

Decision Record Memorandum

Amendment to Water Research

Introduction

On June 19, 2015 Linda Deegan was issued a permit to conduct water research, install antennas, establish temporary camp sites and use snow machines for access in early spring and winter months near the Toolik and Imnaviat areas.

Summary

Linda Deegan with the Marine Biological Laboratory proposes to amend her application to add five (5) water sampling sites and one temporary camp site to her existing permit. These new sites are located on Toolik Lake Inlet and Jane Creek. The existing permit is authorized through September 2017. Access to these sites would be by foot and helicopter in the summer and snow machine in the winter and early spring.

Decision

I have decided to amend the existing permit on public lands to include five (5) additional water sampling research sites, install antennas and one additional temporary camp site for the purpose of conducting watershed research. All access would be by snow machine in winter and early spring, foot and helicopter in the summer, expiring September 30, 2017 near Toolik Lake and Imnaviat areas.

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 26, 2016. No comments have been received as of May 6, 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.

<p><i>/s/ Timothy J. La Marr</i> Timothy J. La Marr Field, Manager, Central Yukon Field Office</p>	<p>Date May 12, 2016</p>
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Appendix A - Essential Fish Habitat Determination

NEPA document: DOI-BLM-AK-F030-2016-0024-CX

Case File No.: F-96959

Title: 2920 Permit, Linda Deegan Watershed Research

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 Itkillik River is listed as anadromous stream number 330-00-10700-2151 and contains pink and chum salmon as well as whitefish and Dolly Varden, although their presence is only documented miles downstream from the sampling site(s). The proposed action described in this Determination of NEPA Adequacy is a renewal of a 2920 Permit. Adherence to the stipulations listed in the previously approved 2015 CX will limit any negative impacts on adjacent 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>

Appendix B - Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2016-0024-CX

Applicant: Linda Deegan

Serial No.: F-96959

Location: Toolik Lake and Imnaviat areas

Township/Range: Sec. 29, T. 9 S., R. 12 E., Secs. 3, 11 and 15, T. 10 S., R. 10 E., Sec. 32, T. 9 S., R. 11 E., and Sec. 5, T. 10 S., R. 11 E., Umiat Meridian, Alaska

Evaluation by: Robin Walthour

Date: April 26, 2016

Proposed Action: Linda Deegan with the Marine Biology Lab proposes to amend her existing permit issued on June 19, 2015. She proposes to add five (5) additional water sampling sites, antennas and one campsite on Jane Creek, Toolik Lake Inlet in addition to Oksrukuyik Creek, Kuparuk River and Itkillik tributary.

The sites would be comprised of temporary field camps, fish movement monitoring stations and small temporary fish weirs.

Ms. Deegan proposes to collect fish during migration periods in each of the watersheds, tag them with passive integrated transponder tags and monitor movement and demographics in each watershed. Fish collection and tagging would be done using small temporary weirs installed in the streams at outlets to overwintering lakes. Antenna stations would also be placed composed of a single wire looped across the width of the stream, a reader/battery box on shore, and solar panels for power. Closed cell lead acid deep cycle batteries would be used to store and supply energy to the system. These sites would also include a small onset water level and temperature logger all protected by a bear proof fence.

Work would occur simultaneously at all sites necessitating 3 field crews (comprised of maximum five (5) persons) and remote field camps to operate the weirs at separate overwintering lake outlets. Monthly visits to sites would occur to monitoring stations; and to collect in-stream water and fish samples throughout the ice free period. Access to sites would be via snow machines in the spring and by foot and helicopter later in the field seasons. All crew and equipment would be slung in by the Toolik Field Station helicopter.

Hazardous materials in camps would consist of propane (20 lb), gasoline, ethanol and formaldehyde and would be handled in accordance with the MSDS.

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-030-2016-0024-CX

Applicant: Linda Deegan

Case File No.: F-96959

Proposed Action: Linda Deegan with the Marine Biology Lab proposes to amend her existing permit issued on June 19, 2015. She proposes to add five (5) additional water sampling sites, antennas and one campsite on Jane Creek, Toolik Lake Inlet in addition to Oksrukuyik Creek, Kuparuk River and an Ikillik River tributary. The sites would be comprised of temporary field camps, fish movement monitoring stations and small temporary fish weirs. Ms. Deegan proposes to collect fish during migration periods in each of the watersheds, tag them with passive integrated transponder tags and monitor movement and demographics in each watershed. Fish collection and tagging would be done using small temporary weirs installed in the streams at outlets to overwintering lakes. Antenna stations would also be placed composed of a single wire looped across the width of the stream, a reader/battery box on shore, and solar panels for power. Closed cell lead acid deep cycle batteries would be used to store and supply energy to the system. These sites would also include a small onset water level and temperature logger all protected by a bear proof fence. Work would occur simultaneously at all sites necessitating 3 field crews (comprised of maximum five (5) persons) and remote field camps to operate the weirs at separate overwintering lake outlets. Monthly visits to sites would occur to monitoring stations; and to collect in-stream water and fish samples throughout the ice free period. Access to sites would be via snow machines in the spring and by foot and helicopter later in the field seasons. All crew and equipment would be slung in by the Toolik Field Station helicopter. Hazardous materials in camps would consist of propane (20 lb), gasoline, ethanol and formaldehyde and would be handled in accordance with the MSDS.

Location: Toolik Lake and Imnaviat areas, described as Sec. 29, T. 9 S., R. 12 E., Secs. 3, 11 and 15, T. 10 S., R. 10 E., Sec. 32, T. 9 S., R. 11 E., and Sec. 5, T. 10 S., R. 11 E., Umiat Meridian, Alaska

Evaluation by: Erin Julianus and David G. Parker

Date: 4/27/2016 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.

Other resources:

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

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:

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.