

# **Decision Record - Memorandum**

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

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# **Chapter 1. NEON Toolik**

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DOI-BLM-AKF-030-2014-0046-EA

## 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)

5. Make lands available to Federal and State agencies and research organizations for needed administrative and facilities support. Locate facilities development to minimize environmental impacts with emphasis given to previously disturbed sites.

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 III of FLPMA provides for the issuance of permits or leases to authorize use, occupancy and development of the public lands, including but not limited to, long-term leasing to permit individuals to utilize public lands for habitation, cultivation, and the development of small trade or manufacturing concerns.

## 1.2. Selected Action

It is my decision to authorize a right-of-way grant for 20 years to the National Ecological Observatory Network (NEON) Incorporated to construct, operate, maintain and terminate an ecological observatory facility. This proposed action was analyzed by DOI-BLM-AKF030-2014-0046. The lands are within Secs. 20, 29 and 32, T. 9 S., R. 11 E., Secs. 17 and 19, T. 9 S., R. 12 E., and Secs. 8 and 17, T. 9 S., R. 13 E., Umiat Meridian, Alaska, containing approximately 5.00 acres.

## 1.3. Compliance with NEPA:

All concerns have been appropriately addressed in the environmental assessment DOI-BLM-AKF030-2014-0046. This includes cultural resources, essential fish habitat, wilderness characteristics and subsistence concerns (see attached EFH, Wilderness Characteristics Assessment, Section 106 and 810 findings). All mitigations measures are being carried forward in the terms and conditions attached to the grant.

## 1.4. Public Involvement:

Public notification of the Environmental Assessment was published to the NEPA Register on file at the Central Yukon Field Office website on July 16, 2014. No comments have been received as of February 3, 2015.

## **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-F030-2014-0046. This includes cultural resources and subsistence concerns (see attached NHPA Section 106, ANILCA 810 findings, wilderness characteristics 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-96805 to NEON, Inc. to construct, operate, maintain and terminate an ecological observatory facility as described in their plan of development.

The No Action Alternative was not chosen as it would not allow for the applicant to conduct ecological monitoring nor construct the infrastructure to house and power the supporting equipment and instrumentation.

## 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:

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

February 28, 2015

## 1.8. Contact Person

For additional information concerning this Finding, contact.

Tom Beaucage, Realty Specialist  
 Eastern Interior Field Office  
 1150 University Avenue  
 Fairbanks, Alaska 99709  
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# Appendix A. — Essential Fish Habitat

NEPA Document No.: DOI-BLM-AK-F030-2014-0046-EA

Prepared by: David G. Parker

Date: 09/16/2014

**Essential Fish Habitat (EFH) Finding:** The proposed action lies within the general range of Dolly Varden (*Salvelinus malma*); arctic char (*S. alpinus*); Lake Trout (*Salvelinus namaycush*); burbot (*Lota lota*); and whitefish (Coregonid spp.). Arctic grayling (*Thymallus arcticus*) and slimey sculpin (*Cottus cognatus*) are ubiquitous throughout the region (ADF&G 1978). The National Marine Fisheries Service (NMFS) recognizes fresh waters cataloged (ADF&G 2012) as being used by salmon under AS 41.14.870 (*Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes*) as essential fish habitat (EFH). The closest EFH to this proposed action is approximately 1 mile from both Toolik Lake and the antennae site. Therefore the proposed action described in this Environmental Assessment (construction, operation, and maintenance of monitoring sensors and antennae facility near Toolik Lake for 30 years) is not anticipated to have any deleterious effects on the anadromous habitat.

## References:

State of Alaska, Alaska Department of Fish and Game. 1978. Alaska's Fisheries Atlas. Volume 2. Edited by R. McLean and K. Delaney. Alaska Department of Fish and Game.

State of Alaska, Alaska Department of Fish and Game. 2012. An Atlas to the Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fishes, Resource Management Region V. Alaska Department of Fish and Game, Habitat and Restoration Division.

