

Decision Record - Memorandum

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

,

This page intentionally
left blank

Table of Contents

1. Clem Mountain Communication Site	1
1.1. Compliance	1
1.2. Selected Action	1
1.3. Compliance with NEPA:	1
1.4. Public Involvement:	1
1.5. Rationale:	1
1.6. Appeal or Protest Opportunities:	1
1.7. Authorizing Official:	2
1.8. Contact Person	2
Appendix A. — Essential Fish Habitat Assessment	3
Appendix B. — Wilderness Characteristics Assessment	5
Appendix C. — Section 810 Analysis	7

This page intentionally
left blank

Chapter 1. Clem Mountain Communication Site

This page intentionally
left blank

1.1. Compliance

The proposed action is in conformance with the approved Bureau of Land Management Kobuk-Seward Peninsula Resource Management Plan approved September 4, 2007. The project has been considered in the context of public health, safety and consistency with regards to Federal, State and local laws.

1.2. Selected Action

It is my decision to authorize a right-of-way grant for a communications use lease F-90573 on Clem Mountain for 20 years pursuant to the regulations in 43 CFR 2800 and Sec. 501 of the Federal Land Policy and Management Act of 1976.

1.3. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR § 45.210 or United States Department of Interior Manual, Part 516, Chapter 11 which provides:

E. (Realty)

(9) Renewals and assignments of leases, permits, or rights-of-way where no addition rights are conveyed beyond those granted by the original authorizations.

1.4. Public Involvement:

Pursuant to Sec. 906(e) of ANILCA the State of Alaska submitted a non-objection letter. This communication site assists aircraft in and out of the village of Buckland, so the community has no objection to this renewal.

1.5. Rationale:

The proposed action is consistent with the use of public lands under the authority of Title V of the Federal Land Policy and Management Act and the regulations found in 43 CFR 2800. All concerns are appropriately addressed in the DOI-BLM-AK-F030-2013-0041-CX. This includes cultural resources and subsistence concerns (see attached ANILCA 810 findings, boundary and wilderness characteristic assessments and essential fish habitat finding.

1.6. Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4, 43 CFR 2801.10 and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from your receipt of this decision. In deciding whether or not to file an appeal, you have the burden of showing this decision is in error. If you decide to file an appeal, you must carefully follow the procedure described in 43 CFR Parts 4 and 4.413 and the enclosed form 1842-1. If you do not file your appeal at the locations specified on the form

within 30 days, the Board may dismiss your appeal as untimely filed without considering its merits. Notices of appeal transmitted by electronic means, such as facsimile or e-mail, will not be accepted as timely filed. In order to avoid dismissal of the appeal, there must be strict compliance with the regulations. Be sure to send a copy of your notice of appeal to each party named in this decision and to all of the addresses on the enclosed form 1842-1. In accordance with regulations found at 43 CFR 4.21 or 2801.10, you may also ask the Board to stay or suspend the effect of this decision while your appeal is pending. If you desire a stay, you must enclose your request for a stay with your notice of appeal. Copies of the notice of appeal and the petition for a stay must also be submitted to each party named in this decision and to the Board, and to the appropriate Office of the Solicitor at the same time the original documents are filed with this office. You have the burden of showing a stay is justified. The Board will grant a stay only if you provide sufficient justification based on the following standards:

- A. The relative harm to the parties if the stay is granted or denied;
- B. The likelihood of the success of your appeal on the merits;
- C. The likelihood of immediate and irreparable harm if the stay is not granted; and
- D. Whether the public interest favors granting the stay.

1.7. Authorizing Official:

]

/s/ Tim O. Hammond for
Nichelle W. Jacobson
Field Manager, Central Yukon Field Office

July 11, 2013
Date

1.8. Contact Person

For additional information concerning this Finding, contact.

Robin Walthour, Realty Specialist
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709
(907) 474-2304 or rwalthour@blm.gov

Appendix A. — Essential Fish Habitat Assessment

NEPA Document No.: DOI-BLM-AK-F030-2013-0041-CX

Prepared by: David G. Parker

Date: 6/20/13

The National Marine Fisheries Service (NMFS) recognizes fresh waters cataloged as being used by salmon under AS 41.14.870 (*Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes*) as essential fish habitat (EFH). For the purposes of this review, essential fish habitat means those waters and substrate necessary for salmon for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq). For the purpose of interpreting the definition of essential fish habitat: waters include aquatic areas and their associated physical, chemical, and biological properties that are used by salmon and may include aquatic areas historically used by salmon where appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem; and spawning, breeding, feeding, or growth to maturity covers a species full life cycle (50 CFR § 600.10).

The communication site is located on Clem Mountain, approximately 7 miles west of the village of Buckland, AK. The mountain is almost entirely drained by Duck Creek which is not listed as anadromous, and the creek flows nearly 13 river miles from the mountain to its' confluence with the Buckland River, which is listed in the catalog as stream #331-00-10650.

Essential Fish Habitat (EFH) Finding: No adverse affect

References: State of Alaska, Alaska Department of Fish and Game. 2008. An Atlas to the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes, Resource Management Region V. Alaska Department of Fish and Game, Habitat and Restoration Division.

