



**United States Department of the Interior
Bureau of Land Management
Eastern Interior Field Office**

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Eastern Interior Field Office
1150 University Avenue
Fairbanks, Alaska 99709-3844

**Section 7 Determination
Hutchinson Creek, Tributary of the Fortymile
National Wild and Scenic River**

**Sheldon Maier
Access Right-of-Way through the Hutchinson Creek Corridor of the
Fortymile National Wild and Scenic River**

Planning Unit: Eastern Interior Field Office
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Recreational, Wildlife Populations, Historic and Cultural, and Archeological. There are several early 1900s cabin sites along the existing trail from miners who came in seeking gold. The valley is remote, and hunters use the trail.

The Wild and Scenic Rivers Act states that each component of the National Wild and Scenic rivers system shall be administered in such a manner as to protect and enhance (nondegradation and enhancement mandate) the values that caused it to be included in the system. The act also protects rivers in their free-flowing condition to protect the water quality of designated rivers. Hutchinson Creek is designated as "scenic" where the river is generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads (BLM W&SR Manual 8351.32A2).

Management of scenic river areas should maintain and provide outdoor recreation opportunities in a near-natural setting and shall give primary emphasis to protecting the values that make it outstandingly remarkable while providing river-related outdoor recreation. A wide range of activities can occur in scenic river areas as long as they are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment. Motorized vehicle use may be appropriate. Specific management standards for Scenic River Areas are:

- Water quality shall be maintained or improved to meet criteria or federally approved State of Alaska standards.
- Road and trail construction may occasionally bridge the river area, and short stretches of conspicuous or long stretches of inconspicuous and well-screened, roads could be allowed.
- Rights-of-way – New rights-of-way are discouraged but where they are unavoidable, locations and construction techniques shall be selected to minimize adverse effects on scenic river area related values (BLM W&SR Manual 8351 pages 29-30).

Construction of impoundments, diversions, straightening or riprapping, and other modifications of the waterway or adjacent lands that affect the free-flowing characteristic of the river would not be permitted except in instances where such developments would not have a direct and adverse effect on the river and its immediate environment. Rehabilitation or stabilization of damaged resources is an allowable management practice.

Physical Description of Area

The Hutchinson Creek watershed from the North Fork of the Fortymile River upstream to the headwater corridor boundary in Township 7 South, Range 28 East, Fairbanks Meridian, contains approximately 5,000 acres along 19 miles of designated stream.

Hutchinson Creek flows north and is influenced by rolling hills covered with tundra and black spruce with ridges rising up to 5200 feet from a moderately narrow valley. The existing trail travels through areas of black spruce and some aspen with various shrubs such as willow and alder thickets. Adjacent vegetation includes various plants associated with a closed spruce-hardwood forest of white spruce, paper birch, and balsam poplar with rose, alder and willow, Labrador-tea and mountain-cranberry. The forest floor is generally carpeted with a thick moss mat. The groundcover along many segments of the access trail is primarily low riparian shrubs with the sphagnum moss, sedges, grasses, and forbs common in the intermittent wetter, poorly drained shallows and muskeg that is underlain by discontinuous permafrost.

these findings, The BLM has determined that the proposed action will not affect essential fish habitat.

There is very limited sport fishing data for the Fortymile River drainage. Arctic grayling appear to constitute the majority of the sport catch (BLM 1988).

C. Section 7 Determination for Water Resources Projects Within the Wild and Scenic River Corridor

1. Proposed Action

The applicant, Sheldon Maier, has requested access through the FNWSR corridor of Hutchinson Creek in order to continue operating his State of Alaska mining claims on Montana Creek outside of the FNWSR corridor. The access route lies within the Fortymile National Wild and Scenic River system along portions of Confederate, Hutchinson, and Montana Creeks within T. 7 S., R. 27 E., Sections 11, 14 and 23, Fairbanks Meridian. The applicant also proposes to improve the existing access by repairing areas that are currently damaged (i.e., potholes and lack of drainage) and realigning approximately a half-mile of the route out of Hutchinson Creek onto an unused historic trail farther from the creek, thus avoiding some of the wetlands and flood-prone areas. Much of the existing lower trail has been washed out or severely eroded from high-water and ice breakup events. The creek also washed out an old airstrip located midway on Hutchinson Creek between the Confederate and Montana Creek tributaries when a berm of rock established for erosion control was removed (Personal communication with Mr. Maier, 2006). The airstrip had been part of the access route.

