

Decision Record - Memorandum

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

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Chapter 1. Colville Diesel Spill Clean Up

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1.1. Introduction

The Bureau of Land Management (BLM) manages the lands where the incident occurred. This Environmental Assessment (EA) analyzes the impacts of a diesel fuel release at mile post 86 off the Dalton Highway and subsequent cleanup, remediation and revegetation.

1.2. Summary

Colville, Incorporated proposes to clean up a diesel release at mile post 86 off the Dalton Highway. The clean up entails excavation, remediation and revegetation. Emergency clean up efforts have already begun and this permit would authorize all activities after the “emergency clean up” has stopped.

1.3. Alternatives Considered

The No Alternative Option is the only alternative considered and was not selected as it would not allow Colville, Incorporated to clean up, remediate and revegetate the spill site.

1.4. Decision

I have decided to authorize a permit on public lands for the purpose of cleaning up a diesel release by Colville, Incorporated, remediation and revegetation as specified in the terms and condition attached to the permit.

1.5. Management Considerations

The Environmental Assessment 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 Utility Corridor Resource Management Plan.

1.6. 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 on April 3, 2015. No comments have been received as of May 5, 2015.

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:

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. 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 Utility Corridor Resource Management Plan.

Nichelle W. Jacobson
Signature
/s/ Nichelle W. Jacobson
Field Manager
Central Yukon Field Office

May 15, 2015
Date

Appendix A. — Appendix A — Essential Fish Habitat

NEPA Document No.: DOI-BLM-AK-F030–2015–0017-EA

Prepared by: David G. Parker

Date: 1 May 2015

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). Northern pike (*Esox lucius*), Alaska blackfish (*Dallia pectoralis*), longnose sucker (*Catostomus catostomus*) and ninespine stickleback (*Pungitius pungitius*) are also found in select streams and lakes in the area (BLM 2010 and Mecklenberg et al. 2002). Chinook (*Oncorhynchus tshawytscha*) and chum salmon (*O. keta*) are listed as present in waters downstream of the proposed action. The National Marine Fisheries Service (NMFS) recognizes fresh waters cataloged (ADF&G 2014) 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 proposed action described in this Environmental Assessment is clean up of a diesel spill several miles from the closest EFH in Bonanza Creek (anadromous stream #334-40-11000-2125-3740-4020-5011). Therefore, there is no anticipated effect on EFH.

Essential Fish Habitat (EFH) Finding: No adverse effect. EFH consultation with NMFS is not required.

References:

Bureau of Land Management, 2010. Fish Streams Along the Trans-Alaska Pipeline System, A Compilation of Selected References with Current TAPS Stationing. BLM Open File Report 105. 43 p.

Mecklenburg, Catherine W., T. Anthony Mecklenberg, and Lyman K. Thorsteinson, 2002. Fishes of Alaska. American Fisheries Society. Bethesda, Maryland. 1037 p

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. 2014. 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.

<http://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc>

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Appendix B. — Appendix B — Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030–2015–0017-EA

Serial No.: F-96953

Applicant: Colville, Incorporated

Location: Sec. 14, T. 16 N., R. 13 W., Fairbanks Meridian, Alaska (mile post 86 Dalton Highway)

Prepared by: Robin Walthour

Date: May 5, 2015

Proposed Action

Colville, Incorporated proposes to clean up, remediate and rehabilitate a fuel release site at mile post 86 off the Dalton Highway. They also propose to establish a staging area for fuel, equipment and crew camp.

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). Wilderness characteristics are defined in Section 2(c) of the Wilderness Act of 1964 and include sufficient size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation and may also include supplemental values.

On BLM lands within the Utility Corridor, the effects of proposed projects on wilderness characteristics are evaluated in accordance with the Nonwilderness Assessment, a special project inventory approved by the BLM Director and conducted by the BLM along portions of the Trans-Alaska Pipeline System (TAPS) corridor in 1980. The assessment complied with the wilderness review requirement in Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA).

The action being considered is located along the Dalton Highway within the Atigun Segment of the Nonwilderness Assessment, which covered approximately 528,000 acres. It was determined that 223,000 acres of this segment, primarily in proximity to the North Slope Haul Road (Dalton Highway) and Trans-Alaska Pipeline, 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.

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 imagery
- Personal knowledge of and 2013 aerial survey of area

Appendix C. — Appendix C — Section 810 Assessment

NEPA Document No.: DOI-BLM-AK-F030–2015–0017-EA

Applicant: Colville, Incorporated

Serial No.: F-96953

Proposed Action: Colville, Incorporated proposes to clean up, remediate and rehabilitate a fuel release site at mile post 86 off the Dalton Highway. They also propose to establish a staging area for fuel, equipment and crew camp.

Location: Mile Post 86 Dalton Highway, Alaska

Township/Range: Sec. 14, T. 16 N., R. 13 W., Fairbanks Meridian, Alaska

Evaluation by: Erin Julianus and David Parker

Date: 5/4/2015 and 5/1/2015

Type of Assessment/Sources:

Effect of the proposal on subsistence uses and needs

Fisheries:

The proposed action would not alter the distribution, migration, or location of harvestable fisheries resources. Approved mitigation measures would prevent degradation of adjacent water sources and fisheries habitat. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resources.

Wildlife:

Wildlife species used for subsistence in the area include moose, Dall's sheep, bears, caribou, furbearers and small game. The proposed action will not alter the distribution, migration and/or location of harvestable wildlife resources in the Utility Corridor. The proposed action would not create any legal or physical barriers that would limit subsistence harvest and access. The area is open for both sport and subsistence harvest, as regulated by the State of Alaska and the BLM. If any restrictions are placed on harvest of wildlife resources for the management of game populations, subsistence is given preference over sport harvest.

Other resources:

The proposed activity will not significantly impact other resources such as water, wood, or berries. 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 affect subsistence uses and needs.

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

None. Fish and wildlife resources may temporarily avoid the area while the permittee and associates are present. However, no expected reduction in the availability of resources due to alteration in resource distribution, migration, or location will occur.

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:

There are other lands available for activities associated with the proposed action. However, the permitted activity is limited largely to road-accessible areas along the Dalton Highway. Therefore, no other lands were considered for this action.

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.

Finding:

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: