



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>

U.S. Forest Service Spencer Glacier Withdrawal Extension Categorical Exclusion, DOI-BLM-AK-A010-2014-0005-CX

Case File, AA-80005

DECISION RECORD

Background

Spencer Glacier was withdrawn on May 28, 1999 as a Material Site for the U.S. Forest Service by Public Land Order (PLO) No. 7393. The withdrawal consists of approximately 600 acres of National Forest System land in south central Alaska. The withdrawal is due to expire in May 2014. On March 29, 2012, the U.S. Forest Service applied to renew the withdrawal for another fifteen years to protect the lands around the glacier from surface entry and mining.

The Federal Land Policy and Management Act of October 21, 1976 (FLPMA) authorized the Secretary of the Interior to, “make, modify, extend, or revoke withdrawals” and the Bureau of Land Management is responsible for processing all withdrawal related applications and proposals....,” (DOI 2005).

Decision and Rationale

It is my decision to recommend the renewal of the Spencer Glacier withdrawal for a period of fifteen years, expiring April 2029, as requested by the U.S. Forest Service and as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2014-0005-CX.

This decision supports Ring of Fire Resource Management Plan decision I-2m (see attached Categorical Exclusion). It will segregate the land from location and entry under the mining laws and provide for a continued source of mineral materials for sale to the public or Forest Service use. I find the renewal to be in the best interest of the public by preserving the resources contained in the original withdrawal.

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/ Alan Bittner

02/20/2014

Alan Bittner
Anchorage Field Manager

Date

Attachments

Categorical Exclusion documentation
PLO 7393

References

BLM 2008. Ring of Fire Approved Resource Management Plan and Record of Decision.

Department of the Interior (DOI). 2005. Departmental Manual 603: Public Lands, Land Withdrawal Program. Effective August 1, 2005.

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PLO No. 7393
Part Affected: AA-80005
Effective Date: 05/28/99

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[AK-932-1430-01; AA-80005]

Public Land Order No. 7393; Withdrawal of National Forest Land
for Spencer Glacier Material Site, AK

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 600 acres of National Forest System land from location and entry under the United States mining laws for a period of 15 years for the Spencer Glacier Material Site. The land will remain open to all uses which can

[[Page 29065]]

be made of National Forest System lands, including disposition of materials under the Act of July 31, 1947, as amended.

EFFECTIVE DATE: May 28, 1999.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, Bureau of Land Management Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5049.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1994)), for the Spencer Glacier Material Site, to aid in making high quality rock and gravel available to nearby communities for private and public works projects:

Seward Meridian, Alaska

Chugach National Forest

T. 7 N., R. 2 E., unsurveyed,
Sec. 11, S\1/2\SE\1/4\
Sec. 12, SW\1/4\SW\1/4\
Sec. 13, NW\1/4\
Sec. 14, NE\1/4\, E\1/2\NW\1/4\, and N\1/2\SE\1/4\.

The area described contains approximately 600 acres.

2. The withdrawal made by this order does not alter the

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applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 15 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: May 14, 1999.

John Berry,
Assistant Secretary of the Interior.
[FR Doc. 99-13619 Filed 5-27-99; 8:45 am]
BILLING CODE 4310-JA-P



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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Spencer Glacier Withdrawal Renewal

NEPA Register Number: DOI-BLM-AK-A010-2014-0005-CX

Case File Number: AA-80005

Location / Legal Description: Seward Meridian
T. 7 N., R. 2 E.,
Sec. 11, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

Applicant (if any): U.S. Forest Service, Department of Agriculture

Description of Proposed Action:

Spencer Glacier was withdrawn on May 28, 1999 as a Material Site for the U.S. Forest Service by Public Land Order (PLO) No. 7393. The withdrawal consists of approximately 600 acres of National Forest System land in south central Alaska. The withdrawal is due to expire in May 2014. On March 29, 2012, the U.S. Forest Service applied to renew the withdrawal for another fifteen years to protect the lands around the glacier from surface entry and mining.

The Federal Land Policy and Management Act of October 21, 1976 (FLPMA) authorized the Secretary of the Interior to, “make, modify, extend, or revoke withdrawals” and the Bureau of Land Management is responsible for processing all withdrawal related applications and proposals....,” (DOI 2005). The BLM’s Proposed Action is to recommend renewal of the Spencer Glacier withdrawal for a fifteen-year period (ending April 2029).

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-2: Management Action

I-2m.: Withdrawal Review

The BLM will maintain current withdrawals unless the agency for which the lands were withdrawn requests revocation of the withdrawal (RMP, p. 10).

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

1. Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use.

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	No.

EXTRAORDINARY CIRCUMSTANCES	YES/NO
future actions with potentially significant environmental effects.	
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/ Alan Bittner

02/20/2014

Alan Bittner
Anchorage Field Manager

Date

References

BLM 2008. Ring of Fire Approved Resource Management Plan and Record of Decision.
Department of the Interior (DOI). 2005. Departmental Manual 603: Public Lands, Land Withdrawal Program. Effective August 1, 2005.