



United States Department of the Interior



FISH AND WILDLIFE SERVICE

1011 E. Tudor Road

Anchorage, Alaska 99503-6199

IN REPLY REFER TO:
NWRS710-076.lg

APR 21 2010

Dear Reader,

Attached is the Record of Decision (ROD) for the *Proposed Land Exchange Yukon Flats National Wildlife Refuge Final Environmental Impact Statement*, dated February 2010. The U.S. Fish and Wildlife Service accepted public comments on the Final Environmental Impact Statement (EIS) through April 12, 2010. The ROD, signed April 21, 2010, documents my decision to adopt the No Land Exchange Alternative (No Action Alternative) and includes my basis for making this decision.

For further information, you may view and obtain copies of the ROD and Final EIS on the web site <http://yukonflatseis.ensr.com>. Requests for paper copies of these documents may be sent by e-mail to yukonflats_planning@fws.gov (include "Yukon Flats ROD" in the subject line of the message). For questions, contact Laura Greffenius, EIS Project Coordinator, at (907) 786-3872.

Sincerely,

Geoffrey L. Haskett
Regional Director, Alaska Region
U.S. Fish and Wildlife Service

Attachment

Record of Decision

Proposed Land Exchange Yukon Flats National Wildlife Refuge, Alaska Final Environmental Impact Statement

April 21, 2010

This Record of Decision (ROD) is for the *Proposed Land Exchange Yukon Flats National Wildlife Refuge Final Environmental Impact Statement*, dated February 2010. It documents my decision and includes a summary of public involvement in the decision making process and the basis for making this decision. The *Final Environmental Impact Statement (EIS)* analyzes the proposed action, the preferred alternative, and other action alternatives. It also describes the affected environment and environmental consequences.

Decision

It is my decision to adopt the No Land Exchange Alternative (No Action Alternative), as described in the Final EIS. The No Land Exchange Alternative is the U.S. Fish and Wildlife Service's (Service) preferred alternative in the Final EIS. Under this alternative the Service would not exchange land with Doyon, Limited (Doyon). The No Action Alternative reflects my intent to continue to manage lands within the Yukon Flats National Wildlife Refuge (Refuge) as they currently are.

Background Information

The Final EIS analyzes the potential direct, indirect, and cumulative impacts associated with the Service's proposed "Agreement in Principle" (Agreement) between the Service and Doyon to exchange and acquire lands within the Refuge. Under the terms of the Agreement, the proposed land exchange involved 110,000 acres of Refuge lands that may hold developable oil and gas reserves, and oil and gas rights to an adjacent 97,000 acres of Refuge lands. Under the Proposed Action, the Refuge would have received a minimum of 150,000 acres of Doyon lands within the Refuge boundaries, and Doyon would have reallocated 56,500 acres of Alaska Native Claims Settlement Act 12(b) land entitlements within the Refuge to lands outside the Refuge.

Alternatives

Alternatives analyzed in the Final EIS included the No Land Exchange (No Action) Alternative, or continuation of present management. The No Action Alternative was the Service's Preferred Alternative. In addition, three action alternatives were evaluated: (1) the Proposed Action, with land exchanges and acquisitions as described in the Agreement; (2) a Land Exchange with Non-development Easements Alternative, where Doyon would grant non-development easements on 120,000 acres, but would not sell land to the Service; and (3) a Land Exchange Excluding the White-Crazy Mountains Alternative that would exclude from the exchange an area within the Refuge that had been recommended for Wilderness designation.

The Environmentally Preferable Alternative

Among the alternatives evaluated, the No Land Exchange Alternative is the environmentally preferable alternative. It has the least potential for adverse effects to the biological and physical environment of the Refuge; it best protects and preserves the Refuge's resources; and it best supports the purposes for which the Refuge was established.

