



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>

Teton Gravity Research Commercial Filming Permit Categorical Exclusion, DOI-BLM-AK-A010-2015-0004-CX

Case File AA-93807

DECISION RECORD

Decision

It is my decision to implement the proposed action on BLM-managed lands as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2015-0004-CX, including the attached stipulations.

Specifically, Teton Gravity Research (TGR) is hereby authorized a Land Use Permit for commercial filming purposes to film professional skiers on helicopter-supported ski descents in the south block of BLM-managed lands in the Neacola Area of Critical Environmental Concern (ACEC), beginning March 28, 2015 through May 5, 2015. Should filming not occur this year, the permit allows for filming in March through May of 2016 and 2017 for approximately thirteen days of filming per year.

Rationale for the Decision

My decision is based on Ring of Fire Approved Resource Management Plan guidance which states that the BLM may issue land use permits, which includes commercial filming permits, if it "...will not cause appreciable damage or disturbance to the public lands [and] their resources," (RMP, p. 9).

The proposed action is located within the Neacola Mountains ACEC which was designated for scenic values in the 2008 Ring of Fire Approved Resource Management Plan and Record of Decision. The proposed activity is temporary in nature and is not ground-disturbing. As such, the requested permit and associated activities can be completed in a manner that does not cause appreciable damage or disturbance to the public lands or their resources or the values for which the ACEC was designated.

The proposed action has been reviewed by Anchorage Field Office staff and appropriate stipulations and general terms and conditions, as specified in the attachments will be incorporated during project implementation.

Based on the attached Categorical Exclusion review, I have determined that the proposed action

involves no significant impact to the human environment and no further analysis is required.

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
Alan Bittner
Anchorage Field Manager

4/10/2015
Date

Attachments

Teton Gravity Research Commercial Filming Permit, Categorical Exclusion, DOI-BLM-AK-A010-2015-0004-CX

PERMIT STIPULATIONS AND GENERAL TERMS AND CONDITIONS

TETON GRAVITY RESEARCH: AA-93807

1. Aircraft shall maintain 1,500 feet vertical and horizontal distance from any visible sheep. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
2. Operators shall not hover, circle, or harass wildlife in any way. This refers particularly to sheep, wolves, bears, and eagles, but includes all wildlife species.
3. Operators shall report any sheep sightings during their operations to the BLM for research purposes.
4. The operators shall assure that their operations meet Federal Aviation Administration (FAA) requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
5. 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 history data, including log-in information if necessary during the period of authorized use.
6. All operators shall be required to abide by their submitted Safety and Operating Plan, which was reviewed and approved by the BLM and is part of the Land Use Permit. The FAA may review these submissions.
7. The Authorized Officer (AO) may suspend or modify a land use permit at any time, including the addition of adaptive management strategies, if necessary, to protect public resources, health, safety, or the environment or as a result of non-compliance with permit stipulations.
8. The operator must submit a Certificate of Liability Insurance to BLM and list the U.S. Government as additionally insured.
9. No camps or film sets are authorized by this permit. Any camps or sets located on public lands shall require prior, written approval by the Authorized Officer.
10. This permit authorizes the operator to film up to a total of 15 days on the public lands and does not authorize the operator to conduct any heli-skiing activities which involve the collection of fees from clients or would otherwise require a Special Recreation Permit (SRP).

11. The operator shall provide a post-use report with the dates and GPS coordinates of all the drop-offs and pick-up locations. Any commercial filming beyond the 15 days authorized may require the payment of additional rental fees.
12. Prior to commencing flight operations, the permittee will provide BLM with the tail numbers of all aircraft and all radio frequencies that will be used during operation and filming.
13. The permittee is encouraged to communicate with other operators in the area and use common radio frequencies to enhance coordination.



