

Decision Record - Memorandum

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

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Chapter 1. Amended Doyon Winter Trail

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1.1. Compliance

This proposed action is within the Utility Corridor Resource Management Plan and Final Environmental Impact Statement approved January 11, 1991. The proposed action is in conformance with plan because it is specifically provided for in the following planning decision (objectives, terms, and conditions):

Appendix N Lands Program Objectives (pages N 7- 9)

7. Process applications for land use authorizations from the general public, federal and state agencies, and research organizations on a case-by-case basis.

Relationship to Statutes, Regulations or Other Plans

Title V of FLPMA provides for authorization of grant, issue, or renew rights-of-way, over, upon under, or through public lands for (6) roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, other means of transportation

1.2. Selected Action

It is my decision to authorize a five (5) year right-of-way grant to Doyon, Limited to stage heavy equipment, clear and build a winter access trail in support of their oil and gas exploration on private lands. Staging will be at the 5 mile airstrip at mile post 57 on the Dalton Highway and the trail will also begin at this point and continue east across public lands for approximately nine (9) miles. All mitigations have been incorporated into the stipulations which are attached to this document.

1.3. Compliance with NEPA:

All concerns have been appropriately addressed in the environmental assessment DOI-BLM-AKF030–2014–0006. This includes cultural resources, essential fish habitat, wilderness characteristics and subsistence concerns (see attached EFH, Wilderness Characteristics Assessment, Section 106 and 810 findings). All mitigation measures are being carried forward in stipulations attached to the grant.

1.4. Public Involvement:

The Bureau of Land Management published the environmental assessment on the Central Yukon Field Office website on December 30, 2013. No comments have been received as of February 24, 2014

1.5. Rationale:

1. 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.
2. All concerns are appropriately addressed in the EA DOI-BLM-AK-03000-2014-0006. This includes cultural resources and subsistence concerns (see attached NHPA Section 106, ANILCA 810 findings, boundary risk and wilderness characteristic assessments and essential fish habitat.

The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws. It is my decision to authorize a right-of-way grant, case file number F-95741 to build a winter trail from the Dalton Highway to Stevens Village approximately nine (9) miles on public lands in support of oil and gas exploration on private lands. Mitigation measures and stipulations are attached.

The No Action Alternative was not chosen as it would not allow Doyon, Limited to build a winter access trail in support of oil and gas exploration.

1.6. Appeal or Protest Opportunities:

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, 1150 University Avenue, Fairbanks, Alaska 99709 within 30 days from receipt of this decision. If you decide to file an appeal, you must carefully follow the procedure described on the enclosed form 1842-1. If you don't file your appeal at the locations specified on the form within 30 days, the Board may dismiss your appeal as untimely without considering its merits. 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. 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. 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:

1. The relative harm to the parties if the Board grants or denies the stay,
2. The likelihood of the success of your appeal on its merits,
3. The likelihood of immediate and irreparable harm if the Board does not grant the stay, and;
4. Whether the public interest favors granting a stay.

1.7. Authorizing Official:

Gary M. Foreman
Acting Field Manager, Central Yukon Field Office

March 3, 2014

1.8. Contact Person

For additional information concerning this Finding, contact.

Robin Walthour, Realty Specialist
Central Yukon Field Office
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Fairbanks, Alaska 99709
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Appendix A. — Essential Fish Habitat Assessment

NEPA Document No.: DOI-BLM-AK-F0300–2014–0006–EA

Prepared by: Bob Karlen

Date: 1/31/2014

Essential Fish Habitat (EFH) Finding: There are no salmon species catalogued by the State of Alaska present in the area to be used or impacted by this action. Based on this finding, it is anticipated that the proposed action will not have an adverse effect on EFH for salmon. Therefore, the proposed action is assigned the EFH determination: *No affect*. 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-F0300-2014-0006-EA

Case File/Serial No.: F-95741

Applicant: Doyon, Limited

Location: Beginning at 5 mile airstrip at mile post 57 on the Dalton Highway and travelling east towards Stevens Village more particularly described as Sec. 12, 13, 14, 21, 22, 23, 28, 29, 30 and 31, T. 13 N., R. 10 W., and Secs. 26, 35 and 36, T. 13 N., R. 11 W., Fairbanks Meridian, Alaska, containing approximately 36.36 acres.

