



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Anchorage Field Office
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Anchorage, Alaska 99507-2591
<http://www.blm.gov/ak>

Inglutalik River Camp Right-of-Way Environmental Assessment, DOI-BLM-AK-A010-2013-0031-EA

Applicant: Alaska Department of Fish and Game
Case File Number: AA-93583

DECISION RECORD

Background

In 2011, the Norton Sound Economic Development Corporation (NSEDC) applied to the BLM for a short-term permit to construct and operate a fish counting tower on the Inglutalik River. The BLM authorized a three-year permit which expired in October 2013. NSEDC does not intend to renew the grant.

The NSEDC has operated a number of fish enhancement and fish counting projects throughout the Norton Sound region in cooperation with the ADFG. NSEDC's goal was to establish the Inglutalik River fish counting tower to ascertain the strength of the king salmon run on the river to obtain more baseline data on the recent poor king salmon returns in Norton Sound. NSEDC and ADFG cooperate on numerous fish counting and enhancement projects throughout the Norton Sound area.

In 2013, ADFG applied for a right-of-way for a new, longer term authorization to operate and maintain the fish counting tower and associated facilities on BLM-managed land after the initial success of the NSEDC project. ADFG and NSEDC have a cooperative agreement whereby ADFG would oversee the site but day-to-day counting would be conducted by NSEDC.

Decision

I have decided to select *Alternative 2 – Proposed Action* for implementation. It is my decision to authorize a twenty year (20-year) right-of-way to operate a fish counting tower to the Alaska Department of Fish and Game.

My decision to authorize this right-of-way is summarized as follows (refer to EA, pp. 2-1 for more detail):

1. This right-of-way authorization, serial number AA-93583, is issued for twenty years.
2. All Project Design Features and best management practices identified in the attached EA will be utilized by the Alaska Department of Fish and game (EA, pp. 2.3-2.3.8).

This decision is based on site-specific analysis in the *Environmental Assessment* (DOI-BLM-AK-A010-2013-0031-EA) and the management decisions contained in the Kobuk-Seward Peninsula Record of Decision and Approved Management Plan (KSP RMP; September 2008). The attached Finding of No Significant Impact (FONSI) indicates that the selected alternative has been analyzed in an EA and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required and will not be prepared.

Rationale for the Decision

Alternative 1, the No Action Alternative, was not selected because it would not meet the BLM's purpose for action nor would it meet the BLM's right-of-way authorization objectives identified at 43 CFR § 2801.2.

Alternative 2 was selected because it fulfills the BLM's right-of-way objectives to grant rights-of-way in a manner that protects the natural resources, and prevents unnecessary or undue degradation to public lands. Furthermore, the EA has demonstrated that the right-of-way authorization can be granted and the fish counter tower and operations can be operated in a manner that protects the natural resources, prevents unnecessary and undue degradation of the public lands, addresses safety concerns and increases knowledge of fish resources on public lands (EA, p. 1-2, 2.3) (43 CFR § 2801.2).

Laws, Authorities, and Land Use Plan Conformance

The EA and supporting documentation have been prepared consistent with the requirements of various statutes and regulations, including but not limited to:

- Clean Water Act of 1977
- Clean Air Act of 1970, as amended
- Section 106 of the National Historic Preservation Act of 1966, as amended
- Archaeological Resources Protection Act of 1978
- Executive Order 12898, Environmental Justice
- Endangered Species Act of 1973, as amended
- Bald and Golden Eagle Act of 1940, as amended
- Migratory Bird Treaty Act, as amended
- Executive Order 13186
- Executive Order 13112 Invasive Species
- BLM Alaska Invasive Species Management Policy 2010

The Proposed Action is in conformance with the Kobuk-Seward Peninsula Record of Decision and Approved Management Plan (KSP RMP; September 2008). Specifically, the following decisions apply to the proposed action:

H. Lands and Realty

H-1: Goals

1. Meet public needs for use authorizations such as rights-of-way, leases, and permits while minimizing adverse impacts to other resource values.

H-2: Land Use Authorizations

Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, temporary use permits under several different authorities; leases, permits, and easements under Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.

H-2-a: Management Actions (Land Use Authorizations)

6. Rights-of-way

- Rights-of-way will be located near other rights-of-way or on already disturbed areas to the extent practical.

7. Selected Lands

Regarding use authorizations, selected lands will be treated as follows:

State-selected: In accordance with 906(k) of ANILCA, the BLM will request concurrence from the State prior to issuance of any use authorization. The BLM can then incorporate comments in the terms and condition of the use authorization if such comments comply with Federal laws and regulations. If the State objects, the BLM will not issue the use authorization. If the proposal is on land which is not available within the meaning of the Statehood Act but which has been top-filed by the State pursuant to 906 (e) of ANILCA, a letter of concurrence will not be required.

Public Involvement, Consultation, and Coordination

The Proposed Action was posted to the BLM's ePlanning website in July 2013. No public comments or inquiries about the project have been received.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Anchorage Field Office as noted above. *The BLM does not accept appeals by facsimile, email, or other electronic means.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending



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FINDING OF NO SIGNIFICANT IMPACT

Background

In 2011, the Norton Sound Economic Development Corporation (NSEDC) applied to the BLM for a short-term permit to construct and operate a fish counting tower on the Inglutalik River. The BLM authorized a three-year permit which expired in October 2013. NSEDC does not intend to renew the grant.

The NSEDC has operated a number of fish enhancement and fish counting projects throughout the Norton Sound region in cooperation with the ADFG. NSEDC's goal was to establish the Inglutalik River fish counting tower to ascertain the strength of the king salmon run on the river to obtain more baseline data on the recent poor king salmon returns in Norton Sound. NSEDC and ADFG cooperate on numerous fish counting and enhancement projects throughout the Norton Sound area.

In 2013, ADFG applied for a right-of-way for a new, longer term authorization to operate and maintain the fish counting tower and associated facilities on BLM-managed land after the initial success of the NSEDC project. ADFG and NSEDC have a cooperative agreement whereby ADFG would oversee the site but day-to-day counting would be conducted by NSEDC.

