

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**Anchorage Field Office
4700 BLM Road
Anchorage, AK 99507
Phone: (907)267-1246
Fax: (907)267-1267**

DECISION RECORD

**Special Recreation Permit, Categorical Exclusion
Reauthorization of existing permit
Applicant: Lance Kronberger dba Freelance Outdoor Adventures
Lease/Serial/Case File Number: FF-094313
Environmental Document No: DOI-BLM-AK-A010-2010-0016-CX**

DECISION TO IMPLEMENT THE PROPOSED ACTION ALTERNATIVE:

It is my decision as Manager of the Bureau of Land management (BLM) Anchorage Field Office (AFO) to accept the proposed action as stated in the categorical exclusion assessment (CX), reauthorizing the Special Recreation Permit of Lance Kronberger dba Freelance Outdoor Adventures for a ten year period. The permit would be issued for commercial big game guiding activities on BLM managed and administered lands. Areas of activities would be conducted within the State of Alaska's Guide Use Areas 22-06 & 22-07 within Game Management Unit 22. The Shaktoolik, Ungalik and Golsovia watersheds would be used with spike camp locations at: T. 8 S., R. 6 W., Section 17; T. 4 S., R. 3 W., Section 16, sw $\frac{1}{4}$; T. 28 S., R. 14 W., Section 8 Kateel River Meridian. Guiding activities shall be subject to terms, conditions and stipulations attached and all applicable Federal Subsistence Regulations and Alaska State Hunting Regulations.

RATIONALE FOR THE DECISION:

No significant impact will occur to resources as a result of implementing the proposed action. The proposed action is not expected to be controversial, does not establish a precedent, or represent a decision in principle about future considerations, nor is it related to any other proposed actions representing cumulatively significant impacts.

The proposed action is in conformance with the approved BLM Kobuk-Seward Peninsula Management Plan, Section M, Recreation, approved September 4, 2008. The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws.

The proposed action will ensure that members of the public seeking big game commercial services obtain a quality outdoor experience and enjoyment of natural and cultural resources while providing for and receiving a fair value in recreation (See M-1 Goal of the Kobuk-Seward Peninsula Management Plan)

ANILCA SECTION 810 COMPLIANCE:

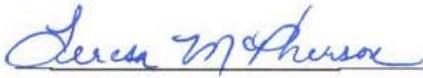
The proposed action will not significantly restrict Federal subsistence uses, decrease the abundance of federal subsistence resources, alter the distribution of federal subsistence resources, or limit qualified Federal subsistence user access.

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.

COMPLIANCE AND MONITORING PLAN:

Periodic ground inspections at spike camps will be completed. Annual Post Use Reports and Operating Plans will be reviewed.


for James M. Fincher
Field Manager

3-18-10
Date



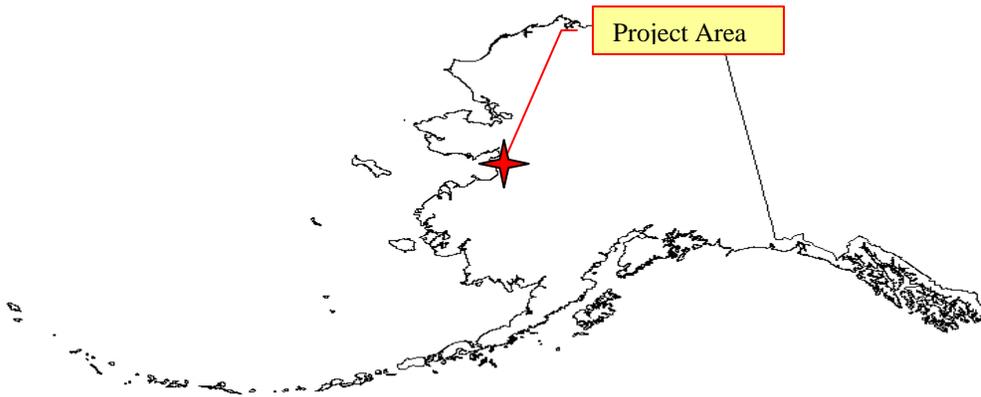
U.S. Department of the Interior Bureau of Land Management

Anchorage Field Office
4700 BLM Road
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<http://www.blm.gov/ak/st/en/fo/ado.html>

Special Recreation Permit, Categorical Exclusion Reauthorization of existing permit

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Location:

Shaktoolik, Alaska

Guide Use Area 22-06 & 22-07, Game Management Unit 22 within the Shaktoolik, Ungalik and Golsovia Watersheds

Spike camp locations:

T. 8 S., R. 6 W., Section 17

T. 4 S., R. 3 W., Section 16, SW $\frac{1}{4}$

T. 28 S., R. 14 W., Section 8

All in the Kateel River Meridian

Prepared By:

Thomas Sparks

Anchorage Field Office

AKA013

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1.0. Description of Proposed Action:

The proposed action is to renew a Special Recreation Permit to Lance Kronberger dba Freelance Outdoor Adventures for a ten year period. The permit would be issued for commercial big game guiding activities on BLM managed and administered lands. Areas of activities would be conducted within the State of Alaska's Guide Use Areas 22-06 & 22-07 within Game Management Unit 22. The Shaktoolik, Ungalik and Golsovia watersheds would be used with spike camp locations at: T. 8 S., R. 6 W., Section 17; T. 4 S., R. 3 W., Section 16, SW¼; T. 28 S., R. 14 W., Section 8 Kateel River Meridian. Stipulations of permit issuance are attached as Appendix A. An annual Post Use Report and Guide to Operating Plan are attached as Appendix B, Exhibits A and B.