Prepared by: Lisa Shon Jodwalis

Date: 22 January 2014

Proposed Action

Doyon, Limited proposes to build a winter trail to access their property to conduct oil and gas exploration using a subcontractor (not determined at this time). The amended trail begins at the Dalton Highway mile post 57 and traverses public lands easterly for approximately nine (9) miles before continuing on to private lands ending at Stevens Village. The amended route would be more feasible to avoid steep topographic relief, maximize the use of open and marshy areas that freeze solid and do not require any cutting and would minimize stream crossings. In addition, unmanageable cross slopes would be avoided. Mobilization of trailblazing/mulching equipment is planned to begin 2013–2014 as soon as frozen ground conditions can support the weight of equipment. This equipment would be used to clear trees and brush without damaging ground that would result in erosion or long term vegetation loss.

The right-of-way would be cleared up to a maximum of 30 feet wide within in which would be a single lane snow and ice trail approximately 16 feet wide. Because it would only be a single lane trail, turnouts would also be constructed to allow for passing traffic at regular locations. Additionally, small temporary clearings would be developed every mile for temporary equipment parking and laydown during winter road development and maintenance activities. Short spur access trails would be cleared to water extraction sites.

The following equipment would be used in the construction of this trail: D5G mulcher, D6 LGP dozer, tracked excavator, tracked feller/buncher, tracked carrier, Cat 966, crew carrier, fuel sled with tracked carrier with double-walled fuel tank, supply connex, trail groomer, snowmachines (4) and 10 persons camp. Personnel will be housed at established facilities at Fairbanks, Fox, Livengood, and Stevens Village.

Water will be needed to harden the snow surface for travel within the winter access route. Water will be obtain from the Yukon River and six (6) other ponds designed on a map (3 of which are on public lands). Equipment would cross frozen streams during construction of the trail and transportation of all supplies. Proposed stream crossings are Ray River and tributaries, Woodcamp Creek, Dall River and tributaries and Dakokan Creek.

After the trail is cleared, mobilization of up to 200 pieces of equipment would traverse the trail in support of mineral exploration. Doyon does not propose to restrict trail access to the public but does propose to minimize the presence of the trail to avoid “general” public use.

Additionally, Doyon proposes to stage heavy equipment at the southern end of the 5 mile airstrip. Doyon is obtaining permits from the State of Alaska for extracting water, fish habitat permit, letter of concurrence, scenic by-way design requirements and access agreement from Stevens Village. They propose a five (5) year authorization.

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 action being considered is partially located within the Yukon Segment of the Nonwilderness Assessment. This was a special project approved by the Director, BLM and conducted by BLM along portions of the trans-Alaska oil pipeline system (TAPS) corridor (U.S. Department of Interior, BLM, 1980). The assessment identified lands under BLM administration that lacked wilderness characteristics as defined in the Wilderness Act of 1964 and was conducted in a manner that met the requirements of Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). The Yukon Segment covers approximately 725,000 acres. Portions of this segment meet the 5,000 acre minimum size. The Yukon Segment was deemed as not meeting naturalness standards due to roads, camps, airfields, pipelines, material sites and associated facilities.

Other sections of the proposed trail occur in an area inventoried and identified as having wilderness characteristics (CYFO-Woodcamp Creek-Utility Corridor-Yukon River Segment-001).

Effects on Size

The proposed winter trail will meet the following criteria defined by BLM Handbook 6310 for a Wilderness Inventory Road for the duration of the project: (a) it must be improved and maintained; (b) improvement and maintenance must be by mechanical means; and (c) it must have relatively regular and continuous use.

The proposed action will alter the wilderness characteristics of the inventory area (CYFO-Woodcamp Creek-Utility Corridor-Yukon River Segment-001) by creating a road where none currently exists. It would divide the lands characterized as having wilderness characteristics into two units. However, the smaller unit between the proposed trail and the Yukon River (approximately 5,827 acres) will still meet the minimum size criterion of 5,000 acres for land with wilderness characteristics.

