

Case File Nos.: AA-92403-B, AA-92403-C
DOI-BLM-AK-A010-2010-0027-CX

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**Anchorage Field Office
4700 BLM Road
Anchorage, AK 99507
Phone: (907)267-1246
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DECISION

**Temporary Fuel Storage Sites
Categorical Exclusion
New Authorization**

Applicant: Donlin Creek LLC

Lease/Serial/Case File Numbers: AA-92403-B, AA92403-C

Environmental Document No: DOI-BLM-AK-A010-2010-0027-CX

DECISION FOR APPROVAL OF RIGHT-OF-WAY GRANTS:

It is my decision as Manager of the Bureau of Land management (BLM) Anchorage Field Office (AFO) to accept the proposed action as stated in the categorical exclusion (CX), to authorize two one year right-of-way (ROW) grants authorized under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) . The grants would be issued for the storage of fuel on BLM managed lands in support of a separate, proposed geotechnical feasibility study to evaluate the location of a proposed buried natural gas pipeline ROW (AA-92403-A). The storage sites, one each, will be located at Rohn and Tin Creek Airstrips. Rohn Airstrip is located within Seward Meridian, Alaska, T. 26 N., R. 22 W., Sec. 33, SE1/4SW1/4. Tin Creek Airstrip is located within Seward Meridian, Alaska, T. 28 N., R. 23 W., Sec. 7, SE1/4NW1/4. Activities shall be subject to terms, conditions, and stipulations attached to the grant.

RATIONALE FOR THE DECISION:

No significant impact will occur to resources as a result of implementing the proposed action. The proposed action is not expected to be controversial, does not establish a precedent, or represent a decision in principle about future considerations, nor is it related to any other proposed actions representing cumulatively significant impacts.

The proposed action is in conformance with the approved BLM Southwest Management Framework Plan (MFP), approved 1981. The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws.

The proposed action will ensure that BLM provides citizens rights-of-way grants throughout the planning area (See Southwest MFP lands decision L-1.2).

ANILCA SECTION 810 COMPLIANCE:

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 qualified Federal subsistence user access.

ADVERSE ENERGY IMPACT COMPLIANCE:

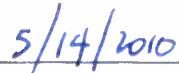
This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement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

COMPLIANCE AND MONITORING PLAN:

Compliance will be accomplished through a combination of self-compliance monitoring and field visits of BLM Anchorage Field Office staff. Applicant will meet the self-compliance requirements through intermittently photographing the storage sites before, during, and after use to provide a visual record. BLM staff will review self-compliance documentation from grantee and, if necessary, perform field inspections and a final field check upon termination of use.



James M. Fincher
Field Manager



Date



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

Anchorage Field Office
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(907) 267-1246

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**Categorical Exclusion
Temporary Land Use Authorization**

**Applicant: Donlin Creek LLC
Case File Numbers: AA-92403-B, AA-92403-C
DOI-BLM-AK-A010-2010-0027-CX**



Locations:

Seward Meridian

T. 26 N., R. 22 W., Sec. 33, SE1/4SW1/4;

T. 28 N., R. 23 W., Sec. 7, SE1/4NW1/4

Prepared By:

Charles Lovely
NEPA Coordinator
May 2010

CATEGORICAL EXCLUSION

A. Background

BLM Office: Anchorage Field Office Lease/Serial/Case File Nos.: AA-92403-B, AA-92403-C
Environmental Document No: **DOI-BLM-AK-A010-2010-0027-CX**

Proposed Action:

The Bureau of Land Management (BLM) would authorize two short term rights-of-way (ROW) for fuel storage sites, one each, at Rohn and Tin Creek Airstrips to Donlin Creek LLC for a one year season authorized under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

Locations:

