

# **Decision Record Memorandum**

## **Chapman Lake Trail Access**

### **Introduction**

The Chapman Lake trail is an existing secured road (locked gate access) that has been used by miners for many years to access State mining claims on the Koyukuk River.

### **Summary**

Jim Swearingin proposes to use the existing Chapman Lake trail to access his State mining claims on the Middle Fork Koyukuk River approximately eight miles on public lands for ten (10) years. He plans to stake State mining claims approximately 3.5 miles down river near Bishop Rock and 1.5 miles north. Access would be by snow machine in the winter and ATV and boat in the summer. He proposes to haul fuel in 5 gallon containers and would carry absorbent pads in case of a spill. This trail is accessed at mile post 161 off the Dalton Highway west through a material pit.

### **Decision**

I have decided to issue a ten (10) year right-of-way grant to Jim Swearingin for use of the existing Chapman Lake trail to access his State mining claims. Access is authorized year round by snow machine in the winter and ATV and boat in the summer. Terms and conditions for this use are attached to the grant.

### **Management Considerations**

The Categorical Exclusion and supporting documentation have been prepared consistent with the Requirements of various applicable 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.

### **Public Involvement**

It was determined that due to the remoteness of the area there would be no impact to the general public. Additionally, this document was published to the electronic Central Yukon Field Office NEPA Register on February 5, 2016. No comments have been received as of February 19, 2016.

### **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 do not 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.

### **Approval from Authorized Official**

### **Field Office Manager Recommendation**

Having considered a full range of alternatives, associated impacts, and public and agency input, I recommend the adoption and implementation of the attached Approved Plan as the Utility Corridor Resource Management Plan.

/s/ Timothy J. La Marr Field, Manager, Central Yukon Field Office	Date March 3, 2016
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## Appendix A

### Essential Fish Habitat Determination

**NEPA document:** DOI-BLM-AK-F030-2016-0013-CX

**Case File No.:** F-97121

**Title:** Chapman Lake Trail Access

**Prepared by:** David G. Parker

**Date:** 2/19/16

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 adjacent to 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 Categorical Exclusion is usage of the Chapman Lake/Creek road to provide access to State mining claims on the South Fork of the Koyukuk River. Chapman Creek is listed as anadromous stream #334-40-11000-2125-3912-4070 and the South Fork of the Koyukuk River is listed as anadromous stream #334-40-11000-2125-3912. There is no anticipated effect on EFH.

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

David G. Parker  
Fish Biologist  
Central Yukon Field Office

**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>

## **Appendix B**

### **Wilderness Characteristics Assessment**

**NEPA Document No.:** DOI-BLM-AK-F030-2016-0013-CX

**Applicant:** Jim Swearingin

**Serial No.:** F-97121

**Location:** Mile post 161 off the Dalton Highway, Chapman Lake pit

**Township/Range:** Secs. 7, 8, 9, 14, 15, 16, 17 and 18, T. 26 N., R. 13 W., Fairbanks Meridian, Alaska.

**Evaluation by:** Robin Walthour

**Date:** February 12, 2016

**Proposed Action:** Jim Swearingin proposes to use the existing Chapman Lake trail to access his State mining claims on the Middle Fork Koyukuk River approximately eight miles on public lands for ten (10) years. He plans to stake State mining claims approximately 3.5 miles down river near Bishop Rock and 1.5 miles north. Access would be by snow machine in the winter and ATV and boat in the summer. He proposes to haul fuel in 5 gallon containers and would carry absorbent pads in case of a spill. This trail is accessed at mile post 161 off the Dalton Highway west through a material pit.

**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 proximity and local topography. Permitted activities such as gravel- and gold mining occur throughout the area and have expanded in some

locations. These developments are substantially noticeable 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, camps, airfields, pipelines, material sites and associated facilities. These disturbances bisect the entire length of the segment.

**Finding:** The proposed action will occur in an area that has been determined not to have wilderness characteristics. The proposed action will not have any impact on wilderness characteristics.

**Type of Assessment/Sources:**

- 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 C**

### **Compliance with ANILCA Section 810**

**NEPA Document No.:** DOI-BLM-AK-030-2016-0013-CX

**Applicant:** Jim Swearingin

**Case File No.:** F-97121

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**Location:** Mile post 161 off the Dalton Highway more particularly described as within Secs. 7, 8, 9, 14, 15, 16, 17 and 18, T. 26 N., R. 13 W., Fairbanks Meridian, Alaska.

**Evaluation by:** David Parker and Erin Julianus

**Date:** 2/19/2016

#### **Type of Assessment/Sources:**

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

#### **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:

The proposed action would not alter the distribution, migration, or location of harvestable wildlife resources. The proposed action will not create any legal or physical barriers that would limit access to subsistence wildlife resources by federally qualified rural residents.

##### Other resources:

The proposed activity will not significantly impact other resources such as water, wood, or berries. The proposed action is non-consumptive and will not impact quantities of these resources. 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.

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

No other land available.

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

None.

**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.