

## DECISION MEMO

### Filming on Kupreanof Island

U.S.D.A Forest Service, Tongass National Forest, Petersburg Ranger District  
Petersburg, Alaska

#### BACKGROUND

A production company has requested to film on National Forest System lands on the Petersburg Ranger District, primarily around Little Duncan Bay on Kupreanof Island (see Appendix A). The activity includes filming 16 individuals as they survive off the land for up to 40 days. The individuals will be split into 4 teams, each team with its own camp. Competitors are supplied with hand tools to build shelters, hunt, fish, trap, and forage. Activities on National Forest System lands would occur from approximately October 9, 2023 through November 18, 2023. Competitors can choose to leave the competition at any time. Contestants will be transported out via boat when they choose to leave or after the final challenge.

Campsites will be restricted to the Little Duncan Bay area mainly along the shoreline and immediate wooded areas along the shore, but contestants may venture farther behind the campsites to hunt, trap, and gather. The production company requested to create campfires from dead/down wood and cut tree limbs gathered in the vicinity around shelter locations for warmth.

Filming will involve up to 62 people -16 contestants and about 46 crew. The crew rotates and at any one time, there will be 8 people in each camp (4 cast/4 crew). As the contestants leave, the crew numbers will decrease in proportion to the reduction in competitors. A boat will be anchored nearby and used as a floating office for the remaining crew.

Filming equipment to be used includes: Sony FX6 camera bodies, GoPros, trail cameras, tripods, handheld gimbal mounts, Quasar battery powered lights, reflector kits, C-Stands, lavalier mics and audio, an uncrewed aircraft (drone), GoPro Fusion Modified 5.7K Night Vision IR Full Spectrum 360° Cameras, and handy cams for cast to film discussions at night.

For safety and communications, a temporary portable radio repeater powered using solar panels and placed on a tripod will be installed. A portable outhouse to control human waste will be installed. No sets or props will be used.

#### DECISION

I have decided to authorize the filming and associated activities in the area indicated above, under the terms of a special use permit subject to the stipulations listed in appendix B.

These actions are categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA).

The applicable category of actions for the camp/shelter locations in the National Forest System uplands around the shore of Little Duncan Bay is identified in agency procedures as 36 CFR 220.6(e)(3) – *Approval, modification, or continuation of special uses that require less than 20*

acres of National Forest System land. This category applies because the use will require less than 20 acres of NFS land.

The applicable category of actions for the general film activities is identified in agency procedures as 36 CFR 220.6(d)(8): *Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands*. This category is applicable because filming would be a short-term special use activity that will take place for about 40 days, which is less than 1 year.

I find there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** – Biological Evaluations were completed, and it was determined there would be no effects to federally listed or proposed threatened or endangered species or designated critical habitat. There could be minor disturbances to goshawks but the activities are planned during the non-breeding season so there is no concern. There could be minor disturbance to sensitive plants – effects will be minimized by applying certain permit stipulations (see Appendix B).
- **Flood plains, wetlands, or municipal watersheds** – Wetlands are present throughout the project area, including palustrine and estuarine emergent sedge wetlands, forested wetlands, and scrub shrub wetlands (moss muskegs). No dredging or filling in wetlands is proposed. Impacts to wetlands are anticipated to be negligible due to the small area of impact (primarily from vegetation trampling at campsites and along walking paths) and Best Management Practices (BMP) are implemented.
- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – The project area is not located within wilderness, a wilderness study area, or a national recreation area.
- **Inventoried roadless areas or potential wilderness areas** – The project area is within inventoried roadless areas. Implementing permit stipulations in Appendix B will minimize ground impacts and not impact roadless character.
- **Research natural areas** – The proposed film area is not within a research natural area.
- **American Indians and Alaska Native religious or cultural sites** – The Forest Service has made a determination of No Adverse Effect to historic properties with project implementation. We met our obligations using modified procedures of the 36 CFR 800 review process as defined in the Programmatic Agreement regarding heritage program management on National Forests in the State of Alaska.
- **Archaeological sites, or historic properties or areas** – A Forest Service archaeologist reviewed the Forest Service National Heritage Database, cultural resource files and atlases, and the Office of History and the Alaska Heritage Resources Survey Mapper for information on previous work or known historic properties in the project area. No previous survey has occurred. On September 1, 2023, Forest Service archaeologists and special uses

permit administrator conducted a cultural resource survey of a portion of the Area of Potential Effect.