Seward Meridian

T. 26 N., R. 22 W., Sec. 33, SE1/4SW1/4 (Rohn Airstrip)

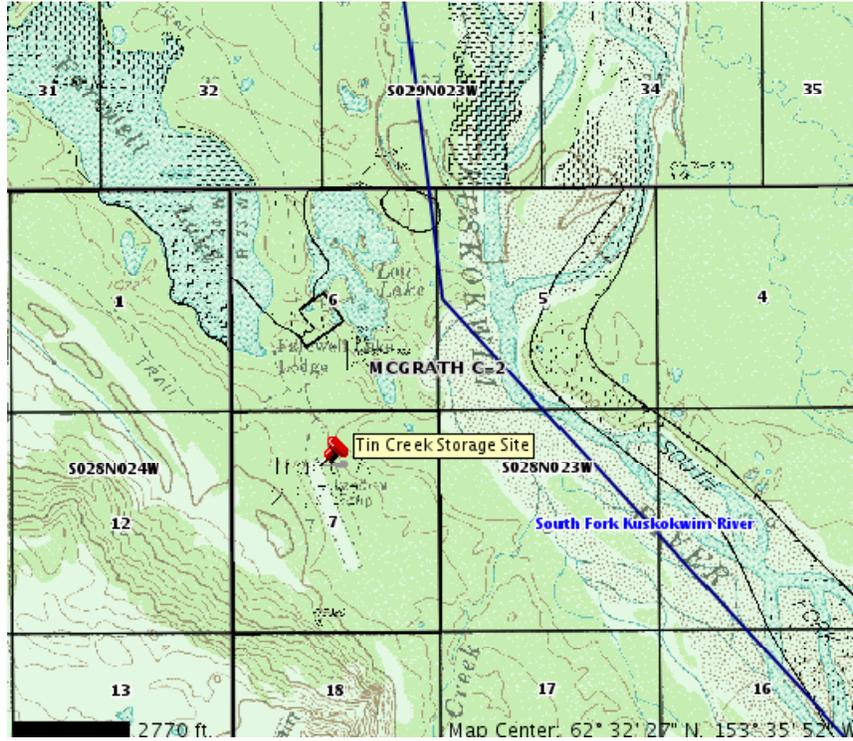
T. 28 N., R. 23 W., Sec. 7, SE1/4NW1/4 (Tin Creek Airstrip)

Description:

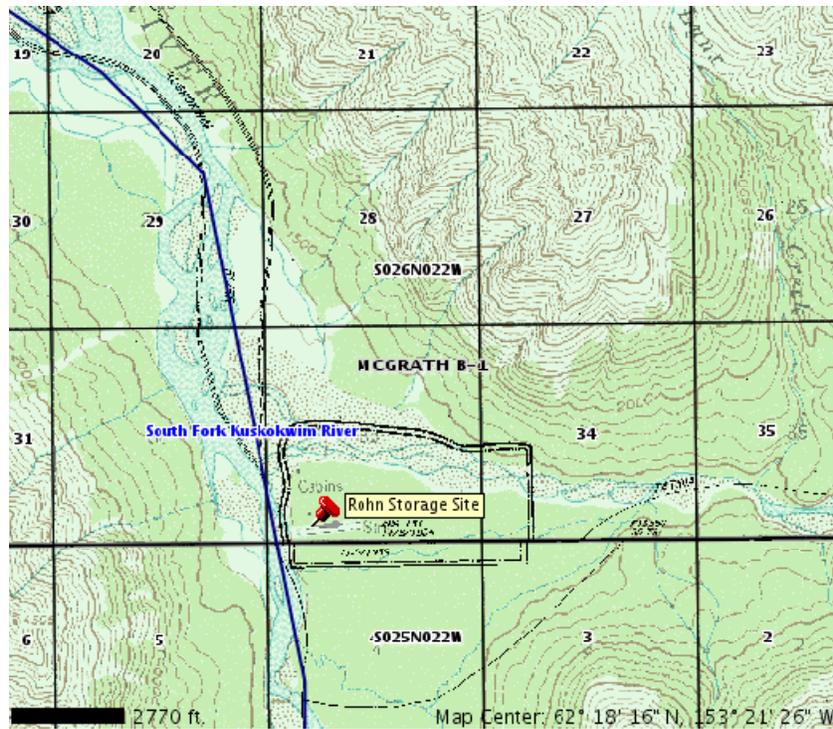
Donlin Creek LLC is proposing to use two sites, one each, at Rohn and Tin Creek Airstrips to store fuel in support of a separate, proposed geotechnical feasibility study to evaluate the location of a proposed buried natural gas pipeline ROW from Cook Inlet to the Donlin Creek Project in southwestern Alaska, a portion of which crosses BLM lands (AA-92403-A). Use of the Rohn and Tin Creek Airstrips as fuel storage sites would take place during the summer field season (May-September) and would be removed and rehabilitated to its original condition. The authorization would be for one year to allow for any final work, such as rechecks of particular locations, needed after analysis of the information obtained from the 2010 field season work. This would allow work that might be needed to complete the project, to be done in May of 2011, without having to process a new authorization.

