



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709-3844
<http://www.blm.gov/ak>

In Reply Refer To:
FF-095600

CATEGORICAL EXCLUSION/PLAN CONFORMANCE DOCUMENTATION AND DECISION FOR JAMES KINCAID – AIR TRANSPORTER

F-95600

DOI-BLM-AK-03000-2012-0010-CX

Proposed Action: Re-Issue of Special Recreation Permit F-95600
Air Transporter

Location: BLM lands in the Squirrel River Management Area as well as air
transporter services on BLM in the northern part of the state.

Applicant: James Kincaid dba: Northwest Aviation Services
PO Box 1010
Kotzebue, AK 99752

Serial Number: F-95600

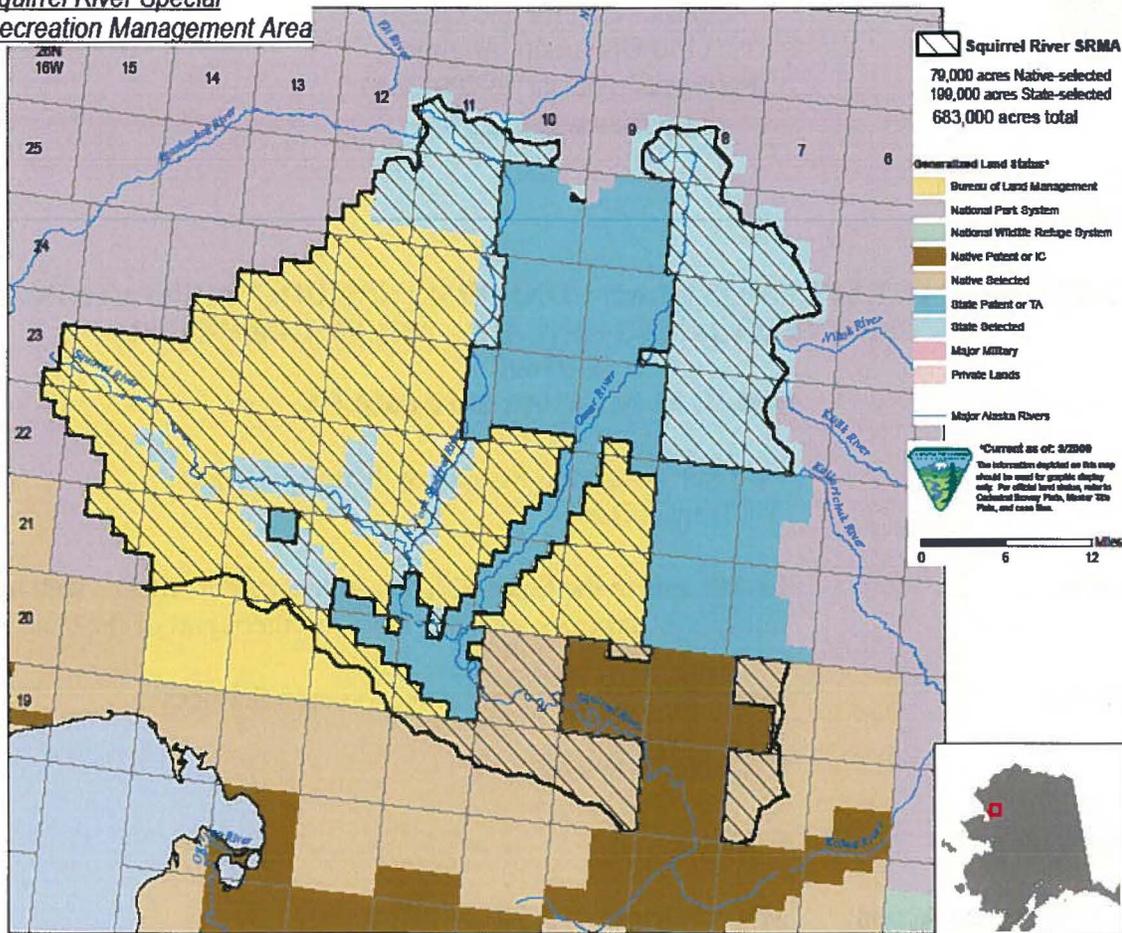
Date of Proposed Action: May 1- October 30, 2012

Description of Proposed Action:

Mr. James Kincaid, dba: Northwest Aviation Services has applied for use of BLM lands from May 15 – October 30. Mr. Kincaid has an Air Carrier Certificate from the US Dept. of Transportation and is registered with the State of Alaska Big Game Commercial Services Board. Mr. Kincaid carries hunters into the Squirrel River Management Area (SRMA) from May 1 – October 30. This is a re-issue of permit number FF095600 for the 2012 season.

