



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Anchorage Field Office
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Sitka Trail Works, Fort Rousseau Causeway Repair – New Landing Site DOI-BLM-AK-A010-2013-0028-DNA

Case File, AA-93208

DECISION RECORD

Background

Sitka Trail Works, Inc. (applicant) has proposed to restore four causeways outside of Sitka, Alaska (Lot 84A, 75A, 78A, and 80A of U.S. Survey 3926). The four causeways were built during World War II and have since deteriorated. In March 2013, an Environmental Assessment (EA) was completed on this proposed action (DOI-BLM-AK-020-2012-0026-EA). The BLM determined that the proposed action would not have significant environmental impacts and, subsequently, the BLM authorized the requested right-of-way and a barge landing site(s) on the south side of the causeways, in Sitka Harbor.

In June 2013, the applicant amended their application to include a portion of Lot 85A of U.S. Survey 3926 on the north side of the causeway in Whiting Harbor. This amendment was necessary as the landing areas on the south side of the causeway, identified by the applicant in the original Plan of Development (POD), had insufficient draft for the barge landing craft to transport rock material for the project. In the amended POD, the applicant has added a portion of Lot 85A as a proposed barge landing site and intends to land the barge craft to off-load rock at the junction of Lot 85A and Virublennoi Island in Whiting Harbor. No other changes have been made to the POD. (The original and amended PODs are on file at the Anchorage Field Office.)

In addition to the newly requested Lot 85A landing site, the proponent still intends to use several other landing sites on the both Sitka Harbor and Whiting Harbor sides of the causeway. Their requested Sasedni Island landing site is on State land and is therefore beyond the BLM's jurisdiction. The Sitka Harbor landing sites (south-side of causeway) have been previously approved by the BLM.

The March 2013 EA disclosed environmental protection measures; these measures will be included with the right-of-way grant as stipulations. The map of the excluded vessel traffic (an exhibit to the Stipulations) has been revised; it now reflects the new barge landing site as well as the no vessel zone area.

Decision

It is my decision to implement the proposed action described in the attached Determination of NEPA Adequacy, DOI-BLM-AK-A010-2013-0028-DNA, with the additional environmental protection measures defined below. My decision will authorize an additional barge landing site on the north side of the causeway at Lot 85A and 100 feet of right-of-way in addition to the 1,408 feet of right-of-way previously authorized by my decision based on Environmental Assessment (EA) (DOI-BLM-AK-020-2012-0026-EA). My previous decision is attached.

Use of the additional barge landing area at Lot 85A on the north side of the causeway is contingent on full implementation of the following environmental protection measures:

1. Vessels used for transporting fill materials and all vessels associated with the construction of this project will not travel within the “no vessel traffic zone” as shown in the attached Figure 3-2, **Local distribution of *Didemnum vexillum* in Sitka, Alaska (Revision 1, May 2013)**.
2. Proponent will contact the Alaska Department of Fish and Game (Attention Tammy Davis, Invasive Species Program, Lead at 907-465-6183 or cell at 907-209-2492) prior to barge landing within Whiting Harbor and supply GPS coordinates (in decimal degrees) of the landing area and the area where the barge operates after work in Whiting Harbor. This is to track any potential *Didemnum vixillum* from spreading to a new location.
3. Vessels used for offloading material in Whiting Harbor shall be limited to operations during high tide to avoid and minimize impacting *Didemnum vixillum*.

This decision is based on site-specific analysis in the *Right-of-Way Authorization to Upgrade Eroding Fort Rouseau Causeway, Environmental Assessment* (DOI-BLM-AK-A010-2012-0026-EA), the Determination of NEPA Adequacy (DOI-BLM-AK-A010-2013-0028-DNA) and the management decisions contained in the Ring of Fire Approved Resource Management Plan and Record of Decision (March 2008). The attached Finding of No Significant Impact (FONSI), prepared for the new barge landing site, indicates that the current proposed action is essentially similar to an alternative analyzed in an EA and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required and will not be prepared.

Rationale for the Decision

This new landing site is hereby authorized because it fulfills the BLM’s right-of-way objectives to grant rights-of-way in a manner that protects the natural resources, and prevents unnecessary or undue degradation to public lands. Furthermore, the EA has demonstrated that the right-of-way authorization can be granted and the causeway repair completed in a manner that protects the natural resources, prevents unnecessary and undue degradation of the public lands, addresses safety concerns and increases public access to the State Park (EA, p. 1-4) (43 CFR § 2801.2).

The proposed action has been reviewed by Anchorage Field Office staff and appropriate project Design Features and stipulations, as specified above and in the EA prepared for the original proposal (DOI-BLM-AK-020-2012-0026-EA).

Public Involvement, Consultation, and Coordination

The attached DNA and EA describe the public involvement, tribal consultation, and interagency coordination and outreach conducted as part of this process, including during the preparation of the March 2013 EA and July 2013 DNA.

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 Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, 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 Anchorage 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/ Alan Bittner

July 5, 2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. Finding of No Significant Impact (FONSI) for the new barge landing, including all attachments