pass, Alaska. Operations would occur on snow-covered slopes, ridge tops and in valley bottoms. These permit renewals would be valid for the 2015 operating season, February 15th 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-A020-2015-001-DNA).

Specifically, it is my decision to authorize:

- Five one-year SRPs for the 2015 heli-skiing season (February 15th through May 15th) in the Thompson Pass area to Valdez Heli-Ski Guides, H2O Guides, Alaska Rendezvous Guides, Black Ops Valdez and Alaska Snowboard Guides.
- 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.

The Proposed Action, consisting of reauthorizing 5 commercial heli-ski SRPs, is identical to the alternatives selected in the 2001 and 2005 Environmental Assessments (EA # AK-050-EA-01-22, EA # AK-050-EA-05-02), therefore the preparation of a new FONSI is not necessary. The 2001 and 2005 FONSI's indicate that the current Proposed Action has been analyzed in an EA(s) and has been found to have no significant environmental effects.

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 reviewed 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/ Dennis C. Teitzel

1/23/2015

Dennis C. Teitzel, Glennallen Field Manager

Date

Attachments

DOI-BLM-AK-A020-2015-0001-DNA
2015 Permit Stipulations



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588-0147
<http://www.blm.gov/ak>

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 outlined 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.
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. Helicopters, operators, guides, clients and custodial pets shall maintain a minimum of 1,500 feet 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.
4. Heli-ski operators and guides shall report all wildlife sightings (number of individual wildlife, precise location, and date/s observed) to the BLM Glennallen Field Office with their post use report.
5. The use of explosives is prohibited for avalanche control on permitted lands.
6. 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.

7. All helicopters shall be equipped with satellite/GPS transponders with web based flight tracking capability. The flight following system shall have the ability to view both live and historic flight data for the duration of the permitted use. The permittee shall give BLM full access to the flight tracking system and historic data, including log-in information if necessary.
8. 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 BLM 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. All helicopter skiing operations will occur between sunrise and sunset.
14. All Federal Aviation Administration (FAA) rules shall be adhered to.
15. No snowcat trail construction or brushing is authorized.
16. As part of their special recreation permit requirement, permittees will be required to prepare an Operation and Safety Plan for BLM review. This plan will include:
 - a. Avalanche safety addressing client safety and the safety of other backcountry users in the area.
 - b. Helicopter safety.
 - c. Emergency rescue, and
 - d. Guide requirements
17. 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.

18. 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.
19. 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.
20. Maps distributed annually to the helicopter skiing operators are not to be reproduced without expressed written permission from the BLM Glennallen Field Office Manager.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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