

FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

**for
Nowitna Wild and Scenic River Comprehensive River Management Plan
and
Koyukuk, Northern Unit Innoko, and Nowitna Revised Comprehensive Conservation Plan
Amendment**

**Nowitna National Wildlife Refuge
Galena, AK**

NEPA Unique Identifier: 2024-0129091-NEPA-001

Introduction

The U.S. Fish and Wildlife Service (Service) prepared an Environmental Assessment¹ (EA) to establish and implement a comprehensive river management plan (CRMP) for the Nowitna Wild and Scenic River (WSR) in the Nowitna National Wildlife Refuge (NWR) in accordance with the Wild and Scenic Rivers Act (WSRA), as amended (Section 3(d)(1)), the Alaska National Interest Lands Conservation Act (ANILCA), and the Revised Comprehensive Conservation Plan (CCP) for the Koyukuk, Northern Unit Innoko, and Nowitna National Wildlife Refuges (Revised CCP). The proposed action includes an amendment to the Revised CCP.

Amendments to a CCP constitute changes that do not significantly change the management direction of the NWR. The Service prepares step-down management plans, such as a CRMP, when required by policy or when the plans may be necessary to provide more detailed objectives, strategies, and/or implementation schedules for meeting the management direction identified in CCPs. The purpose of a CRMP is to provide management direction for protecting and enhancing the river values (the water quality, free-flowing condition, and outstandingly remarkable values [ORVs]).

¹ Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. USFWS verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

Selected Action - Alternative B

Alternative B (establish and implement a CRMP) is the preferred alternative. All existing management direction for the Nowitna NWR from the Revised CCP would continue under this alternative. Further, Alternative B would implement (not replace) existing management direction identified in the Revised CCP. The Nowitna WSR CRMP contains additional management direction, actions, and monitoring that would be implemented to protect and enhance the river values. River values, which are the core of the CRMP, refer to the free-flowing condition, water quality, and ORVs (ecology, fish, cultural, and scenery). Specifically, the CRMP (1) more clearly documents the river corridor boundary with enhanced mapping; (2) clearly identifies and describes the river's ORVs; (3) describes existing resource conditions, with a focus on the river values; (4) identifies threats and defines goals and desired conditions for protecting river values; (5) addresses development of lands and facilities; (6) addresses user capacities; (7) addresses water quality and sets the stage for determining flow requirements for the river values; (8) reflects a collaborative approach with stakeholders; (9) identifies regulatory authorities of other governmental agencies that assist in protecting river values; and (10) includes a monitoring and adaptive management strategy to maintain or make progress toward desired conditions.

Revised CCP Amendment

The Revised CCP would be amended to update the Nowitna WSR corridor to conform with ANILCA requirements. Other updates include changing the "Nowitna Wild River" to the "Nowitna Wild and Scenic River" and updating the ORVs to those identified in the CRMP. These and other updates are explained in the Nowitna Wild and Scenic River Comprehensive River Management Plan Environmental Assessment (Appendix A).

Corridor Boundary

The Wild and Scenic Rivers Act of 1968 requires that each federally administered river in the National Wild and Scenic Rivers System (NWSRS) has a legally established boundary. Establishing a WSR boundary that includes identified river-related values is essential as a basis from which to provide necessary protection. ANILCA Section 606(a) states "the boundary of each such river shall include an average of not more than 640 acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands." The CRMP amends the river corridor to comply with the acreage limit stipulated by ANILCA Section 606(a) by using current mapping capabilities that were not available when the Nowitna WSR was designated nor at the time of the CCPs and encompasses all river-related values, to the extent possible. The corridor boundary delineation process is summarized in Chapter 3 of the EA, and the legal description is included in Appendix A of the Nowitna WSR CRMP.

The preferred alternative was selected over the other alternatives because:

1. This alternative best meets the purpose and need for action as described in the environmental assessment and the Service's priorities and mandates as outlined by the National Wildlife Refuge System Administration Act (NWRSA) to "provide for the conservation for fish, wildlife, and plants, and their habitats within the System" in addition to "ensure the biological integrity, diversity, and environmental health of the System are maintained" (16 United States Code [U.S.C.] 668dd(a)(4)).
2. The corridor boundary will be brought into compliance with ANILCA Section 606(a).
3. The preferred alternative supports and is consistent with the Revised CCP.
4. The preferred alternative provides opportunities to gain a greater understanding of river values while continuing recreational and subsistence opportunities.
5. This proposal is not expected to generate widespread controversy or litigation.
6. There are no conflicts with local, state, regional, or federal law, plans, or policies.

