



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>

ADOT Geotechnical Drilling at Ruby Creek Bridge Categorical Exclusion, DOI-BLM-AK-A020-2013-0024-CX

Case File, AA-093616

DECISION RECORD

Decision

It is my decision to implement the proposed action on BLM-managed lands as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A020-2013-0024-CX.

Specifically, it is my decision to authorize a two-year right-of-way to Alaska Department of Transportation (ADOT) for geotechnical exploratory drilling along the proposed reroute of the Ruby Creek Bridge, subject to the attached permit stipulations.

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, email, or other electronic means.* 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

September 3, 2013

Laurie Hull-Engles
Acting Glennallen Field Manager

Date

Attachments

Categorical Exclusion documentation
Permit Stipulations

Stipulations for Ruby Creek, State of Alaska, Department of Transportation
August 22, 2013

1.0 Definitions

- 1.1 The Glennallen Field Manager or designated representative is the Authorized Officer (AO), as defined by 43 CFR 2920.0-5(c).
- 1.2 “Grantee” means State of Alaska, Department of Transportation, and any and all assignees that may be of record, including all agents, contractors, subcontractors, and employees.
- 1.3 “Grant” means the 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 The grantee will address all matters to the Glennallen Field Manager, P.O. Box 147, Glennallen, Alaska 99588.
- 2.2 In case of change of address, the grantee shall immediately notify the AO.
- 2.3 Any modifications to the proposed activities must be approved in writing by the AO.
- 2.4 This grant 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.
- 2.5 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.
- 2.6 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 and hold the United States, it’s 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 connections with and as a direct result of grantee’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 This grant may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.12 The AO may revoke or terminate this grant 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 grantee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
- 2.13 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 grant.
- 2.14 This grant does not authorize the permittee to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq.
- 2.15 This grant does not authorize any other use of the public lands or improvements belonging to the US Government.
- 2.16 Grantee shall comply with Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

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, P.L. 96-487).
- 3.2 Grantee will not intentionally harass or harm migratory birds or interfere with their nesting and brood rearing activities.
- 3.3 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.
- 3.4 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.
- 3.5 Use of pesticides or herbicides shall comply with the applicable Federal and State laws. Pesticides or herbicides shall be used in accordance with their registered uses and within limitations imposed by the Secretary of the 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.
- 3.6 The grantee 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 Authorized Officer.

- 3.7 The grantee will do everything reasonable, both independently and/or upon request of the authorized officer to prevent and suppress fires on or near the lands occupied under the right-of-way.
- 3.8 Petroleum products or by-products shall not be used for dust suppression.
- 3.9 Any revegetation will be with native species only.

4.0 Operational

- 4.1 Prior to the start of operations, areas on both sides of the affected Ruby Creek stream channel outward to 50 meters will be shovel or auger tested by a qualified archaeologist to locate any undiscovered buried cultural resources; or during operations within 50 meters of the stream channel, the Grantee will have on site a qualified archaeologist to observe spoils from drilling and to monitor for archaeological resources. If archaeological resources are discovered, then section 4.3, below, shall apply.
- 4.2 There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks etc., is strictly prohibited. If historic resources are encountered then all artifacts will be respectfully left in place and the Glennallen Field Office's cultural resources staff will be notified immediately.
- 4.3 Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Grantee, or any person working on his behalf, on public or Federal lands shall be immediately reported to the Authorized Officer. Grantee 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 AO to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Grantee 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 Grantee.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 Recovered spill fluids will be removed and incinerated in approved receptacles.

- 4.8 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.
- 4.9 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 grantees name, product type, and year filled.
- 4.10 The grantee shall protect all Survey Monuments. In the advent of obliteration or disturbance of a survey monument, the grantee shall immediately notify the AO. The grantee will be financially responsible to re-establish the survey monuments to the Bureau standards.
- 4.11 No hazardous materials shall be transported or disposed within the area of authorized use.
- 4.12 Prior to abandonment of any portion of the facilities authorized by this grant, the grantee 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 grantee commencing any abandonment and/or rehabilitation activities.
- 4.13 Any further ground disturbance will be done after approval by the Authorized Officer.
- 4.14 Grantee shall inform and ensure compliance of the grant and its stipulations by his/her agents, contractors, subcontractors, employees, and guests.
- 4.15 No new access trails or roads are authorized without written authorization from the Bureau of Land Management.
- 4.16 The site must be kept clean. All waste generated during the operation and termination activities of this lease shall be removed and disposed of as required by state and federal laws. As defined in this paragraph "waste" means all discarded matter, including but not limited to human waste, trash, garbage, litter, oil drums, petroleum, ashes, and discarded equipment.
- 4.17 Fuel storage containers, including slow test holding tanks and hazardous substances, with a total combined capacity larger than 55 gallons shall not be placed within 100 feet of the ordinary high water mark of any water body. Containers which exceed a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable containment structure capable of containing 110 percent capacity of the largest independent container. All containers must clearly be marked with the content's and the Lessee' name. Drip pans and materials, such as absorbent pads, must be on hand to contain and clean up spills from any transfer or handling of fuel.
- 4.18 This authorization does not relieve the lessee from securing any other permits, licenses, or other authorizations required by federal, state, or local law.

Permittee Signature

Date