



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

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

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**Categorical Exclusion  
Johnson Road ROW Grant**

**Applicant: Thomas and ReAnn Johnson  
Case File Number: AA-92714  
DOI-BLM-AK-A010-2011-0007-CX**



**Location:**

Section 4, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Township 13 North, Range 1 East,  
Seward Meridian, Municipality and Borough of Anchorage,  
Alaska

**Prepared By:**

Anchorage Field Office  
November 2010

**CATEGORICAL EXCLUSION**

**A. Background**

BLM Office: Anchorage Field Office      Lease/Serial/Case File No: AA-92714

Environmental Document No: **DOI-BLM-AK-A010-2011-0007-CX**

Proposed Action:

The Bureau of Land Management (BLM) would authorize a right-of-way (ROW) Grant under Title V of The Federal Land Policy and Management Act, of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), as amended (FLPMA) to Thomas and ReAnn Johnson for a 30 year term.

Location:

Section 4, E½SE¼NW¼, Township 13 North, Range 1 East, Seward Meridian, Municipality and Borough of Anchorage, Alaska.

Description:

Thomas and ReAnn Johnson requested a road ROW grant for a 30 year term to access a home that they will be purchasing on Eagle River Road. The road was constructed in 1995 by David and Deborah Ballard under case file AA-77392. The ROW grant is authorized under Title V of FLPMA.

Applicant: Thomas and ReAnn Johnson

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

Land Use Plan Name: Ring of Fire Resource Management Plan, Approved: March 2008

The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions: Under I. Lands and Realty:  
I-1 Goal 2 states "Provide a balance between land use (Right-of-Way, permits, leases and sales) and resource protection which best serves the public at large."

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

**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. 151 which provides:

**Realty E-12.**

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

**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
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

**Case File No: AA-92714  
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| 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  
Form Date: Feb./2010

to implement the action, as described, with appropriate mitigation measures or stipulations.

Mitigation Measures/Stipulations: (See Attached)

Authorized Official: James M. F. L. Date: 12/10/2010

**Terms and Stipulations for Right of Way Grant AA-92714**  
**Johnson Road ROW Grant**

I. 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) Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the right-of-way area;
  - (c) 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;
  - (d) Pay monitoring fees and rent (if applicable) as described in 43 CFR §2805.16 and 43 CFR 2806 ;
  - (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;
- (1) Comply with project-specific terms, conditions, and stipulations, including requirements to:
    - (2) Restore, revegetate, and curtail erosion or conduct any other rehabilitation measure BLM determines necessary;
    - (3) 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;
    - (4) 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;
- (5) 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.*);
- (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
- (g) 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;
- (h) Not dispose of or store hazardous material on your right-of-way, except as provided by the terms, conditions, and stipulations of your grant;
- (i) 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;
- (j) 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;
- (k) Comply with all liability and indemnification provisions and stipulations in the grant;

## II. Stipulations:

- A. Non-Hazardous Solid Waste (trash/refuse) will be back hauled from the area and disposed in an approved waste disposal site;
- B. 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

**Case File No: AA-92714  
DOI-BLM-AK-A010-2011-0007-CX**

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;