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# Appendix B. — Wilderness Characteristics Assessment

**NEPA Document No.:** DOI-BLM-AK-F030-2014-0046-EA

**Serial No.:** F-96805

**Applicant:** National Ecological Observatory Network (NEON)

**Location:** Toolik Lake Area MP 285 Dalton Highway

**Prepared by:** Karen Deatherage

**Date:** August 27, 2014

## Proposed Action

In order to accomplish its purpose and need, NEON proposes to construct, maintain and terminate three ecological monitoring facilities in the vicinity of Toolik Lake:

- A tower facility north of the Toolik Research Station,
- A relocatable aquatic facility at Toolik Lake, and
- An aquatic facility at Oksrukyik Creek northeast of the tower facility.

### Tower Facility:

The tower facility is proposed to consist of a square lattice tower with internal stairs and a platform system for access. The base of the tower will be 8.5 feet by 8.5 feet. The overall height of the tower will be 26 feet. The tower will be made of galvanized steel and can be powdercoated to blend with the surroundings. The tower will be a self supporting structure on a pile foundation.

The tower facility will also host an instrument hut, which will house the instruments, tools, gas bottles, and safety equipment. The foundation of eight freeze back piles will have a footprint of 10 feet by 20 feet. The instrument hut is 8 feet wide, 20 feet long and 9 feet high. The instrument hut can be painted to blend with the surroundings.

A soil array consisting of 5 clusters of 5 bore holes will be located near the tower as part of the tower facility. The bore holes will be approximately 2.5 inches in diameter and, depending on the measurement to be taken for each hole, will be either vertical or at a 45 degree angle. The depth of the holes will be site-specific but will not exceed 7 feet.

A soil pit will also be dug, have soil samples removed, and be refilled with the excavated soil within 3–5 days of breaking ground. The depth of the pit will be refusal or 6 feet. The pit activity will coincide with the site construction and will be supervised.

Associated with the tower facility is electricity generation. Two diesel generators (one providing backup for the other) will be located on a developed 160 feet by 160 feet pad off of the Dalton Highway outside of the highway right-of-way. Fuel storage needs are estimated to be a minimum of 6000 gallons. Fuel will be stored in double-walled tanks and the facility will comply with environmental requirements including a spill response plan and proper storage of hazardous

materials. The fuel and generators will be secured within an enclosure to which the BLM will have access.

An on-grade power line will be run through overground conduit from the generators/ parking area to the tower facility, colocated with the winter access route. The power run will be approximately 6,500 feet long and can be shallow-buried if necessary. The power run/ winter access route will be situated so that passing under the Trans-Alaska Pipeline will not be necessary.

Access to the site will originate at the generator area, which will facilitate parking. During the summer months, NEON proposes to walk to the tower using the existing pipeline service road, and then on a Geoblock path over the tundra which they are proposing to install for that purpose. Winter access will parallel the power conduit and will be via snowmachine. No motorized vehicles will cross under the pipeline.

Construction of the tower facility is expected to take six months. Construction is proposed to occur after the ground has frozen sufficiently to minimize impacts. Staging will occur at the parking/ generator pad location. Construction equipment beyond the staging area will be limited to eight to ten feet in width and will travel along and operate within clearly marked (flagged) limits. Foundation and ground work will occur during winter months only. Heavy and large items, such as the instrument hut, will be staged during the winter to minimize impacts. Construction equipment may include mini-excavators, pickup trucks, skid-steer, snow machines and Nodwells.

After the 30 year life of the tower site, NEON proposes to restore the site to BLM requirements. NEON proposes to remove all infrastructure as well as restore the area impacted by NEON with native vegetation. The existing components described above will be removed and disassembled, any foundations removed (or to below grade per BLM direction) and ground disturbance mitigated via BLM direction.

