

Decision Record - Memorandum

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

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**Chapter 1. Joseph & Crystal Miller, dba —
Alaska Statewide Guides**

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1.1. Compliance

Subject lands are covered under the Utility Corridor Resource Management Plan, which was approved on January 11, 1991; the action has been reviewed for and is in conformance with Chapter Two of the Plan (pages 2-26 and 2-27) and also implementing action #1 under Recreation Program Objective 2 found in Appendix N (page N-19) which states “Process Special Recreational Permit applications for all commercial and competitive events on a case-by-case basis;” and the Recreation Area Management Plan for the Dalton Highway which was approved on October 11, 1991.

1.2. Selected Action

It is my decision to approve a 2930 Special Recreation Permit for the use of BLM lands for Joseph & Crystal Miller, dba — Alaska Statewide Guides for commercial hunting activities on BLM lands in the Dalton Highway Corridor Management Area from January 1, 2013 through December 31, 2017. Activities will include use of BLM lands for big games hunting of Dall Sheep (4), Wolf (2), Grizzly Bear (2), and Caribou (2).

Authorizing this Proposed Action will facilitate an acceptable and permitted practice by the BLM and is compatible with the Utility Corridor Resource Management Plan, and is an action that can be categorically excluded. 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.

1.3. 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), which states, “Issuance of Special 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.

1.4. Public Involvement:

Due to the location of this operation, local community members have not voiced any concerns over this type of activity.

1.5. Rationale:

1. Authorizing the permit is specifically provided for in the Utility Corridor 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).

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.

1.6. Appeal or Protest Opportunities:

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 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.

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with 43 CFR Part 4 and DOI Form 1842-1. The notice of appeal must be filed in the Bureau of Land Management Central Yukon Field Office within 30 days from receipt of this decision.

1.7. Authorizing Official:

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

Date 7/11/13

1.8. Contact Person

For additional information concerning this Finding, contact.

Kelly Egger, Natural Resource Specialist
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Fairbanks, AK 99703
907-474-2242; kegger@blm.gov

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Appendix A. Essential Fish Habitat Assessment

NEPA Document No.: DOI-BLM-AK-F030-2013-0030-CX

Prepared by: David Esse

Date: 5/24/13

Essential Fish Habitat (EFH) Finding: Chinook salmon are known to spawn within the West Fork Chandalar River (ADF&G 2013), which is in the project area. However, while anadromous species are present in the project area it is not anticipated that the proposed action will have an adverse effect on EFH. Therefore, the proposed action is assigned the EFH determination: *No effect*. EFH consultation with NMFS is not required.

References:

Alaska Department of Fish and Game. 2013. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

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Appendix B. Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2013-0030-CX

Case File/Serial No.: FF096474

Applicant(s): Joe & Crystal Miller, dba Alaska Statewide Guides

Location: Dalton Highway. BLM lands within Game Management Unit 25–02.

Proposed Action:

The applicant proposes to provide guided backpack/packboat hunting trips for clients in pursuit of Dall Sheep (4), grizzly bear (2), caribou (2), and wolf (2). The primary use of BLM lands is to access State of Alaska lands where the applicant has a base camp. As part of the permit the applicant has requested parking and camping at the pullout on the west side of the Dalton Highway approximately three miles north of the Chandalar Shelf DOT station. The applicant proposes to use spike camps on BLM lands in situations where game is present.

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 in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

The evaluation of effects on wilderness characteristics on BLM lands within the Utility Corridor includes lands identified in the Nonwilderness Assessment, a special project approved by the BLM Director and conducted by the BLM along portions of the Trans-Alaska Pipeline System (TAPS) corridor in 1980. This assessment identified lands under BLM administration that were considered lacking in the wilderness characteristics as defined by the Wilderness Act of 1964. The assessment was conducted in a manner that met the requirements of Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA).

