



# 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>

State of Alaska Department of Transportation and Public Facilities  
Categorical Exclusion, DOI-BLM-AK-A010-2014-0016-CX

Case File, AA-93889

## DECISION RECORD

### Decision

It is my decision to authorize a right-of-way to the State of Alaska Department of Transportation and Public Facilities to conduct geotechnical drilling to assist the village of Shihsmaref in a potential relocation site on BLM-managed lands as described in the attached categorical exclusion documentation, DOI-BLM-AK-A010-2014-0016-CX.

### Rationale for the Decision

The proposed action has been reviewed by Anchorage Field Office staff and appropriate project stipulations, as specified, will be incorporated into the project. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

The rationale for the decision is based on the limited environmental impacts associated with the proposed drilling activities. The drilling will be conducted with adequate snow and ice cover, take place within a limited time frame and duration, and involves no drilling muds or water. All drilling holes will be backfilled with gravel from the holes bored.

The proposed action is in conformance with Kobuk-Seward Peninsula Resource Management Plan, September 2008. The proposed action will not significantly restrict Federal subsistence uses, decrease the abundance of Federal subsistence resources, alter the distribution of Federal subsistence resources, or limit Federal subsistence user access from currently existing conditions. No further analysis is necessary at this time.

### 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*

*2/10/2015*

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Alan Bittner  
Anchorage Field Manager

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Date

**Attachments**

1. Categorical Exclusion, DOI-BLM-AK-A010-2014-0016-CX
2. Stipulations

**BLM Stipulations to Right-of-Way Permit**  
**Department of Transportation and Public Facilities Case File AA-93889**

1. While on BLM lands, every effort will be made to navigate machinery in such a manner as to protect the underlying vegetation and soil.
2. Overland moves will not be permitted unless one foot of snow or six inches of ice are present
3. The proponent will contact the Nome Field Station at 907-443-2177 or by facsimile at 907-443-3611 prior to the overland move and upon project completion.
4. Crossing of any river will be accomplished in accordance with the provisions of Alaska Department of Natural Resources, Fish Habitat Permit, FH07-III-0094 (if applicable).
5. In the event of equipment break down or failure the permit holder must remove all equipment from BLM lands by June 1, 2015, unless otherwise authorized by the Authorized Officer. Broken down equipment must be immediately removed from flood plains and maintenance of equipment fuel and hydraulic systems within floodplains is prohibited.
6. Tracked vehicles will make gradual turns instead of locking one track and spinning the vehicle around in one spot to avoid increased damage to soil and the vegetative mat.
7. The permit holder will photograph soil and vegetation disturbance on and off the right-of-way granted (if found) and photographs of drillings sites and supply BLM with the photos to perform compliance and monitoring.
8. The permit holder must not close trail access or prohibit the ability of other users to use or access trails, public lands, or water during the overland move.
9. All waste generated during move will be backhauled, to include any and all oil or hazardous substances spill residues.
10. An adequate supply of appropriate fuel spill response materials must be on site at all times. The permit holder will be responsible for prompt and complete cleanup of any & all spills of oil or hazardous substances.
11. Permit Holder is responsible to report all oil or hazardous substance spills to the Alaska Department of Environmental Conservation as required in 18 AAC 75.300, and also to the BLM Authorized Officer at 1-800-478-1263.
12. All fuel and machinery must be kept at a minimum of 100 feet from public shelter cabins and water sources when not in use.

13. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
14. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
15. In order to prevent non-Native invasive plant spread, all vehicles, and equipment used in conjunction with the permit/lease must be thoroughly cleaned **prior to** moving equipment across or onto BLM managed lands. Washing and/or brushing equipment to remove material that can contain weed seeds or other propagates helps to insure equipment that is being transported across or onto BLM managed lands are weed and weed seed free. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and vegetative material.

Should any area used under the grant have invasive plant infestations prior to activities authorized you must immediately confer with the land administrator by contacting:  
Laurie Thorpe 907-267-1208 lthorpe@blm.gov

16. You agree to indemnify the BLM from and against any and all claims regarding the use of the public lands.

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Grantee Signature

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Date