During the hunting season Mr. Kincaid's transporter operations consist of picking people up in Kotzebue or other surrounding village locations and transporting them to either ridges or gravel bars along the Squirrel River or tributaries thereof within the SRMA. People will then off load from the plane and disburse on their own. Pickup of the people will be in reverse. However, some hunters may hike and be picked up in a different area. No refueling is anticipated for transporting clients into and out of the SRMA.

BLM - Central Yukon Field Office
Squirrel River Special
Recreation Management Area



Invasive Weeds

In order to minimize the potential of introducing invasive non-native plant seeds to remote public lands, the transporter and his clients will clean their footwear, clothing or equipment to remove seeds of invasive plants prior to travelling on Public Lands. Particular attention will be paid to cleaning the soles of their boots and to remove mud that may obscure seeing seeds.

Access

Mr. Kincaid will fly clients to locations into and out of the Squirrel River SRMA. Generally, clients will be picked up from Kotzebue and flown to the Squirrel River.

Camping

Mr. Kincaid's does not provide camping support or services as part of his air transporter business.

Hunting activity

This is a permit for air transporter purposes only and does not convey any authority to commercially hunt on BLM lands by the permittee.

Outing Etiquette

Leave No Trace principles will be followed and no equipment or material from Mr. Kincaid's operation will be left in the field after the authorized dates of operation.

Fuel

No fuel will be stored at any of the drop off or pick up points.

Hunting dates

Mr. Kincaid plans to start transporting hunters/recreational users into the Squirrel River SRMA on 1st of May and terminate his transporting business on October 30.

Land Use Plan Conformance

Land Use Plan Name: Kobuk/Seward Peninsula RMP

Date Approved/Amended: 09/2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

M-1: Goal Approved RMP page 31: "On BLM-managed lands, improve access to appropriate recreation opportunities, ensure a quality outdoor experience and enjoyment of natural and cultural resources, and provide for and receive fair value in recreation

The action, as proposed, is consistent with the objectives outlined in these documents and not in conflict with other resources in the area. The proposed use is in conformance with current policy of the BLM, Fairbanks District Office.

Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the NEPA Handbook Appendix 4, 516 DM 11.9 (H) 1, which states, "Issuance of 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."

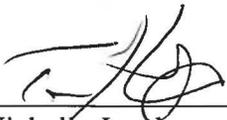
The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215 and listed below. Any "yes" finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

EXTRAORDINARY CIRCUMSTANCES

	YES	NO
1) May have significant impacts on public health or safety.		X
2) May 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) May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4) May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5) Might establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6) May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7) May 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) May 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) Might violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10) May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11) Might 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) Could contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the 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).		X

Signature

I considered the proposed action of providing access for James Kincaid, dba: Northwestern Aviation Services, and find that there is no potential for significant impacts to BLM lands.

Authorizing Official:  For Date: 7/17/12
 Nichelle Jacobson
 Manager, Central Yukon Field Office

DECISION OF RECORD
BLM Fairbanks District - Central Yukon Field Office
2930 – Special Recreation Permit
Case File #FF095600 – James Kincaid– dba: Northwest Aviation Services
DOI-BLM-AK-03000-2012-0010-CX

DECISION OF RECORD

Decision:

It is my decision to approve the permitting of Mr. Kincaid's request for conducting air transporter operations on BLM lands in the Squirrel River Management Area. The approved dates of operation are May 1 through October 30, 2012. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 43 CFR 46.21 516 DM Chapter 2, Appendix 2. In addition, the decision to process this application as a Categorical Exclusion falls within the guidance provided in Appendix 4 NEPA Handbook Appendix 4, 516 DM 11.9 (H) 1, as described above in 'Compliance with NEPA'.