The Dalton Highway and Trans-Alaska Pipeline parallel each other for the entire length of the Utility Corridor. The pipeline is 48" in diameter and elevated above ground for much of its length so it is highly visible. The Dalton Highway supplies Alaska's arctic oilfields and supports considerable industrial traffic year-round. These man-made features and associated human activities are highly visible and audible. Permitted activities such as gravel- and gold-mining occur throughout the area and have expanded in some locations. These developments are substantially noticeable and alter the natural character of lands in the Utility Corridor.

The action being considered is located within the Atigun Segment of the Nonwilderness Assessment, which covered approximately 528,000 acres total in 1980. Portions of this segment meet the 5,000 acre minimum size. However it was determined that these segments did not meet the standards for naturalness due to roads, camps, airfields, pipelines, material sites and associated facilities. These disturbances bisect the entire length of the segment.

The action being considered includes locations in areas within the Utility Corridor that are outside the nonwilderness. An inventory of wilderness characteristics in part of the area that the applicant proposes to use was completed in July 2012 (Unique Area Identifier: CYFO-Snowden Mountain-Utility Corridor-001) and determined that the area does have wilderness characteristics. Areas east and north of Chandalar Shelf have not yet been inventoried. 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 activities in this area do not significantly impair the size or naturalness of this area, or the opportunities for solitude and recreation of a primitive and unconfined nature. BLM Manual 6310 includes hunting, hiking, backpacking, and river-running as examples of primitive and unconfined recreation. The stipulations attached to this permit will further minimize the effects of human activities.

The proposed action will not impair existing wilderness characteristics.

Type of Assessment/Sources:

- U.S. Department of Interior, BLM, 1980. Nonwilderness Assessment: The Alaska Natural Gas Transportation System, Final Decision. Anchorage, Alaska
- 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."
- maps, GIS data, Google Earth images

Prepared by: Lisa Shon Jodwalis, Park Ranger-Interpretation

Date: May

Appendix C. Compliance with ANILCA Section 810

NEPA Document No.: DOI-BLM-AK-F030-2013-0030-CX

Applicant(s): Joseph and Crystal Miller, dba — Alaska Statewide Guides

Case File/Serial No.: FF096474

Proposed Action: The applicant proposes to provide guided backpack/packboat hunting trips for clients in pursuit of Dall Sheep (4), grizzly bear (2), caribou (2), and wolf (2). The primary use of BLM lands is to access State of Alaska lands where the applicant has a base camp. As part of the permit the applicant has requested parking and camping at the pullout on the west side of the Dalton Highway approximately one-mile north of the Chandalar Shelf DOT station. The applicant proposes to use spike camps on BLM lands in situations where game is present.

Location: Dalton Highway. BLM lands within Game Management Unit 25–02.

Township/Range: Dalton Highway. BLM lands within Game Management Unit 25–02.

Evaluation by: David A. Esse and

Date: 6/12/13

Type of Assessment/Sources:

Effect of the proposal on subsistence uses and needs

Fisheries: The West Fork Chandalar River supports a spawning population of Chinook salmon which is used by the nearby village of Venetie which harvests thousands of salmon annually for subsistence purposes (Jallen et al. 2012). However, the proposed action would not alter the distribution, migration or location of harvestable fisheries resources. 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, except for the purposes of hunting activity related to the harvest of game as designated in this proposed action. Small game species and birds would not be significantly affected by the proposed action. Participants are advised to avoid harassing birds, particularly during the breeding season, during the conduct of the proposed actions. Therefore, the activities will not significantly affect subsistence uses and needs.

Other resources: The proposed activity will not significantly impact other resources such as berries, willows, and spruce roots. Subsistence activities that target these resources occur in a much broader area than where the proposed action is to take place. Therefore, the proposed action will not significantly affect subsistence uses and needs.

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:

Other public lands are available for the purposes to be achieved. However, the proposed action is a permitted activity on BLM lands and there is no compelling reason to change the site of operation outside of BLM lands.

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

Jallen, D. M., S. D. Ayers, and T. Hamazaki. 2012. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage, 2010. Alaska Department of Fish and Game, Fishery Data Series No. 12-18, Anchorage.