

**DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT**

I. Decision:

It is my decision to authorize a Right of Way for a communication site to Norton Sound Economic Development Corporation, case file number AA-86370, for a period of twenty (20) years. Mitigation measures and right of way grant stipulations and conditions are attached.

II. Rationale for the Decision:

The rationale for the decision is based on the need of the applicant to provide increased search and rescue (SAR) capabilities to the Seward Peninsula communities of Nome, White Mountain and Golovin and to promote increased safety and operational efficiencies of the Norton Sound King Crab fishery.

The action is in conformance with the Northwest Plan approved on 10/05/82. The area of the proposed activity is not within a critical subsistence use area and no serious wildlife problems are anticipated.

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 impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and nor reasonably foreseeable limitations on harvester access will result from the proposed action.

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.

VI. Compliance and Monitoring Plan:

Compliance and monitoring of this permit will be conducted by the BLM Anchorage Field Office through the Nome Field Station. Inspection will be made after repeater is set up, after and periodically when budget and logistics dictate.

Mike Zaidlicz
Anchorage Field Manager

Date 6/28/06

Attachments:

Environmental Assessment: AK-040-06-EA-028
Exhibit A

Terms and Stipulations for Right of Way Grant AA--86370
Norton Sound Economic Development Corporation (NSEDC)

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- I. General Terms: During construction, operation, maintenance, and termination of the project you must:
- (a) To the extent practicable, comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use;
 - (b) Rebuild and repair roads, fences, and established trails destroyed or damaged by the project;
 - (c) Build and maintain suitable crossings for existing roads and significant trails that intersect the project;
 - (d) Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area;
 - (e) Not discriminate against any employee or applicant for employment during any phase of the project because of race, creed, color, sex, or national origin. You must also require subcontractors to not discriminate;
 - (f) Pay monitoring fees and rent (if applicable) as described in 43 CFR §2805.16 and 43 CFR 2806 ;
 - (g) If BLM requires, obtain, and/or certify that you have obtained, a surety bond or other acceptable security to cover any losses, damages, or injury to human health, the environment, and property in connection with your use and occupancy of the right-of-way, including terminating the grant, and to secure all obligations imposed by the grant and applicable laws and regulations. If you plan to use hazardous materials in the operation of your grant, you must provide a bond that covers liability for damages or injuries resulting from releases or discharges of hazardous materials. BLM may require a bond, an increase or decrease in the value of an existing bond, or other acceptable security at any time during the term of the grant;
 - (h) Assume full liability if third parties are injured or damages occur to property on or near the right-of-way as specified in 43 CFR §2807.12;
 - (i) Comply with project-specific terms, conditions, and stipulations, including requirements to:
 - (1) Restore, revegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary;
 - (2) Ensure that activities in connection with the grant comply with air and water quality standards or related facility siting standards contained in applicable Federal or state law or regulations;

(3) Control or prevent damage to:

(i) Scenic, aesthetic, cultural, and environmental values, including fish and wildlife habitat;

(ii) Public and private property; and

(iii) Public health and safety;

(4) Protect the interests of individuals living in the general area who rely on the area for subsistence uses as that term is used in Title VIII of Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111 *et seq.*);

(5) Ensure that you construct, operate, maintain, and terminate the facilities on the lands in the right-of-way in a manner consistent with the grant;

(6) When the state standards are more stringent than Federal standards, comply with state standards for public health and safety, environmental protection, and siting, constructing, operating, and maintaining any facilities and improvements on the right-of-way; and

(7) Grant BLM an equivalent authorization for an access road across your land if BLM determines the reciprocal authorization is needed in the public interest and the authorization BLM issues to you is also for road access;

(j) Immediately notify all Federal, state, tribal, and local agencies of any release or discharge of hazardous material reportable to such entity under applicable law. You must also notify BLM at the same time, and send BLM a copy of any written notification you prepared;

(k) Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant;

(l) Certify your compliance with all requirements of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11001 *et seq.*, when you receive, assign, renew, amend, or terminate your grant;

(m) Control and remove any release or discharge of hazardous material on or near the right-of-way arising in connection with your use and occupancy of the right-of-way, whether or not the release or discharge is authorized under the grant. You must also remediate and restore lands and resources affected by the release or discharge to BLM's satisfaction and to the satisfaction of any other Federal, state, tribal, or local agency having jurisdiction over the land, resource, or hazardous material;

(n) Comply with all liability and indemnification provisions and stipulations in the grant;

(o) As BLM directs, provide diagrams or maps showing the location of any constructed facility; and

(p) Comply with all other stipulations that BLM may require.

II. Stipulations:

- A. No cutting of live vegetation (trees) is allowed and must be left in its natural state. However, minor trimming, pruning, and removing of vegetation for operational and maintenance of the right-of-way or facility shall be permitted;
- B. Wastewater must be managed in accordance with Title 18 Alaska Administrative Code, Chapter 72, (18 AAC 72) Wastewater Disposal. Wastewater is defined as Human Waste (sewage), and Gray Water (water which has been used for personal hygiene, washing clothing or equipment, or sanitizing cooking and eating materials). If the standards for Pit Privies found at 18 AAC 72.030 cannot be met, all wastewater must be collected and transported to a state approved disposal facility. Upon closure of the campsite the Pit Privy must be completely back-filled with the surface area covered and re-graded to approximate original appearance;
- C. Non-Hazardous Solid Waste (trash/refuse) will be back hauled from the area and disposed in an approved waste disposal site;
- D. Fuel Handling and Storage: Fuel shall be stored at least 150 feet from surface waters. Fuel and other petroleum products and hazardous materials shall be stored in containers designed to hold that product, identified with the owner's name, the contents and date of purchase (e.g. NSEDC, Coleman Fuel, 2006). All fuel 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. Fuel storage in excess of 55 gallons and/or fuel storage containers that are situated where a spill may reach a water body or watercourse requires secondary containment. Secondary containment is defined as a diked, impermeable impoundment capable of containing 110 percent of the volume of the largest independent container. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to: The Authorized Officer at 1-800-437-7021. Such other Federal and State officials as are required by law to be given such notice including Alaska Department of Environmental Conservation at (907) 478-9300;
- E. All operations shall be conducted in such a manner as to avoid damage or disturbance to any prehistoric or historic sites or modern camp sites. The Archaeological Resource Protection Act prohibits the excavation, removal, damage, or disturbance of any archaeological resource located on public lands. Violation of this law could result in the

imposition of both civil and criminal penalties of the violator. Should any historic or prehistoric site be located during the course of operations under this Right of Way Grant, the applicant shall immediately cease activities and notify the BLM authorized officer;

- F. In order to protect *Douglasia beringensis*, from any adverse impact, the repeater should be moved if this species is found at the site;
- G. The public access to the area shall be restricted by a locked fence and signage regarding safety if humans are exposed to potentially unsafe Radio Frequency safety limits as determined by the Authorized Officer;
- H. BLM has the authority to inspect exterior and interior of communications facilities on public lands to ensure compliance with terms and condition of the Right of Way Grant;
- I. If new frequencies are proposed for the site, holder shall provide 30-day notice to all users at the site, as well as the BLM. A technical sheet must be sent with the 30-day notice to allow for comment of potential interference;
- J. The United States shall retain all rights stated in 43 CFR 2805.15.