Case File No: FF-086238
Environmental document No: DOI-BLM-AK-A010-0017-CX

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT

I. Decision:

Based on the analysis and evaluation of the environmental assessment, it is my decision to authorize the Proposed Action to Harry Hannon, dba Western Alaska Guides, Outfitters & Expeditors LLC, for a Special Recreation Permit to conduct commercial game guiding within BLM administered lands within the State of Alaska's Guide Outfitter Areas 22-06, 22-07 and 23-07 for a ten year period.

The mitigation measures adopted from the EA are listed below as stipulations and are attached to the permit.

II. Rationale for the Decision:

The Kobuk Seward Peninsula Management Plan (RMP) was approved in September of 2008 and the proposed activity falls within the Extensive Recreation Management Area (ERMA) of the planning area. Visitor use is subject to Recreation Opportunity Spectrum (ROS) system analysis and is subject to social and visitor use contact limitations of 5-7 encounters/day and 7-10 people per group. The level of anticipated use as stated in the applicant's general operation plan of 2-4 hunters in the spring and 4-6 in the fall are within these limits. The Proposed Action is therefore in conformance with the RMP.

III. Finding of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

Douglas Ballou
Acting Anchorage Field Manager

8-13-2009
Date

Attachments:

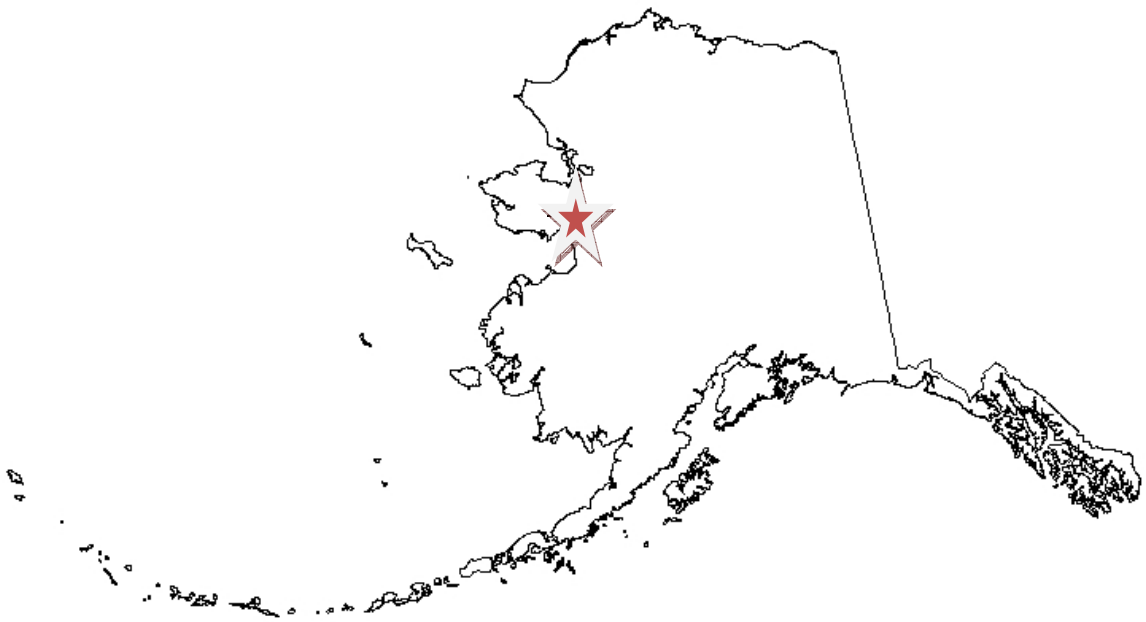
1) NEPA Document: DOI-BLM-AK-010-0017-CX
   Stipulations

U.S. Department of the Interior
Bureau of Land Management

Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507
(907) 267-1246
http://www.blm.gov/ak/st/en/fo/ado.html

Categorical Exclusion
Special Recreation Permit

Applicant: Harry Robert "Bob" Hannon d/b/a
Western Alaska Guides, Outfitters & Expediters, LLC
Case File Number: FF-086238
DOI-BLM-AK-A010-2009-0017-CX



Camp Locations:
T. 5 S., R. 9 W., Section 32, Kateel River Meridian
T. 4 S., R. 4 W., Section 4, Kateel River Meridian
T. 4 S., R. 15 W., Section 1, Kateel River Meridian

Prepared By:
Thomas Sparks
Natural Resource Program Coordinator, Nome Field Station

April 24, 2009

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage Field Office
CATEGORICAL EXCLUSION

Environmental Document Number: **DOI-BLM-AK-1200-2009-0017-CX**
Case File No.: **FF-086238**

Proposed Action Title/Types: Commercial big game guiding-outfitting.