Stipulations in the special uses permit will require the holder to practice Leave No Trace camping and hiking practices which prohibit ground disturbance, require camping on durable surfaces, and prohibit collection or disturbance of cultural sites. Additionally, the permittee will be required to avoid identified areas and record GPS locations of camp sites to enable post use monitoring.

The Forest Service has made a determination of No Adverse Effect with project implementation. The proposed activities, provided Leave No Trace protocols are followed, are a category of undertakings that generally have no potential to cause effects to historic properties and are authorized undertakings covered under the Programmatic Agreement regarding heritage program management on National Forests in the State of Alaska (R10 HP 2017 PA Appendix B Section I.b.). We have met our obligations using modified procedures of the 36 CFR 800 review process.

- **Subsistence** – The filming on Kupreanof Island will affect abundance and distribution of, competition for, and access to subsistence resources within the proposed area. The proposed activities are within a limited area safely accessible to small skiffs which increases the overall effects to subsistence users. However, the scale of effects is not significant within the overall traditional use area for residents of Petersburg, the closest rural community. The small temporal and spatial scale of the proposed area and access to alternative harvest locations within this area reduces the overall impacts to subsistence users.

Due to the limited temporal and spatial scope of the activities, a restriction to non-subsistence uses does not meet the criteria listed in ANILCA section 802<sup>1</sup> or 815<sup>2</sup>. Further, due to population estimates of wildlife in this area, it is not necessary to “restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population”. Therefore, it is not necessary to prioritize uses in the proposed area. Public comments identify the proposed area as a popular hunting spot for local subsistence harvesters but the number of alternative harvest locations available and short duration of disrupted access limits the significance of the effects.

## PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Tongass National Forest Schedule of Proposed Actions (SOPA) on September 22, 2023. On September 25, 2023, an email was sent to 425 subscribers who indicated interest in special uses management on the Petersburg Ranger

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<sup>1</sup> As directed by Congress in section 802 of ANILCA, “nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses.”

<sup>2</sup> Section 815 of ANILCA authorizes federal restrictions on nonsubsistence uses on the public lands only if “necessary for the conservation of healthy populations of fish and wildlife” or if necessary to “continue subsistence uses.”

District. The SOPA and email outreach provided the public an opportunity to get more information and provide input about the proposed use.

On September 18, 2023, the Forest Service shared a report at the Petersburg Borough Assembly meeting to brief the Borough and community of Petersburg at large. These meetings are aired live on the Petersburg radio station, KFSK.

On September 20, 2023, the Forest Service provided a report at the Petersburg Indian Association tribal council meeting.

Fifty-four written comments were received between September 18 and October 2, 2023.

Twenty five comments opposing authorizing the filming were received. Concerns expressed include:

- The adverse effect on local hunting opportunities in the project area,
- The disturbance to deer and moose in the project area, and
- The compressed timeline of the public and internal review of this project.
- One commenter noted this area is a sacred site.

Twenty-three comments in support of authorizing the filming were received. Benefits expressed include:

- The positive economic benefit to Petersburg businesses and residents
- The relatively limited area and timing of the project; did not limit local hunters, who would be able to use surrounding areas or hunt outside of this timing window.

Seven questions and general comments were received by email and phone.

- These were requests for more information or sought to provide considerations and mitigation measures if the activity is authorized.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Tongass National Forest Land Management Plan (Forest Plan), and all laws and regulations. The project area is located on the Petersburg Ranger District, in an area identified in the Forest Plan as having a Land Use Designation (LUD) of Modified Landscape, Old-Growth Reserve, and Semi-Remote Recreation. This project is consistent with the goals and objectives of these LUDs and with the Standards and Guidelines for lands special uses management in these LUDs that state:

- Semi-Remote Recreation – Authorize facilities and uses consistent with Semi-Remote Recreation LUD objectives. (Forest Plan, p. 3-67, LAND2, A.)
- Old-Growth Habitat – Permit only improvements (such as tent platforms, fish weirs, minor waterlines, minor powerlines, etc..) that are compatible with LUD objectives. (Forest Plan, p. 3-61, LAND2, A.)

