

Decision Record Memorandum

Ground Water Research and Board Walks

Introduction

On June 21, 2013, Bethany Neilsen was issued a three year permit to conduct ground water research and install boardwalks near Imnaviat area which expired September 30, 2015.

Summary

Bethany Neilsen with Utah State University proposes to continue to conduct ground water research and install additional boardwalks to sampling sites #2 and #3. Within each site (pool) she proposes to place temperature sensors held in place by weights at the bottom of the pool. Within sites #2 and #3 she would insert a ½ inch piece of rebar and attach a couple of YSI instruments which measures dissolved oxygen, pH, specific conductance and water depth. Adjacent to sites #2 and #3 she would place 10 pieces of 4 foot long ½ inch diameter PVC pipe into the sediments which would contain a water depth sensor, no sediment would be removed. These pipes would be placed in June and removed in August annually.

Monitoring visits would occur 2-3 times per week with 2-4 persons onsite. During these visits they would install equipment, monitor channel flows and maintain equipment. Most if not all of these improvements are existing on site from the previous authorization. They propose a 15 year authorization. Access to all sites is by vehicle on established roads and then by foot on existing trails and/or boardwalks.

Decision

I have decided to authorize a right-of-way grant to Bethany Neilsen with Utah State University on public lands for 15 years to continue to conduct ground water research. Installation of additional boardwalks is also authorized. Mitigations measures have been captured in the terms and conditions attached to the authorization.

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 April 18, 2016. No comments have been received as of May 16, 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, 222 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.

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| <i>/s/ Timothy J. La Marr</i> Timothy J. La Marr Field, Manager, Central Yukon Field Office | Date May 22, 2016 |
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Appendix A - Essential Fish Habitat Determination

NEPA document: DOI-BLM-AK-F030-2016-0020-CX

Case File No.: F-97110

Title: Ground Water Research and Boardwalk Installation

Prepared by: David G. Parker

Date: 04/28/2016

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*), coho (*O. kisutch*), and chum salmon (*O. keta*) are listed as present in adjacent watersheds. 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 a renewal of a Right-of-Way grant to conduct groundwater research. Adherence to the stipulations listed in this CX will limit any negative impacts on adjacent anadromous water courses. Therefore, there is no anticipated deleterious effect on EFH.

Essential Fish Habitat 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 - Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2016-0020-CX

Applicant: Bethany Neilsen with Utah State University

Serial No.: F-97110

Location: Imnaviat area

Township/Range: NE ¼, Sec. 4, T. 10 S., R. 12 E., Umiat Meridian, Alaska

Evaluation by: Robin Walthour

Date: April 26, 2016

Proposed Action: Bethany Neilsen with Utah State University proposes to continue to conduct ground water research and install additional boardwalks to sampling sites #2 and #3 in the Imnaviat area. Within each site (pool) she proposes to place temperature sensors held in place by weights at the bottom of the pool. Within sites #2 and #3 she would insert a ½ inch piece of rebar and attach a couple of YSI instruments which measures dissolved oxygen, pH, specific conductance and water depth. Adjacent to sites #2 and #3 she would place 10 pieces of 4 foot long ½ inch diameter PVC pipe into the sediments which would contain a water depth sensor, no sediment would be removed. These pipes would be placed in June and removed in August annually.

Monitoring visits would occur 2-3 times per week with 2-4 persons onsite. During these visits they would install equipment, monitor channel flows and maintain equipment. Most if not all of these improvements are existing on site from the previous authorization. They propose a 15 year authorization. Access to all sites is by vehicle on established roads and then by foot on existing trails and/or boardwalks.

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 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; GIS data; Google Earth images
- Aerial surveys in 2013 and personal knowledge of the area.

Appendix C - Compliance with ANILCA Section 810

NEPA Document No.: DOI-BLM-AK-030-2016-0020-CX

Applicant: Bethany Neilsen with Utah State University

Case File No.: F-97110

Proposed Action: Bethany Neilsen with Utah State University proposes to continue to conduct ground water research and install additional boardwalks to sampling sites #2 and #3 in the Imnaviat area. Within each site (pool) she proposes to place temperature sensors held in place by weights at the bottom of the pool. Within sites #2 and #3 she would insert a ½ inch piece of rebar and attach a couple of YSI instruments which measures dissolved oxygen, pH, specific conductance and water depth. Adjacent to sites #2 and #3 she would place 10 pieces of 4 foot long ½ inch diameter PVC pipe into the sediments which would contain a water depth sensor, no sediment would be removed. These pipes would be placed in June and removed in August annually.

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Location: Imnaviat area, described as Sec. 4, T. 10 S., R. 12 E., Umiat Meridian, Alaska

Evaluation by: Jennifer McMillan and David G. Parker

Date: 5/9/2016 and 4/28/2016

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:

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 is located in Game Management Unit (GMU) 26B. Species of wildlife that are used for subsistence harvest in the area include moose, sheep, bears, furbearers, and small game. These 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 activity occurs throughout the area, the proposed action will not significantly affect subsistence uses and needs.

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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.

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:

None

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 proposed action.