This proposal would reduce the number of stream crossings and eliminate the stream channel travel presently associated with this trail route. The existing route has been used seasonally by the applicant under previous authorization using Off-Highway Vehicles (OHVs), which included All Terrain Vehicles (ATVs) and an Applied Research Development Company (ARDCO) low-ground pressure vehicle with an articulated chassis meant for low-impact travel.

The current access route traverses several low areas that are wetlands and flood prone areas subject to damage by high-water events and ice breakup in the spring which in turn impacts Hutchinson Creek and the FNWSR corridor. Public use tends to create new trails to go around the bad spots, further widening the trail and producing sections of braided trail. Continual maintenance by the applicant has been required to keep the existing trail from degrading further.

Mr. Maier plans to repair and upgrade the existing trail on the floodplain terraces by improving trail drainage and increasing the trail travel width so that he can avoid travel in the stream channel. He has requested a right-of-way of 30 feet wide by approximately 3 miles long, which encompasses an area of approximately 11 acres. The completed travel width would be 12-15 feet wide. The applicant is proposing to use a track excavator to install ditching and fill in low areas to improve drainage. The applicant does not have the means to transport fill materials, so borrow materials will need to come from ditching operations and from mineral materials near the trail route.

native and non-native, invasive plant seeds that could germinate and alter vegetation composition adjacent to the sites and along the river. Although vegetation could help stabilize the repair, introduction of non-native, invasive plants would have other adverse effects.

Surveys for non-native, invasive plants (NIP) have been conducted along the Taylor Highway but not along Hutchinson Creek. Since access will be from the highway using the Chicken Ridge Trail, any plants occurring along the highway or access roads and trails are likely to be moved into the WSR. Typically, seeds are spread in tire treads or embedded in mud on vehicles and equipment and are dropped along the way, particularly in water bodies. Of the NIPs that occur in the immediate vicinity of Chicken, bird vetch (*Vicia cracca*) is the most invasive and is of the highest concern in Alaska (see NIPs section of EA for references and more information). Introduction of *V. cracca* and other NIPs would alter the ORV of the area. Control of some NIPs is very difficult and effective control could require mechanical and chemical treatments.

c. Direct alteration to upland conditions

Material and equipment used to make the repair may harbor non-native, invasive plant seeds that would be introduced to the sites. If the seed germinates, non-native, invasive plants could become established at other upland sites along the FNWSR corridor of Hutchinson, Confederate and Montana Creeks. Depending on modes of seed dispersal and reproduction, seed and propagative plant parts can move downstream with the water current or upstream by wind, adversely impacting other areas within the designated wild river. Animals can also move seeds and plant parts to other upland locations.

No changes to upland soil properties or hydrologic properties are expected.

The uplands surrounding the project area are State of Alaska lands while the riverbed is considered non navigable and is managed by the BLM as a scenic river.

d. Direct Alteration to Hydrologic or Biologic Processes

Direct alteration of hydrologic process is not expected to result from this project.

There will be no change in the amount or timing of flow in the channel, and existing flow patterns are not expected to change. Contraction of the channel during flood flows will increase in surface and subsurface flow velocities through the stream crossing areas as well as immediately downstream. However, no appreciable change in flood storage is expected. Compared to present channel conditions, there will be no appreciable change in debris or ice loading in the project area. There will be no significant change in bank elevations. Hence, no substantial change in the ability of the stream to inundate its active floodplain is expected.

The proposed trail repairs near the stream crossing locations may result in a temporary release of fine sediment. However, fish are not known to spawn in the immediate vicinity of these sites, and rearing fish that are affected may move to a new location in the river. In addition, there are currently signs of trail degradation, such as head-cutting, in the current

3. Time Scale of Affected Conditions and/or Processes

Ongoing repair of the trail during the five-year term of the authorization will result in a short-term decrease in riparian vegetation. These plants will recover as low areas are filled with sediment and organic debris from high-water events. Riparian vegetation density should return to the same level as that of natural stream banks except for the trail footprint.

Completion of this repair and improvement project will not substantially alter upland conditions or on-site, short or long-term hydrologic or biologic processes.

The rate and magnitude at which off-site downstream changes may occur is a function of flood frequency, magnitude, and flow duration. At low flows, off-site channel changes are expected to be negligible. At greater flows (50-year flood frequency), noticeable changes in off-site channel scour and deposition will likely occur until downstream channel morphology can accommodate velocity and sediment load changes.

Effects of the introduction of non-native, invasive plants could linger on an indefinite time scale. Best Management Practices for non-native, invasive plants include preventing introduction (cleaning all vehicles and equipment before transport to the site) and early detection and rapid response (control). If introductions become infestations, control becomes difficult and elimination of the non-native, invasive plants could be unattainable. Non-native, invasive plant infestations near water or wetlands are difficult to control if herbicides are needed. Impacts to the wetlands from the chemicals are difficult to mitigate.

