



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>

Black Rapids Mineral Material Sale Categorical Exclusion, DOI-BLM-AK-A020-2014-0022-CX

Case File, AA-93903

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-A010-2014-0022-CX.

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.

Specifically, it is my decision to authorize the sale of up to 2,700 cubic yards of mineral materials from the One Mile Creek material site and up to 10 cubic yards of riprap from the Lower Suzy Q material site.

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/ Elijah Waters, Acting for

August 20, 2014

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Categorical Exclusion
Permit Stipulations

BUREAU OF LAND MANAGEMENT STANDARD STIPULATIONS

Mineral Management

Exhibit "B"

August 8, 2014

AA-93903

1. Definitions

- 1.1. The Glennallen Field Office Manager is the Authorized Officer (AO), as defined by 43 CFR 2800.0-5(c).
- 1.2. Purchaser means Jeffrey S. Durham.
- 1.3. Permit means the permission granted by the United States to the permittee for the use of public lands and resources.

2. General

- 2.1. The purchaser will address all matters to the Glennallen Field Office, P.O. Box 147, Glennallen, Alaska, 99588.
- 2.2. 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 rights
- 2.3. The purchaser, in exercising the privileges granted under this permit shall comply with the regulations of the Department of the Interior and all Federal, State and Borough, or Municipal laws, ordinances, or regulations, which are applicable to the area or operations covered by this permit.
- 2.4. In the advent of a disagreement or the interpretation or implementation of these stipulations the purchaser agrees that the AO shall have the final say in how these stipulations are interpreted and implemented.
- 2.5. Purchaser shall defend, indemnify and hold the United States, its assigns, 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.
- 2.6. This permit may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.7. The AO may revoke or terminate this permit in whole or part, upon determination by the AO that the terms, conditions, or stipulations of the grant have been violated, or by determination by the AO that the purchaser's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
- 2.8. This permit is subject to all valid existing rights on the effective date of this permit.

3. Environmental

- 3.1. All operations will be conducted in such a manner as not to cause damage or disturbance to any fish, wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).
- 3.2. All activities shall be conducted with due regard for good resource management as not to block any stream, or drainage system, or cause pollution or siltation of any stream or lake.
- 3.3. All activities shall be conducted so as to avoid or minimize disturbance of vegetation. If it becomes necessary to remove vegetation, prior approval by the AO is required.

- 3.4. The purchaser shall conduct all permitted activities within the authorized limits of the mineral material site they have been assigned to. If any scarring or damage occurs outside of the approved area as a result of the purchaser's action or operation, the areas shall be repaired or reseeded, or otherwise corrected as necessary to the satisfaction of the AO.
- 3.5. Petroleum products or by-products shall not be used for dust suppression.

4. Operational

- 4.1. Any cultural and/or paleontological resource (historic, or prehistoric site or object) discovered by the purchaser, or any person working on his behalf, on public or Federal lands shall be immediately reported to the AO. The purchaser shall suspend all operations in the immediate area of such a discovery until written authorization to proceed is issued by the AO. 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.
- 4.2. Any waste generated during operational activities under this authorization shall be removed or otherwise disposed of as required by State and Federal law. Area of operation shall be left clean of any and all unauthorized foreign objects.
- 4.3. 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 spills will be documented so that they can be located for any subsequent compliance checks.
- 4.4. Recovered fluids will be removed and disposed of by State of Alaska DEC approved methods.
- 4.5. As soon as possible, but no later than 24 hours after a spill, 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.
- 4.6. No hazardous materials shall be transported or disposed of within authorized area.
- 4.7. 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 this site.
- 4.8. Purchaser shall not disturb, or take any processed or stockpiled mineral materials.
- 4.9. Purchaser will leave bank in such a condition as not to jeopardize the safety of any other authorized or permitted users at the mineral material site.
- 4.10. Only the existing access will be used, and then left in a satisfactory condition at conclusion of use.
- 4.11. Photographs of the work area taken prior to site activity, as well as photographs following the conclusion of all site activities, shall be provided to the GFO AO within 30 days of the completion of site activity.
- 4.12. Overburden removed prior to production mining will be respreads over the mining disturbance.
- 4.13. The affected work area will be graded and the utilized pit floor leveled at the completion of mining.
- 4.14. Any slopes modified by the applicant will be graded to no steeper than 3 units horizontal for each 1 unit vertical (3H:1V).
- 4.15. All materials leaving the pit area must be documented. The total Contract volume shall be verified through the submittal of truck tickets. Within 30 days of completion of mining activity, a copy of each ticket shall be provided to the GFO AO, as well as a summary of all production.
 - 4.15.1 Ticket requirements: An individual truck sheet will be created for each truck used to remove materials from the site. Each trip out of the pit area shall be documented, and will include the following information:

- a. truck number (ID)
- b. make/model/capacity
- c. estimated volume
- d. fill factor for the load (heaped, level, or otherwise loaded)
- e. the date, time, and driver identification (#) shall be also documented for each trip.

Grantee Signature

Date



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CATEGORICAL EXCLUSION

A. BACKGROUND

Project Name / Type: Black Rapids Mineral Material Sale

NEPA Register Number: DOI-BLM-AK-A020-2014-0022-CX

Case File Number: AA093903

Location / Legal Description: Secs. 8 and 32, T. 16 S., R. 10 E., Fairbanks Meridian, One Mile Creek material site and Lower Suzy Q material site.

Applicant (if any): Jeffrey S. Durham

Description of Proposed Action:

Jeffrey Durham, working as a cooperator for land rehabilitation, and providing assistance to the U.S. Army at Black Rapids Training Area, is requesting to purchase up to 2,700 cubic yards of pit run gravel, screened 3" minus material and cobble, to be transported to the Black Rapids Training area for repairing the trail at Camp Terry Creek.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan:

The proposed action is in conformance with the applicable land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

I. LANDS AND REALTY

I-1: Goals

Provide a balance between land use (rights-of-way, land use permits, leases and sales) and resource protection that best serves the public at large.

I-2: Land Use Authorization

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 and Management 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:

F. Solid Materials

- 10. Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

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	No

EXTRAORDINARY CIRCUMSTANCES	YES/NO
populations (Executive Order 12898).	
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

G. 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/ Elijah Waters, Acting for

August 20, 2014

Dennis C. Teitzel
Glennallen Field Manager

Date