2.0. Statutory Authorities provide:

The statutory authorities underlying the regulations of the proposed action are the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., and the Federal Land Recreation Enhancement Act, 16 U.S.C. 6801 et seq. The Federal Land Policy and Management Act (FLPMA) contains the Bureau of Land Management's (BLM's) general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)). Section 302(b) of FLPMA directs the Secretary of the Interior to regulate through permits or other instruments the use of the public lands, which includes commercial recreation use. Section 303 of FLPMA authorizes the BLM to promulgate and enforce regulations, and establishes the penalties for violations of the regulations. The Federal Land Recreation Enhancement Act (REA) authorizes the BLM to collect fees for recreational use in areas meeting certain criteria (16 U.S.C. 6802(f) and (g)(2)), and to issue special recreation permits for group activities and recreation events (16 U.S.C. 6802(h)). 18 U.S.C. 3571 and 3581 et seq. establish sentences of fines and imprisonment for violation of regulations.

Regulations under the statutory authorized are found at 43 CFR 2930. The Authorized Officer may grant up to a 10 year Special Recreation Permit (SRP). The permittee must satisfactorily meet the requirements associated with the SRP and conform to any applicable laws and regulations (Federal, State, and Local).

The BLM does not manage wildlife population numbers directly. Wildlife population numbers are managed by the State of Alaska under State law and the Federal Subsistence Board under Federal law.

3.0. Plan Conformance Review

This Proposed Action is subject to the following land use plan:

The proposed action is within the boundaries of the Approved Kobuk-Seward Peninsula Resource Management Plan (Approved RMP), dated September 2008. The proposed activity has been reviewed for conformance with the identified plans and the following associated objectives are documented within the plans.

The activity objectives within the Approved RMP includes Management Action M-3, item 2, page RMP-36: Outside of Special Recreation Management Areas, applications for special recreation permits (for commercial use) will be handled on a case-by-case basis and within identified Recreation Opportunity Spectrum guidelines in areas of concern (Table B-1 in Appendix B).

The Proposed Actions have been reviewed for conformance with this plan (43 CFR 1610.5-3(b)).

4.0. Categorical Exclusions:

A. Categorical Exclusion Review.

The Proposed Actions qualify 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 apply to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)

	YES	NO
1. Have significant adverse impacts on public health or safety.	_____	_____ <u>X</u>
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.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>

- | | | | |
|-----|---|-------|------------|
| 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.

5.0. Decision

The proposed action is in conformance with a management framework plan or a resource management plan, 43 C.F.R. § 1610.8(a)(3). 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.

It is therefore my decision to implement the action, as described, with the following mitigation measure(s):

See attached Appendix A, Terms and Stipulations for Special Recreation Permit FF-94313, Lance Kronberger and Appendix B, Exhibit A, Post Use Report and Exhibit B, Guide to General Operation Plan

Authorized Officer: *Leresa McPherson* Date *3-18-10*
for James M. Fincher
Anchorage Field Office Manager

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

Appendix B

Exhibits A & B to Special Recreation Permit FF-94313 Lance Kronberger

Exhibit "A"

**Bureau of Land Management, Nome Field Station, P.O. Box 925
 Nome, AK 99762
 Post Use Report**

Company Name _____ Operator _____
 Permit Number _____ Permit Area _____

Date(s) on BLM Lands	# of Clients	# of Staff	User Days	Specie Hunted	# Taken	Drainage Taken	Date Taken	Total Receipts
TOTALS								
ALLOWABLE DISCOUNT				(circle one)	0%	40%	80%	
USER FEE 3% (adj. total x 0.03)						3%		

Exhibit "B"
Bureau of Land Management
Nome Field Office
Guide to General Operation Plan

Provide a signed, detailed operations plan that addresses the following:

1. Type of Business- (Big game hunting, fishing, hiking etc. Or a combination of activities)
2. List the species you plan to hunt and the specific dates for each species.
3. Number of expected clients.
4. Operation season (DD/MM/YY- DD/MM/YY)
5. Describe location of proposed activity. Be specific- (Supply location information such as Latitude/Longitude, Township and Range, Game Management Unit, River Drainage etc.)
6. Type of access to the site- (road, boat, plane, etc. If accessed by plane, give location of landing strip or water body)
7. Describe mode of transportation in the field- (foot, boat, 4-wheeler, horse, etc.)
8. On a 1: 63,360 scale USGS topographic map (or equivalent), outline/highlight existing trails that will be or have been used in the field.
9. Are you requesting to set up a base camp? Or spike camp?
If so, describe number, size, and design of temporary facilities. *(tents, privy, meat racks)
10. Describe location of proposed camp(s). (Include legal land description and lat/long, river drainage, mountain range and mark on a 1: 63,360 scale USGS topographic map (or equivalent))
11. Describe how you intend to supply drinking water and proposed method of human waste and trash disposal.
12. Is temporary storage of equipment on site during the off season requested? If so, describe what will be stored and how.

Provide a site sketch of your proposed temporary facility

*The sketch need not be drawn to scale. The sketch must identify the number, location, and dimensions of the temporary facility(s) including tents, privy, meat racks etc. Only those facilities shown on the site sketch will be considered and or authorized. Any prominent, naturally occurring features should be incorporated into the sketch (i.e. a river, lake, and hill). **The sketch must be signed by the owner/operator.**