



U.S. Department of the Interior Bureau of Land Management

Anchorage Field Office
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<http://www.blm.gov/ak/st/en/fo/ado.html>

Categorical Exclusion
Municipality of Anchorage - Bioswale Drainage Project
Municipality of Anchorage
AA-088065
AK-010-08-CX-039



Location:
Seward Meridian, T14N, R2W, Sections 2 and 11
Eagle Glenn Subdivision
Eagle River, AK

Prepared By:
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Realty Specialist
6/13/08

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage Field Office
CATEGORICAL EXCLUSION (CX) FORM

CX No.: AK-010-08-CX-039

Lease/Serial/Case File No.:AA-088065

Proposed Action Title/Types: Bioswale Drainage System Construction Project

Location of Proposed Action: Seward Meridian, T14N, R2W, Sections 2 and 11

Description of Proposed Action:

The Municipality of Anchorage, Property Management and Engineering Department, Right-of-Way Acquisition Section has requested a Right-of-Way grant from the Bureau of Land Management Field office. This Right-of-Way would be issued for the use of approximately 10440 square feet (appx .4 acres) for a drainage bioswale, which is a vegetative (grass) waterway on which storm water from the adjacent residential subdivision will discharge. The constructed bioswale would be located on a small portion of the Fort Richardson Military Reservation, adjacent to the Eagle Glenn subdivision in Eagle River, AK.

Storm water has been backing up in this area, causing damage to homes and creating potential safety hazard risks to residents. The Municipality of Anchorage is funding this bioswale project to alleviate stress on the existing Eagle Glenn Subdivision storm water run-off system, minimize safety hazard risks and reduce the amount of storm water damages to residential homes. Work on this project is scheduled to begin on or around July 1, 2008, and will be completed by November 30, 2008.

The U.S. Army Corps of Engineers has issued a formal Letter of Non-Objection for this project. They intend to grant a 25 year lease beginning on the effective date of the BLM 20 year ROW grant. The project is being overseen by the Rodney P. Kinney Associates, inc. consulting firm. Work performed would enhance and improve overall drainage conditions within the Eagle Glenn subdivision.

Additional Justification/Need for Project:

Eagle Glenn subdivision has had a history of storm water related incidents in the recent years. Structural damage has occurred to residential homes due to blocked drainages being pushed beyond capacity, causing structures to fill with water and debris. The Municipality of Anchorage has come up with funding to alleviate the stress on the storm water drainage system by funding sewer line improvements, and installing a bioswale.

Bioswales are landscape elements designed to remove silt and pollution from surface runoff water. They consist of a swaled drainage course with gently sloped sides (less than six percent) and are filled with vegetation, compost and/or riprap. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt. Depending upon the geometry of land available, a bioswale may have a meandering or almost straight channel alignment. Biological factors also contribute to the breakdown of certain pollutants.

A common application is around parking lots, where substantial automotive pollution is collected by the paving and then flushed by rain. The bioswale, or other type of biofilter, wraps around the parking lot and treats the runoff before releasing it to the watershed or storm sewer. This same thought process is being implemented in the Eagle Glenn subdivision. With a dense residential population, automotive fluids and by-products form a thin patina over the subdivision's streets. When large rain events or break-up meltdowns occur, the resulting water mixes with the automotive fluids, and they end up running off into the area storm drains and ditches. By building a bioswale where the discharge enters Fort Richardson, much of the excess waters can be filtered, capturing more potential contaminants prior to their release onto the drain field.

Applicant (if any): Municipality of Anchorage

PART I - PLAN CONFORMANCE REVIEW

This Proposed Action is subject to the following land use plan:

Ring of Fire Record of Decision and Approved Management Plan

Date Plan Approved: March 2008

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5-3(a)).

Remarks:

The Ring of Fire Resource Management Plan identifies the following goal under I-1: “Provide a balance between land use (Right-of-Way . . .) and resource protection which best serves the public at large.” Further under management action I-2n, the plan contemplated and allows for the “[issuance] of rights-of-way for a variety of uses . . . under the authority of Title V of the FLPMA.” The proposed action is within the types of uses allowed under FLPMA Title V rights of ways. Therefore, this action complies with agency statutory guidance and planning policies.

