



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Special Recreation Permit, Maximum of 300 Landings for 2016 Heli-ski Season (Winter), Haines South Block (2930 SRP)

NEPA Register Number: DOI-BLM-AK-A020-2016-0004-CX

Case File Numbers: AA-083491, AA-081641, and AA-081925

Location / Legal Description: Sections. 1-30, and 32-36, T. 31 S., R. 57 E, Sections 1-18, T. 31 S., R. 56 E., Sections 1-6, 8-12, and 15-16, T. 31 S., R. 55 E., Section 1, T. 31 S., R. 54 E., Sections 1-36, T. 32 S., R. 58 E., Section 1 and 12, T. 32 S., R. 59 E., Section 6, T. 33 S., R. 60 E., Sections 1-12, and 15-21, T. 33 S., R. 59 E., and Sections 1-2, and 11-13, T. 33 S., R. 58 E, Copper River Meridian.

Applicant (if any): Southeast Alaska Backcountry Adventures (SEABA), Alaska Heliski, and Alaska Mountain Guides (AMG).

Description of Proposed Action:

The BLM Glennallen Field Office has received three applications for Special Recreation Permits (SRPs) for winter helicopter-supported recreation use (heli-skiing) in the southern block of the Haines Planning Area. The BLM is considering whether to authorize three SRPs for up to 300 landings (total; divided between the applicants) subject to all stipulations and conditions included below. The SRP's would be valid for the 2016 operating season only. The total number of landings considered is a rounded average based on actual numbers of winter landings by three prior permitted BLM operators from the period 2002-2005.

The SRPs would be valid for the 2016 winter/early spring operating season, February 1 through April 30, with the option to renew contingent upon the status and future decisions of the Haines Amendment Supplemental Environmental Impact Statement (Haines SEIS); compliance with permit stipulations; new information, circumstances, or changes in resource conditions; and, ultimately, the Authorized Officer's discretion.

The 300 landings would be distributed across BLM-managed lands in the southern block of the planning area (see attached map Southern Block Haines Planning Area). The northern block of the planning area would remain closed to all helicopter landings. The SRPs would also be subject to all ROPs/stipulations from the 2008 Ring of Fire Resource Management Plan (ROF/RMP), including modifications based on resource conditions, and additional stipulations as needed to minimize impacts to resources and to aid with compliance monitoring.

Background

Over the past five years, the BLM has not authorized any commercial helicopter-based Special Recreation Permits in the Haines area while the planning effort (Haines SEIS) has been underway. The Bureau is considering authorizing temporary one-year permits to past permitted heli-ski providers on a limited basis in 2016 and possibly future years to accommodate this recreation activity. The rationale for 300 landings currently proposed for the temporary permits is outlined above under the proposed action section. The BLM will continue to coordinate with neighboring land managers with respect to consistent stipulations (e.g., buffers) for similar helicopter activities on adjacent lands.

Required Operating Procedures, Permit Stipulations, and Other Environmental Protection Measures

The following nine SRP stipulations and terms are applicable to all authorized aviation operations on BLM land within the Haines Planning Area:

1. All operations will maintain a 1,500 meter buffer from goat groups within the permitted operating area. Current research data indicates that a minimum distance of 1,500 meters does not cause significant adverse disturbances to mountain goats; continuing research efforts may increase or decrease this minimal distance. (Cote, S., S. Hamel, A. St-Louis, J. Mainguy. 2013. Do Mountain Goats Habituate to Helicopter Disturbance? J. of Wildlife Management.)
2. All operations will maintain a 1,500 foot clearance for sensitive bird nesting sites, brown and black bears, wolves, moose, sea lions, and other marine mammals. Steepness (degree in slope) and roughness (outcrops and spur ridges) affect the ratio of elevation to horizontal distance significantly. Attempts should be made to maximize distance between ground and habitats or animals wherever possible. Flight routes over near level terrain will maintain a minimum of 1,500 feet above ground level and at least 1,500 feet horizontal distance from wildlife habitat features described above. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
3. All authorized operations will adhere to U.S. Fish and Wildlife Service (USFWS) recommendations regarding eagle nests.
 - Maintain established travel routes, but avoid any eagle nest by at least ¼ mile (1,320 feet).
 - Helicopters must avoid hovering near and circling any eagle nest.

4. Authorized operators shall not hover, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, eagles, sea lions, and other marine mammals, but includes all wildlife species.
5. All flights shall operate within designated flight corridors and elevation restrictions.
6. All authorized operators will assure that their operations meet Federal Aviation Administration (FAA) requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
7. All authorized operators will be required to submit and abide by a Safety and Operating Plan which will be approved by the BLM and will be a part of the Special Recreation Permit. The FAA may review these submissions.
8. The Authorized Officer (AO) may suspend or modify an SRP, including adaptive management strategies, if necessary to protect public resources, health, safety, or the environment or as a result of non-compliance with permit stipulations.

In addition, all permittees will be required to:

1. Submit a post-use report, including a log of all activities, wildlife sighted, etc.
2. 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, during the period of authorized use.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: Ring of Fire Approved Resource Management Plan and Record of Decision (2008)

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

O. Recreation

O-1: Goal

Manage recreation to maintain a diversity of recreational opportunities. Opportunities for commercial recreation will be provided consistent with area objectives for recreation management (Approved RMP, p. 15).

Haines Block SRMA

Goals:

- i. Manage recreation to maintain a diversity of opportunities.
- ii. Provide opportunities for commercial recreation consistent with the area

objectives for recreation management.