Other Alternatives Considered and Analyzed

Alternative A – No Action Alternative

Alternative A is the No Action Alternative and would continue existing management direction. "No action" does not mean that no actions would be taken; rather, it is a continuation of what is currently happening or not happening in the Nowitna WSR corridor. The No Action Alternative is the benchmark used to compare effects of an action alternative. Management of the Nowitna WSR corridor is currently guided by the Revised CCP.

Under Alternative A, there would be no change to the current management of the Nowitna WSR and surrounding areas defined in the Revised CCP. New land use authorizations may be approved, provided they are consistent with the management direction, goals, and objectives in the Revised CCP. The free-flowing condition and the wild designation of the Nowitna WSR would continue. The Revised CCP broadly identified special values and those would not be evaluated as potential outstandingly remarkable values. Current levels of subsistence access would continue, maintained by the relevant laws and Revised CCP. The existing guidelines for recreation described in the Revised CCP would be applied. The general lack of monitoring involving river values would result in no changes to the availability of data, but it could hamper future protection of this resource.

Alternative A would include the Nowitna WSR corridor being larger than what is allowed under ANILCA. ANILCA Section 606(a) states the boundary shall include an average of not more than 640 acres per mile on both sides of the river (measured from the ordinary high-water mark). The corridor boundary of the Nowitna WSR was first described in the Nowitna National Wildlife Refuge Final Comprehensive Conservation Plan (Nowitna CCP, published in 1987).

This alternative was not selected, because:

Under Alternative A, the Service would continue to rely on the Revised CCP to manage the Nowitna WSR corridor and the Service would not implement a CRMP. Federal agencies charged with the administration of the NWSRS are required to prepare a CRMP for designated river segments (WSRA, Section 3(d)(1)). Therefore, Alternative A would not comply with the WSRA.

The Nowitna WSR corridor exceeds the maximum acreage allowed by ANILCA Section 606(a). Under Alternative A, the Nowitna WSR corridor would remain larger than what is allowed under ANILCA.

Summary of Effects of the Selected Action

An EA was prepared in compliance with the National Environmental Policy Act (NEPA) to provide decision-making framework that 1) explored a reasonable range of alternatives to meet project objectives, 2) evaluated potential issues and impacts to the refuge, resources and values, and 3) identified mitigation measures to lessen the degree or extent of these impacts. The EA evaluated the effects associated with alternatives as outlined above. The EA and all other compliance documentation is incorporated as part of this finding.

Implementation of the agency's decision would be expected to result in the following environmental, social, and economic effects:

Land Use

The CRMP delineates the WSR corridor using a GIS-based buffer method not available at the time of CCP development (USFWS 1987, 2009). The WSR corridor delineated in the CCP exceeds the acreage requirements stipulated by the WSRA and ANILCA Section 606(a). The WSR corridor width identified in the CRMP is applied consistently along the entire length of the river whereas in the CCP some portions of the corridor boundary ranged from less than 0.5 miles to more than a mile away from the centerline. The meandering nature of the Nowitna WSR results in a smaller overall acreage of the corridor than what was identified in the CCP.

There are two land management categories in the Nowitna NWR: Minimal Management and Wild Rivers Management. The Wild Rivers Management category applies to the Nowitna WSR corridor and the land use management category outside of the WSR corridor is Minimal Management. The acreage previously under the Wild Rivers Management category will no longer be within the WSR corridor and will be added to the Minimal Management category. Management restrictions related to activities, public uses, commercial uses, and facilities are nearly identical for lands within the Minimal and Wild Rivers Management categories.

Hydrology and Water Quality

In conjunction with the CCP, the CRMP protects the water quality and free-flowing condition of the Nowitna WSR by restricting and where necessary prohibiting uses and activities that threaten water quality, quantity, and condition.

Fisheries

The Service would develop and initiate fisheries and habitat surveys and ecological inventories to better understand the diverse fish community of at least 19 anadromous and freshwater fish species in the Nowitna WSR. This would be beneficial by increasing the Service's comprehensive understanding of fisheries and would allow the Service to better manage and protect habitats in the face of changing environmental conditions.

Cultural Resources

The implementation of the CRMP would not involve any ground-disturbing or visually intrusive activities that could result in impacts on cultural resources. Over time, the greater emphasis put on knowledge gathering and local involvement under this alternative would lead to more and better opportunities for stewarding the Nowitna WSR's cultural resources.

Scenery

The CRMP protects and enhances the river scenery through land use restrictions focusing on preserving the natural beauty of the river.