### **Relocatable Aquatic Facility**

The relocatable aquatic facility is proposed to consist of a buoy, deployed at Toolik Lake, that will house aquatic sensors. The buoy is proposed to be an “off-the-shelf” model, which is still pending selection figure x.x is an example of a buoy that is being used in other NEON aquatic sites. The buoy will be deployed and retrieved annually by boat, or alternatively, submerged to a depth of 10 feet each winter. Battery/ solar will power the instruments on the buoy. Periodic maintenance visits to the buoy are anticipated every two weeks during the summer. Access to and deployment and retrieval of the buoy will be conducted by small motorized or human-powered boat. Data will be transmitted from the buoy via radio telemetry.

Groundwater monitoring wells are proposed to be installed in 8 locations around Toolik Lake. The wells will be schedule 100 PVC two inches in diameter enclosed in a steel-cased four inch diameter drilled hole to a depth not to exceed 30 feet. A concrete foundation for each well is proposed, with the concrete being mixed on site. The well hole is to be backfilled with sterile sand and surface sealed with bentonite. Sensors will be deployed in the wells and a small external enclosure will house the battery powered radio and telemetry instrumentation. The wells are proposed to be drilled by a hand-portable auger.

A small meteorological tower will be used to collect weather data. The station will be tripod-mounted. Legs deployed, the diameter of the tripod will be 4–5 feet. The preferred location of the tripod will be the buoy. If buoy-mounting proves impractical, an alternative land-based location has been identified

Any overland access needed for the relocatable aquatic facility will be by foot. Should foot access require it to become more beneficial to the resource, NEON proposes to install Geoblock boardwalks on grade.

The aquatic facility is proposed for a period of ten years.

Any construction activities that would require machinery will be conducted during winter months.

NEON proposes to restore the site to BLM requirements. The existing aquatic components described above will be removed and disassembled, (foundations left in place or removed to slightly below grade- based on BLM preference) and ground disturbance mitigated via BLM direction. There are no other ground disturbing activities associated with the NEON project at Toolik Lake. Well decommissioning will include the casing removal, concrete sealant will be removed and bentonite in the well will be abandoned in place. The PVC well will be removed according to the permit. Sand will remain, and any voids will be filled with native materials

### **Core aquatic facility at Oksrukyik Creek**

Four sets of sensors will be installed. The sensors will be battery/ solar powered and secured by rebar to the stream bed. Sensors will be deployed and recovered annually coinciding with seasonal freezing and thawing. Access to the sensors will be via foot from the established parking area identified in figure, and will be required approximately 2 times per month. Data will be transmitted via radio telemetry.

Groundwater monitoring wells are proposed to be installed in 8 locations around Oksrukyik Creek. The wells will be schedule 100 PVC two inches in diameter enclosed in a steel-cased four inch diameter drilled hole to a depth not to exceed 30 feet. A concrete foundation for each well is proposed, with the concrete being mixed on site. The well hole is to be backfilled with sterile sand and surface sealed with bentonite. Sensors will be deployed in the wells and a small external enclosure will house the battery powered radio and telemetry instrumentation. The wells are proposed to be drilled by a hand-portable auger.

A small enclosure is proposed to be constructed to house the nutrient addition equipment for a nutrient addition experiment known as STREON. Nutrients to be stored on site are phosphorous and sulfate. The equipment will be gravity-fed and battery/ solar powered. The dimensions of the enclosure are not yet determined. The foundation for the enclosure is also to be determined, but it will not require excavation or heavy equipment. Access to the enclosure is proposed to be foot; access frequency is estimated at twice per month. NEON proposes to install Geoblock boardwalk from the parking area to the array. The sensors and nutrients are proposed to be removed seasonally.

A small meteorological tower will be installed to collect weather data. The station will be monopole or tripod-mounted. It will be powered by battery/ solar, or overground conduit.

### **Evaluation**

The basis for this evaluation is BLM Manual 6310-Conducting Wilderness Characteristics Inventory on BLM Lands, and BLM Manual 6320 - Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which direct offices to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to

consider identified Lands with Wilderness Characteristics (LWC) in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

Effects on wilderness characteristics on BLM lands within the Utility Corridor are evaluated according to 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 depending on topography and proximity. Permitted activities such as gravel- and gold mining occur throughout the area and have expanded in some locations. These developments are substantially noticeable in some areas and alter the natural character of lands in the immediate vicinity.