- Modified Landscape – Authorize only those development activities compatible with LUD objectives. Avoid issuing, or limit the duration of, authorizations for uses that require natural surroundings. (Forest Plan, p. 3-113, LAND2, A.)

### **ANILCA Sections 810 & 811, Subsistence Evaluation and Finding**

The filming activities on Kupreanof Island will affect abundance and distribution of, competition for, and access to subsistence resources within the proposed area. The filming activities are within part of a limited area safely accessible to small skiffs which increases the overall effects to subsistence users. However, the scale of effects will not be significant within the overall traditional use area for residents of Petersburg or the City of Kupreanof, the closest rural communities. The small temporal and spatial scale of the proposed area and access to alternative harvest locations within this area reduces the overall impacts to subsistence users.

### **Recreational Fisheries (E.O. 12962)**

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. Following Forest Plan direction and applicable Best Management Practices will result in no direct impact to recreational fisheries due to this project. This project satisfies the intent of this executive order by considering the necessary interrelationship between the natural environment, and sustainable economies and communities.

### **Environmental Justice (E.O. 12898)**

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

### **Indian Sacred Sites (E.O. 13007)**

Executive Order 13007 directs Federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Sacred sites are defined as specific, discrete, narrowly delineated locations on Federal land that are identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

A public comment identified the “Duncan area” as a sacred site. Due to the non-specific nature of this description, it has been determined that more communication is needed to better delineate this sacred site in the future. In addition, this activity as authorized would have no effect to the physical integrity of the project area.

### **Invasive Species (E.O. 13112)**

Executive Order 13112 directs Federal agencies to identify actions which may affect the status of invasive species; prevent the introduction of invasive species; detect and respond rapidly to and

control populations of such species; monitor invasive species populations; and provide for restoration of native species and habitat conditions in invaded ecosystems.

A Forest Service botanist completed an Invasive Plant Risk Assessment. The level of disturbance associated with project activities is minor and there is a low risk of introducing or spreading invasives. The findings and recommendations of the Risk Assessment will be included in the permit stipulations (see Appendix B).

**Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act require that all federal agencies consult with the National Marine Fisheries Service when any project “may adversely affect” essential fish habitat (EFH). The Forest Service has determined this project will not adversely affect EFH.

**ADMINISTRATIVE REVIEW OPPORTUNITIES**

This decision falls within a category of actions which are not subject to administrative review opportunities.

**IMPLEMENTATION DATE**

This decision may be implemented immediately.