<http://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?adfg=maps.interactive>

This page intentionally
left blank

Appendix B. — Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030–2013–0041CX

Serial No.: F-90573

Applicant: Federal Aviation Administration

Location: Clem Mountain, approximately seven (7) miles west of Buckland, Alaska, within Secs. 27 and 28, T. 7 N., R. 13 W., Kateel River Meridian, containing approximately 1.44 acres.

Prepared by: Lisa Shon Jodwalis

Date: July 3, 2013

Proposed Action

The Federal Aviation Administration (FAA) proposes to renew their remote communication outlet (RCO) located on Clem Mountain approximately seven (7) miles west of Buckland, Alaska. This site was constructed in 1993 and improvements onsite include a fiberglass shelter, measuring seven (7) feet in diameter by 15 feet high, which houses the electronic equipment and batteries that provide the power. Eight (8) solar panels are mounted on light weight steel tube support structures measuring eight (8) feet wide by nine (9) feet high recharge the batteries. Diagonal tubes brace the structures. This site is optimum based on the topography of the area and provides for maximum range air-ground communication with all area coverage.

The RCO allows a pilot to call on a certain frequency to a radio housed in the RCO building, which in turn relays the call to the equipment located at the flight service station (FSS). The RCO improves communication between the pilot and the FSS, it acts as a receiver and transmitter. The people of Buckland are dependent on aircraft for transportation and cargo. They seek a 20 year grant.

BLM Purpose and Need

BLM Decision

Evaluation

The basis for this evaluation is BLM Manual 6310-Conducting Wilderness Characteristics Inventory on BLM Lands, and BLM Manual 6320 - Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which direct offices to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified Lands with Wilderness Characteristics (LWC) in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

An inventory of lands with wilderness characteristics has not been completed for this area. The area of BLM-managed and State-selected land that includes Clem Mountain encompasses about 11 townships, or 253,000+ acres and is primarily natural and undisturbed. The BLM has determined that, if a project or activity does not negatively affect wilderness characteristics,

the permitting process may proceed as usual, regardless of whether an inventory of wilderness characteristics has been completed (Chris Barns, 2012).

FINDING

The proposed action will not negatively affect wilderness characteristics.

Type of Assessment/Sources

Chris Barns, BLM Representative, Arthur Carhart National Wilderness Training Center, 9 September 2012. Wilderness Characteristics Guidance for the BLM, Training Module IIID – LWCs and Proposed Projects.

USGS topographic maps, GIS data, Google Earth images

Appendix C. — Section 810 Analysis

NEPA Document No.: DOI-BLM-AK-F030–2013–0041CX

Applicant: Federal Aviation Administration

/Serial No.: F-90573

Proposed Action: The Federal Aviation Administration (FAA) proposes to renew their remote communication outlet (RCO) located on Clem Mountain approximately seven (7) miles west of Buckland, Alaska. This site was constructed in 1993 and improvements onsite include a fiberglass shelter, measuring seven (7) feet in diameter by 15 feet high, which houses the electronic equipment and batteries that provide the power. Eight (8) solar panels are mounted on light weight steel tube support structures measuring eight (8) feet wide by nine (9) feet high recharge the batteries. Diagonal tubes brace the structures. This site is optimum based on the topography of the area and provides for maximum range air-ground communication with all area coverage.

The RCO allows a pilot to call on a certain frequency to a radio housed in the RCO building, which in turn relays the call to the equipment located at the flight service station (FSS). The RCO improves communication between the pilot and the FSS, it acts as a receiver and transmitter. The people of Buckland are dependent on aircraft for transportation and cargo. They seek a 20 year grant.

Location: Clem Mountain, approximately seven (7) miles west of Buckland, Alaska.

Township/Range: Secs. 27 and 28, T. 7 N., R. 13 W., Kateel River Meridian, containing approximately 1.44 acres

Evaluation by: David G. Parker and Erin L. Julianus

Date: 6/20/13

Type of Assessment/Sources:

Effect of the proposal on subsistence uses and needs

Fisheries: The proposed action would not significantly reduce harvestable fisheries resources that are available for subsistence use. The proposed action would not alter the distribution, migration or location of harvestable fisheries resources. Approved mitigation measures would prevent degradation of adjacent water sources and fisheries habitat. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.

Wildlife: Participants will practice localized avoidance of large game such as moose and caribou. Small game species and birds would not be significantly affected by the proposed action. Therefore, the activities will not significantly affect subsistence uses and needs.

Other resources: The proposed action is not anticipated to change or impact any other harvestable resources such as wood, water, berries, or vegetation since no collection of these resources is planned for under the proposed action.

Expected reduction, if any, in the availability of resources due to alteration in resource distribution, migration, or location:

None. Fish and wildlife resources may temporarily avoid the project area while the permittee and associates are present. However, there is no expected reduction in the availability of resources due to alteration in resource distribution, migration, or location.

Expected limitation, if any, in the access of subsistence users resulting from the proposal:

None. Access to subsistence resources will not be hampered by the proposed action.

Availability of other lands, if any, for the purpose sought to be achieved:

This is a an application for permit renewal for an established project at an established location. Therefore, there are no other lands were considered for this use.

Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:

There is no substantial evidence that would indicate a significant impact on subsistence will result from the proposed action. No other alternatives were evaluated.

Findings:

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and no reasonably foreseeable limitations on harvester access have been forecasted to emerge as a function of the action that is analyzed in this document.

References