Vegetation

There are no significant cumulative impacts and the additional goals and objectives to better understand vegetation distribution and dynamics would aid in maintaining baseline conditions over time.

Wildlife

The Service would maintain a natural diversity of high-quality habitats that support the various life stages of wildlife species.

Soils and Permafrost

The Service would improve scientific knowledge of permafrost, hydrology, fire ecology, and soils.

Subsistence

The CRMP would not adversely impact subsistence resources. The Nowitna WSR CRMP will aid the refuge in meeting its assigned purpose of providing the opportunity for continued subsistence use through its conservation of fish and wildlife populations and habitats in their natural diversity.

Alaska Native Interests

The CRMP has management direction that would be more protective of Alaska Native interests, such as cultural resources, and it would further encourage coordination between the Service and Alaska Natives. A more comprehensive understanding would allow the Service to better manage and protect resources and resource uses in the face of changing environmental conditions.

Visitor Use

The CRMP has an adaptive management strategy to address impacts to resources that could arise during the life of the plan. Indicators and thresholds are described to protect visitor use without adverse impacts on river values; the quality of visitor experience; and public health and safety.

Socioeconomics

It is not anticipated that the CRMP would measurably impact employment, income, or workforce levels in local communities.

Documentation of significance

The proposed action will not have a significant impact on refuge resources and uses for several of the reasons above and those enumerated below. Significance is determined by examining the context of the action and the intensity of the effect. Based on the analysis in the EA, which is summarized in these sections, the Service has determined that the preferred alternative can be implemented without significant adverse effects.

1. The actions will not have a significant adverse effect on public health and safety.
2. The project will not have significant adverse effects on any unique characteristics of the geographic area such as historic or cultural resources, tribal sacred sites, wild and scenic rivers, or ecologically critical areas.
3. The project will not violate relevant federal, state, tribal, or local laws or other requirements and is not inconsistent with federal, state, tribal, or local policies designed for the protection of the environment.
4. The effects on the quality of the human environment are not likely to be highly controversial.
5. The actions do not involve highly uncertain effects on the human environment.
6. The actions will not establish a precedent for future actions with significant effects and does not represent a decision in principle about a future consideration.
7. There will be no cumulative significant impacts on the environment. Cumulative impacts have been analyzed with consideration of other similar activities on adjacent lands, in past action, and in foreseeable future actions.
8. The actions will neither significantly affect any site listed in, or eligible for listing in, the

National Register of Historic Places, nor cause loss or destruction of significant scientific, cultural, or historic resources.

9. The action will not impact any threatened or endangered species; or Federally-designated critical habitat.
10. The action area is not within or near a designated wilderness area and as such will have no positive or negative impacts on wilderness. The Nowitna NWR does not have additional special designations such as Research and Natural Areas and as such will have no positive or negative impacts on the special designation.
11. There is no scientific controversy over the impacts of this action and the impacts of the proposed action are relatively certain.
12. The project will have no significant adverse effects on the rights of tribal nations that have been reserved through treaties, statutes, or Executive Orders.
13. The proposal is not expected to have any substantial short- or long-term adverse effects on wetlands and floodplains, pursuant to Executive Orders 11990 and 11988.

Public Involvement, State Coordination and Tribal Consultation

The proposal has been thoroughly coordinated with all interested and/or affected parties. The following parties have been contacted:

- Tribal Councils: Louden Tribal Council, Ruby Tribal Council, Tanana Tribal Council
- Alaska Native Organizations: Dineega Corporation, Doyon, Limited, Gana-A'Yoo, Limited, Tozitna, Limited
- City Councils: Galena City Council, Ruby City Council, Tanana City Council
- State of Alaska: Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, Alaska Department of Natural Resources
- Federal Agencies: Bureau of Indian Affairs, Bureau of Land Management

On October 15, 2024, the Service published the draft EA for a 30-day public review and comment. The Service received public comments on the purpose and need, river corridor boundary, wilderness terminology, navigability, regulatory and statutory language, planning issues and opportunities, access and inholdings, ORVs, and Section 810 analysis. After reviewing the comments, the Service developed responses to comments and made changes based on substantive comments to the Nowitna WSR CRMP and EA.

State Coordination

The Service held a meeting with potentially interested Tribes, Alaska Native corporations (ANCs), and agencies on March 15, 2023, to provide information about what a CRMP is, the timeline for developing the CRMP, and the various roles and responsibilities of Tribes, ANCs, and agencies. After the meeting, entities that intended to participate as a cooperating agency

were provided a memorandum of understanding to be signed and returned to the Service. The State of Alaska signed the memorandum of understanding.

