

Decision Record - Memorandum

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Table of Contents

1. Brook Hillyer Personal Use Wood Cutting Permit	1
1.1. Summary	1
1.2. Compliance	1
1.3. Decision	1
1.4. Management Considerations	1
1.5. Public Involvement	2
1.6. Appeal or Protest Opportunities:	2
1.7. Approval from Authorized Official:	2
Appendix A. Essential Fish Habitat	5
Appendix B. Wilderness Characteristics Assessment	7
Appendix C. Section 810 Assessment	9
Appendix D. Stipulations	11

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Chapter 1. Brook Hillyer Personal Use Wood Cutting Permit

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Central Yukon Field Office

FF-096874 (5510)

1150 University Ave Fairbanks AK 99709 USA (907) 474- 2200

1.1. Summary

A 5510 Free Use Application and Permit, Vegetative and Mineral Material, has been received from Brooks Hillyer. The applicant requests to cut up to 20 cords of fuel wood for use near mile 83 of the Elliot Highway. Wood cutting would be of dead down and standing dead trees. Stipulations and permit Special Conditions outline cutting methods, conservation practices, and duration of permit are attached.

1.2. Compliance

The proposed action is in conformance with the Central Yukon Land Management plan because it is specifically provided for on Page 11 of the Record of Decision in the Forestry Resources Section that States; “All forest lands within this planning area are open to subsistence and commercial timber harvest except crucial wildlife habitat and the eight RNAs. Timber may be harvested on the subsistence study/exchange withdrawals under a subsistence or personal use type permit. No commercial sales will be permitted on these withdrawals. Data on Forest Lands will be accumulated and maintained until identified needs require a more intensive forest inventory.”

1.3. Decision

I have decided to authorize a Personal Use Wood Cutting permit to Brook A. Hillyer for up to 20 cords of dead and downed wood proximate to Mile 83 of the Elliot Highway.

Management considered the guidance provided in the Central Yukon Management Plan and 43 CFR 5510 regarding No Fee wood cutting by a government agency. Stipulations and Special Conditions of the permit for direction on harvest practices which direct the permittee in their wood cutting practices.

1.4. Management Considerations

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or United States Department of Interior Manual, Part 516, Chapter 11.9 C 5, which provides:

1. Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood.

Additionally, his Categorical Exclusion (CX) is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 have been identified.

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

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

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

1.5. Public Involvement

It was determined that due to the remoteness of the action, there would be no impact to the general public. Additionally, this document was published to the electronic Central Yukon Field Office NEPA Register for 30 days. No Public comments were received.

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. Approval from Authorized Official:

Field Office Manager Decision

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 Central Yukon Resource Management Plan.

*Chapter 1 Brook Hillyer Personal Use Wood Cutting
Permit
Public Involvement*

\S\ Nichelle W. Jacobson

Signature
Nichelle W. Jacobson
Field Manager
Central Yukon Field Office

Date

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Appendix A. Essential Fish Habitat

NEPA Document No.: DOI-BLM-AK-F030-2015-0004-CX

Prepared by: David Esse

Date: 11/19/2014

Essential Fish Habitat (EFH) Finding: There are no anadromous fish species within the proposed project area (ADF&G 2014). Thus, the proposed action will not have an adverse effect on EFH. Also, it is not anticipated that the proposed project will have a downstream effect on EFH. Therefore, the proposed action is assigned the EFH determination: *No effect*. EFH consultation with NMFS is not required.

References: Alaska Department of Fish and Game. 2014. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

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Appendix B. Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2015-0004-CX

Serial No.: FF-096874

Applicant: Brook A. Hillyer

Location: Mile 83–86 of the Elliot Highway. T. 7 N. R 7W., Fairbanks Meridian, Sections 24, 25, 26, and 36

Prepared by: Karen Deatherage

Date:

November 15, 2014

Proposed Action

A 5510 Free Use Application and Permit, Vegetative and Mineral Material, has been received from Brooks Hillyer. The applicant requests to cut up to 20 cords of fuel wood for use near mile 83 of the Elliot Highway. Wood cutting would be of dead down and standing dead trees. Stipulations and permit Special Conditions outline cutting methods, conservation practices, and duration of permit are attached.

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 located along the Elliott Highway within the Yukon Segment of the 1980 Non-wilderness Assessment, which covered approximately 725,000 acres. It was determined that 497,000 acres of this segment, primarily in proximity to the Elliott Highway lacked naturalness and outstanding opportunities for solitude and primitive, unconfined types of recreation and thus did not meet the criteria contained in the Wilderness Act. The area proposed for wood cutting would take place adjacent to the road with stipulations that it be dead and/or downed trees only.

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.

— Chris Barns, BLM Representative, Arthur Carhart National Wilderness Training Center, 9 September 2012. “Wilderness Characteristics Guidance for the BLM. Training Module IID LWCs and Proposed Projects.

— USGS topographic maps, GIS data, Google Earth images

Appendix C. Section 810 Assessment

NEPA Document No.: DOI-BLM-AK-F030-2015-0004-CX

Applicant: Brook A. Hillyer

Serial No.: FF-096874

Proposed Action: A 5510 Free Use Application and Permit, Vegetative and Mineral Material, has been received from Brooks Hillyer. The applicant requests to cut up to 20 cords of fuel wood for use near mile 83 of the Elliot Highway. Wood cutting would be of dead down and standing dead trees. Stipulations and permit Special Conditions outline cutting methods, conservation practices, and duration of permit are attached.

Location: Mile 83–86 of the Elliot Highway

Township/Range: T. 7 N. R. 7W., Fairbanks Meridian, Sections 24, 25, 26, and 36

Evaluation by: Erin Julianus and David Esse

Date: 11/19/2014

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: 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 (Tolovana 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) 20B. Species of wildlife that are used for subsistence harvest in the area include moose, bears, furbearers, and small game. Qualified subsistence users in the area are residents of Minto and potentially Manley Hot Springs. 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. Although subsistence activities occurs throughout the area, 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 and water. The proposed activity will reduce the amount of firewood available as a subsistence resource for residents of Minto, but will not do so to the extent that it will appreciably reduce the amount of firewood available and impact with subsistence use. Subsistence activities such as collecting firewood occur in a much broader area than where the proposed action is to take place, which further moderates the effect of the activity.

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 location of the proposed activity was selected based on its proximity to the Elliot Highway. Other lands were available for the proposed activity, but were not considered for this reason.

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

There is no substantial evidence that would indicate a significant impact on subsistence will result from the proposed action. No other alternatives were evaluated.

Findings:

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and no reasonably foreseeable limitations on harvester access have been forecasted to emerge as a function of the action that is analyzed in this document.

References

Appendix D. Stipulations

Plan conformance stipulations: No trees may be cut within 200 feet of the center line of the road or within 50 feet of a stream bank.

Forest Health Stipulations:

1. All activities must be conducted so as to cause minimal disturbance to ground cover.
2. No surface disturbing activities are authorized under this permit.
3. Stumps shall not to exceed six (6) inches above the ground on the high side.
4. Each tree bole shall be utilized to a top diameter of 4 inches or less.
5. No trees are to be left lodged.
6. All tops shall be lopped and tops, branches, and underbrush scattered to lie flat on the ground and away from standing trees.
7. All small engines must have a functioning manufacturer-installed spark arrestor.
8. 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).