PART II - NEPA REVIEW

A. Categorical Exclusion Review.
 This Proposed Action qualifies as a categorical exclusion under 516 DM 11.9(E)(12):

“Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

B. Departmental List of Extraordinary Circumstances Review.
 The following Departmental List of Extraordinary Circumstances apply to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may:

	YES	NO
1. Have significant adverse impacts on public health or safety.	_____	_____ X
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.	_____	_____ X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	_____	_____ X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ X
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.	_____	_____ X

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|-----|---|-------|--------------|
| 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. | _____ | <u> X </u> |
| 9. | Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. | _____ | <u> X </u> |
| 10. | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | _____ | <u> X </u> |
| 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). | _____ | <u> X </u> |
| 12. | Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). | _____ | <u> X </u> |

I certify that none of the Departmental Extraordinary Circumstances listed in the above Part B (516 DM 2, Appendix 2) apply to this action.

Remarks:

Preparer(s): Harry Griffin Date: 6/13/2008

PART III – DECISION

The proposed action is in conformance with a management framework plan or a resource management plan, 43 C.F.R. § 1610.8(a)(3) (2006). The Department of the Interior has determined and found that the proposed action is within a category of actions that do not individually or cumulatively have a significant effect on the human environment and that neither an environmental assessment nor an environmental impact statement is required, 40 C.F.R. §1508.4 (2006).

It is therefore my decision to implement the action, as described, with appropriate mitigation measures or stipulations outlined below.

Mitigation Measures/Other Remarks:

The following mitigation measures must be in place prior to issuing the BLM Right-of-Way grant to the Municipality of Anchorage as per the US Army Corps of Engineers Letter of Non-Objection Special Conditions:

1. The term is hereby granted for twenty-five (25) years beginning on the effective date of the BLM ROW grant, but revocable at will by the Secretary.
2. The Municipality of Anchorage must contact the Fort Richardson Range Control Office (907) 873-4714, prior to the commencement of activities to determine that their activities will not interfere with scheduled training exercises in the area.
3. The Municipality of Anchorage must protect Fort Richardson from unauthorized vehicular access at the project location during the construction phase.
4. Boundary fence and bollards will be removed and relocated during construction to preclude unauthorized access onto Fort Richardson. Boundary fence and bollards will be replaced in original position on completion of construction.
5. That the use and occupation of the land incident to the exercise of the privileges granted shall be subject to such rules and regulations regarding ingress, egress, safety, sanitation, and security as the U.S. Army Garrison Alaska (USAG Alaska), may from time to time prescribe.
6. Any use of the real property not covered in this non-objection will be coordinated with the USAG Alaska and will require separate approval.

7. Roads and grounds affected by excavation are to be restored in a neat and trim condition with all ditches and drainage patterns unobstructed.

8. That the USAG Alaska reserves to itself the right to construct, use and maintain across, over and/or under the described land, other facilities, in such manner as not to create any unreasonable interference with the use of the described land.

9. That the USAG Alaska will notify the BLM prior to exercising its rights in paragraph 8.

10. That the United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the premises, or for damages to the property of the grantee, or for damages to the property or injuries to the person of the grantee's officers, agents, servants or employees or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to governmental activities, and the grantee shall hold the United States harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

11. That the grantee shall comply with the Environmental Institutional Controls identified in **Exhibit C** (see Attachment #1), USAG Alaska and Army Regulations, and also with State and Federal Environmental Protection Agency regulations and requirements in the handling, storage, utilization, and disposal of hazardous materials and hazardous wastes. All spills of such materials shall be immediately reported to the Environmental Resources Division, Fort Richardson. The grantee shall be responsible for containing and clean up spills caused by the grantee's operations. The grantee shall be responsible for reimbursing the USAG Alaska for all costs associated with the work that the USAG Alaska may perform to clean up a spill caused by the grantee's activities.

12. No new construction, additions to, or alterations of the premises will be made without obtaining prior approval from the USAG Alaska.

