



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588
<http://www.blm.gov/ak>

Gravel Sales up to 3,100 Cubic Yards (Mineral Material) Categorical Exclusion, DOI-BLM-AK-A020-2013-0021-CX

Case File, AA-93597

DECISION RECORD

Decision

It is my decision to implement the proposed action, sale of up to 3,100 cubic yards of gravel (mineral materials) from an existing pit at Mile 74.16 Richardson Highway on BLM-managed lands, as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A020-2013-0021-CX.

The proposed action has been reviewed by Glennallen Field Office staff and appropriate Project Design Features or stipulations, as specified, will be incorporated during project implementation. Based on the attached Categorical Exclusion review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Glennallen Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Laurie Hull-Engles

June 20, 2013

Laurie Hull-Engles
Acting Glennallen Field Manager

Date

Attachments

Categorical Exclusion, DOI-BLM-AK-A020-2013-0021-CX
Permit Stipulations

BUREAU OF LAND MANAGEMENT STANDARD STIPULATIONS

Mineral Management

Exhibit "B"

June 11, 2013

AA-93597

1. Definitions

- 1.1. The Glennallen Field Office Manager is the Authorized Officer (AO), as defined by 43 CFR 2800.0-5(c).
- 1.2. Permittee means Tom Gibbons.
- 1.3. Permit means the permission granted by the United States to the permittee for the use of public lands and resources.

2. General

- 2.1. The permittee will address all matters to the Glennallen Field Office, P.O. Box 147, Glennallen, Alaska, 99588.
- 2.2. This permit is subject to all prior valid and existing rights, and the United States makes no representations or warranties whatever, either expressed or implied, as to the existence or nature of such valid rights
- 2.3. The permittee, in exercising the privileges granted under this permit shall comply with the regulations of the Department of the Interior and all Federal, State and Borough, or Municipal laws, ordinances, or regulations, which are applicable to the area or operations covered by this permit.
- 2.4. In the advent of a disagreement or the interpretation or implementation of these stipulations the permittee agrees that the AO shall have the final say in how these stipulations are interpreted and implemented.
- 2.5. Grantee shall defend, indemnify and hold the United States, its assigns, employees, representatives and successors in interest harmless from and against any and all actions, fees, for injury to or death of any person, persons, or property arising in connection with and as a direct result of permittee's activities, included but not limited to United States negligence, if any, in failing to recognize or remedy a hazardous condition existing on public lands.
- 2.6. This permit may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.

- 2.7. The AO may revoke or terminate this permit in whole or part, upon determination by the AO that the terms, conditions, or stipulations of the grant have been violated, or by determination by the AO that the permittee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
- 2.8. This permit is subject to all valid existing rights on the effective date of this permit.

3. Environmental

- 3.1. All operations will be conducted in such a manner as not to cause damage or disturbance to any fish, wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).
- 3.2. All activities shall be conducted with due regard for good resource management as not to block any stream, or drainage system, or cause pollution or siltation of any stream or lake.
- 3.3. All activities shall be conducted so as to avoid or minimize disturbance of vegetation. If it becomes necessary to remove vegetation, prior approval by the AO is required.
- 3.4. The permittee shall conduct all permitted activities within the authorized limits of the mineral material site they have been assigned to. If any scarring or damage occurs outside of the approved area as a result of the permittee's action or operation, the areas shall be repaired or reseeded, or otherwise corrected as necessary to the satisfaction of the AO.
- 3.5. Petroleum products or by-products shall not be used for dust suppression.

4. Operational

- 4.1. Any cultural and/or paleontological resource (historic, or prehistoric site or object) discovered by the permittee, or any person working on his behalf, on public or Federal lands shall be immediately reported to the AO. Permittee shall suspend all operations in the immediate area of such a discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO to determine appropriate actions to prevent the loss of significant cultural or scientific values.
- 4.2. Any waste generated during operational activities under this authorization shall be removed or otherwise disposed of as required by State and Federal law. Area of operation shall be left clean of any and all unauthorized foreign objects.
- 4.3. All fuel or lubricant spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Any such spills will be documented so that they can be located for any subsequent compliance checks.

- 4.4. Recovered fluids will be removed and disposed of by State of Alaska DEC approved methods.
- 4.5. As soon as possible, but no later than 24 hours after a spill, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to the AO and any other Federal and State Officials as are required by law.
- 4.6. No hazardous materials shall be transported or disposed of within authorized area.
- 4.7. Drip basins, or absorbent diapers will be placed under all non-dry disconnect type fuel line or lubricating couplings and valves of all unattended equipment on this site.
- 4.8. Permittee shall not disturb, or take any processed or stockpiled mineral materials.
- 4.9. Permittee will leave bank in such a condition as not to jeopardize the safety of any other authorized or permitted users at the mineral material site.

Grantee Signature

Date