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Cc: Lynnda Kahn[lynnda_kahn@fws.gov]
From: Wendy Loya
Sent: 2018-05-04T17:52:38-04:00
Importance: Normal
Subject: FW: 1002 Area Seismic feedback from LK @kenai
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Hi 1002 team,

Forwarding some thoughts from Lynnda, that we should probably discuss with Sarena Sweet at BLM, who would likely consult with the solicitor about...

Depending on the timing of the next joint Seismic meeting, we can discuss how to approach either next Weds at 1pm or via email.

Thank you Lynnda, we are grateful for you to continue to share your experience in this new-to-Arctic project.

Wendy

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From: Kahn, Lynnda <lynnda_kahn@fws.gov>
Sent: Friday, May 4, 2018 1:45 PM
To: Wendy Loya <wendy_loya@fws.gov>; Mitch Ellis <mitch_ellis@fws.gov>
Cc: Andy Loranger <andy_loranger@fws.gov>; Stephen Miller <stephen_a_miller@fws.gov>
Subject: 1002 Area Seismic

Hi Wendy and Mitch, something is confusing to me and I wanted to get your thoughts.

I see in the application, under Permit requirements, that there is no Special Use Permit (SUP) listed under FWS. The KNWR, not the BLM, issues SUP's to seismic operators when work occurs outside of a federal oil/gas lease area where the minerals are owned by CIRC or TNC but the Refuge is the surface owner. I'm not sure if the Tax Act legislation designated BLM to be the approving agency for the geophysical exploration work or not. But technically, since most of the seismic effort is to occur on Arctic NWR surface, I don't see how the FWS is NOT legally responsible for issuing their own Permit for the work, via a Special Use Permit. At the very least, we feel it should be a joint approval

process.

I was speaking with Andy about this and we're not sure how the FWS can delegate our legal authorities to approve commercial activities (seismic) on a national wildlife refuge to another federal agency (BLM). So I feel this is something that needs to be clarified asap.

Below are a few other little things I thought of during the teleconference --

We require buffers all the time, in our SUP Special Conditions, to avoid/minimize impacts to fish and wildlife and their habitat. That question that came up about possibly setting up a buffer adjacent to Wilderness, I would think would be fair game. We would obviously have to carefully justify what ever we came up with in terms of said buffer, but I don't see why it's not possible to require such. I believe I'd sent you a copy of this before, but this is just one of the conditions we put into our Special Use Permit for seismic conducted by SAExploration on the KNWR:

33. The following avoidance areas or minimum buffer/setback distances shall be implemented to ensure adverse impacts to fish and wildlife resources and/or their habitats are avoided. All activity shall be prohibited within set distances as follows:

- a. Cultural resources ~300 feet from established boundary of resource
- b. Anadromous streams ~116 feet from top of stream bank
- c. Waters that may support fishery resources ~100 feet from water body
- d. Swanson River ~200 feet from top of river bank
- e. Bear dens ~660-foot radius of any known den
- f. Bald eagle nests ~660-foot radius of nests during Feb. and March; and ~1,000-foot setbacks from active bald eagle nests during the period when bald eagles are in attendance. If it is determined that activities conflict with active eagle nesting ~ $\frac{1}{2}$ -mile radius for helicopter operations
- g. Trumpeter swan nests, broods and occupied nesting/brood rearing lakes ~1,000-feet from nests and ordinary high water (OHW) line of occupied nesting/brood rearing lakes
- h. Owl nests ~660 feet from active nests

Also, I remember hearing BLM say, during the Jan. 19, 2018 Arctic Leasing Workshop, that seismic operators generally use a snow trail for seismic. Granted, our winters are milder than what they experience up north,

based on what I recently witnessed here on the Kenai Refuge, a snow trail is NOT the best way to go if you want to limit surface disturbance impacts from even tracked vehicles.

Lynnda

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