Finding of No Significant Impact

This action and its effects have been evaluated consistent with the Council on Environmental Quality regulations for determining *significance*. Per 40 CFR § 1508.27, a determination of *significance* requires consideration of both context and intensity. The former refers to the relative context in which the action would occur such as society as a whole, affected region, affected interests, etc. The latter refers to the severity of the impact.

Context

The proposed project would occur on the left bank of the Inglutalik River approximately five miles from the mouth of the river. The area is undeveloped with no roads or developed trails. Access to the project by ADF&G and NSEDC personal would be by river boat from Koyuk, a small predominately Native village approximately 15 miles from the fish counting tower site. The project foot print is less than three acres. Portable tents, counting tower and flash pan in the

river are erected during the summer salmon run period (June- September) with emphasis placed on the King Salmon run in early June. The area is frequented intermittently by residents of Koyuk for subsistence fishing activities during the summer salmon season when the proposed action is taking place.

Intensity

1. *Impacts that may be both beneficial and adverse.*

The EA considered and disclosed both potential beneficial and adverse effects of the alternatives. For example, the EA discloses that the project may increase knowledge of the fish resource of the Inglutalik River King Salmon run (EA, p.1.3), but the EA also acknowledges that the proposed action may lead to detrimental effects if best management practices and required operating procedures are not implemented (EA, pp. 3.1.3).

2. *The degree to which the proposed action affects public health and safety.*

There is no potential for this project to directly affect the health and safety of the public at large if required operating procedures are followed concerning fuel (EA, p.9-10). However, indirectly the knowledge of King Salmon runs of abundance in the Inglutalik River could provide an incentive for increased recreational fishing (and subsistence) opportunities which could have positive health benefits for local residents and visitors (EA, p. 1.3).

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no prime farmlands, wild and scenic rivers, or ecologically critical areas in proximity to the project site. There are no known cultural resources within three miles of the proposed site (EA, p.3.2.1).

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The anticipated effects are similar to other right-of-way authorizations. No unique or appreciable scientific controversy has been identified regarding the effects of the proposed action. Best management practices mitigate any chance of spread of this invasive species (EA, p. 3.1.3).

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

Similar to Item 4 above, the anticipated effects are similar to other right-of-way authorizations on BLM-managed lands. The analysis has not shown that there would be any unique or unknown risks to the human environment.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

This authorization is consistent with the Record of Decision for the applicable land use plan. This project neither establishes a precedent nor represents a decision in principle about future actions.

**U.S. DEPARTMENT OF THE INTERIOR
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7.0 INTRODUCTION

1.1 Summary of Proposed Project

The Alaska Department of Fish and Game (ADFG) has applied to the Bureau of Land Management (BLM) Anchorage Field Office (AFO) for a 20-year right-of-way to operate an existing fish counting structure and associated camp facilities on the Inglutalik River approximately 15 miles southeast of Koyuk, Alaska.

1.2 Project Area Description and Land Status

The fish counting structure and associated camp facilities are located on State-selected lands managed by the BLM Anchorage Field Office. The legal description for the project site is:

NE ¼ section 3. T. 8 S., R. 10 W., Kateel River Meridian

The site is located on the western flanks of the Nulato Hills, on a straight stretch of the Inglutalik River, a few miles above the mouth where the water is clear flowing. The area consists of dryas dwarf tundra with alder and willow along the river.

1.3 Background

In 2011, the Norton Sound Economic Development Corporation (NSEDC) applied to the BLM for a short-term permit to construct and operate a fish counting tower on the Inglutalik River. The BLM authorized a three-year permit which expired in October 2013. NSEDC does not intend to renew the grant.

The NSEDC has operated a number of fish enhancement and fish counting projects throughout the Norton Sound region in cooperation with the ADFG. NSEDC's goal was to establish the Inglutalik River fish counting tower to ascertain the strength of the king salmon run on the river and to obtain more baseline data on the recent poor king salmon returns in Norton Sound. NSEDC and ADFG cooperate on numerous fish counting and enhancement projects throughout the Norton Sound area.

In 2013, ADFG applied for a right-of-way for a new, longer term authorization to operate and maintain the fish counting tower and associated facilities on BLM-managed land after the initial success of the NSEDC project. ADFG and NSEDC have a cooperative agreement whereby ADFG would oversee the site but day-to-day counting would be conducted by NSEDC.

1.4 Purpose and Need

The BLM action under consideration is the issuance of a 20-year right-of-way authorization. The need for the action is established by BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to requests for rights-of-way on public lands.

Consistent with 43 CFR § 2801.2, it is the BLM's objective - or, purpose in considering this action - to provide legal access [to] public lands in a manner that protects natural resources, prevents unnecessary and undue degradation of public lands, promotes the use of rights-of-way in common (where applicable), and coordinates with other interested parties.

1.4.1 Decision to be Made

The BLM will decide whether to authorize the right-of-way to allow access on Federal lands to the ADFG, and if so, under what terms and conditions.

1.5 Land Use Plan Conformance

The Proposed Action is in conformance with the Kobuk-Seward Peninsula Record of Decision and Approved Management Plan (KSP RMP; September 2008). Specifically, the following decisions apply to the proposed action:

H. Lands and Realty

H-1: Goals

1. Meet public needs for use authorizations such as rights-of-way, leases, and permits while minimizing adverse impacts to other resource values.

H-2: Land Use Authorizations

Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, temporary use permits under several different authorities; leases, permits, and easements under Section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.

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Regarding use authorizations, selected lands will be treated as follows:

State-selected: In accordance with 906(k) of ANILCA, the BLM will request concurrence from the State prior to issuance of any use authorization. The BLM can then incorporate comments in the terms and condition of the use authorization if such comments comply with Federal laws and regulations. If the State objects, the BLM will not issue the use authorization. If the proposal is on land which is not available within the meaning of the Statehood Act but which has been top-filed by the State pursuant to 906 (e) of ANILCA, a letter of concurrence will not be required.

8. Required Operating Procedures

Land use authorizations are subject to applicable measures identified in the Required Operating Procedures in [Appendix A of the KSP RMP].

1.6 Other Applicable Laws, Regulations, Policies, etc.

The proposed action is consistent with federal guidelines for implementing the National Environmental Policy Act of 1969, as amended (NEPA), including the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA outlined in Part 40 of the Code of Federal Regulation (40 CFR Parts 1500-1508), and Department of the Interior and BLM policies and manuals (BLM NEPA Handbook H-1790-1).