The Service held workshops on October 3 and 4, 2023, in Fairbanks, Alaska, to gather input on the development of the CRMP and EA from cooperating agencies and subject matter experts. In addition to Service staff, the workshops were also attended by staff from the following entities:

- Alaska Department of Environmental Conservation
- Alaska Department of Fish and Game
- Alaska Department of Natural Resources
- Bureau of Land Management
- Loudon Tribe

Workshop discussions focused on issues affecting the Nowitna WSR that were identified during internal scoping and external scoping as well as river values, current management, and proposed management. As a result of the October workshops, additional follow-up workshops on November 16 and 17, 2023, focused on cultural resources, fish, and water quality. In addition to Service staff, the workshops were attended by staff from the following entities:

- Cultural resources workshop – Alaska Department of Fish and Game, Alaska Department of Natural Resources, and the State Historic Preservation Office
- Fish workshop – Alaska Department of Fish and Game, Alaska Department of Natural Resources, and Bureau of Land Management
- Water quality workshop – Alaska Department of Environmental Conservation and Alaska Department of Natural Resources

The Service developed CRMP goals, objectives, and strategies that considered the input from the State.

Tribal Consultation

In February 2023, the Service mailed letters regarding this EA effort to interested Tribes, ANCs, and potential cooperating agencies. The Service reached out to Tribal councils (Tanana, Loudon, and Ruby), city councils (Tanana, Galena, and Ruby), and the following ANCs: Dineega Corporation; Gana-A'Yoo, Limited; Tozitna, Limited; and Doyon, Limited. Government-to-government consultation was extended to the Tribal councils and ANCs. None of the Tribes or ANCs elected to participate as cooperating agencies nor requested government-to-government consultation.

The Service followed up the letter with a meeting with potentially interested Tribes, ANCs, and agencies on March 15, 2023, to provide information about what a CRMP is, the timeline for developing the CRMP, and the various roles and responsibilities of Tribes, ANCs, and agencies. After the meeting, entities that intended to participate as a cooperating agency were provided a

memorandum of understanding to be signed and returned to the Service. The Bureau of Indian Affairs signed memorandum of understanding.

The Service conducted a meeting in Ruby on November 3, 2023, at the Tribal Office. One-on-one conversations with village residents also occurred in Tanana on October 18 and 19, 2023, and in Ruby on November 2 through 4, 2023. The Service developed CRMP goals, objectives, and strategies that considered the input from village residents.

Finding of No Significant Impact

Based upon a review of the EA (2024-0129091-NEPA-001) and supporting documents, the Service has determined that the proposal to establish and implement a CRMP for the Nowitna WSR and amend the Koyukuk, Northern Unit Innoko, and Nowitna Revised Comprehensive Conservation Plan will not significantly impact the quality of the human environment. No environmental effects meet the definition of significance and therefore, an environmental impact statement (EIS) is not required.

Authority

The authority to approve the Nowitna Wild and Scenic River Comprehensive River Management Plan is the Wild and Scenic Rivers Act (16 U.S.C. §§1271-1287), Section 3(d)(1). The authority to amend the Koyukuk, Northern Unit Innoko, and Nowitna Revised Comprehensive Conservation Plan is the Alaska National Interest Lands Conservation Act (16 U.S.C. §§3161-3173), Section 304(g)(1).

Decision

It is my decision to approve the Nowitna Wild and Scenic River Comprehensive River Management Plan, designate the wild and scenic river corridor boundary, and amend the Koyukuk, Northern Unit Innoko, and Nowitna Revised Comprehensive Conservation Plan as described as Alternative B above and evaluated in the Environmental Assessment.

Rationale

The rationale to issue this decision is based on the analysis conducted in the EA, ANILCA Section 810 analysis, the above FONSI, and in conformance with the above stated authorities and with the CCP as amended by this decision. As described in the above FONSI, the project would not result in significant impacts to the human environment.

This decision is supported with analysis and documentation compliant with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)² the Department of the Interior NEPA regulations (43 CFR 46; 516 Department Manual, or DM 8), and U.S. Fish and Wildlife Service policy (550 Service manual, or FW 3).

Approval

KARLIN ITCHOAK

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Alaska Regional Chief, National Wildlife Refuge System

Attachments

- CCP Amendment Memorandum
- Legal description of the Nowitna Wild and Scenic River Corridor

Supporting documents

- Environmental Assessment
- River Values Report
- Scoping Summary Report

² Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Fish and Wildlife Service verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 CFR Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.