13. The rights granted shall be without cost or expense to the United States Government.

14. That no other authority is conveyed by this non-objection, implied or otherwise.

The following BLM mitigation measures will be followed in addition to the aforementioned:

- Company/Proponent must comply with NEPA policy by preventing and controlling invasive non-native plant and noxious weed introduction or spreading. E.O. 13112
- All vehicles, transport equipment used in access and construction of project should 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 a development or occupancy and use site have invasive plant infestations prior to development or use, proponents should confer with the land administrator to develop an invasive plant treatment plan to eliminate and/or prevent the propagation of the species.
- Site reclamation should be implemented as soon as possible after construction using the original duff layer that is removed upon initial site disturbance.
- Certified weed-free mulch, hay or straw is required in areas needing mulch. Sources for weed free mulch can be found by calling Stoney Wright or Andy Nolan at the Plant materials Center in Palmer: 907-745-4469.
- Revegetation Guidance can be found at:
http://www.dnr.state.ak/ag/pmcweb/PMC_reveg

The following stipulations must be followed prior to issuing the BLM Right-of-Way grant to the Municipality of Anchorage as per The BLM Ring of Fire - Record of Decision and Approved Management Plan, (March 2008):

- Restoration, revegetation and curtailment of erosion along the right-of-way route;
- Compliance with air and water quality standards;
- Control or prevention of damage to the environment, public and private property and hazards to public health and safety;
- Protection of subsistence resources and the user's access to those resources.
- Protection of the natural resources associated with public lands.

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- Utilization of right-of-ways in common with respect to engineering and technological compatibility will be promoted.
- Coordination with the State and Local governments, tribal entities and interested groups and individuals takes place to the fullest extent possible...”

Authorized Official: /s/ Beth MacLean Date: 7/01/2008



Figure 1: Eagle Glenn Bioswale project construction area; northward view of Fort Richardson.



Figure 2: Eagle Glenn subdivision overhead view (appx. project area delineated by white oval)

