

**Department of the Interior
Bureau of Land Management
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709
(907) 474-2200**

**ENVIRONMENTAL ASSESSMENT
DOI-BLM-AK-03000-2012-0002-EA**

**Kristina and Jacob Livingston
Right-of-way for winter access to their private property
F-95829 (2890)**



Locations:

Fairbanks Meridian, Alaska,
T. 12 N., R. 10 W.,
Sec. 7, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 12 N., R. 11 W.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 10, N $\frac{1}{2}$;
Sec. 11, N $\frac{1}{2}$;
Sec. 12, N $\frac{1}{2}$;
Sec. 17, N $\frac{1}{2}$;
Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Prepared By:

Central Yukon Field Office
December 20, 2011

Purpose and Need for the Proposed Action

The Bureau of Land Management proposes to issue a right-of-way grant to Jacob and Kristina Livingston to clear a trail so provide access to their private property on the Big Salt River.

Decision to be Made

BLM will decide whether to authorize or reject the proposed action. If authorized, the decision will include necessary mitigation to protect the public resources and prevent unnecessary degradation to public lands.

Conformance with Land Use Plan

This proposed action is within the Utility Corridor Resource Management Plan and Final Environmental Impact Statement approved January 11, 1991.

The proposed action is in conformance with plan because it is specifically provided for in the following planning decision (objectives, terms, and conditions):

Appendix N Lands Program Objectives (page N 7- 9)

7. Process applications for land use authorizations from the general public, Federal and State agencies and research organizations on a case-by-case basis.

Relationship to Statutes, Regulations or Other Plans

Title V of FLPMA provides for the issuance of right-of-way grants to authorize rights-of-way upon, under, or through public lands for construction, operation, maintenance and termination of a project.

B. PROPOSED ACTION AND ALTERNATIVES

Proposed Action

Beginning each November the Livingston's would drive their green Tundra Tacoma truck (license plate EMP254) along the Dalton Highway to the northern shore of the Yukon River and park their vehicle in the wayside parking site currently leased to BLM and the State of Alaska, Department of Transportation (F-94436). They then propose to travel west along the mean high waterline of the Yukon River avoiding the conveyed Native allotments on the northern shore. Once they reach the Ray River, they will travel up onto the ridge separating the Ray River and the Big Salt River (see maps) to their private property. They do not anticipate clearing trees until they cross the Ray River. They would use handsaws, axes and a chainsaw to clear the trail utilizing natural openings where possible. The trail

would be no more than five (5) feet in width and is approximately 31,680 feet in length for a totally of approximately 3.64 acres. The access trail would be utilized each November and would only be used for dog sled travel until there is adequate snow cover and the ground is frozen for travel by snow machine. Once the Yukon River is frozen and has enough snow for dog sled travel they would use the river. Snow machines will only be used up to 10 days per season to break trail after a significant snow. Four wheelers would **not** be used. Up to 10 gallons of fuel would be used for the chainsaws and snow machines along the trail. During the summer months, the mode of travel would be by boat on the Yukon River. They are seeking a 30 year grant.

No-Action Alternative

No other practicable alternatives were identified that would be less environmentally damaging. Under the No Action Alternative, the Livingstons would not receive a right-of-way grant for a winter access trail to their private property.

Alternative #1

The only other alternative would be to use the Yukon River. This alternative is not viable as the river is not adequately frozen for travel until late December and the Livingstons need a viable route between the summer months and freeze up. In the summer they access their private property by boat via the Yukon River.

C. AFFECTED ENVIRONMENT

1. General Setting

The proposed access trail would begin off the Dalton Highway at approximately mile post 55 and traverse the following public lands: Sec. 7, W¹/₂W¹/₂, T. 12 N., R. 10 W.; and Sec. 8, SE¹/₄SE¹/₄SE¹/₄, Sec. 9, N¹/₂N¹/₂, Sec. 10, N¹/₂, Sec. 11, N¹/₂, Sec. 12, N¹/₂, Sec. 17, N¹/₂, Sec. 18, SE¹/₄SE¹/₄, Sec. 19, NE¹/₄NE¹/₄, Sec. 20, NW¹/₄SW¹/₄, T. 12 N., R. 11 W., Fairbanks Meridian, as depicted on USGS Livengood D-6. There are numerous conveyed Native allotments along the Yukon River.

