

DECISION RECORD

Right-of-way Grant to Gordon and Kathy Moore to travel with a Nodwell 110 Tracked Vehicle from milepost 49 of the Taylor Highway along a public use trail on Bureau of Land Management (BLM) managed land to their private property.

The Right-of-Way Grant will be issued pursuant to Title V of FLPMA and the regulations found in 43 CFR 2800. Both an Assessment of Archaeological and Historic Resources and an Evaluation and Finding of subsistence uses and needs has been completed in accordance with Section 106 of the National Historic Preservation Act of 1966 and the Alaska National Interest Lands Conservation Act of 1980 respectively. This action is also in conformance with the Fortymile Management Framework Plan of 1980 and the Fortymile River Management Plan of 1983.

The proposed action described in the Environmental Assessment mentioned below is the selected alternative. A Right-of-Way Grant will be issued to Mr. and Mrs. Moore which will authorize their use of a Nodwell Tracked Carrier, Model RN110 to travel across BLM managed lands on an existing public use trail to haul construction materials and access their private property. The two mitigating measures identified in the EA will be incorporated in the Right-of-Way Grant as the following stipulations:

There is a Spring Avoidance Period from May 15 through June 15 of each year. Use of the Nodwell 110 Tracked vehicle is prohibited during this period.

A copy of this Right-of-Way Grant must be clearly displayed on the authorized vehicle at all times of use on BLM managed land.

The proposed action has been analyzed under Environmental Assessment DOI-BLM-AK020-2012-0021 and a Finding of No Significant Impacts has been completed; therefore, an Environmental Impact Statement is not required.

Decision

It is my decision to authorize travel with a tracked vehicle on BLM managed lands in the Mosquito Flats area within the Eastern Interior Field Office geographic area. A right-of-way grant will be issued to Gordon and Kathy Moore for a period of 5 years in accordance with regulations found in 43 CR 2800 and pursuant to Title V of the Federal Land Policy and Management Act of 1976.

Rationale

The proposed action is consistent with the use of public lands under the authority of Title V of the Federal Land Policy Management Act and the regulations found in 43 CFR 2800.

All mitigation measures will be carried forward in stipulations attached to the right-of-way grant.

All concerns are appropriately addressed in EA DOI-BLM-AK-020-2012-0021. This includes cultural resources and subsistence concerns; see attached NHPA Section 106 and ANILCA 810 findings.

/s/ Lenore Heppler
Lenore Heppler, Manager
Eastern Interior Field Office

8/27/2012
Date

Appeal Provisions

This decision shall take effect immediately upon the date it is signed by the authorized officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)).

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at Eastern Interior Field Office, 1150 University Avenue, Fairbanks Alaska 99709. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer. If you wish to file a petition for stay of the effectiveness of this decision pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and must show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) The likelihood of the appellant's success on the merits, (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) Whether the public interest favors granting the stay. If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, U.S. Department of the Interior, 4230 University Drive Suite 300, Anchorage, AK 99508, not later than 15 days after filing the document with the authorized officer and/or IBLA.

For additional information concerning this decision, contact Michael Gibson at the Eastern Interior Field Office, 1150 University Avenue, Fairbanks, Alaska, 99709; by telephone at 907-474-2263; or by email at mjgibson@blm.gov.