The proposed action is also consistent with other statutes, regulations, plans, programs, and policies of affiliated tribes, other federal agencies, and state and local governments to the extent practical, including but not limited to the following:

- Clean Water Act of 1977
- Clean Air Act of 1970, as amended
- Section 106 of the National Historic Preservation Act of 1966, as amended
- Archaeological Resources Protection Act of 1978
- Executive Order 12898, Environmental Justice
- Endangered Species Act of 1973, as amended
- Bald and Golden Eagle Act of 1940, as amended
- Migratory Bird Treaty Act, as amended
- Executive Order 13186
- Executive Order 13112 Invasive Species
- BLM Alaska Invasive Species Management Policy 2010

The proposed action would conform to all applicable federal, state, and local statutes, regulations, and enforceable plans.

1.7 Summary of Public Involvement

The Proposed Action was posted to the BLM's ePlanning website in July 2013. No public comments or inquiries about the project have been received.

1.8 Issues Identified / Issues Eliminated from Further Analysis

The following issues were identified for further analysis by the Anchorage Field Office interdisciplinary team:

- Introduction and spread of invasive species
- Impacts to fisheries
- Potential effects to cultural resources as a result of the right-of-way

The following issues were considered but will not be carried forward for further analysis for the reasons provided:

Impacts to king salmon will not be carried forward in this analysis. The setting of harvest limits for sport and subsistence fisheries is managed by the ADFG. ADFG has the regulatory authority to restrict harvest if anglers target the king salmon run on the Inglutalik River due to higher numbers of king salmon being provided to the public as a result of this project.

8.0 ALTERNATIVES

2.1 Alternative 1 - No Action Alternative

Under the No Action Alternative, the BLM would deny ADFG's request for a right-of-way authorization. NSEDC would be responsible for dismantling and removing all infrastructure from BLM-managed lands and rehabilitating the lands to their natural condition.

2.2 Alternative 2 - Proposed Action Alternative

Under the Proposed Action, the BLM would authorize a 20-year right-of-way to ADFG to operate and maintain the Inglutalik River Camp and associated facilities. The camp consists of approximately: one 30-foot aluminum tower on the south bank of the Inglutalik River, a "flash pan" on the river bottom to see fish pass over in order to accurately count salmon returning to spawn, one metal-frame wall tent used for temporary quarters, one small storage shed, one outhouse (approximately 4 feet by 4 feet, 8 feet tall made of standard "two by four" and CDX plywood) located on the hill, and one winter storage unit.

The requested right-of-way would not authorize any new construction on site. The total footprint of the camp and associated facilities consists of less than three acres of existing disturbed areas or existing infrastructure.

The camp would be used during the summer fish runs (primarily June through September) annually for the life of the grant. Gear and equipment would be stored on site in the off-seasons, annually. At the end of the term, all gear equipment and facilities would be removed from the public lands.

The right-of-way would be subject to all applicable Required Operating Procedures identified in the Kobuk-Seward RMP (see also Section 1.5) and additional project-specific design features; all applicable measures are listed in Section 2.3.

2.3 Required Operating Procedures and Specific Project Design Features

Required operating procedures (ROP) are requirements that the BLM will impose as necessary, to achieve resource management objectives stated in the applicable land use plan. ROPs are common to all action alternatives and are considered for all permitted activities including FLPMA leases and permits, Special Recreation Permits, oil and gas operations, coal exploration, mining Plans of Operation, and Right-of-Way authorizations. ROPs are considered during the

site-specific analysis that occurs during activity level planning and if adopted, will be applied as conditions of approval to land use authorizations and permits.

2.3.1 *Invasive Species Management*

Permittee, project managers and all field-going staff involved with the planning, logistics, and operation of this fish weir are required to incorporate invasive species prevention and management into their logistics planning, operations, and maintenance of the project site. Best Management Practices (BLM Alaska, 2010) to prevent the introduction and spread of invasive species are required to be incorporated as design features with this project, with necessary precautions taken prior to site occupancy as well as during and after operations.

Based on the remote nature of this project, it is assumed the undisturbed river bank and surrounding areas were free from invasive species infestation prior to fish weir installation. Nome and many of the regional communities along the Norton Sound coast have invasive species infestations. Weed propagules can and often are transported in the mud and debris on boot soles, camping gear, boats, ATVs, wooden pallets, digging gear, building materials, and other equipment. Weed propagules are deposited along the transport route as well as at the site of operation, and begin to establish populations in disturbed soils or otherwise desirable habitat.

Applicant shall implement Best Management Practices for all phases of operations and maintenance of fish weir and all associated facilities. This begins with becoming educated on identifying invasive plant species and then learning how to conduct early detection rapid response actions. Project design features, including the following list of BMPs shall be implemented during all phases of operations and maintenance of the fish weir:

- 1) Permittee is required to implement a non-native invasive plant mitigation, monitoring and management strategy to prevent the introduction and/or spread of non-native invasive species by implementing *best management practices*, monitoring and mitigation.
- 2) If non-native invasive plant occurrences are known to exist in the project area, permittee shall develop an invasive plant mitigation/eradication plan in collaboration with the BLM and other interested parties.
- 3) Prevention & Best Management Practices: Project manager shall use high-pressure washing to thoroughly clean all equipment and associated gear for the project, prior to moving equipment from supplier or point of origin - to transportation units - to the worksite - to the next worksite. These are the critical control points for preventing the movement of contaminants/propagules/weeds.
- 4) All vehicles, transport equipment used in access, construction, maintenance and operations of project must be thoroughly cleaned prior to moving equipment and gear. High-pressure washing to remove material that can contain weed seeds or other propagates will help to insure equipment is weed free. All equipment and associated gear used in the operations and maintenance of the fish counting tower will be high pressure washed to remove potential propagules, seeds, and soil carrying vegetative material. All

gear, tool bags and accessories must be free of all plant debris, mud, and materials which can be the source of non-native invasive plants and pathogens.