Alaska National Interests Land Conservation Act: Section 810 Analysis of Subsistence Impacts

A subsistence use evaluation and findings of no significant restriction is found in Appendix C of the Final EIS. None of the alternatives contained actions that would significantly reduce subsistence uses or change the availability of resources by altering their distribution, migration, or location; or place any limitations on access to harvestable resources used for subsistence purposes.

Public Involvement and Comments Received

Public involvement and comments have been requested, considered, and incorporated throughout the EIS process. The Notice of Intent to prepare an EIS for a proposed land exchange in the Refuge was published in the *Federal Register* on October 19, 2005 (Vol 70, No 201, 60845). The notice of public scoping meetings was published in the *Federal Register* on March 3, 2006 (Vol 71, No 42, 10988). Public scoping meetings were held in local communities within the Refuge and surrounding areas. The Service distributed newsletters with project updates discussing opportunities for public involvement and results of public input. Comments and concerns received during this time were used to identify issues and draft alternatives for evaluation in the Draft EIS.

The Notice of Availability for the Draft EIS was published in the *Federal Register* on January 25, 2008 (Vol 73, No 17, 4617). Public hearings were held in each local community affiliated with the Refuge plus Fairbanks and Anchorage. From May to July 2008, government-to-government consultations were also held with Tribal Councils when requested. In response to numerous requests for additional time to review and comment, the comment period was reopened and extended [*Federal Register* notice published April 18, 2008 (Vol 73, No 75, 20931)]. We received more than 100,000 comments. The vast majority of comments, including those from several area tribal governments, opposed the proposed exchange. The Responses to Comments is contained in Volume 2 of the Final EIS.

The Notice of Availability for the Final EIS was published in the *Federal Register* on March 12, 2010 (Vol 75, No 48, 11905). The Service received three comments from individuals who opposed the proposed land exchange, and concurred with the Service's designation of the No Action Alternative as the preferred alternative. Comments on behalf of tribal governments and Alaska Native and conservation organizations also expressed support for the No Action Alternative, and a request that the Service officially withdraw from the Agreement in Principle. In addition, their comments indicated a need for further analysis in the Final EIS of traditional and local knowledge about climate changes and the additive impact from oil and gas development to subsistence resources. Also, their comments reflected concerns that impacts from oil and gas activities would result in significant restriction of subsistence uses. Finally, a

review by the U.S. Environmental Protection Agency pointed out that realty appraisal information should have been completed for inclusion in the Final EIS.

The Service appreciates the comments received on the Final EIS. Selection of the No Action Alternative nullifies the Agreement in Principle. In preparing our analysis of climate change effects, we incorporated traditional knowledge to the extent it was made available to us. Oil and gas development on lands that Doyon currently owns could affect subsistence resources, but these would be on private lands over which the Service has no control. Because the Service identified the No Action Alternative as the preferred alternative based on factors other than land value, completion of land appraisals was unnecessary.

Findings and Basis for Decision

In making my decision I reviewed and carefully considered the impacts identified in the Final EIS; relevant issues and concerns; public input received throughout the EIS process including comments on the Draft and Final EIS's; and refuge purposes and relevant laws, regulations, and policies. For the following reasons, I selected the No Land Exchange Alternative.

First, the Service has a limited understanding of the effects that oil and gas development would have on the hydrology of lands exchanged to Doyon and lands that would be retained by the Service. As discussed in Section 3.3.6 of the Final EIS, limited data are available to understand hydrologic functions in the parcels included in the proposed exchange. We do not understand the connectivity of subsurface and surface waters within and between habitats, including wetland and riverine systems. Thus, impacts from gravel and water (ponds and rivers) withdrawals are expected to have unknown direct and indirect consequences to water resources. The concern regarding the limited baseline information on hydrologic function is confounded by the limited information on where and how oil and gas development would occur on lands Doyon would obtain in the exchange and on lands currently owned by Doyon. The Service is especially concerned about where and how development would occur in the Beaver Creek watershed, including the 16 mile length of wild and scenic river corridor, and in proposed wilderness areas. Impacts to fisheries, riverine habitats, and wilderness character would be expected, but the level of impact is not known because of a lack of specific development scenario information.