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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Teton Gravity Research (TGR) Commercial Filming

NEPA Register Number: DOI-BLM-AK-A010-2015-0004-CX

Case File Number: AA-93807

Location / Legal Description: Seward Meridian, Alaska

T. 10 N., R. 16 W.,
Secs. 19-21, and 28-30.

T. 10 S., R. 19 W.,
Secs. 1-36, all.

T. 10 N., R. 17 W.,
Secs. 1-4, 9-17, and 19-36.

T. 11 N., R. 19 W.,
Secs. 5-8, 18.

T. 11 N., R. 17 W.,
Secs. 1 and 2, 4-8, 18, 19, 30, 35, and 36.

T. 12 N., 19 W.,
Secs. 1-36, all.

T. 12 N., R. 17 W.,
Secs. 3-10, 15-22, and 27-35.

T. 10 N., R. 20 W.,
Secs. 13, 23-27, 34 and 35.

T. 10 N., R. 18 W.,
Secs. 4-9, 17-19, 23-26, 30, and 34-36.

T. 11 N., R. 20 W.,
Secs. 1, 12, and 13.

T. 11 N., R. 18 W.,
Secs. 1-12, 16-20, 23-27, and 31-36.

T. 12 N., R. 20 W.,
Secs. 1, 2, 11-14, 23-27, and 33-36.

T. 12 N., R. 18 W.,
Secs. 1-36, all.

Applicant (if any): Teton Gravity Research, Kent Scheler

Description of Proposed Action:

TGR proposes to film professional skiers in the Neacola Mountains Area of Critical Environmental Concern (ACEC) for commercial purposes. The proposed operation includes

four geographic zones centered on undisturbed peaks that are accessible by helicopter, covering large areas within the Neacola ACEC. TGR has applied for a land use permit to film beginning March 28, 2015 and ending May 5, 2015, with a total of thirteen (13) days of actual filming. Should filming not occur this year, the permit would allow for filming in 2016 and 2017, with approximately thirteen days of filming per year. The timeframe is set to allow for weather delays and other factors, including snow pack levels. The crew size will consist of twelve (12) people, including athletes.

This land use permit does not authorize the storage of fuel, equipment, or gear on BLM-managed lands. This land use permit does not authorize camping on BLM-managed lands. No human waste or litter would be left on BLM-managed lands.

A detailed operations and safety plan has been submitted to the BLM. Permit stipulations, and general terms and conditions for this proposed action will be consistent with similar permitted heli-skiing operations on BLM-managed lands within the region (see Attachment 2).

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: Ring of Fire Record of Decision and Approved Resource Management Plan, March 2008.

The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions:

I. Lands and Realty

I-2k. FLPMA Permits

The BLM may issue land use permits if it is determined that the use conforms to agency plans, policies and programs, local regulations, and other requirements, and will not cause appreciable damage or disturbance to the public lands, their resources or improvements.

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:

E. Realty

19. 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.

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 populations (Executive Order 12898). | No. |
| 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. LANDS WITH WILDERNESS CHARACTERISTICS

In conformance with Secretarial Order 3310, proposed actions must be reviewed for the following Lands with Wilderness Characteristics:

- 1) Size-roadless areas of over 5000 acres of contiguous BLM lands.
- 2) Naturalness-affected primarily by the forces of nature, with the works of humans substantially unnoticeable to the average visitor.
- 3) Outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 4) Supplemental values-if size, naturalness, and solitude/outstanding opportunities are met, then consider if the area contains ecological, geological, or other features of scientific, educational, scenic, or historical value. Supplemental values are not required to be classified an area as Lands with Wilderness Characteristics.

The proposed project area contains lands that have wilderness characteristics. The proposed action does not involve any planned construction or alterations of the lands or their wilderness characteristics. The proposed activities would temporarily impact the wilderness characteristic for “Outstanding opportunities for solitude or a primitive and unconfined type of recreation,” because of the helicopter activities. However, this impact would be limited to March 28 through May 5, 2015 – 2017, with a total of 13 days of actual filming per year, and would not impact any of the other wilderness characteristics. There would be no impairment of wilderness characteristics by the proposed action.

F. 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

4/10/2015

Alan Bittner
Anchorage Field Manager

Date