5) Monitoring: Project manager should conduct early detection rapid response monitoring of the project area. This involves a minimum of one site visit annually during the growing season (preferably July) to look for the occurrence of non-native invasive plants. Should any occurrences be detected, project manager should implement early detection rapid response. Early detection rapid response efforts (EDRR) are designed to detect new invasive plants early enough in the growth stage to allow efficient assessments to be made and respond to invasions in an effective, environmentally sound manner that will prevent the spread and perpetual establishment of invasive species. EDRR is achieved by visual observation of the ground in the area of concern looking for suspected plant species and taking prompt action to remove the infestation, typically by hand pulling or digging and properly disposing of the debris. Not all species respond favorably to hand pulling, but the majority does. Care needs to be taken to judiciously contain seed bearing parts of the plants. Repeated visits to infested sites within a single growing season may be necessary, before plants produce seeds. The objective is to remove the seed bank and any propagative parts of the plants, thus minimizing the potential for increased spread.

6) Site reclamation must be implemented as soon as possible after construction using the original duff layer. This original duff layer is to be removed and set aside upon initial site disturbance, and replaced on disturbed areas in lieu of revegetation with non-local materials.

7) All revegetation and stabilization efforts must use native and/or Alaska certified weed free products. Sources for weed free products can be found by calling the Plant Materials Center: 907-745-4469. Revegetation Guidance can be found at: www.dnr.state.ak/ag/pmcweb/PMC_reveg

If these mitigating measures are followed throughout the life of the authorization and if monitoring occurs for three years following removal of the fish weir, adverse impacts to the ecosystem from invasive species can be avoided.

2.3.2 Soils

Operations should minimize soil erosion by stabilizing disturbed areas as soon as possible. Where permitted operations result in surface disturbance, return land to its pre-disturbance condition to the extent possible. Disturbed stream banks will be recontoured, revegetated, or other protective measures will be taken to prevent soil erosion into adjacent waters. This should be in consultation with the BLM.

2.3.3 Water, Riparian, and Wetlands

Operations should manage human use to achieve and maintain water quality standards and avoid waste management problems and water quality impacts. Projects will be designed to protect

water quality and comply with Federal and State water quality standards. Management practices will include public education and construction of toilet facilities where appropriate. Land management practices will be directed to avoid or minimize adverse impacts upon the hydrological, habitat, subsistence, and recreational values of public wetlands. Activities in wetlands will comply with Federal and State permit requirements for alteration of wetlands. Riparian vegetation, if removed during operations, will be reestablished. Operations will minimize disturbance to riparian areas and facilitate rehabilitation of riparian areas. To the extent feasible and prudent, channeling, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact upon riparian habitat will be avoided. All permitted operations will be conducted in such a manner as not to block any stream, or drainage system and to comply with State (Alaska Dept. of Environmental Conservation) and Federal (Environmental Protection Agency) water quality standards. Activities shall provide for maintenance of proper functioning condition in riparian areas and protection of water quality by minimizing impacts of other permitted activities and vegetation treatments. Structural and vegetative treatment in riparian and wetland areas will be compatible with the capability of the site, including the system's hydrologic regime, and will contribute to maintenance or restoration of proper functioning condition. Refueling of equipment will not be conducted in riparian areas or within 500 feet of the active floodplain of any fish-bearing water body or within 100 feet from non-fish bearing water bodies. The authorized officer (AO) may allow storage and operations at areas closer than the stated distance if properly designed to account for local hydrologic conditions. Spill cleanup equipment will be available at all permitted sites. New structures will be located away from riparian or wetland areas if they conflict with achieving or maintaining riparian or wetland function. Existing structures will be used in a way that does not conflict with riparian or wetland functions or be relocated or modified when incompatible. Operations will preserve sufficient water quantity to support beneficial uses.

2.3.4 Special Status Species

Fish, wildlife, sensitive plants, and habitat will be managed to ensure compliance with the Endangered Species Act (ESA) and to ensure progress towards recovery of listed threatened or endangered species. The planning area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status. The BLM may recommend modifications to proposals to further its policy of avoiding BLM-approved activity that will contribute to a need to list such a species. The BLM may either require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed, threatened, or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. The BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the ESA as amended, 16 U.S.C. 1531 et seq., including completion of any required procedure for conference or consultation.

2.3.5 Fish and Wildlife

Operations shall protect, maintain, and preserve the condition and ecological function of the aquatic and riparian zones of streams that determine the ability of these habitats to:

1. Provide clean water for community use;
2. Produce fish and wildlife on a sustained basis to support cultural, economic, subsistence, and recreational needs; and
3. Maintain the hydrological and morphological stability of streams to prevent unnatural flooding, habitat degradation, and water quality impairment.

Any proposal to use or develop the lands, waters, or resources within 300 feet of the banks of active stream channels must demonstrate to the satisfaction of the AO that such use or development:

1. will not adversely alter the condition and ecological function of aquatic and riparian systems by impacting water quality, stream flow, velocity, ground water hydrology, channel connectivity, channel form, material recruitment, substrate composition, energy (food) flow, and riparian function;
2. will not diminish the quality and diversity of habitats needed to sustain the production of fish and wildlife populations at their natural potential; or is outside the flood-prone width of these rivers.

2.3.6 Fire Management

The goal of fire management is to reduce impacts to water quality, riparian habitat, vegetation, soils, and fish habitat from fire suppression activities. Permittees and casual users will be held financially responsible for any actions or activity that results in a wildland fire. Costs associated with wildland fires include but are not limited to damage to natural or cultural resources and costs associated with any suppression action taken on the fire. The Federal government will not be held responsible for protection of permittees' structures or their personal property. It is the responsibility of permittees and leasees to mitigate and minimize risk to their personal property and structures from wildland fire, if allowed by their permit. Gas powered equipment will be equipped with manufacturer approved and functional spark arrestors.

Additionally, the following project-specific design features will be implemented to avoid or minimize resource impacts:

In order to minimize disturbance to the riparian habitat, ADFG shall install steps to reduce foot traffic and soil erosion. The steps shall be a minimum of three-feet wide, made of aluminum or wood and placed to allow access from the boat to shore. Several steps should be below the water depending on the depth of water at the bank. A railing shall be attached to provide for safety and secured in place with rebar or pipe. The pipe shall be driven in one foot at the top of the stairs and bottom. A minimum of four pipes will be used to secure the stairs in place. No sharp ends of the pipe will be visible to snag clothing, trip on, or fall on. Boat operators should be able to exit the boat and walk up the steps to shore. A minimum of four steps will be above the normal water level (see Figure 1).