Rationale:

1. Authorizing the permit is specifically provided for in the Kobuk/Seward Peninsula Resource Management Plan.
2. The action is categorically excluded and does not trigger any of the extraordinary circumstances found in CFR 46.215.
3. There will be no restriction to subsistence use (See attached ANILCA 810 documentation).
4. There will be no adverse impacts to cultural resources (See attached Assessment of Archaeological and Historic Resources Sec. 106 documentation).
5. There will be no impact on Essential Fish Habitat (see attached EFH determination).

Protest and Appeal Procedures

If you choose to protest this decision you must do so within 15 days of the receipt of permit determination. The protest must be filed with and received by the BLM's CYFO Field Manager within the allotted time. The protest must present any evidence that would show the decision is in error and should be vacated or modified. Within 15 days of receipt of a timely protest the Field Manager will review any evidence provided by you and forward a recommended final decision to the Fairbanks District Manager. The decision of the District Manager will be the final BLM decision, and may be appealed to the Interior Board of Land Appeals.

 Fer

7/17/12

Nichelle Jacobson
Field Manager
Central Yukon Field Office

Date

Contact Person

For additional information concerning this CX review and decision, contact John Erlich, Natural Resources Program Coordinator, Kotzebue Field Office, at 907-442-3430 or email jerlich@blm.gov.

- 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 or permit). 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, and spectators.
- b. An 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 an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an 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 permit 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 or activity 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. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
- g. The permittee assumes 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 flora/fauna, abandoned mines, 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, 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.
- j. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
- 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 three years after expiration of the permit.
- l. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
- m. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by these permits, which result 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 24 hours.

APPENDIX A

Letter to Clients

PLEASE HELP US PREVENT THE SPREAD OF INVASIVE NON-NATIVE PLANT SPECIES; CLEAN YOUR BOOTS, CLOTHING AND GEAR BEFORE RECREATING ON PUBLIC LANDS

The commercial operator supplying you with services on public lands is operating under a Special Recreation Permit (SRP) from the Bureau of Land Management's (BLM) Fairbanks District Office (FDO) in Fairbanks, Alaska. As a stipulation of the SRP, the commercial operator is providing you with the following information to help us prevent the spread of invasive non-native plant species (weeds) as you prepare for your trip on public lands.

The spread of weed species into the largely intact ecosystems of Alaska is a cause for concern by management agencies because of the potential for weeds to impact native plant community structure and composition, natural ecosystem processes, and ultimately, contribute to biodiversity loss. Weeds in remote areas of Alaska are usually associated with human activity. They can become establish at disturbed sites such as campsites, remote airstrips or trails and then spread into other areas. Because of that, any human activity on remote lands creates the potential for contributing to the introduction and spread of invasive non-native plants to BLM administered lands. **Weed seed from other areas is typically introduced to remote sites on equipment, shoes and clothing, or if hay, straw or other feeds are brought into the area.** Any weed seeds transported into an area can become dislodged and eventually become established at the new site. This could provide a seed bank for their spread via natural vectors, such as animals, wind or water, which may transport seed crops even farther, increasing the size of the infested area or creating new infestations.

Before leaving home to recreate on public lands please take the following preventive measures to help us avoid the spread of invasive non-native plants caused by your use of the public lands.

- **Inspect and clean your footwear, clothing and any other gear or equipment, to remove seeds of invasive non-native plants prior to your travel onto public lands. Pay particular attention to cleaning the soles of boots to remove mud that may obscure seeds. Be aware that felt-soled wading boots will be banned in Alaska in 2012.**
- **Use minimum impact camping practices to reduce the potential disturbance to camping areas.**

Thank you for your cooperation in helping to sustain the natural resources in Alaska and enjoy visiting *your* public lands.

John Erlich, Natural Resources Program Coordinator, Kotzebue Field Office, P.O. Box 1049
Kotzebue, AK 99752 (907) 442-3430 jerlich@blm.gov