Effects on Naturalness

The proposed action would create substantially noticeable disturbances that would occur during road construction and subsequent winter equipment moves. According to BLM Manual 6310, natural condition includes “any work of human beings must be substantially unnoticeable.” Although the activity would be confined to the period when the ground is frozen, ice and

compaction of snow can alter soils, plant composition, plant phenology, and drainage patterns. Introduced non-native species could alter the natural vegetation to an extent where it is noticeable by the general public. The noise, activity and presence of people could cause wildlife to move away from the vicinity at least during construction and periods of high volume traffic. Accidental leaks of fuels or chemicals could negatively affect water quality.

Effects on Opportunities for Solitude or Primitive Recreation

FINDING

The proposed route falls partially on lands determined to have wilderness characteristics and will impact wilderness characteristics. Effects on size would be to create a much smaller unit with wilderness characteristics out of a single large unit. Effects on naturalness would likely be confined to a zone on and adjacent to the trail. Effects on solitude or primitive recreation would extend farther but would probably decrease quickly with distance from the trail and would probably not be substantial. Effects on naturalness, solitude, and primitive recreation can be mitigated by following the stipulations attached to this permit and by the applicant's adherence to state laws regarding off-road vehicle use and hunting within five miles of the Dalton Highway.

Type of Assessment/Sources

U.S. Department of Interior, BLM, 1980. Nonwilderness Assessment: The Alaska Natural Gas Transportation System, Final Decision. Anchorage, Alaska

U.S. Department of Interior, BLM, 1989. Utility Corridor Resource Management Plan and Environmental Impact Statement, Arctic District Office, Alaska

Bureau of Land Management, Fairbanks District Office, 2101. Memo to the file: Inspection of the Stevens Village Winter Trail, 2010

USGS topographic maps, ground and aerial photos

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Appendix C. — Section 810 Analysis

NEPA Document No.: DOI-BLM-AK-F0300–2014–0006–EA

Applicant: Doyon, Limited

Case File: F-95741

Proposed Action: Doyon, Limited proposes to amend their authorized right-of-way for a staging area and winter access trail from the Dalton Highway to Stevens Village to support their efforts of oil and gas exploration on private lands. Some grades were not conducive to a winter trail and work was abandoned. Additionally, they also propose to clear turnouts and temporary pull outs and to extract water from approximately 6 ponds along the route with three (3) ponds on public lands.

Location: Beginning at 5 mile airstrip at mile post 57 on the Dalton Highway and travelling east towards Stevens Village

Township/Range: Sec. 12, 13, 14, 21, 22, 23, 28, 29, 30 and 31, T. 13 N., R. 10 W., and Secs. 26, 35 and 36, T. 13 N., R. 11 W., Fairbanks Meridian, Alaska, containing approximately 36.36 acres

Evaluation by: Erin Julianus, Jennifer McMillan and Bob Karlen

Date: 12/31/2013, 2/25/14 and 1/31/2014

Type of Assessment/Sources: Review of application materials, subsistence database, local knowledge, interviews with staff knowledgeable about the area and the proposed action.

Effect of the proposal on subsistence uses and needs

Fisheries: Activities pursuant to this permit include withdrawing water from two lakes located on BLM managed land and crossing two unnamed streams and Woodcamp Creek during the winter months. Water withdrawals amounts from lakes assume fish presence. The streams are located on BLM managed land identified as a subsistence use area for residents of Stevens Village (USDI/BLM 1989). Fish (grayling, sheefish, round whitefish) have been captured in these streams during the open water season (Rockwell 1978). Crossings will occur at shallow riffle areas which are likely to be completely frozen. Impacts to fish habitat and species are not anticipated due to the crossings or other activities associated with the permit. As a result, the proposed action would not significantly reduce harvestable fisheries resources that are available for subsistence. For the same reason, 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:

The proposed action is within an area identified by Stevens Village as the traditional land use and occupancy area (Sumida 1988). The area has been identified by Alyeska Pipeline Service Co (2002) as a subsistence use area for residents of Stevens Village. Moose (*Alces alces*), caribou (*Rangifer tarandus*), wolves (*Canis lupus*), black and brown bears (*Ursus americanus* and *U. arctos*), furbearers and small game all occur in the general area. While caribou sometimes occur in the area in the winter, moose, wolves, bears, furbearers such as marten (*Martes americana*) and lynx (*Lynx canadensis*) and small game such as snowshoe hare (*Lepus americanus*) and

ptarmigan (*Lagopus* sp.) are the most likely subsistence species to occur at the actual site of the proposed action.