Figure 1. Typical step installation on riverbank.

2.3.7 Cultural Resources

The right-of-way grant should contain the following stipulation regarding the inadvertent discovery of cultural resources during routine operations and any future ground disturbing activity:

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. If the applicant proposes ground disturbance in the future, a cultural resource survey and evaluation will be needed before the disturbance is authorized.

2.3.8 Aquatic Habitat and Water Quality

To protect water quality, the following measures shall be taken:

1. 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.
2. 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.
3. 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. ADFG Fuel, 2014). 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 1-800-478-1263. 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.

2.4 Alternatives Considered but not Analyzed in Detail

The BLM considered whether to authorize the requested right-of-way, but in a different location than the existing Inglutalik River camp site. Given that there is a suitable, existing camp at the applicant's requested site, this alternative would not meet the purpose and need because it would fail to promote the use of rights-of-way in common and would result in new unnecessary ground disturbance.

Other areas down river from the existing site were considered and did not meet the need of the applicant as the Inglutalik River was not clear due to the tidal influences and muddy bottom of the river. Areas further upstream were also evaluated by the applicant and were not pursued as the river is too shallow to allow for propeller driven boats. Access to the site is by boat from Koyuk, along the shore line of Norton Bay which can be influenced by tide and wind. Flat bottom river boats with jet propelled motors may be able to access the Inglutalik River further upstream from the existing facility but would jeopardize the health and welfare of the crew.

9.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS

3.1 Invasive Species

3.1.1 Affected Environment

Known locations and species occurrences of non-native species in the region are shown in Table 1 and Figure 2.

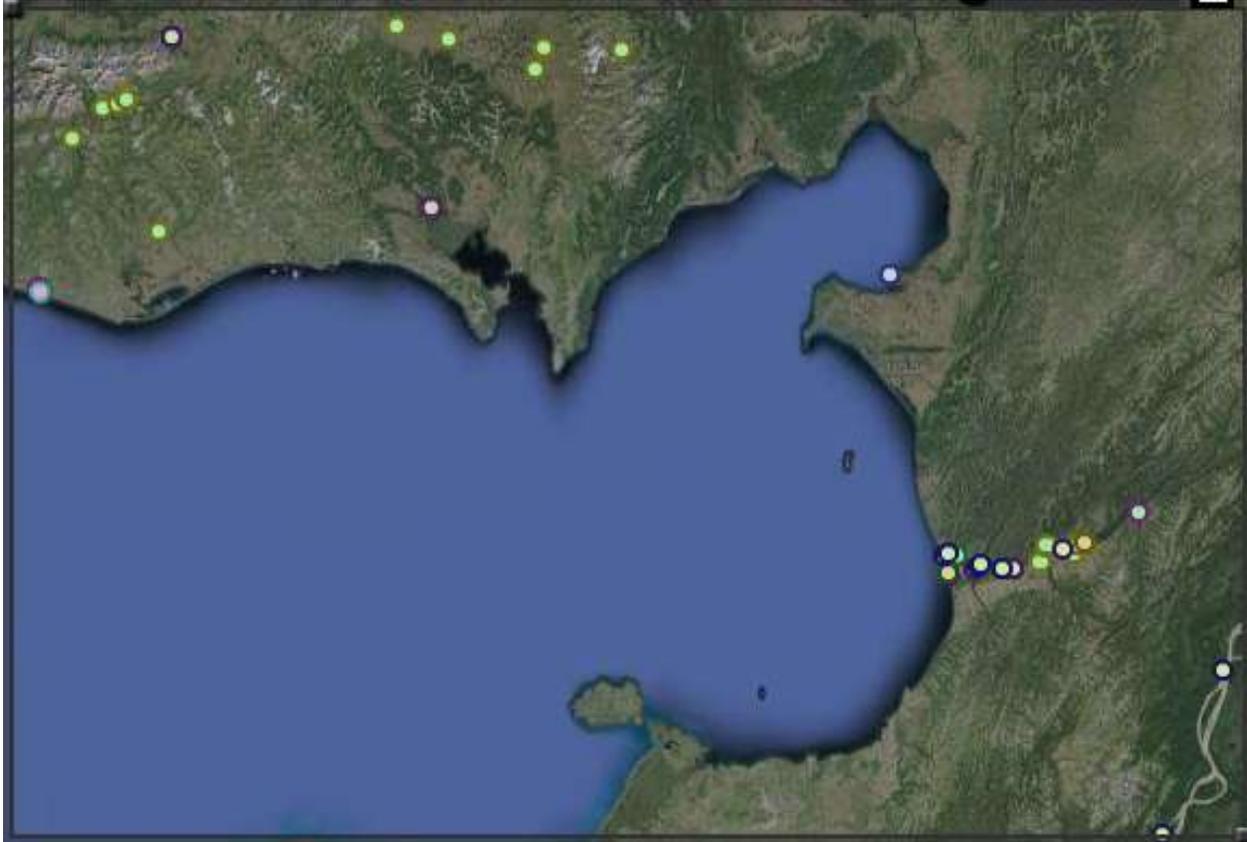


Figure 2. Known locations of non-native species in the Norton Sound Region. (Source: <http://aknhp.uaa.alaska.edu/botany/akepic/>)

Table 1. Known species occurrences of non-native species in the Norton Sound Region.

