

CATEGORICAL EXCLUSION /PLAN CONFORMANCE DOCUMENTATION

DOI-BLM-AK-F020-2013-0005-CX

A. Background

Proposed Action: Renew the Right-of-Way (R/W) grant for Sheldon Maier to repair, operate, maintain and terminate an access trail on public land, which accesses his state mining claims located on State of Alaska land outside of federal land, for a period of 10 years.

Date of Proposed Action: Summer of 2013 through summer of 2023

Location: The access trail is located off the Taylor Highway along portions of Confederate, Hutchinson and Montana Creeks within the Fortymile subunit. The access trail is specifically located within sections 11, 14 and 23 of T.7S., R.27E., Fairbanks Meridian.

Applicant: Sheldon Maier

Serial Number: FF095384/1

Description of the Proposed Action

The Bureau of Land Management proposes to renew Sheldon Maier's R/W grant under case file FF095384/1 to authorize his access, over public lands on an existing trail, to state mining claims. No additional rights will be conveyed beyond those granted by the original authorization. The original authorization gave Mr. Maier the "right to repair, operate, maintain, and terminate an access trail (30 feet wide and 3 miles long) on public land".....in accordance with the stipulations attached thereto. A thorough evaluation of Mr. Maier's proposed use of public lands and corresponding Environmental Assessment (EA-AK-024-08-016) was completed in August, 2008 for the original authorization in accordance with the National Environmental Policy Act (NEPA).

B. Land Use Plan Conformance

Land Use Plan Name: Fortymile Management Framework Plan and Fortymile River Management Plan.

Date Approved/Amended: September 9, 1980 and October 22 1983 respectively.

The proposed action is in conformance with the applicable Land Use Plan because it is specifically provided for in the following LUP decision(s): Minerals Objective 6 of the Fortymile Management Framework Plan which is to "Provide access to all areas where mineral development is occurring." Minerals Recommendation M-6.1 states: "Rights-of-Way would be granted across public land into mineral areas.....upon request." In addition the Fortymile River Management Plan addresses adequate access to state land subject to reasonable regulation to protect the natural and other values of the river corridor (page 46 under Action 1.5).

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (E)(9) which states:

"Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215 and listed below. Any "yes" finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

EXTRAORDINARY CIRCUMSTANCES	YES/NO
1) May have significant impacts on public health or safety.	No
2) May have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	No
3) May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	No
4) May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5) Might establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6) May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
7) May have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No
8) May have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No
9) Might violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10) May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
11) Might limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No
12) Could contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No

Recommendation

I have found that the Proposed Action is compatible with the Fortymile Management Framework Plan and the Fortymile River Management Plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 DM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that an Environmental Assessment or Environmental Impact Statement is not needed.

/s/ Vic Wallace
Vic Wallace, Realty Specialist
Eastern Interior Field Office

5/24/2013
Date

Concurrence

I concur that the above action is in conformance with both the Fortymile Management Framework Plan and the Fortymile River Management Plan, does not meet any of the extraordinary circumstances, and qualifies as a Categorical Exclusion.

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

5/24/2013
Date

Contact Person

For additional information concerning this CX review, contact Vic Wallace, Realty Specialist, Eastern Interior Field Office, at 907-474-2363.