The time scale of impacts to amphibians, mollusks, or other plant and animal species is difficult to predict. Non-native, invasive plants affect the habitat upon which other plants and animals depend, and the time scale for impacts would be similar to that described for non-native, invasive plants.

4. Relationship to River Management Goals

Relocating the travel route out of the stream channel and repairing and widening the pre-existing historic trail, will improve and enhance the free-flowing condition of Hutchinson Creek, a designated tributary of the FNWSR system.

5 Section 7 Determination

Our finding is that the proposed trail repair and realignment project will not have a direct and/or adverse effect on the values for which Hutchinson Creek was added to the National Wild and Scenic Rivers system. As planned, the proposed project is not expected to have adverse effects on the free-flowing condition of Hutchinson Creek. The proposed project will have no foreseeable negative impacts on water quality of Hutchinson Creek. There are no long-term adverse effects on the Outstandingly Remarkable Values for which the river was designated. This determination was analyzed by the following individuals for the Eastern Interior Field Office:

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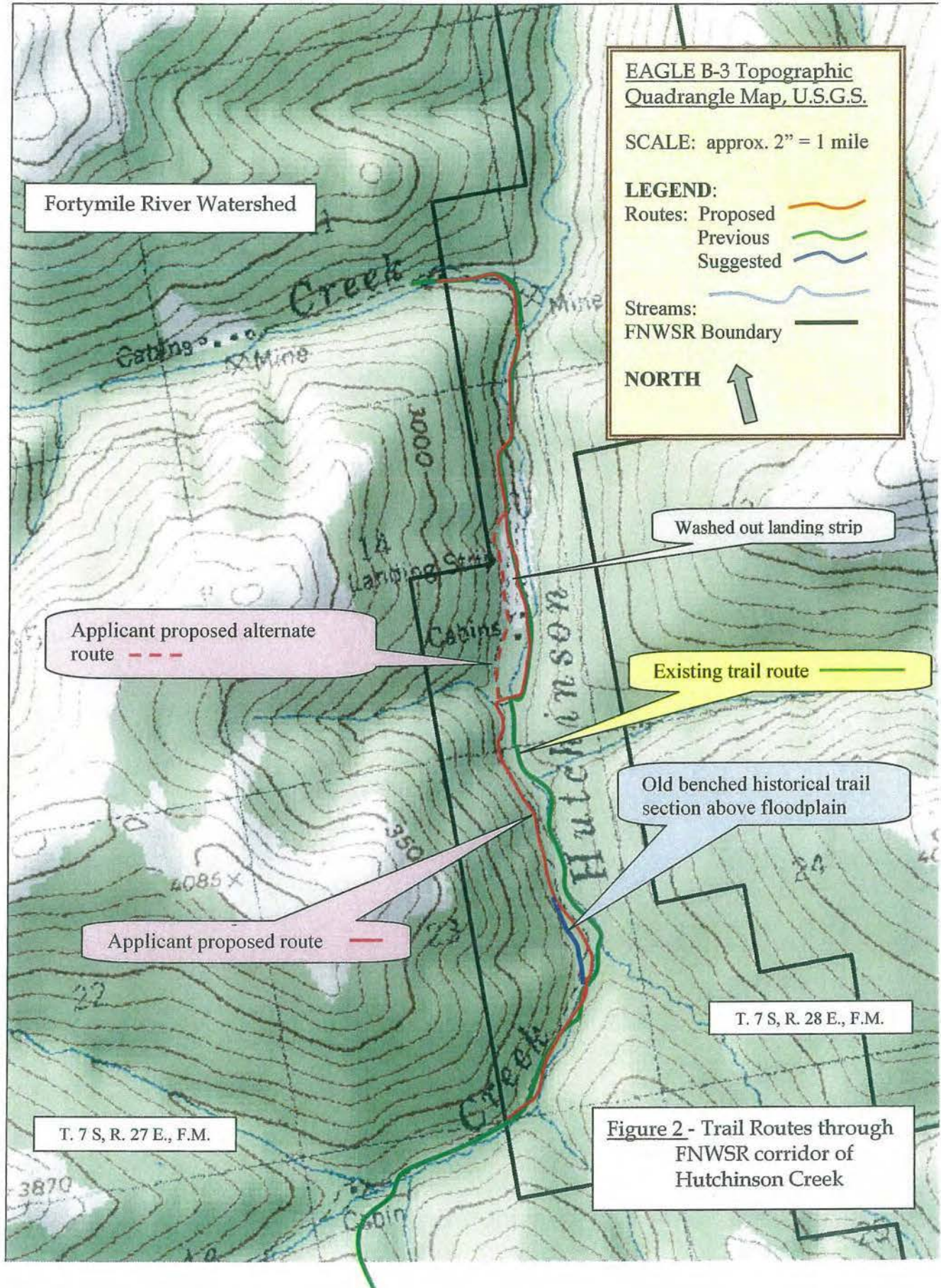
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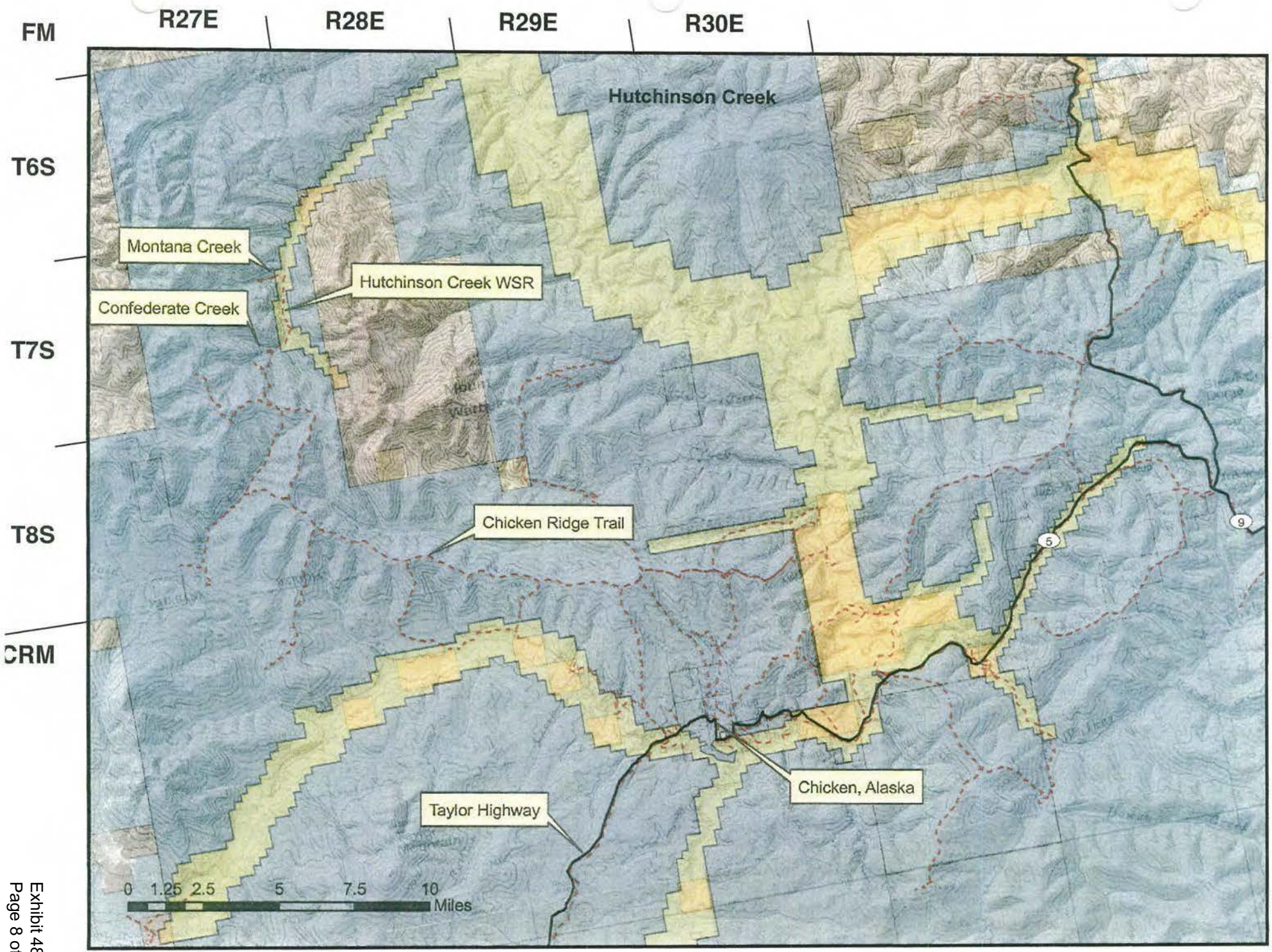


Figure 1