Eagle Glenn Subdivision Bioswale Project Location Map

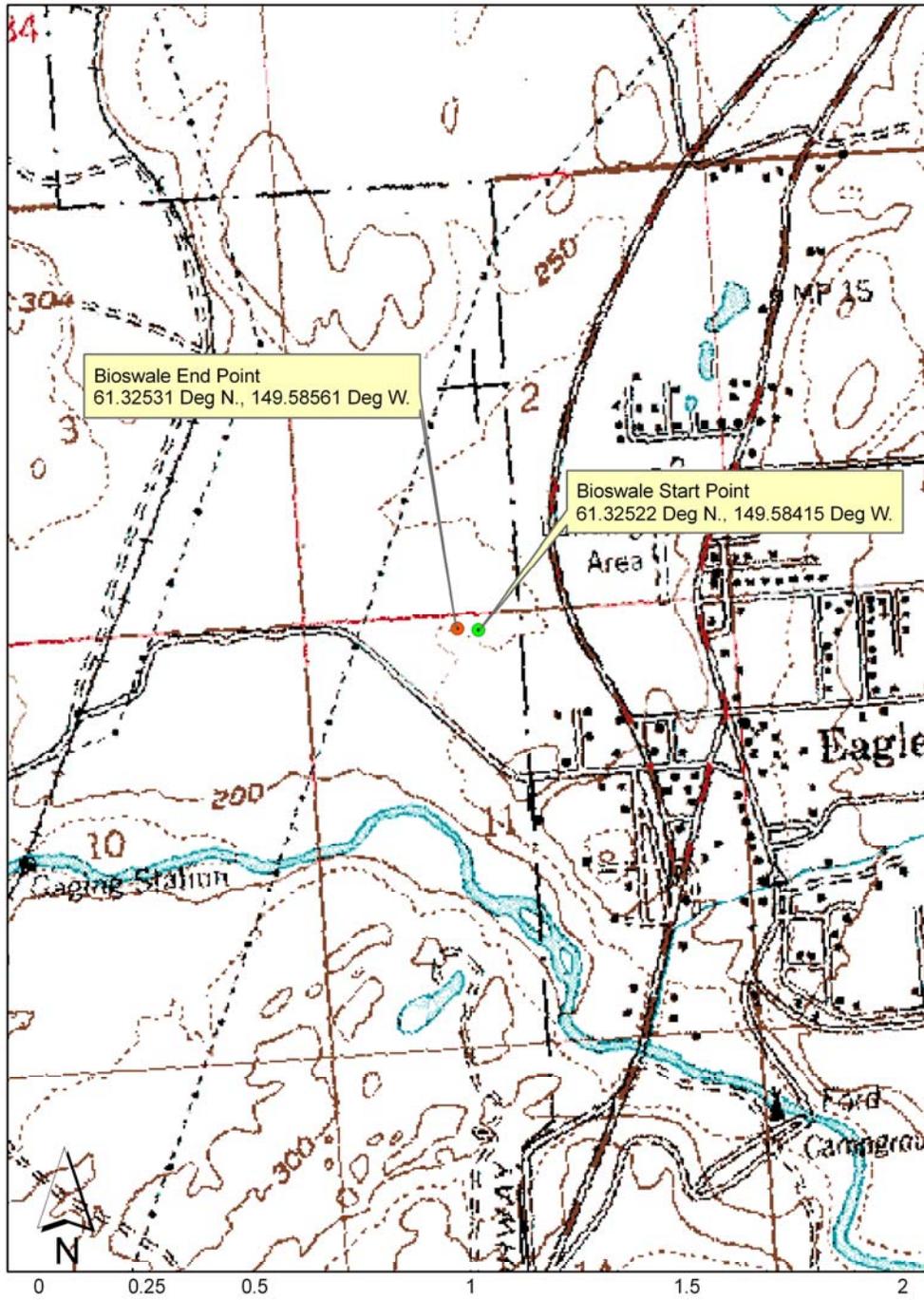


Figure 3: General Location Map

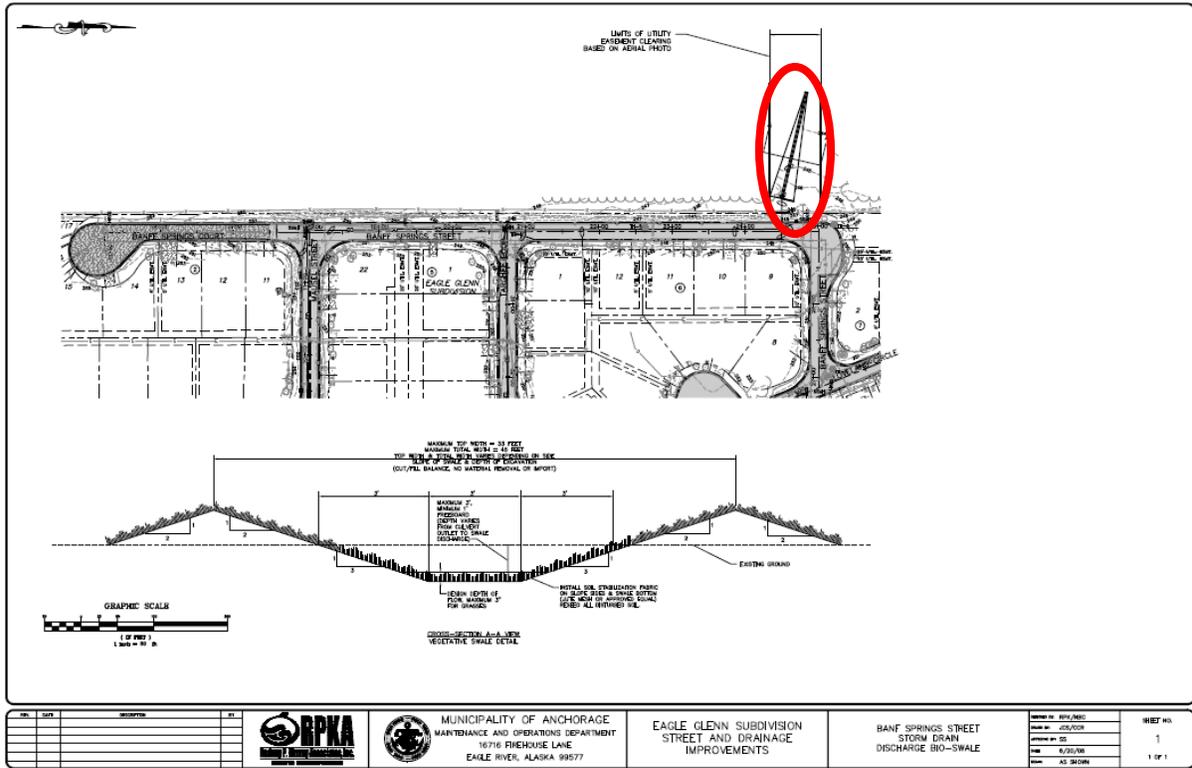


Figure 4: Bioswale Schematic Depicting Outflow on to Fort Richardson Right-Of-Way.