

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
MARITIME ADMINISTRATION
CHERRY HILL GRAVEL EXTRACTION

I. Decision:

It is my decision to issue a Free Use permit for approximately 670,000 cubic yards of mineral materials from public lands within the Seward Meridian, Township 13 North, Range 3 West, section 5. The use authorized is for gravel to be used for construction of the Port of Anchorage Expansion Project. The permit will expire on December 31, 2010. The permit is issued under the authority in Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 USC 1732) and the Materials Act of 1947 (61 Stat. 681). The permit shall be subject to the stipulations on the permit as well as the regulations contained in 43 CFR 3601, 3602 and 3620.

II. Rationale for the Decision:

I have reviewed the Environmental Assessment and have determined that the proposed project does not result in any undue or unnecessary environmental degradation to the public land. It is in conformance with the Southcentral Planning Area Management Framework Plan (MFP) dated March 1980. The potential environmental impacts of this project were analyzed in the following documents:

1. PORT INTERMODAL EXPANSION PROJECT, Marine Terminal Redevelopment Environmental Assessment, Final, March 2005;
2. Cherry Hill Gravel Extraction and Transport Environmental Assessment, Final, November, 2005, Anchorage Port Expansion Team.

The Anchorage Field Office staff reviewed the draft Cherry Hill Gravel Extraction and Transport Environmental Assessment; our comments were submitted and have been fully integrated into the final document. The Cherry Hill Gravel Extraction and Transport Environmental Assessment, Final document meets the requirements of the BLM and Chapter III, section 3.E.2 and E.5 of the NEPA Handbook H-1790-1. The BLM incorporates this environmental assessment by reference. The mitigating measures that were identified and developed in these documents have led to the development of our stipulations which are incorporated in the free use permit authorization.

Prior to beginning excavation activity, the permittee will be required to submit a Mining Plan of Operations and an Annual Reclamation Plan. After approval by the Bureau of Land Management, the permittee will then be authorized to begin operations.

III. Finding of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

/s/ Gary Reimer

2-9-06

Anchorage Field Manager

Date

2 Attachments:

Cherry Hill Material Extraction and Transport Assessment, November 2005
Stipulations

Cherry Hill Borrow Site Stipulations

1. A Mining Plan of Operations must be submitted sixty (60) days prior to beginning any activity within the pit. No work at the site may begin until the Mining Plan of Operations has been approved by the Authorized Officer of the Bureau of Land Management. At a minimum, the plan of operations must contain:
 - a. Map or aerial photo of the proposed mining area.
 - b. Cross section(s) delineating the depth and profile of the proposed excavation.
 - c. Access and egress routes in the pit.
 - d. Description of the proposed method of operation.
 - e. Periods of operation, per day, and the length of the operating season.
 - f. Names and locations of major topographic features.
 - g. Description of the measures to prevent hazards to the public health and safety and to minimize/mitigate environmental degradation.

2. An Annual Reclamation Plan must be submitted sixty (60) days prior to beginning any activity within the pit. The plan must be approved by the Authorized Officer before any actions are undertaken. At a minimum, the reclamation plan must contain:
 - a) Map or aerial photo of the proposed area to be reclaimed.
 - b) Statement of the proposed manner and time when the reclamation will be completed. Reclamation should be initiated in unused and unneeded areas of the active pit as soon as is practical.
 - c) Specifications on the amount of fertilizer and seed mixtures to be used when reclaiming the disturbed portions of this site.
 - d) Use of seed mixtures must conform to BLM policy to minimize the introduction of invasive plant species and noxious weeds.

3. The Authorized Officer will provide a Notice to Proceed when submitted mining plan of operations and annual reclamation plans have been approved. No excavation will occur without a Notice to Proceed being issued by the Authorized Officer. The approved plans will then become part of the approved permit

4. The permittee must allow BLM personnel access to the site at any reasonable time to conduct field inspections to determine permit and regulatory compliance. The permittee must make a qualified individual available during field inspections if requested by the BLM.

5. No work shall take place outside the permitted area without the prior approval of the Authorized Officer.

6. All surface water flow shall be diverted around the excavated pit to protect the water quality of the area.

7. The sides of the active work pit shall be sloped to prevent erosion and provide for the safety of humans and animals.
8. The pit floor shall be sloped to prevent erosion of the pit floor, the creation of ponds or degradation of the water quality of adjacent streams.
9. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the permittee, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Permittee 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 authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The permittee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the permittee.
10. Pursuant to 43 CFR 10.4(g), the permittee of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
11. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the permittee shall obtain from the authorized officer written approval of a plan showing the type and quantity of material 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 authorized officer. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
12. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the site shall be allowed under this permit.
13. The permittee 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 permittee 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 permittee 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. The permittee of this authorization or the permittee's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
16. The permittee shall comply with all State, Federal, and local permits and requirements, including but not limited to requirements imposed by the U.S. Air Force, relating to the project site.