Scientific Name	Common Name
<i>Hordeum jubatum</i> L.	foxtail barley
<i>Bromus inermis</i> Leyss.	smooth brome
<i>Leucanthemum vulgare</i> Lam.	oxeye daisy
<i>Elymus repens</i> (L.) Gould	quackgrass
<i>Trifolium repens</i> L.	white clover
<i>Taraxacum officinale</i> F.H. Wigg.	common dandelion
<i>Crepis tectorum</i> L.	narrowleaf hawksbeard
<i>Phleum pratense</i> L.	timothy
<i>Poa pratensis</i> L. ssp. <i>irrigata</i> (Lindm.) H. Lindb. or <i>Poa pratensis</i> L. ssp. <i>pratensis</i>	spreading bluegrass or Kentucky bluegrass
<i>Galeopsis tetrahit</i> L.	brittlestem hempnettle
<i>Rumex crispus</i> L.	curly dock
<i>Tripleurospermum inodorum</i> (L.) Sch. Bip.	Scentless false mayweed
<i>Poa annua</i> L.	annual bluegrass
<i>Polygonum aviculare</i> L.	prostrate knotweed
<i>Plantago major</i> L.	common plantain
<i>Stellaria media</i> (L.) Vill.	common chickweed
<i>Capsella bursa-pastoris</i> (L.) Medik.	shepherd's purse
<i>Papaver croceum</i> Ledeb.	Icelandic poppy

Scientific Name	Common Name
<i>Chenopodium album</i> L.	lambsquarters
<i>Senecio vulgaris</i> L.	common groundsel
<i>Matricaria discoidea</i> DC	pineappleweed
<i>Trollius europeus</i> L.	European globeflower

(Source: <http://aknhp.uaa.alaska.edu/botany/akepic/>)

The Inglutalik River and project area and the nearest community where transportation to and from the project area does not contain any known non-native species.

3.1.2 Direct and Indirect Effects from No Action Alternative

Because the No Action Alternative requires dismantling and removing all infrastructure from BLM-managed lands and rehabilitating the lands to their natural condition, this alternative would potentially bring non-native species into the area from soil disturbance and human traffic during the dismantling operations. If the No Action Alternative is selected, a non-native invasive species inventory survey and evaluation of the fish camp area shall be completed before any dismantling and rehabilitation takes place. The NSEDC is the current permittee and occupant, and is fully responsible for all the actions and costs associated with invasive species prevention, monitoring, and eradication. A monitoring, eradication and treatment plan shall be implemented until the site is recovered to its natural indigenous species composition, which could take several years.

3.1.3 Direct and Indirect Effects from Proposed Action Alternative

The Proposed Action Alternative would involve operations occurring annually from roughly June through September. Workers and equipment would be brought to the site from Koyuk, Alaska. Equipment and people may be contaminated vectors/carriers and introduce non-native invasive species to the fish weir site and area. The Proposed Action may introduce and spread non-native invasive species to the site if proper mitigation steps are not taken.

If the Proposed Action Alternative is selected, a non-native invasive species inventory survey and evaluation of the fish camp area shall be completed in the first available opportunity – typically July is the best time to identify species of concern. A monitoring, eradication and treatment plan shall be implemented continually during operations for the life of the project and until the site is recovered to its natural indigenous species composition, which could take several years. At the end of the project term, the Proposed Action requires dismantling and removing all infrastructure from BLM-managed lands and rehabilitating the lands to their natural condition. This increase of human traffic, soil disturbance and activity can introduce more non-native invasive species, invigorate any existing populations of non-native invasive species. The ADFG, as the primary site manager, would be fully responsible for all expenses and actions to conduct invasive species inventory, monitoring, mitigation and eradication of all non-native invasive species.

Table 1 shows species most likely to be transported and found at the disturbed site of operations, however, other species not listed here may also be inadvertently introduced and spread to the site if best management practices are not implemented.

3.1.4 Cumulative Effects

If appropriate prevention and mitigation actions are not conducted, the cumulative effects would be to add non-native invasive species to the Inglutalik River ecosystem where none are known to currently exist. This increase would spread known non-native invasive species from Nome easterly to Unalakleet and could adversely affect the overall health of the Inglutalik River, watershed, and the habitat that supports native, subsistence species.

3.1.5 Recommended Mitigation (if necessary)

(Refer to Section 2.3. No additional mitigation measures are recommended.)

3.2 Cultural Resources

3.2.1 Affected Environment

The Alaska Heritage Resources Survey was consulted for cultural resources that could be affected by this undertaking. There are no known cultural resources located within three miles of the proposed project. Because the project area has not been surveyed for cultural resources, there is the potential for unknown cultural resources in and around the project area. However, the fish camp is located within the area near the river which gets frequently scoured by winter ice, making the potential for intact surface and subsurface deposits low.

3.2.2 Direct and Indirect Effects from No Action Alternative

Because the No Action Alternative requires dismantling and removing all infrastructure from BLM-managed lands and rehabilitating the lands to their natural condition, this alternative proposes ground disturbance and therefore has the potential to impact cultural resources. If the No Action Alternative is selected, a cultural resource survey and evaluation of the fish camp area shall be completed before any dismantling and rehabilitation takes place.

3.2.3 Direct and Indirect Effects from Proposed Action Alternative

Because this is an existing camp and no new surface disturbance is proposed under the Proposed Action Alternative there would be no impacts to known or unknown cultural resources. The right-of-way grant should contain a stipulation regarding the inadvertent discovery of cultural resources during routine operations.

3.2.4 Cumulative Effects

Because the Proposed Action Alternative involves no ground disturbance, there would be no additional cumulative effects to cultural resources.

3.2.5 Recommended Mitigation

(Refer to Section 2.3. No additional mitigation measures are recommended.)

3.3 Fisheries Resources

3.3.1 Affected Environment

The Alaska Anadromous Waters Catalog was consulted for waters that would be affected by this undertaking. The catalog identified the presence of Dolly Varden and chum, Chinook, coho, and pink salmon in the Inglutalik River.

3.3.2 Direct and Indirect Effects from No Action Alternative

The No Action alternative would not block or restrict fishery movement. There would be no effect on the fish resources. However, data collection on king salmon run strength, timing, and duration would cease for this river location, leaving a gap in the overall understanding of the resource.

3.3.3 Direct and Indirect Effects from Proposed Action Alternative

The proposed action would not block the river to migrating fish or have any directed fish harvest. The proposed action would contribute to the understanding of king salmon run strength, timing and duration. There are no anticipated adverse effects of this proposed action.

3.3.4 Cumulative Effects

Because the proposed action does not involve the restriction or harvest of fish there would be no cumulative effects to the resource.

3.3.5 Recommended Mitigation

(Refer to Section 2.3. No additional mitigation measures are recommended.)

