



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>

CATEGORICAL EXCLUSION

A. BACKGROUND

Project Name / Type: Tamera Smid/William Mills Assignment

NEPA Register Number: DOI-BLM-AK-A020-2013-0019-CX

Case File Number: AA-085665

Location / Legal Description: T. 21 S., R. 1 E. Section 13, Fairbanks Meridian.
Approximately Mile 54 of the Denali Highway.

Applicant (if any): William Mills

A. PROPOSED ACTION

William Mills has applied to the BLM to assume the right-of-way grant issued to Tamara Smid to access property that Mr. Mills purchased from Ms. Smid. The assignment will be for the remaining terms and conditions of Ms. Smid's grant; no additional rights will be issued. The original right-of-way grant is attached.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: East Alaska Resource Management Plan, approved September 7, 2007.

The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions:

I. Lands and Realty

I-2. Land Use Authorizations:

Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, road, temporary use permits, under several different authorities; leases, permits and easements under section 302 of

the Federal Land Policy Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.

C. CATEGORICAL EXCLUSION

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR 46.210 or United States Department of the Interior Manual, Part 516, Chapter 11, which provides:

E. Realty 9. Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.

D. EXTRAORDINARY CIRCUMSTANCES

The proposed action must be screened against the Extraordinary Circumstances found in 43 CFR § 46.215 (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. Have significant adverse impacts on public health or safety.	No
2. 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. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
7. 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. 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. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
11. 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. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or area or actions that may	No

EXTRAORDINARY CIRCUMSTANCES	YES/NO
promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	

E. SIGNATURE

The proposed action is in conformance with the applicable land use plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 FM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that no further environmental analysis is required.

/s/ Laurie Hull-Engles

June 24, 2013

 Laurie Hull-Engles
 Acting Glennallen Field Manager

 Date

Attachments
 Standard Stipulations

BUREAU OF LAND MANAGEMENT STANDARD STIPULATIONS: EXHIBIT B
June 2013

1.0 Definitions

- 1.1 The Glennallen Field Manager, or its designee is the Authorized Officer (AO), as defined by 43 CFR 2920.0-5(c).
- 1.2 "Grantee" means William Mills, and any and all assignees that may be of record, including all agents, contractors, subcontractors, and employees.
- 1.3 "Grant," means the right-of-way, license, lease, permit, or other permission granted by the United States to the grantee for the use of public lands and resources.

2.0 General

- 2.1 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 existing rights.
- 2.2 The grantee will address all matters to the Glennallen Field Manager, P.O. Box 147, Glennallen, Alaska 99588.
- 2.3 In case of change of address, the grantee shall immediately notify the AO.
- 2.4 The right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant is reserved to the AO.
- 2.5 Any modifications to the proposed activities must be approved in writing by the AO.
- 2.6 It is the responsibility of the grantee to ensure that field party members are familiar with and adhere to these stipulations.
- 2.7 The holder in exercising the privileges granted under this grant shall comply with the regulations of the Department of the Interior and all Federal, State, Borough and Municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this grant.
- 2.8 The grantee may be requested by the AO to furnish transportation and quarters for designated field representatives or observers while inspecting operations.
- 2.9 In the advent of a disagreement of the interpretation or implementation of these stipulations the grantee agrees that the AO shall have the final say in how these stipulations are interpreted and implemented.
- 2.10 Grantee shall defend, indemnify and hold the United States, its assigns, agents, 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.

2.11 Permittee shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 et seq) and the regulations of the Secretary of the Interior issued pursuant thereto.

2.12 This grant may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.

2.13 The AO may revoke or terminate this permit in whole, or in part, upon a 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.

2.14 The grantee shall not enclose or obstruct in any manner, or erect or maintain any signs or structures on roads or trails commonly used for public travel or access to public lands surrounding the permit unless directed to do so by the AO.

2.15 This grant does not authorize the grantee to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq. Common varieties of stone and soil necessarily removed during construction, however, may be used elsewhere along the same right-of-way or permit area.

2.16 This grant does not authorize any other use of the public lands or improvements belonging to the US government.

2.17 Fire suppression or protection shall not be provided by the government. The lessee shall be responsible for taking reasonable precautions to prevent and suppress, brush, grass, and other fire hazards within the authorized area, extinguishing all fires before departing the premises.

3.0 Environmental

3.1 All operations will be conducted in such a manner as not to cause damage or disturbance to any fish or wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).

3.2 Active bald eagle nests within the immediate vicinity of or within a ¼ mile of the project area will be identified and measures taken in consultation with the U.S. Fish and Wildlife Service and BLM to avoid disturbance of nesting activities.

3.3 Grantee will not intentionally harass or harm migratory birds or interfere with their nesting and brood rearing activities.