**CONTACT**

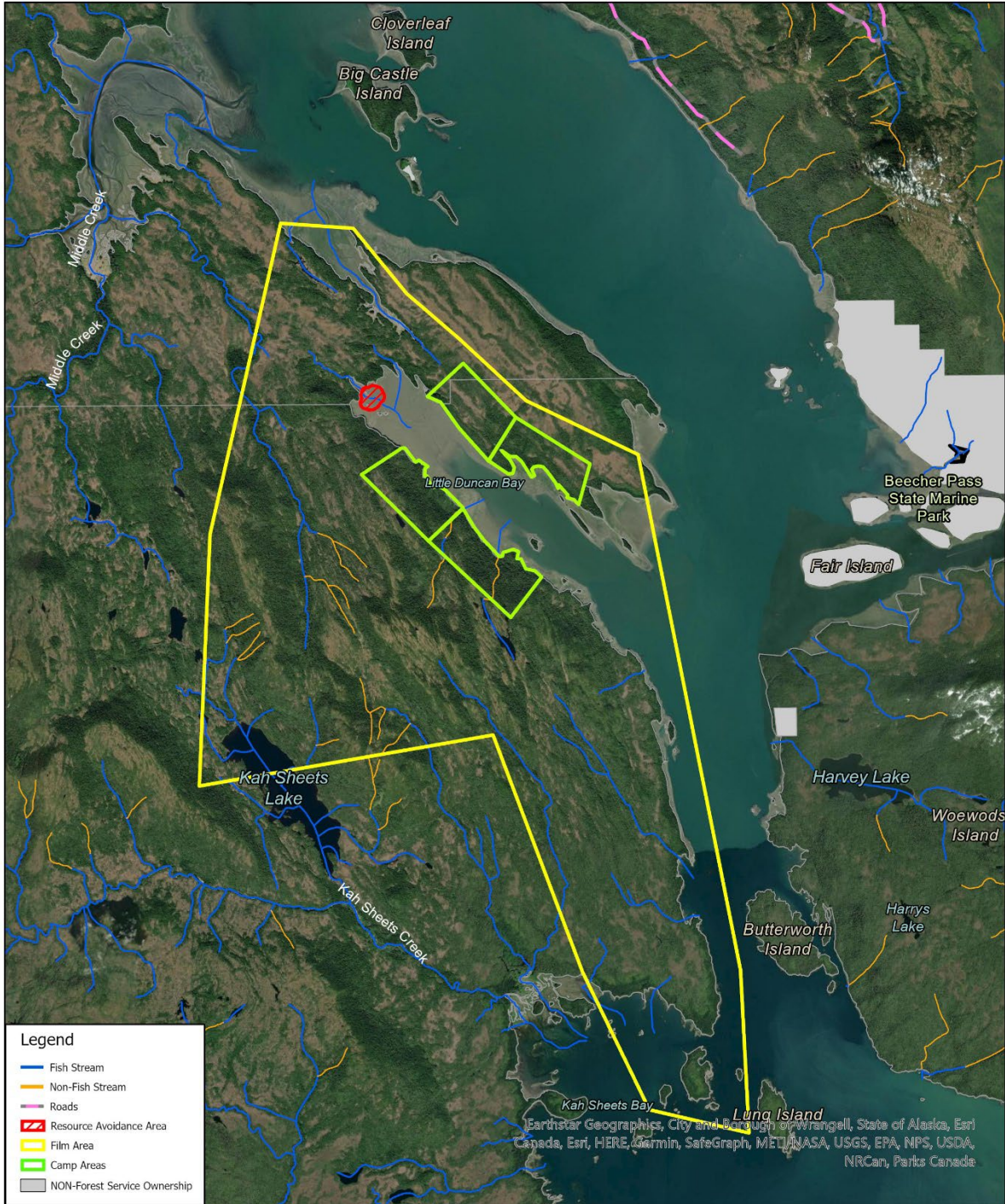
For additional information contact Bret Uppencamp, Special Uses Permit Administrator, at [bret.uppencamp@usda.gov](mailto:bret.uppencamp@usda.gov) or (907) 772-3871.

*Vernon Ray Born*  
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Vernon (Ray) Born  
District Ranger

Date

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# Appendix A: Authorized Film Area





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## Appendix B - PERMIT STIPULATIONS

### GENERAL

- The permit holder must carry the special use permit when operating on National Forest System lands.
- Land ownership is mixed. It is the responsibility of the holder to determine ownership and obtain authorization for use of private, native, and/or local government lands.
- The final film product depicting National Forest System lands, activities, or personnel will be identified in the narrative or film credits as “U.S. Department of Agriculture Forest Service,” or “Tongass National Forest.”
- Within 7 days of completing the shoot, report actual locations used to Bret Uppencamp at [bret.uppencamp@usda.gov](mailto:bret.uppencamp@usda.gov) using the form found in the permit.
- The holder must adhere to Leave No Trace principles while conducting authorized activities. Leave No Trace principles can be found at <https://lnt.org>.
- In the event of an emergency requiring the medical evacuation of anyone involved in the filming, the holder must notify Vernon (Ray) Born, District Ranger at (907) 250-3124 or [vernon.born@usda.gov](mailto:vernon.born@usda.gov) or as soon as practicable. The event must be described, including the location, date/time, who was involved, extent of any injuries, the precautions taken, what happened and the response that ensued.
- Cast and crew will be briefed on potential subsistence activities in the area, specifically at Breiland Slough, Kah Sheets Bay, and Kah Sheets Lake Forest Service public use cabins.
- Cast will be briefed on State and Federal hunting laws, including the recovery of lost or wounded game and salvage requirements.
- Cast and crew will stay visible to limit encounters with hunters.