Location of Proposed Action: BLM managed and administered lands within State of Alaska's Guide Use Areas 22-06, 22-07, and 23-07.

Description of proposed action:

The proposed action is to renew a Special Recreation Permit to Mr. Harry Robert Hannon, previously conducting business as Bob Hannon Big River Hunting & Trapping and now conducting business as Western Alaska Guides, Outfitters & Expeditors, LLC for guided hunting in State of Alaska's Guide Use Areas 22-06, 22-07, and 23-07. The applicant has used three (3) base camps on BLM lands. One is located off of Salmon Creek, a tributary to the Koyuk River, one is near the confluence of the Inglutalik and Tipooktulearuk Rivers and one is between the Ungalik and Inglutalik Rivers near Traverse Peak. Locations given by the applicant are: T. 5 S., R. 9 W., Section 32; T. 4 S., R. 4 W., Section 4, and T. 4 S., R. 15 W., Section 1. The land within T. 5 S., R. 9 W., Section 32 has been selected by the State of Alaska, BLM Alaska Case File: F-88787. The other two base camps are located on BLM managed lands. The applicant is based out of Koyuk, Alaska and owns private property at the Ungalik River which is also used as a base camp. Clients fly commercially into Koyuk. From Koyuk, access to the base camps and hunting areas is by small bush air craft, river (jet and propeller) boat and by snowmobile. Generally base camps are broken down for the winter season and the materials are left on site. At the end of the permitted activity, unless the permit is renewed, the applicant will remove all gear from public lands.

The applicant's Special Recreation Permit history with BLM dates back to 1989. The applicant has focused on spring grizzly and late fall moose hunts and the occasional caribou hunt. Access for spring grizzly and fall moose hunting is by snowmobile. Mr. Hannon has between two and three assistant guides.

Estimated fees are paid in advance. A use report is required by November 30 of each year. The applicant has paid in advance for the 2009 season ($95 minimum fee and $190 each for three Site Fees).