3.4 All activities shall be conducted so as to avoid or minimize disturbance to vegetation. If it becomes necessary to remove vegetation, prior approval by the AO is required.

3.5 All operations shall be conducted with due regard for good resource management and in such a manner as not to block any stream, or drainage system, or cause the pollution or siltation of any stream or lake.

3.6 Use of pesticides or herbicides shall comply with the applicable Federal and State laws. Pesticides or herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of Interior. Prior to the use of pesticides or herbicides, the grantee shall obtain from the AO written approval of a plan showing the type and quantity of materials to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO.

Emergency use of pesticides or herbicides shall be approved in writing by the AO prior to such use.

3.7 The Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. If any scarring or damage occurs outside of approved areas as a result of the holder's operations, the areas shall be repaired and reseeded, or otherwise corrected as necessary to the satisfaction of the AO.

3.8 The holder will do everything reasonable, both independently and/or upon request of the AO to prevent and suppress fires on or near the lands occupied under the right-of-way.

3.9 Petroleum products or by-products shall not be used for dust suppression.

4.0 Operational

4.1 Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and the Authorized Officer will make any decision as to proper mitigation measures after consulting with the Holder.

4.2 All waste generated during operation, maintenance, and termination activities under this authorization shall be removed or otherwise disposed of as required by State and Federal law. In this case the waste must be dumped in a DEC approved landfill site. Waste in this subparagraph means all discarded matter, including but not limited to, human waste, trash, garbage, refuse, and oil drums, petroleum products, ashes and discarded equipment.

4.3 Areas of operation shall be left clean of all unauthorized foreign objects. This shall include, but is not limited to, wires, pins, flags and reflectors.

4.4 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 spill sites will be documented so that they can be located during the compliance check.

4.5 Recovered spill fluids will be removed and incinerated in approved receptacles.

4.6 As soon as possible, but not later than 24 hours, 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.

4.7 All State and Federal safety standards and regulations for fuel transportation and handling will be followed. Only fuel products and amounts specifically authorized shall be stored on site, and shall be located at least 100 feet away from any source of water. All fuel containers, including barrels and propane tanks, shall be marked with the permittee's name, product type and year filled. Fuel tanks shall be located at least forty (40) feet from any building and 100 feet from surface waters.

4.8 The grantee shall protect all survey monuments within or near the permit area against destruction, obliteration, or damage during the life of this grant. If any public land

monuments, or corners, or accessories, including but not limited to U.S. Coast and Geodetic, U.S. Geological Survey, and/or Bureau of Land Management survey monuments, are destroyed or obliterated, or damaged, the grantee, by utilization of a registered land surveyor shall reestablish or restore at the time location the monuments, corners, or accessories using surveying procedures in accordance with the "Manual of Instructions for the Survey of Public Lands of the United States, 1973 Ed" and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the authorized representative. Written permission from the authorized representative must be obtained before a monument may be moved or buried. A copy of the survey record shall be furnished to the Bureau of Land Management fully describing monuments and corner accessories found at the corner point and any new monuments, or accessories established, to perpetuate the corner position.

4.9 No hazardous materials shall be transported or disposed within the area of authorized use.

4.10 The permittee shall ensure that a copy of the permit and stipulations are present on site at all times.

4.11 Prior to abandonment of any portion of the facilities authorized by this grant, the Holder shall contact the Authorized Officer, and if the situation warrants, to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the Holder commencing any abandonment and/or rehabilitation activities.

4.12 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 site.

4.13 The applicant shall be liable for damages to the natural resources of the United States resulting from his/her negligent management of petroleum products and/or wastes, hazardous materials and/or wastes, and solid materials and wastes.

4.14 The Federal government shall not be held responsible for protection of the applicant's personal property. Fire protection in the area will be consistent with the approved fire management plan. The applicant shall be liable for damages to public lands resulting from his/her negligent use of fire.

4.15 Invasive, Non-Native Plant Species Prevention and Mitigation

4.15.1 All vehicles, transport equipment used in access, construction, maintenance and operations of project must be thoroughly cleaned prior to moving equipment across or onto BLM managed lands. Washing and/or brushing equipment to remove material that can contain weed or other propagates helps to insure equipment that is being transported across or onto BLM managed lands are weed and weed seed free. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and vegetative material.

4.15.2 Early detection, rapid response mitigates ecological damage from invasive species. Should a development have invasive plant infestations prior to development or use, proponents must confer with the land administrator to develop an invasive plant treatment plan to eliminate and/or prevent the propagation of the species.

4.15.3 Certified weed-free mulch, hay or straw is required in areas needing mulch. Sources for weed free mulch can be found by calling the Plant materials Center: 907-745-4469. Revegetation Guidance can be found at: http://www.dnr.state.ak/ag/pmcweb/PMC_reveg

Grantee signature

Date