Preliminary Management Objectives:

- i. Manage the SRMA (special recreation management area) to maintain a diversity of opportunities, including designated ROS (recreation opportunity spectrum) classification.
- ii. Maintain the area for designated VRM (visual resource management) classification.
- iii. Develop further guidance for management of OHV (off-highway vehicle) use.
- iv. Manage commercial recreation activities to maintain the quality of user experience, avoid adverse effects on wildlife resources, and minimize disturbance to adjacent communities.
- v. Work collaboratively with landowners in the area, recreation users, and adjacent communities to develop management strategies and define enforcement responsibilities. (Record of Decision, p. 10).

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:

H. Recreation Management

1. 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. This CX cannot be used for 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.

1. *Have significant adverse impacts on public health or safety.*

No. The proposed activity would occur in very remote, unpopulated areas in southeast Alaska. The permitted helicopter operators would be required to follow Federal Aviation Administration (FAA) flight requirements. Furthermore, neither fuel storage nor refueling activities would be permitted on BLM-managed lands.

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. The proposed activity does not authorize ground disturbance. Noise impacts would be intermittent and temporary, distributed across the planning area, and limited to late winter/early spring. The noise impacts of 300 landings would not be significant on any one resource or in any one area. The other resources listed are not present on BLM-managed lands (i.e., prime farmlands, wetlands) or will not be present at the time of the proposed activity (i.e., migratory birds).

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)].

No, as a temporary authorization and at this scale (300 landings), the proposed activities' effects are not anticipated to be highly controversial. The BLM is applying new research data that maintains a 1,500 meter buffer from goat groups does not cause significant adverse disturbances to mountain goats; continuing research efforts may increase or decrease this minimal distance.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

No. Similar to the responses for the previous Extraordinary Circumstance reviews: the number of landings offered would be limited; the landings would be distributed across the planning area so as not to concentrate use in any one area; and permit required operating procedures and stipulations would minimize potential for effects to resources. As a temporary authorization and at this scale (300 landings), the proposed activities' effects are not highly uncertain or potentially significant.

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

No. As described in the proposed action description, the proposed activity does not constitute a new use of/in the Planning Area. The proposed SRPs would be issued consistent with past authorizations and would be based on historic actual landing counts. The SRPs would be valid for the 2016 winter/early spring operating season, February 1 through April 30, with the option to renew contingent upon future decisions reached in the Ring of Fire Resource Management Plan Haines Amendment Supplemental Environmental Impact Statement (HSEIS); compliance with permit stipulations; new information, circumstances, or changes in resource conditions; and, ultimately, the Authorized Officer's discretion.

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

No. The three SRPs under consideration are independent of all other land uses occurring in the Planning Area. The proposed action is similar to other types of activities occurring in the planning area, including both on/off BLM-managed lands, but it is not dependent on any other activities for its utility (and, vice versa). However, the proposed action would offer a

conservative number of landings consistent with historical numbers of authorized landings. The proposed action would not measurably contribute to overall cumulative effects.

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. The helicopter take-off and landing areas and ski routes would be covered in rock, snow, and/or ice. Given the snow/ice cover and the fact that the proposed activity does not entail ground disturbance, the proposed action would not 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.

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. Two Threatened and Endangered species are found near the Planning Area. The humpback whale (*Megaptera novaeangliae*) and Steller sea lion (*Eumetopias jubatus*) occur in coastal waters near, but not within, the Planning Area. The proposed activities would have no effect on these species as all BLM-managed lands are inland from Lynn Canal and coastal waters. No critical habitat has been designated in Lynn Canal for either species.

9. *Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

No. The proposed action would not violate any laws imposed for the protection of the environment (i.e., Clean Water Act, Clean Air Act, etc.).

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

No. There are no known Environmental Justice concerns related to this proposed activity. Within the Planning Area, BLM-managed lands are not adjacent to areas with minority or low-income populations that would be disproportionately affected by the SRP decision.

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. Government to Government consultation with the affected Federally Recognized Tribes, including the Chilkat and Chilcoot Tlingit Tribes, has not revealed any properties meeting the definition for Indian sacred sites in the proposed project's vicinity.

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. The helicopter take-off and landing areas and ski routes would be covered in rock, snow, and/or ice. Given the timing of the activity (winter when seed heads are not present) and the nature of the areas used (under snow/ice cover for much of the year), the proposed action would not contribute to the introduction, continued existence, or spread of weeds or non-native species in the Haines Planning Area.

E. LANDS WITH WILDERNESS CHARACTERISTICS

Inventories of the lands within this Planning Area were conducted in 2012. The tract of lands (southern block) located southwest of Haines, along the border of Glacier Bay National Park and Wilderness, is 66,239 acres. All of the lands inventoried retain their natural appearance, and are without permanent improvements and human habitation. Opportunities for solitude and for primitive, unconfined recreation are present due to the lack of roads and trails, and because access to the Planning Area is possible only with aircraft or on foot. The inventory notes other values present in Planning Area, including scenic and geological features associated with natural landscapes, rugged mountain peaks, glaciers, spires, high tundra, deep valleys, wild rivers, and viewable wildlife.

In conclusion, all BLM-managed lands in the Planning Area have wilderness characteristics and are identified as Lands with Wilderness Characteristics (LWCs). Given the temporary duration, intermittent use, dispersed landing areas, the expanse of public lands in the Planning Area, no land disturbing activities, and the permit stipulations, the proposed action may temporarily impact but not impair the wilderness characteristics of the area.

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/ Mike Sondergaard for Dennis Teitzel

2/5/2016

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Southern Block Haines Planning Area Map