Moose and brown bears are both thought to occur at low population densities (< 1.0 moose/mi² and 0.03/mi², respectively) in the general area (Alaska Department of Fish and Game 2008). No estimates of black bear, wolf or furbearer numbers are available.

In an immediate sense, the proposed action would not create any legal or physical barriers that would limit subsistence harvest and access since the area is open for both sport and subsistence harvest (as regulated by the State of Alaska, the Federal Subsistence Program, and BLM). Furthermore, the proposed action may actually serve to increase subsistence hunter access to subsistence species since new possibilities for overland travel could be made more accessible by the presence of the road.

However, in the reasonably foreseeable future, sport hunter access to subsistence resources may be increased as a result of the proposed action. While the proposed route will not initially be legally open to public use (and signs forbidding road use off the Dalton Highway will be present), no actual physical restrictions (e.g. a gate restricting road entry) to public access will be present. Therefore, physically, if not legally, this new overland winter route will open access to illegal hunting activity in the area if the closure of the route to public use is not enforced.

Furthermore it is possible that in the future, legal restrictions to public use of this route, and subsequently ADFG DHCMA restrictions to non-subsistence hunter access, could be lifted. If this future scenario occurs, then taking of wildlife (including, but not limited to, caribou and moose), by non-subsistence hunters could increase.

Other resources: The proposed action will not appreciably change or impact any other harvestable resources such as wood, water, berries, or vegetation. However, trespass along the proposed route and/or future lifting of restrictions to road use and non-subsistence user access, could result in increased take of subsistence resources by non-subsistence hunters.

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

The proposed action will alter the distribution, migration and/or location of harvestable wildlife resources for short durations while activity is occurring at proposed sites. However, activity will not appreciably reduce forage for harvestable wildlife resources at a landscape scale because little or no native habitat will be affected by the staging or mulching vegetation along the winter trail as long as ground freeze depth and snow pack levels are 12 to 18 inches.

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

The proposed action will not inhibit or prevent subsistence users from accessing resources.

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

The proposed action involves exploration on specific Doyon lands and the route selected is among the least environmentally damaging. The original route the permittee applied for was approved and is available for the permitted activity, but involves trail construction on steeper

grades, which increases the complexity of construction. Therefore, the current route is considered to be the best option.

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

There is not substantial evidence to indicate that a significant impact on subsistence resources 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 result from the proposed actions. However, trespass along the proposed route and/or future lifting of restrictions to road use and non-subsistence user access, could result in increased take of subsistence resources by non-subsistence hunters.

References:

Alaska Department of Fish and Game. 2003. Brown bear management report of survey-inventory activities 1 July 2000-30 June 2002. C. Healy, editor, Juneau, Alaska.

Alyeska Pipeline Service Co. 2002. Environmental Atlas of the Trans Alaska Pipeline System. Alyeska Pipeline Service Co. Anchorage Alaska. 25 pp and appendices.

Rockwell, J. Jr. and R.L. Johnson. 1978. List of streams and other waterbodies along the Trans-Alaska oil pipeline route (fourth revision draft). Alaska Pipeline Office, U.S. Department of Interior, Anchorage, Alaska.

.Stout, G. 2008. Unit 24 moose. Pages 579-616 *in* P. Harper, editor. Moose management report of survey and inventory activities 1 July 2005-30 June 2007. Alaska Department of Fish and Game. Project 1.0. Juneau, Alaska, USA.

Sumida, V. 1988. Land and Resource Use Patterns in Stevens Village, Alaska. Alaska Department of Fish and Game. Tech Paper 129. Fairbanks, Alaska, USA.

USDI/BLM. 1989. Utility Corridor Proposed Resource Management Plan and Final Environmental Impact Statement. USDI/Northern Field Office. Fairbanks, Alaska.