The action being considered is located within the Sagavanirktok Segment of the Nonwilderness Assessment, which covered approximately 512,000 acres total in 1980. Portions of this segment meet the 5,000 acre minimum size. However it was determined that the Sagavanirktok Segment 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.

## **FINDING**

The proposed action will not occur on lands identified as having wilderness characteristics and therefore will not affect 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
- U.S.G.S. topographic map Philip Smith Mountains C-5; GIS data; Google Earth images

## Appendix C. — Section 810 Assessment

**NEPA Document No.:** DOI-BLM-AK-F030-2014-0046-EA

**Applicant:** National Ecological Observatory Network (NEON)

**/Serial No.:** F-96805

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**Location:** Toolik Lake Area MP 285 Dalton Highway

**Township/Range:** Township/Range: Secs. 20, 29 and 32, T. 9 S., R. 11 E., Secs. 17 and 19, T. 9 S., R. 12 E., and Secs. 8 and 17, T. 9 S., R. 13 E., Umiat Meridian, Alaska, containing approximately 5.00 acres.

**Evaluation by:** Jennifer McMillan and Bob Karlen — Fisheries

**Date:** 9/16/2014 and 9/23/2014

**Type of Assessment/Sources:**

### **Effect of the proposal on subsistence uses and needs**

Fisheries: Though there are fish present in the surrounding drainages, no subsistence use of fish is documented for residents of Alaska within the permitted area (USDI BLM 1989). Even if there was fish movement and subsequent subsistence use of fish upstream or downstream from the study sites, the proposed action would not significantly reduce harvestable fisheries resources that

are available for subsistence use. The proposed action will not measurably 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 activity occurs within a “secondary” subsistence use area for residents of Wiseman, Alaska (Scott 1993) and residents of Anaktuvuk Pass are reported to harvest furbearers and caribou in the area (Alyeska Pipeline Service Co. 2002). Moose (*Alces alces*), caribou (*Rangifer tarandus*), muskox (*Ovibos moschatus*), Dall’s sheep (*Ovis dalli*) and brown bears (aka grizzly bears) (*Ursus arctos*) all inhabit in the general area. Of these, caribou and bears are the most likely to inhabit the actual project site. Caribou utilize the project area during migration and the winter (CYFO files). Brown bears usually hibernate each winter between November and April but occur throughout the area at low densities; probably reflecting the density of the greater area which is thought to be around 33 bears/1000 mile<sup>2</sup> (Reynolds 1976).

The proposed action will not appreciably reduce harvestable wildlife resources on BLM administered lands because little habitat will be affected by the project and the associated human activity will be transitory. However, the proposed action could alter the distribution and migration patterns of individual harvestable wildlife while in the area.

The area is open for both sport and subsistence harvest, as regulated by the State of Alaska and Federal Subsistence Board. If any restrictions are placed on harvest of wildlife resources for the management of game populations, subsistence is given preference over sport harvest. The proposed action would not create any legal or physical barriers that would limit subsistence harvest and access elsewhere in the area.

Other resources: The proposed action will not appreciably change or impact any other harvestable resources such as wood, water, berries or vegetation.

**Expected reduction, if any, 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:**

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

The purpose of the proposed action is gather monitoring information related to projects at Toolik Lake RNA/ACEC. Therefore, no other lands were considered for this use.

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

There is no substantial evidence that would indicate a significant impact 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**

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

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

Reynolds, H.V. 1976. North Slope grizzly bear studies. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration. Final Research Report. Grants W-17-6 and W-17-7. Study 4.8R, 4.9R, 4.10R, and 4.11R. Juneau, Alaska.

Scott, C. P. 1993. Continuity and Change in the Wiseman area of Alaska. MS thesis, University of Alaska, Fairbanks, Alaska. 268 pp.