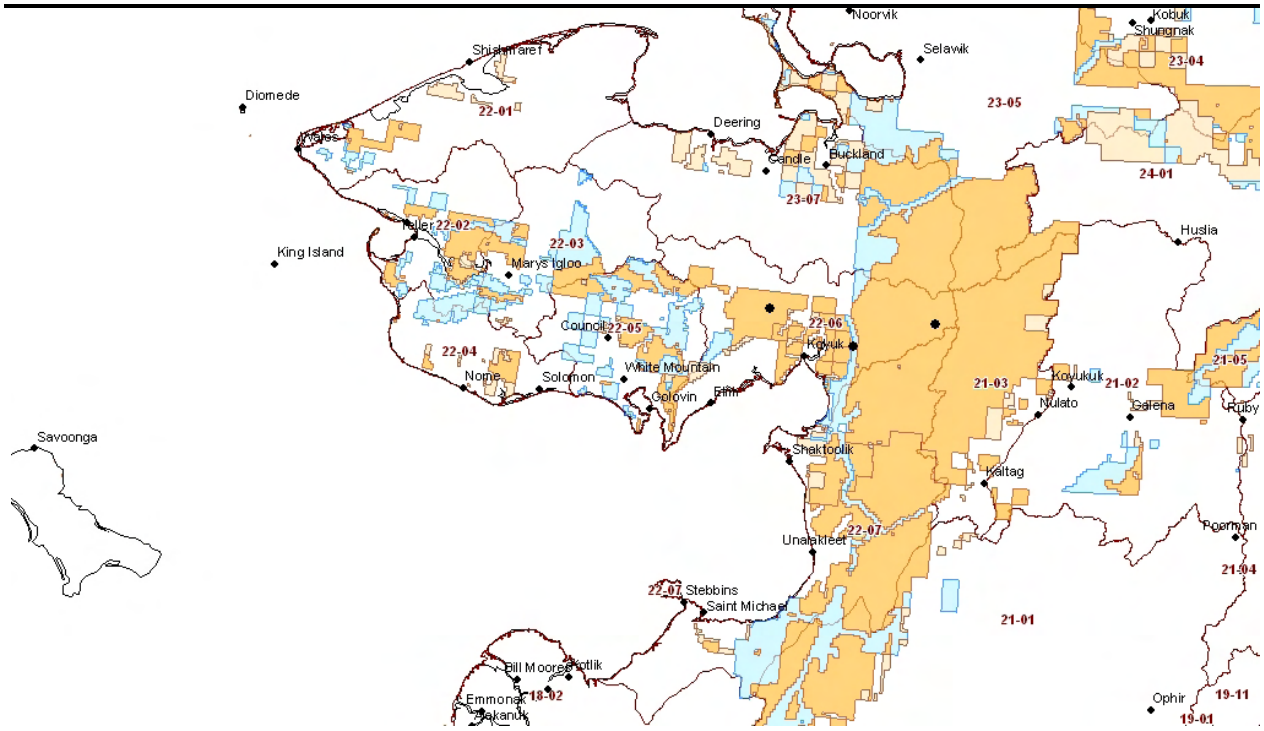


Figure 1 State of Alaska Guide Use Areas

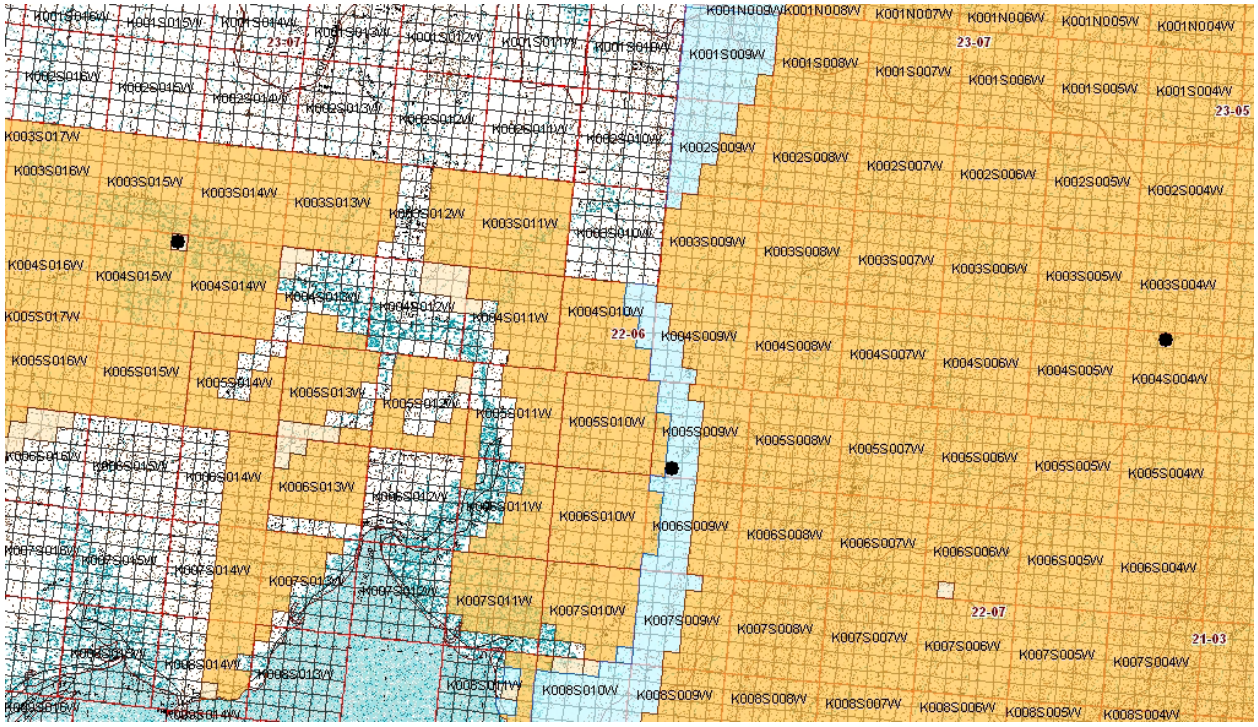


Figure 2 Hannon Base Camps

PART I - PLAN CONFORMANCE REVIEW

The land is within the following land use planning area:

The Kobuk Seward Peninsula Management Plan (RMP) approved in September of 2008. The proposed activity falls within the Extensive Recreation Management Area (ERMA) of the planning area. Visitor use is subject to Recreation Opportunity Spectrum (ROS) system analysis and is subject to social and visitor use contact limitations of 5-7 encounters/day and 7-10 people per group. The level of anticipated use as stated in the applicant's general operation plan of 2-4 hunters in the spring and 4-6 in the fall are within these limits. The Proposed Action is therefore in conformance with the RMP (43 CFR 1610.5-3(b)).

