



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Anchorage Field Office  
4700 BLM Road  
Anchorage, Alaska 99507-2591  
<http://www.blm.gov/ak>

## **Cranberry Ridge Homeowner's Association Right-of-Way Renewal and Assignment Categorical Exclusion, DOI-BLM-AK-A010-2013-0038-CX**

Case File, AA-76880

### **DECISION RECORD**

#### **Decision**

It is my decision to authorize the Proposed Action as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2013-0038-CX.

Specifically, it is my decision to:

- 1) Renew the right-of-way for the existing road for a term of twenty years;
- 2) Assign the right-of-way to the new association, Cranberry Ridge Homeowner's Association;
- 3) Correct the dimensions in the grant itself by way of issuing the renewal. The corrected dimensions will be recorded as 70' by 274' as determined by a State survey dated May 5, 2008; and
- 4) Allow Cranberry Ridge HOA to upgrade the road to meet the Municipality of Anchorage's construction standards. Upgrades would not exceed the dimensions of the right-of-way.

#### **Rationale for the Decision**

It is my decision to implement the proposed action on BLM-managed land, which includes the renewal of the grant, the assignment of the grant to Cranberry Ridge HOA, the correction of the dimensions of the right-of-way, and the improvement of the driveway to meet Municipal code, as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-2013-0038-CX.

This decision supports Ring of Fire Resource Management Plan decision I-2m (see attached Categorical Exclusion). The proposed action fulfills the BLM's right-of-way objectives to grant or renew rights-of-way in a manner that protects the natural resources, and prevents unnecessary or undue degradation to public lands. It is in the public's best interest to provide for the continued access to private lands.

The proposed action has been reviewed by Anchorage Field Office staff and appropriate Project Design Features, 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 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, 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/ Dave Mushovic, Acting for

03/11/2014

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Alan Bittner  
Anchorage Field Manager

Date

### **Attachments**

Categorical Exclusion documentation, DOI-BLM-AK-A010-2013-0038-CX



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## CATEGORICAL EXCLUSION (CX)

### A. BACKGROUND

**Project Name / Type:** Cranberry Ridge Homeowner's Association Right-of-Way Renewal and Assignment

**NEPA Register Number:** DOI-BLM-AK-A010-2013-0038-CX

**Case File Number:** AA-76880

**Location / Legal Description:** Seward Meridian  
T. 15 N., R. 2 E.,  
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

**Applicant (if any):** Cranberry Ridge Homeowner's Association, Steve Remme

### Description of Proposed Action:

An existing road right-of-way has been authorized since 1994 and is set to expire on February 28, 2014. Steve Remme, on behalf of Cranberry Ridge Homeowner's Association (HOA), has applied to renew and reassign the right-of-way to the Cranberry Ridge HOA.

The BLM's Proposed Action consists of four parts:

- 1) Renew the right-of-way for the existing road for a term of twenty years.
- 2) Assign the right-of-way to the new association, Cranberry Ridge HOA.
- 3) Correct the dimensions in the grant itself by issuing a renewal. The corrected grant would not expand the right-of-way footprint on the ground, nor result in additional ground disturbance. The driveway is 70' by 274' as determined by a State survey dated May 5, 2008.
- 4) The renewal would also allow Cranberry Ridge HOA to upgrade the road to meet the Municipality of Anchorage's construction standards. Upgrades would not exceed the dimensions of the right-of-way.

## **B. LAND USE PLAN CONFORMANCE**

**Applicable Land Use Plan:** Ring of Fire Resource Management Plan and Record of Decision, Approved March 2008

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

### **I. Lands and Realty**

#### **I-2n: Rights-of-Way**

The BLM may issue rights-of-way for a variety of uses including but not limited to: roads, water pipelines, electric lines and communication sites under the authority of Title V of FLPMA. Oil and Gas pipelines are issued using the Mineral Leasing Act (1920). Stipulations developed during the proposal's evaluation will include:

- Restoration, revegetation and curtailment of erosion along the right-of-way route;
- Compliance with air and water quality standards;
- Control or prevention of damage to the environment, public and private property and hazards to public health and safety;
- Protection of subsistence resources and the user's access to those resources.
- Protection of the natural resources associated with public lands.
- Utilization of right-of-ways in common with respect to engineering and technological compatibility will be promoted.
- Coordination with the State and Local governments, tribal entities and interested groups and individuals takes place to the fullest extent possible.

## **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:

CX E. 9 applies to the renewal and assignment of the right-of-way, respectively:

#### **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 authorizations.

CX E.13 applies to the correction of the legal description and the upgrade of the driveway to Municipal standards. The grant would be corrected to reflect the correct dimensions of the existing right-of-way:

**E. Realty**

13. Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

**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.

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

**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/ Dave Mushovic, Acting for

03/11/2014

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Alan Bittner  
Anchorage Field Manager

Date