### CULTURAL RESOURCES

- In compliance with various Federal laws, including the Antiquities Act of 1906 (16 U.S. C. 433), and the Archaeological Resource Protection Act of 1979 (16 U.S.C. 47033), the holder shall not film cultural resources or paleontological sites under the permit. Cultural and paleontological resources include but not limited to petroglyphs, pictographs, village sites, cemeteries, mines, and canneries. This is to protect and preserve culturally sensitive and fragile resources, and to safeguard site locations to minimize potential visitation by the public.

### SILVICULTURE

- Tree cutting is limited to dead or down material.
- Limbs may be cut from green trees only under the following conditions
  - Do not remove limbs from the top half of the tree.
  - No more than 50 percent of a tree’s limbs will be removed.
  - When cutting a limb, stubs left on trees will not exceed 4 inches in length.
  - Care will be taken not to damage the tree bole.

- To prevent damage to the sensitive lichen, *Ricasolia amplissima* sub. *sheiyi*, branches or trees along the shoreline receiving full sunlight will not be cut.

## AQUATICS

- Directionally fall dead trees away from streams and immediately clear streams of wood debris.
- Avoid storing material in streams to ensure fish passage between fresh and saltwater habitat and to avoid adverse effects to soil, water quality, and riparian resources.
- Locate camps a sufficient distance away from streams to avoid adverse impacts to water quality.
- Do not physically alter or manipulate streams. This includes but is not limited to damming, backwatering, or any activity that would alter the natural hydrology.
- Rehabilitate all camp sites when activities are complete. Rehabilitation may include recontouring divots or swales caused by project activities and by placing slash on bare ground where detrimental soil disturbance or de-vegetation may result in the delivery of fine sediment to streams or other waterbodies.
- Locate, inspect, and maintain outhouse facilities a minimum of 100 feet from all perennial lakes and streams to minimize the potential for soil and water contamination.
- Put oil and fuel pollution prevention and contingencies in place. Fuel gas powered equipment away from waterbodies in locations pre-approved by Forest Service personnel. Review equipment refueling plans prior to work commencement.

## WILDLIFE

- Maintain a non-disturbance zone with a minimum radius in the following zones; within these areas activities should be minimized and camping is prohibited:
  - Bald Eagle: Avoid disturbance within 330-feet of nests and flying aircraft including drones within 1,000 feet of nests or communal roost sites during the breeding season. Bald eagle nests are common along Southeast Alaska shorelines and despite the nests being large they are generally not easy to see. Nesting activity generally occurs from March 1 to August 31. ***The filming period is outside of bald eagle nesting season; however, migrating and wintering bald eagles often congregate for purposes of feeding and sheltering, including communal roost sites. Disturbance of bald eagles is prohibited by the Eagle Act during any season.***
  - Osprey: 330-foot radius. Nest sites are considered active from March 15 to August 15. Osprey are uncommon but nests are usually fairly visible at the top of a tree. ***The filming period is outside of osprey nesting season.***
  - Goshawk: 600-foot radius. Nest sites are considered active from March 15 to August 15. Goshawks generally nest in productive old-growth and nesting activity is not always obvious. ***The filming period is outside of goshawk nesting season.***
  - Seabirds: 820-foot radius of known colonies and rookeries, or any locations with congregations of seabirds. ***The filming period is outside of the nesting season, but congregations of seabirds should be expected in the filming area.***

