

Decision Record - Memorandum

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Chapter 1. Finger Mountain Right of Way Renewal

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1.1. Introduction

On March 10, 1993, a 20 year site right-of-way was issued for the Finger Mountain Wayside which expired on March 9, 2013. In order to protect this site the Bureau of Land Management, Central Yukon Field Office must issue perpetual rights-of-way for the Finger Mountain Site as a linear right-of-way for access to the Dalton Highway.

1.2. Summary

The Bureau of Land Management proposes to renew their right-of-way grants for the Finger Mountain public wayside and Interpretive Site in perpetuity as well as, amending the right-of-way for the construction of a welcoming sign and gravel pad maintenance.

1.3. Alternatives Considered

The No Alternative Option is the only alternative considered and was not selected as it would not allow the Bureau of Land Management to retain this site for the public use.

1.4. Decision

I have decided to authorize a right-of-way for the Finger Mountain Wayside to continue to operate this site in perpetuity.

1.5. Management Considerations

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

1. Alaska National Interest Lands Conservation Act of 1980 (ANILCA)
2. Federal Land Policy and Management Act of 1976 (FLPMA)
3. National Environmental Policy Act of 1969 (NEPA)
4. National Historic Preservation Act of 1966 (NHPA)

One BLM land use plan applies to the overall project area, the Utility Corridor Resource Management Plan.

1.7. 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: Whether the public interest favors granting a stay.

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.

1.8. Authorizing Official:

Having considered a full range of alternatives, associated impacts, and public and agency input, I have decided to adopt and implement the attached Approved Plan in conformance with the Utility Corridor Resource Management Plan.

Nichelle W. Jacobson
Field Manager

10/23/2014

1.9. Contact Person

For additional information concerning this Finding, contact.

Tyler Cole
Central Yukon Field Office
1150 University Ave
Fairbanks, AK 99709
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Appendix A.

Essential Fish Habitat Assessment

2014

Bureau of Land Management

Fairbanks District Office

FairbanksAlaska

NEPA Document No.: DOI-BLM-AK-F030-2014-0055-CX

Case File/Serial No.: FF 088199 (289500) Finger Mountain right-of-way renewal

Prepared by: David A. Esse

Date: 10/5/2014

Essential Fish Habitat (EFH) Finding: There are no waterbodies in the project area that are known to contain anadromous fish species (ADF&G 2014). Based on this fact, the effects of the action on EFH are expected to be nonexistent in the area encompassed by this permit. It is also unlikely the impacts downstream of the project area will be significant. Based on these assumptions, the proposed action is assigned the EFH determination: *No effect*. No further EFH consultation is required.

Reference: Alaska Department of Fish and Game (ADF&G). 2014. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

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Appendix B.

Compliance with ANILCA §810

NEPA Document No.: DOI-BLM-AK-F030-2014-0055-CX

Applicant(s): BLM

Case File/Serial No.: FF 088199 (289500) Finger Mountain right-of-way renewal

Proposed Action: The Bureau of Land Management proposes to renew their right-of-way grants for the Finger Mountain public wayside and Interpretive Site in perpetuity as well as, amending the right-of-way for the construction of a welcoming sign and gravel pad maintenance.

Location: Mile 98 of the Dalton Highway

Township/Range: N1/2 Sec. 25, T. 18 N., R. 14 W., Fairbanks, Meridian

Evaluation by: Erin Julianus and David A. Esse

Date: 10/10/2014

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

Effect of the proposal on subsistence uses and needs

Fisheries: There is no known subsistence use of fisheries resources within the proposed project area. The proposed action would not significantly reduce harvestable fisheries resources since this activity will occur near non-fish bearing streams. Though streams in the permitted area flow into fish bearing waters (Kanuti River), adequate protections are stipulated to minimize impacts to water, fish habitat and ultimately fish species. Therefore, 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 located in Game Management Unit (GMU) 24A. Species of wildlife that are used for subsistence harvest in the area include moose, caribou, bears, furbearers, and small game. The closest rural community to the Finger Mountain wayside is Stevens Village, which is approximately 45 air miles away. Subsistence species may temporarily avoid the area when activities and personnel associated with the permitted action are present, but the activity will not permanently impact their distribution in the area. Subsistence activities are not known to occur in this area, so the proposed action will not significantly affect subsistence uses and needs.

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

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

None. Temporary avoidance may be observed when the applicants are in the area. However, there is no expected reduction in the availability of resources due to alteration in resource distribution, migration, or relocation.

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

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

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

The proposed action is to renew a permit for existing facilities on public lands. Therefore, no alternative sites were proposed.

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

The only alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities on public lands. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

Finding:

The proposed action will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by the proposed activity. There is no reasonably foreseeable significant decrease in the abundance of harvestable resources and in the distribution of harvestable resources due to the proposed action.

Appendix C. Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2014-0055-CX

Applicant(s): BLM

Case File/Serial No.: FF 088199 (289500) Finger Mountain right-of-way renewal

Location: Mile 98 of the Dalton Highway

Township/Range: N1/2 Sec. 25, T. 18 N., R. 14 W., Fairbanks, Meridian

Evaluation by: Karen Deatherage

Date: October 6, 2014

Proposed Action: The Bureau of Land Management proposes to renew their right-of-way grants for the Finger Mountain public wayside and Interpretive Site in perpetuity as well as, amending the right-of-way for the construction of a welcoming sign and gravel pad maintenance.

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 Prospect Segment of the Nonwilderness Assessment, which covered approximately 555,000 acres total in 1980. Portions of this segment meet the 5,000 acre minimum size. However it was determined that the Prospect Segment did not meet the standards for naturalness due to roads, pipelines, material sites and associated facilities. These disturbances bisect the entire length of the segment.

Finding: The proposed action will occur on lands identified as lacking 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
- USGS topographic maps, GIS data, Google Earth images

Appendix D. Stipulations

Destruction of active bird nests, eggs, or nestlings can result from spring and summer vegetation clearing, grubbing, as well as other site preparation, construction and maintenance activities. Under the Migratory Bird Treaty Act (MBTA) it is illegal for anyone to “take” migratory birds, their nests, or their eggs. In northern Alaska the recommended time frame for avoiding vegetation clearing, thus minimizing the chances of “take”, is June 1 through July 31 (http://www.fws.gov/alaska/fisheries/fieldoffice/anchorage/pdf/vegetation_clearing.pdf).