PART II - NEPA REVIEW

A. Categorical Exclusion Review. The Proposed Action qualifies as categorical exclusions pursuant to 516 DM 11.9, Appendix 4, Part H, 1:

> "Issuance of Special Recreation Permits for day or overnight use up to 14 consecutive nights; that impacts no more than 3 (cumulative) 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)."

B. Departmental List of Extraordinary Circumstances Review.
The following Departmental List of Extraordinary Circumstances applies to individual actions. Departmental instructions mandate that environmental documents must be prepared for actions which may:

		YES	NO
1.	Have significant adverse impacts on public health or safety.	_____	X
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.	_____	X
3.	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	_____	X

4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	X
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	X
6.	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	_____	X
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.	_____	X
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.	_____	X
9.	Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	_____	X
10.	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	_____	X
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).	_____	X
12.	Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	_____	X

I certify that none of the Departmental Extraordinary Circumstances listed in the above Part B (516 DM 2, Appendix 2) apply to this action.

Preparer(s): Thomas S. Sparks Date: 04/24/09

PART III – DECISION

The proposed actions are in conformance with a management framework plan or a resource management plan, 43 C.F.R. § 1610.8(a)(3) (2007). The Department of the Interior has determined and found that the proposed action is within a category of actions that do not individually or cumulatively have a significant effect on the human environment and that neither an environmental assessment nor an environmental impact statement is required, 40 C.F.R. §1508.4 (2007).

It is therefore my decision to implement the action, as described, with appropriate mitigation measures or stipulations.

Mitigation Measures/Other Remarks: In addition to the conditions and stipulations attached to the permit, annual compliance inspections and performance evaluations shall be conducted and documented within the permittee's case file. Further, the permittee's use of the public lands is limited to no more than 3 cumulative acres per excursion and no more than 14 consecutive days per excursion.

Authorized Official: *_/s/ Douglas Ballou, Acting_* Date: *08/13/2009*
Anchorage Field Manager

Terms and Stipulations for Land Use Permit

FF-086238 Mr. Harry Robert Hannon, Dba Western Alaska Guides, Outfitters & Expediters LLC

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

1. An assigned site may be authorized if requested in writing by a permittee. If approved, this would authorize exclusive commercial use of a site (e.g. spike camp or base camp) from other BLM commercial recreation permittees during a specified date(s). Assignment of a site for commercial use does not preclude (prevent) public use. The fee for assigned sites is currently $195 and is in addition to annual permit fees. Use of assigned sites shall be temporary in nature, and any temporary structures or improvements shall be removed immediately upon the conclusion of the event or activity, unless otherwise authorized.

2. A permit is required for all commercial filming activities on public lands. Commercial filming is defined as the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. Creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income.

3. This permit is valid only for Federal lands under the jurisdiction of the BLM as specified in the permit. It is the responsibility of the permittee to obtain permission to use any non-Federal lands. Permission must be obtained in writing and submitted to the BLM before a permit is issued (i.e. Letter of non-objection from respective Native Corporations and 906K concurrence letter for State Selected lands).

4. Latitude and Longitude in WGS84 Datum, Decimal Minutes, must be provided for all camping areas and submitted to the BLM for compliance checks.

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

6. The permittee accepts responsibility for the existing condition of any trails or landing area used and will be liable for all site damages, which occur as a result of the activity. Three days after use, the sites will be restored including the removal of any markers, or personal property. If the permittee fails to restore the site in the specified manner, they will be held liable for the cost of restoration.

7. All refuse will be hauled out by the permittee and disposed of in a proper landfill, dumpster, or trashcan. This includes any partially burned items such as cans, glass, plastics and other non-combustible/non-degradable materials. Disposal of gray water and human waste will be done away from any water, at least 100 feet beyond the ordinary high water mark of any water body. Do not bury refuse. When possible, we encourage the use of portable toilet systems (e.g. porta-potties and ammo cans).