10.0 CONSULTATION AND COORDINATION

Consultation was conducted with the State Department of Natural Resources (906(k) concurrence) ADFG and NSEDC.

11.0 LIST OF PREPARERS

Doug Ballou, BLM Assistant Field Manager, Resources
Larry Beck, BLM Environmental Protection Specialist
Jenny Blanchard, BLM Archeologist
Merben Cebrian, BLM Subsistence Biologist
Molly Cobbs, BLM Planning and Environmental Coordinator
Kevin Keeler, BLM Iditarod National Historic Trail Administrator
Jeff Kowalczyk, BLM Outdoor Recreation Planner

David Mushovic, BLM Assistant Field Manager, Lands and Realty
Merlyn Schelske, BLM Fisheries Biologist
Bruce Seppi, BLM Wildlife Biologist
Tom Sparks, Project Lead, BLM Natural Resource Program Coordinator
Laurie Thorpe, BLM Natural Resources Specialist

12.0 **REFERENCES CITED**

BLM. 2010. BLM Alaska Invasive Species Management Policy.

BLM. 2008. Kobuk-Seward Peninsula Record of Decision and Approved Management Plan. September 2008.

Standard Operating Procedures and Stipulations for Right-of-Way AA-93583
Alaska Department of Fish and Game

Standard Operating Procedures:

Invasive Species Management

Permittee, project managers and all field-going staff involved with the planning, logistics, and operation of this fish weir are required to incorporate invasive species prevention and management into their logistics planning, operations, and maintenance of the project site. Best Management Practices (BLM Alaska, 2010) to prevent the introduction and spread of invasive species are required to be incorporated as design features with this project, with necessary precautions taken prior to site occupancy as well as during and after operations.

Based on the remote nature of this project, it is assumed the undisturbed river bank and surrounding areas were free from invasive species infestation prior to fish weir installation. Nome and many of the regional communities along the Norton Sound coast have invasive species infestations. Weed propagules can and often are transported in the mud and debris on boot soles, camping gear, boats, ATVs, wooden pallets, digging gear, building materials, and other equipment. Weed propagules are deposited along the transport route as well as at the site of operation, and begin to establish populations in disturbed soils or otherwise desirable habitat.

Applicant shall implement Best Management Practices for all phases of operations and maintenance of fish weir and all associated facilities. This begins with becoming educated on identifying invasive plant species and then learning how to conduct early detection rapid response actions. Project design features, including the following list of BMPs shall be implemented during all phases of operations and maintenance of the fish weir:

- 1) Permittee is required to implement a non-native invasive plant mitigation, monitoring and management strategy to prevent the introduction and/or spread of non-native invasive species by implementing *best management practices*, monitoring and mitigation.
- 2) If non-native invasive plant occurrences are known to exist in the project area, Permittee shall develop an invasive plant mitigation/eradication plan in collaboration with BLM and other interested parties.
- 3) Prevention & Best Management Practices: Project manager shall use high-pressure washing to thoroughly clean all equipment and associated gear for the project, prior to moving equipment from supplier or point of origin - to transportation units - to the worksite - to the next worksite. These are the critical control points for preventing the movement of contaminants/propagules/weeds.
- 4) All vehicles, transport equipment used in access, construction, maintenance and operations of project must be thoroughly cleaned prior to moving equipment and gear. High-pressure washing to remove material that can contain weed seeds or other propagates will help to insure equipment is weed free. All equipment and associated gear

used in the operations and maintenance of the fish counting tower will be high pressure washed to remove potential propagules, seeds, and soil carrying vegetative material. All gear, tool bags and accessories must be free of all plant debris, mud, and materials which can be the source of non-native invasive plants and pathogens.

5) Monitoring: Project manager should conduct early detection rapid response monitoring of the project area. This involves a minimum of one site visit annually during the growing season (preferably July) to look for the occurrence of non-native invasive plants. Should any occurrences be detected, project manager should implement early detection rapid response. Early detection rapid response efforts (EDRR) are designed to detect new invasive plants early enough in the growth stage to allow efficient assessments to be made and respond to invasions in an effective, environmentally sound manner that will prevent the spread and perpetual establishment of invasive species. EDRR is achieved by visual observation of the ground in the area of concern looking for suspected plant species and taking prompt action to remove the infestation, typically by hand pulling or digging and properly disposing of the debris. Not all species respond favorably to hand pulling, but the majority does. Care needs to be taken to judiciously contain seed bearing parts of the plants. Repeated visits to infested sites within a single growing season may be necessary, before plants produce seeds. The objective is to remove the seed bank and any propagative parts of the plants, thus minimizing the potential for increased spread.

6) Site reclamation must be implemented as soon as possible after construction using the original duff layer. This original duff layer is to be removed and set aside upon initial site disturbance, and replaced on disturbed areas in lieu of revegetation with non-local materials.

7) All revegetation and stabilization efforts must use native and/or Alaska certified weed free products. Sources for weed free products can be found by calling the Plant Materials Center: 907-745-4469. Revegetation Guidance can be found at: www.dnr.state.ak/ag/pmcweb/PMC_reveg

Soils:

Operations should minimize soil erosion by stabilizing disturbed areas as soon as possible. Where permitted operations result in surface disturbance, return land to its pre-disturbance condition to the extent possible. Disturbed stream banks will be recontoured, revegetated, or other protective measures will be taken to prevent soil erosion into adjacent waters. This should be in consultation with BLM.