2. Affected Resources

Elements Considered	Affected		Name	Initials
	Y	N		
Air Quality		X	Bob Karlen	
Areas of Critical Environmental Concern		X	Merben Cebrian	
Cultural Resources	X		Bill Hedman	WH
Farm Lands (Prime or		X	Bob Karlen	

Unique)				
Floodplains		X	Ben Kennedy	
Native American Religious Concerns		X	Bill Hedman	
Threatened/Endangered Species		X	Merben Cebrian	
Wastes, Hazardous or Solid		X	Rebecca Hile	
Water Quality Drinking/Ground		X	Ben Kennedy	
Wetlands/Riparian Zones		X	Ben Kennedy	
Wild and Scenic Rivers		X	Kelly Egger	
Wilderness	X		Lisa Shon Jodwalis	LSJ
Environmental Justice		X	Robin Walthour	
Invasive Non-native Species		X	Merben Cebrian	
Essential Fish Habitat and Fisheries	X		Bob Karlen/Dave Esse	RK/DE
Fire		X	Skip Theisen	
Hydrology		X	Ben Kennedy	
Mineral Resources and Geology		X	Darrel VandeWeg	
Paleontological		X	Bill Hedman	
Realty/Land Status		X	Robin Walthour	
Recreation		X	Kelly Egger	
Socio - Economic Conditions		X	Robin Walthour	
Subsistence		X	Merben Cebrian	
Vegetation		X	Ruth Gronquist	
Visual Resource Mgmt		X	Cal Westcott	
Wildlife (non T&E)	X		Merben Cebrian	MRC

D. ENVIRONMENTAL EFFECTS

Impacts of the Proposed Action

Fisheries: Subsistence fisheries within the proposed project area occur in Subdistrict Y-5-D in the Yukon River where 5,283 Chinook, 31,601 chum, and 2,258 coho salmon and 389 whitefish and 105 inconnu were harvested in 2008 (Busher et al. 2009). The proposed action would not reduce harvestable fisheries resources that are available for subsistence use since this activity will have minimal effect on fish or their habitat. The proposed action will 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.

On October 11, 1996, the Sustainable Fisheries Act (Public Law 104-297) became law which, among other things, amended the habitat provisions of the Magnuson Act. The re-named Magnuson-Stevens Act calls for direct action to stop or reverse the continued loss of fish habitats. Toward this end, Congress mandated the identification of habitats essential to managed species and measures to conserve and enhance this habitat. The Act requires federal agencies to consult with the Secretary of Commerce regarding any activity, or proposed activity, authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat (EFH).

For the purposes of this environmental assessment, essential fish habitat means those waters and substrate necessary for salmon for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq). For the purpose of interpreting the definition of essential fish habitat: Waters include aquatic areas and their associated physical, chemical, and biological properties that are used by salmon and may include aquatic areas historically used by salmon where appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem; and spawning, breeding, feeding, or growth to maturity covers a species full life cycle.

The National Marine Fisheries Service (NMFS) recognizes fresh waters cataloged 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. Three anadromous waterbodies are encompassed in the proposed project area. The Ray River meets the above criteria and is identified as stream # 334-40-11000-2685 in the catalog. Presence of spawning chum and Chinook salmon (ADF&G 2012) are documented in this waterbody. The Big Salt River also meets the above criteria and is identified as stream # 334-40-11000-2681 in the catalog. Presence of spawning chum and the presence of Chinook and coho salmon (ADF&G 2012) are documented in this waterbody And finally the Yukon River (# 334-40-11000) also meets these criteria and contains Chinook, coho, chum salmon as well as anadromous inconnu, broad and humpback whitefish, and bering cisco. Due to the stipulations agreed upon in the EA and the use of dogsled as the method of transport early in the season the proposed action associated with this EA is anticipated to have no impact on essential fish habitat.

While anadromous species are present in the project area the effects of the action on EFH are expected to be insignificant in the area encompassed by this permit. It is also unlikely the impacts downstream of the project area will be significant. Based on these assumptions, the proposed action is assigned the EFH determination: *will not affect*, and no further EFH consultation is required.

Wildlife: The affected area is within Game Management Unit 20F. Large mammals such as moose, black bears, and grizzly bears occur in the area and may temporarily avoid the

area when human activity is present. Small game and upland birds occupy the landscape and may also avoid disturbance when humans are in the area. In the winter, there is regular snow machine travel on the Yukon River from the Dalton Highway bridge by residents who live along the river. There is also regular river traffic from recreationists during the winter as well as in the summer. Therefore, wildlife that may occur on the river in the winter may be habituated to human disturbance.