8. All trails and temporary landing sites will be kept in a neat and sanitary condition at all times. Only the use of dead and down trees for campfires is permitted. This permit does not authorize the cutting of live trees, except in life-threatening situations. Permittee shall make their employees and clients aware of responsible low-impact practices and techniques.

9. All temporary trails landing sites shall not disturb raptor nest sites, including peregrine falcons, bald eagles and red tail hawks.

10. This permit does not authorize construction of new aircraft landing areas, because actual construction of new landing areas by extensive clearing would require conformance with Federal Aviation Administration guidelines and a long-term authorization. Minor improvements, such as moving rocks or logs, to allow an area to be used for aircraft landing must be conducted under the limitations of 43 CFR 8365.1-5 to limit impacts to vegetation and soils. These limitation state no person shall: Willfully deface, remove or destroy any personal property, or structure, or any scientific, cultural, archaeological or historic resource, natural object or area; willfully deface, remove or destroy plants or their parts, soil, rocks or minerals or cave resources. This permit does not authorize exclusive use of landing areas on Public Lands.

11. Proper camp and trail location practices must be implemented to avoid bear encounters. To avoid conflicts with bears, sealed bear proof containers will be required for food and unburned waste until such waste can be removed from all camp areas. Meat and animal parts will be removed from all camps as soon as possible to avoid attracting bears. Trails will avoid any den site.

12. Report to the Alaska Department of Fish and Game, the taking of bears or other wildlife in defense of life or property.

13. All BLM commercial recreation permittees must have a State of Alaska business license and business insurance to conduct operations on BLM-managed lands in Alaska. Current copies of licenses and insurance shall be submitted to the BLM before authorization can be approved.

14. The permittee shall comply with all Federal, State, Borough and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the

area or operations covered by the 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.

15. A Special Recreation Permit authorizes special uses of the Federal Public Lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend an SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations.

16. 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.

17. 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.

18. 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, the authorized officer may approve contracting of equipment or services 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. This permit may not be reassigned or transferred by the permittee.

19. 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. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

20. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, (e.g., trail and route conditions, land slides, 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.

21. 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.

22. 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.

23. The permit, or copies thereof, shall be kept with the authorized individual and presented to any BLM representative upon request as proof of authorization. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

24. 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.

25. BLM permits can be amended or revoked at any time to comply with state requirements.

26. The permittee must submit a Post Use Report which includes the reconciliation of the three percent (3%) gross fee to the Authorized Officer (AO) for every year the permit is in effect. If the Post Use Report and three percent (3%) gross fee are not received by January 1 of each year permit is in effect, the permit may be suspended. Permittee shall also pay the minimum $95 annual fee, $4 per person per day, or the estimated three percent (3%) of gross fees (whichever is greater) for the next calendar year by January 1 of each year. Fees may increase by the AO. The Post Use Reporting Form is attached as Exhibit "A".

27. 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.)

28. 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. You must submit to us proof of insurance certificate naming the United States Government as additional insured. The insurance policy will be in the minimum amounts: 1) Damage to property in the amount of $30,000; 2)

damage per occurrence (persons, bodily injury, or death) in the amount of $500,000; and 3) a minimum per annual aggregate limit of $1,000,000. The insurance policy shall also contain a specific provision or rider to the effect that the policy will not be canceled or its provisions changed or deleted before thirty (30) days written notice by the insurance company to the BLM.

29. 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 trails and landings shall be supplied in order to complete compliance checks on the activities authorized.

30. 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.

31. Trails will be designed to minimize compaction, breakage, abrasion, or displacement of vegetation. Activities associated with the proposed action should be located and conducted in a manner designed to minimize disturbance to riparian vegetation and stream banks. Adequate frost and snow cover (frost depth to 6 inches and/or snow of 12 inches) will be required during operations. Frost depth and snow cover may be changed by the AO. If vegetation is found to be impacted from operations, repetitive use of the same trails and landing sites from year to year will be prohibited. Particular care will be exercised to avoid disturbing the cutbanks of anadromous streams.

32. 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.

33. 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.

34. 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. Hannon, Coleman Fuel, 2009). 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 1-800-437-7021. 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.

35. 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.

36. In order to protect *Douglasia beringensis*, from any adverse impact, any trail or landing areas should be moved if this species is found in the area.

37. The permittee's use of the public lands is limited to no more than 3 cumulative acres per excursion and no more than 14 consecutive days per excursion.