Second, the land exchange would create a private lands corridor that would bisect the Refuge north to south and cause habitat fragmentation on the Refuge. Although the exchange of lands is not expected to significantly impact resources, it would facilitate infrastructure development and increase access, which are expected to affect resources, especially wildlife with large home ranges (e.g., bears, moose, wolverines, wolves). In addition, lands surrounding the 110,000-acre core lands would likely require more restrictive fire management and fire suppression to protect oil and gas field infrastructure, which would increase fire suppression costs from current levels and affect the natural fire regime. Species that benefit from early succession habitats, such as moose and furbearers, would likely be affected.

Third, the Service is concerned that the proposed land exchange could magnify projected changes to Refuge resources from climate change. Climate change projections for the Yukon Flats include a long-term drying trend, change in seasonal moisture distribution, change in wetland structure and function, loss of permafrost, later freeze up and earlier breakup on rivers, and an increase in fire severity and frequency. Water withdrawals, increased access, and

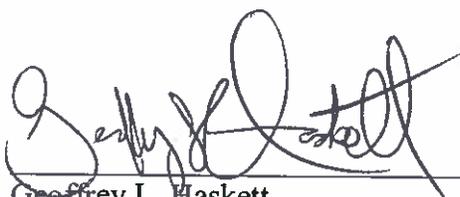
infrastructure associated with oil and gas field development on exchange lands could exacerbate climate change effects on Refuge resources. These effects could include: (a) loss of fish habitat, a decrease in fish productivity, and an increase in rate of fish disease; (b) a decrease in the amount of surface water available for breeding birds; and (c) an increase in winter snow that acts as a stressor to moose movement.

Fourth, infrastructure associated with access corridors from the proposed land exchange (corridors to remove oil and gas product, transport equipment for exploration, and connect developed sites between villages) would increase human use of the Refuge. Competition between local subsistence users and non-local users (sport hunters and fishers, other recreation users) could increase and create conflicts between user groups. Increased human access and use would have direct impacts to Refuge resources and could facilitate movement of invasive species into the Refuge.

Fifth, there is concern that the final Agreement could differ substantially from the draft Agreement. During the early negotiations, it was the Service's understanding that development opportunities would be restricted to the core lands in the south-central portion of the Refuge. Thus, the Service negotiated to receive parcels in lowlands in areas distant to the 110,000-acre parcel. Revised USGS oil and gas basin data now indicate a much larger area of the Yukon Flats Basin within the Refuge as sufficiently deep to have potential oil and gas generation than was the case when parcels were originally selected for the proposed land exchange and the Agreement was negotiated. These new findings make it more likely that parcels proposed for acquisition by the Service (parcels near Stevens Village and Beaver Village) would be adjacent to prospective areas of development, and this change, along with Doyon's decision to not include high quality native conveyed lands in initial negotiations, could hinder the Service's ability to acquire high quality habitats. The likelihood of the Service achieving an equal value exchange of lands in future negotiations has substantially decreased.

Finally, the majority (>90%) of the general public, local residents, and most villages downriver of the Refuge, oppose the proposed land exchange. The public and local residents are opposed to land trades that increase the net amount of Federal lands near villages and are opposed to any conveyed lands being transferred out of Native ownership. They are also concerned about contamination of the Yukon River salmon fishery from potential oil spills associated with exploration and development on the Refuge, impacts to the Beaver Creek watershed, degradation of wilderness character, adverse impacts to air and water quality and animal populations, and conflicts with the mission of the Service and purposes of the Refuge, including protecting and conserving the Refuge's fish, wildlife, plants and their habitats in their natural diversity.

My decision adopting the No Land Exchange Alternative (No Action Alternative) is effective immediately.


Geoffrey L. Haskett
Regional Director

4/21/10
Date