Water, Riparian, and Wetlands:

Operations should manage human use to achieve and maintain water quality standards and avoid waste management problems and water quality impacts. Projects will be designed to protect water quality and comply with Federal and State water quality standards. Management practices will include public education and construction of toilet facilities where appropriate. Land management practices will be directed to avoid or minimize adverse impacts upon the

hydrological, habitat, subsistence, and recreational values of public wetlands. Activities in wetlands will comply with Federal and State permit requirements for alteration of wetlands. Riparian vegetation, if removed during operations, will be reestablished. Operations will minimize disturbance to riparian areas and facilitate rehabilitation of riparian areas. To the extent feasible and prudent, channeling, diversion, or damming that will alter the natural hydrological conditions and have a significant adverse impact upon riparian habitat will be avoided. All permitted operations will be conducted in such a manner as not to block any stream, or drainage system and to comply with State (Alaska Dept. of Environmental Conservation) and Federal (Environmental Protection Agency) water quality standards. Activities shall provide for maintenance of proper functioning condition in riparian areas and protection of water quality by minimizing impacts of other permitted activities and vegetation treatments. Structural and vegetative treatment in riparian and wetland areas will be compatible with the capability of the site, including the system's hydrologic regime, and will contribute to maintenance or restoration of proper functioning condition. Refueling of equipment will not be conducted in riparian areas or within 500 feet of the active floodplain of any fish-bearing water body or within 100 feet from non-fish bearing water bodies. The authorized officer (AO) may allow storage and operations at areas closer than the stated distance if properly designed to account for local hydrologic conditions. Spill cleanup equipment will be available at all permitted sites. New structures will be located away from riparian or wetland areas if they conflict with achieving or maintaining riparian or wetland function. Existing structures will be used in a way that does not conflict with riparian or wetland functions or be relocated or modified when incompatible. Operations will preserve sufficient water quantity to support beneficial uses.

Special Status Species:

Fish, wildlife, sensitive plants, and habitat will be managed to ensure compliance with the Endangered Species Act (ESA) and to ensure progress towards recovery of listed threatened or endangered species. The planning area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status. BLM may recommend modifications to proposals to further its policy of avoiding BLM-approved activity that will contribute to a need to list such a species. BLM may either require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed, threatened, or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the ESA as amended, 16 U.S.C. 1531 et seq., including completion of any required procedure for conference or consultation.

Fish and Wildlife:

Operations shall protect, maintain, and preserve the condition and ecological function of the aquatic and riparian zones of streams that determine the ability of these habitats to:

1. Provide clean water for community use;
2. Produce fish and wildlife on a sustained basis to support cultural, economic, subsistence, and recreational needs; and

3. Maintain the hydrological and morphological stability of streams to prevent unnatural flooding, habitat degradation, and water quality impairment.

Any proposal to use or develop the lands, waters, or resources within 300 feet of the banks of active stream channels must demonstrate to the satisfaction of the AO that such use or development:

1. will not adversely alter the condition and ecological function of aquatic and riparian systems by impacting water quality, stream flow, velocity, ground water hydrology, channel connectivity, channel form, material recruitment, substrate composition, energy (food) flow, and riparian function;
2. will not diminish the quality and diversity of habitats needed to sustain the production of fish and wildlife populations at their natural potential; or is outside the flood-prone width of these rivers.

Fire Management:

The goal of fire management is to reduce impacts to water quality, riparian habitat, vegetation, soils, and fish habitat from fire suppression activities. Permittees and casual users will be held financially responsible for any actions or activity that results in a wildland fire. Costs associated with wildland fires include but are not limited to damage to natural or cultural resources and costs associated with any suppression action taken on the fire. The Federal government will not be held responsible for protection of permittees' structures or their personal property. It is the responsibility of permittees and leasees to mitigate and minimize risk to their personal property and structures from wildland fire, if allowed by their permit. Gas powered equipment will be equipped with manufacturer approved and functional spark arrestors.

Aquatic Habitat and Water Quality:

To protect water quality, the following measures shall be taken:

1. 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.
2. 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.
3. 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. ADF&G Gasoline, 2014). 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 1-800-478-1263. 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.

Permit Stipulations:

- 1) During construction, operation, maintenance, and termination of the project you must:
 - a. Comply with all existing and subsequently enacted, issued, or amended federal laws and regulations and state laws and regulations applicable to the authorized use;
 - b. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the area;
 - c. Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate;
 - d. When the state standards are more stringent than federal standards, comply with state standards for public health and safety, environmental protection, and siting, constructing, operating, and maintaining any facilities and improvements on the lands;
 - e. Immediately notify all federal, state, tribal, and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared;
- 2) No hazardous materials will be stored at the site. All spills of fuel will be reported to the Alaska Department of Environmental Conservation (ADEC) and cleaned-up in accordance with 18 AAC 75. BLM shall be notified of all reportable spills. Absorbent material shall be stored on site for any fuel spills and used in refueling of equipment;
- 3) 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 right-of-way, the applicant shall immediately cease activities and notify the BLM authorized officer. If the

applicant proposes ground disturbance in the future, a cultural resource survey and evaluation will be needed before the disturbance is authorized.

- 4) In order to minimize disturbance to the riparian habitat, ADFG shall install steps to reduce foot traffic and soil erosion. The steps shall be a minimum of three-feet wide, made of aluminum or wood and placed to allow access from the boat to shore. Several steps should be below the water depending on the depth of water at the bank. A railing shall be attached to provide for safety and secured in place with rebar or pipe. The pipe shall be driven in one foot at the top of the stairs and bottom. A minimum of four pipes will be used to secure the stairs in place. No sharp ends of the pipe will be visible to snag clothing, trip on, or fall on. Boat operators should be able to exit the boat and walk up the steps to shore. A minimum of four steps will be above the normal water level (see Figure 1).



Figure 1. Typical step installation on riverbank.

- 5) The holder shall submit a plan of development that describes in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The plan shall include drawings in sufficient detail in enable a complete evaluation of all proposed structures, facilities, and landscaping to ensure compliance with the requirements of the grant and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with the requirements. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved plan of development shall be made a part of the right-of-way grant;
- 6) A detailed reclamation and closure plan shall be submitted and approved by BLM prior to closer of the site;
- 7) In order to prevent invasive species spread, all vehicles, and equipment used in conjunction with the permit 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 insure equipment is 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;

- 8) All construction materials brought on site for the project must be certified weed-free products. This includes mulch, straw, hay, gravel, top soil and any other materials that have potential to transport and propagate non-native invasive plant species.
- 9) Should any area used under the right-of-way have non-native invasive plant infestations, you must confer with the authorized officer to reduce and monitor the spread by contacting: Laurie Thorpe by telephone at 907-267-1208 or by e-mail at lthorpe@blm.gov.
- 10) All equipment, personal property, and improvements must be removed within sixty (60) days after permit expiration date or as directed by the authorized officer;
- 11) Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
- 12) The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office of Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.