- Waterfowl and shorebirds: 330-foot radius of known concentration and nesting areas. Most waterfowl and shorebirds are migratory and prefer shore habitat and often can be found near wetlands and marshes; examples include sandpipers, oystercatchers, and ducks. ***The filming period is outside of the nesting season, but congregations of waterfowl and shorebirds should be expected in the filming area.***
- Trumpeter Swan: 0.5-mile of known nesting, brood-rearing, and wintering swans. ***Migrating or overwintering trumpeter swans may be in the filming area.***
- Remain far enough away from bears so human presence, if noticed, does not affect the animal's behavior. Limit activities within 500 feet of foraging habitat to avoid disrupting bears and to reduce chances of human/bear incidents. Move further away if bears change behavior (e.g., stop foraging, raise head). ***The filming location is occupied by black bears. The filming period is an important time for bears as they forage for as many calories as possible leading up to hibernation.***
- Be cautious when traveling through bear country. Remain in a close group whenever possible. Do not camp near well-used bear trails. Be aware that subsistence hunting by residents will be taking place in the filming area; bears may be attracted to gut piles or game carcasses and may defend these food sources. ***Learn about bear behavior and ways to avoid human-bear interactions from reputable information sources (see the Staying Safe in Bear Country video at <https://www.youtube.com/watch?v=s-zkGuh42l4>)***
- Properly store and transport human food, garbage, game, or other attractants in a manner to prevent bears or other wildlife from gaining access to these items. These items must not be left on site when a site is not being used. Remove garbage from the site for proper disposal; do not bury or burn garbage. Should bears or other wildlife gain access to food, garbage, game, or other attractants, the permit administrator must be notified.
- Human/bear high use zones, such as estuaries and fish streams merit special attention. Estuaries are defined in the Forest Plan as “An ecological system at the mouth of a stream where fresh water and salt water mix, and where salt marshes and intertidal mudflats are present. The landward extent of an estuary is the limit of salt-intolerant vegetation, and the seaward extent is a stream's delta at mean low water.” (a) No overnight camping, campfires, barbeques, or picnics in estuary areas or within 100 feet of salmon streams; (b) crews will not be transported into estuaries by airplanes, OHVs, or jet boats. If an estuary area is used, crews will be transported to drop-off points outside of the estuary where they will walk into the destination.

## SOILS

- Minimize soil degradation by avoiding damage to vegetation, especially plants that stabilize steep slopes or banks and shorelines of waterbodies. Limit group size and frequency of visits in sensitive plant habitats, such as open wetlands, beach meadows, and streambanks. Use existing paths and game trails where possible to limit trampling or damaging vegetation or sensitive plant habitats. Where existing paths and trails are not available, practice Leave No Trace principles, such as picking hiking routes with durable surfaces (e.g., unvegetated beaches, gravel bars, unvegetated forest duff), and spreading out when hiking over vegetation so no single plant receives multiple footfalls and a trail is less likely to form.

- Keep campsites to the smallest practicable size to minimize areas of vegetation trampling and bared soil. Minimize the number of access trails in and out of a campsite to reduce ground disturbance. Choose durable surfaces for campsites. Avoid camping in sensitive areas such as open wetlands, beach meadows, and streambanks. Rehabilitate campsites and surrounding disturbed areas to as near to the pre-disturbed condition as practicable when departing (e.g., cover bared soil with downed wood/plant material, fill in ruts, etc.).
- Use a fire blanket, pan, or similar for campfires to prevent burning soil layers. Avoid building fires on deep organic soils, such as in muskeg areas.

## INVASIVE PLANTS

- Make every effort to prevent the accidental spread of invasive plants carried by equipment, crew, contestants, or materials.
- All contestants and crews must inspect, remove, and properly dispose of weed seed and plant parts found on their clothing and equipment off of NFS lands, particularly if going from a location that contains weeds or highly disturbed habitats to another location.
- If the invasive plant *Cotula coronopifolia* (brassbuttons) is found in or near Little Duncan Bay, avoid walking through the area and notify the Forest Service of the location as soon as possible. Photos of Brass Buttons will be included in the permit - see Appendix C/ Examples.

## FLYING AND UNCREWED AIRCRAFT SYSTEMS

- In the permit, refer to “*Drone (Uncrewed Aircraft Systems) Use on National Forest Lands & the Protection of Wildlife.*”
- All flight operations must comply with Federal Aviation Administration restrictions and other wildlife laws/regulations.
- Hovering near, herding, harassing, or driving wildlife in any way is not allowed.
- Do not approach seabird nesting areas/colonies or pass directly over them.
- Avoid launching/landing within view of bears.
- Avoid flying within 1,000 feet of bald eagle nests during the breeding season, communal roost sites, or areas with congregations of bald eagles.
- Avoid sporadic movements of the drone when near any wildlife.
- Avoid descending when directly above any wildlife and maximize distance.
- Do not rely on overt reactions (birds taking flight, bears looking up, etc.) to gauge impacts to wildlife, but if this is observed increase the distance immediately.
- Use flight paths that avoid known sensitive wildlife areas, including kidding and calving areas, nursery/pupping areas, dens, nest sites, haul-outs, rookeries, feeding groups, and seabird colonies, during critical time periods.

APPENDIX C: BRASS BUTTON EXAMPLES