Land Status:

The Tin Creek Airstrip is located on land selected by the State of Alaska by application number F-15380. The Rohn Airstrip is located on land withdrawn by the Department of the Interior as an Air Navigation Site described as ANS 131 under file number F-63714.



Tin Creek Airstrip Fuel Storage Site



Rohn Airstrip Fuel Storage Site

Applicant: Donlin Creek LLC

B. Land Use Plan Conformance 43 CFR 1610.5-3(a)

Land Use Plan Name: Southwest Planning Area Management Framework Plan, Approved: November 1981

The proposed action is in conformance with the plan because it is specifically provided for in the following planning decisions:

The proposed action is in conformance with the plan even though it is not specifically provided for because it is clearly consistent with the following planning decisions (objectives, terms, and conditions): Under Lands, L-1.2: Multiple-Use Recommendation states “Allow right-of-way grants throughout the Planning Area on a case by case basis.”

C. NEPA Compliance

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 Interior Manual, Part 516, Chapter 11, and the BLM NEPA Handbook H-1790-1, Appendix 4 p. 152 which provides:

Realty 19.

Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

D. Extraordinary Circumstances

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

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|-----|---|-------|----------------|
| 3. | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. | _____ | _____ <u>X</u> |
| 4. | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | _____ | _____ <u>X</u> |
| 5. | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. | _____ | _____ <u>X</u> |
| 6. | Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | _____ | _____ <u>X</u> |
| 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. | _____ | _____ <u>X</u> |
| 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 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). | _____ | _____ <u>X</u> |

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances in 43 CFR §46.215 are pertinent.

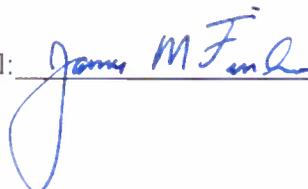
E. Signature

The proposed action is in conformance with 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).

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.

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

Mitigation Measures/Stipulations: (See Attached)

Authorized Official:  Date: 5/14/2010

Terms and Stipulations for Right of Way Grant AA-92403-B, AA-92403-C
Donlin Creek LLC

A. General Terms: During construction, operation, maintenance, and termination of the project you must:

- (a) 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) 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;
- (f) 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;
- (g) 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

(h) 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;

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

(j) 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;

(k) 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;

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

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

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

II. Stipulations:

A. No cutting of live vegetation (trees) is allowed and the site must be left in its natural state;

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- 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. Donlin Creek LLC, Coleman Fuel, 2010). 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 or double walled 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 1-800-478-1263. 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. All vehicles and transport equipment used in access, construction, maintenance and operations of a project 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 propagates, and vegetative material;

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- G. Early detection, rapid response mitigates ecological damage from invasive species. Should a development or occupancy and use have invasive plant infestations prior to development or use, proponents must confer with the land administrator to develop an invasive plant treatment plan to eliminate and/or prevent the propagation of the species;
- H. Site reclamation must be implemented as soon as possible after construction using the original duff layer. This original duff layer is to be removed and set aside upon initial site disturbance, and replaced on disturbed areas in lieu of revegetation with non-local materials; and
- I. Certified weed-free mulch, hay or straw is required in areas needing mulch. Sources for weed free mulch can be found by calling the Plant materials Center: 907-745-4469. Revegetation Guidance can be found at: http://www.dnr.state.ak/ag/pmcweb/PMC_reveg.