The proposed route goes up the Ray River and traverses overland towards the mouth of the Big Salt River. In late spring and early winter, moose will likely avoid the area when the applicants are using the trail. However, moose may use the trail if it proves easier for them to travel through the area. Wolves may also use the proposed trail as a travel corridor. This new trail will also improve access to wildlife resources when hunting. Therefore, the proposed action will not significantly affect subsistence uses and needs

Other resources: The proposed action is not anticipated to change or impact any other harvestable resources such as wood, water, berries, or vegetation because the applicant would be using the trail primarily in early winter.

Temporary avoidance may be observed when the applicants are on the trail. However, there is no expected reduction in the availability of resources due to alteration in resource distribution, migration, or location. Access to subsistence resources will not be hampered by the proposed action.

Some of the BLM lands in this area are within the non-wilderness Assessment area which determined that they did not have wilderness characteristics. The BLM lands outside the non-wilderness area were inventoried and found to have wilderness characteristics (Area Unique Identifier CYFO-Ray River). The proposed action will include a small portion of trail in the inventoried area.

Impacts of Alternatives

No Alternative Action

There would be no effect on non-native invasive plants, wildlife, or vegetation from the No Action Alternative.

Alternative #1

Other lands are available for the purpose sought, but the applicant feels that the overland route would be the safest route during early winter. The only other alternative that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

Mitigation Measures

Because the proposed action will be confined to the winter season when there is adequate snow cover and frozen ground, minimize the use of tools and off highway vehicles, and follow a narrowly-defined route for two periods of limited length each year, it will have minor impacts to wilderness characteristics. The project can be implemented in a manner that does not significantly impair existing wilderness characteristics.

E. CUMULATIVE EFFECTS

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.

The proposed route falls in part on lands determined to have wilderness characteristics in the inventory completed in February 2012. The proposed action will not impair the wilderness character of the inventory area.

F. CONSULTATION AND COORDINATION

Persons and Agencies Consulted

List of Preparers

Merben Cebrian, Wildlife Biologist
Gary Foreman, Chief, Branch of Lands and Realty
William Hedman, Archeologist
Robert Karlen, Fisheries Biologist
David A. Esse, Fisheries Biologist
Robin Walthour, Realty Specialist
Michael Schoder, Deputy State Director for Cadastral Survey
Lisa Shon Jodwalis, Interpretive Park Ranger

G. EXHIBITS

Land Status Map

H. REFERENCES

Busher, W. H., T. Hamazaki, and D. M. Jallen. 2009. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage. Alaska Department of Fish and Game, Fishery Data Series No. 09-73, Anchorage.

Alaska Department of Fish and Game. 2012. Fish Distribution Database. Internet website at: <http://www.sf.adfg.state.ak.us/SARR/FishDistrib/PDFListing/int/wisb1.pdf>.

Non-wilderness Assessment: The Alaska Natural Gas Transportation System, Final Decision. Anchorage, Alaska.

Lands with Wilderness Characteristics Inventory, CYFO-Ray River

Topographic maps: Livengood D-6 and Tanana D-1

GIS and MTP data and maps

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Central Yukon Field Office

1150 University Avenue

Fairbanks, Alaska 99709

Phone: (907) 474-2304

Fax: (907) 474-2282

DECISION RECORD

Clear a Winter Access Trail from Dalton Highway, Yukon River Bridge to private property at the mouth of the Big Salt River

F-95829

DOI-BLM-AK-03000-2012-0002-EA

Decision:

It is my decision to authorize a Right-of-Way (ROW) Grant, case file number F-95829 for the clearing and use of a winter access trail from the Dalton Highway, Yukon River Bridge to private land at the mouth of the Big Salt River. Additionally, the use would allow their vehicle, license plate EMP254, parking at the BLM/State of Alaska, Department of Transportation wayside. Mitigation measures, stipulations and conditions are attached.

Proposed Action:

The grant will be authorized under the authority of Title V of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1761).

Rationale for the Decision:

1. This action is consistent with the principles of BLM and State plans for this area.
2. There are no anticipated impacts to cultural resources. See attachment.
3. The Proposed Action will not significantly restrict subsistence uses. See attachment.
4. There are no significant risks to existing boundaries and monumentation. See attachment.
5. A wilderness characteristic determination was completed and the action will not significantly impair wilderness characteristics. See attachment.

The proposed action is in conformance with the approved Bureau of Land Management Utility Corridor Resource Management Plan approved January 11, 1991. The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws.

Appeal Procedures:

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 (at the above address) within 30 days from receipt of this decision.

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

May 15, 2012
Date

Contact Person:

For additional information concerning this Environmental Assessment review and decision, contact Robin Walthour, Realty Specialist, Central Yukon Field Office at (907) 474-2304.