

Case File NO.: Case File AA-092682,
AA-092682A & AA-092783
DOI-BLM-AK-A010-2011-0001-EA

**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 RECORD

Municipality of Anchorage
(Case File AA-092682 AA-092682A & AA-92783)
DOI-BLM-AK-A010-2011-0001-EA

I. Decision:

It is my decision to authorize a Right-of-Way (ROW) to the Municipality of Anchorage (MOA), Case File Number: AA-092682, for a period of twenty (20) years and a short term construction ROW until December 31, 2012, case file AA-092682A. Further, a Free Use Permit (FUP), case file AA-092783 will be issued until December 31, 2012. Mitigation measures and stipulations and conditions are attached.

II. Proposed Action:

The proposed action is to authorize a short term and long term ROW to MOA to install and maintain a drainage control system on public lands consisting of drainage conveyance channels, a culvert under Pole Line Road, and a detention/retention basin in a former gravel pit issued to the Alaska Department of Transportation. A free use permit will also be issued to allow for the use of gravel by the MOA in the construction of the drainage control system. The proposed action is in accordance with the Title V of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1761) and in conformance with the Ring of Fire Resource Management Plan, Approved: March, 2008.

III. Rationale for the Decision:

The rationale for the decision is based on the need of the MOA to address ice and water safety issues along the Glenn Highway and in an adjacent subdivision.

The proposed action is in conformance with the Ring of Fire Resource Management Plan, Approved: March, 2008. The area of the proposed activity is within the Joint Base Elmendorf – Richardson (JBER) and not available for subsistence use and no serious wildlife problems are anticipated.

IV. ANILCA Section 810 Compliance:

The proposed action will not significantly restrict subsistence uses as the area is not available for hunting or fishing under federal subsistence regulations. No reasonably foreseeable significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources are anticipated and no 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. Lands with Wilderness Characteristics:

The proposed action has been reviewed for the following Wilderness Characteristics and found to contain none of the characteristics:

- 1) Size-roadless areas of over 5000 acres of contiguous BLM lands.
- 2) Naturalness-affected primarily by the forces of nature, with the works of humans substantially unnoticeable to the average visitor
- 3) Outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 4) Supplemental values-if size, naturalness, and solitude/outstanding opportunities are met, then consider if the area contains ecological, geological, or other features of scientific, educational, scenic, or historical value. Supplemental values are not required to be present in order to classify an area as Lands with Wilderness Characteristics.

The proposed action is located on the Joint Base Elmendorf – Richardson (JBER) reservation, and adjacent to the Glenn Highway with residential subdivisions east of the military reservation.

VII. Consultation and Coordination:

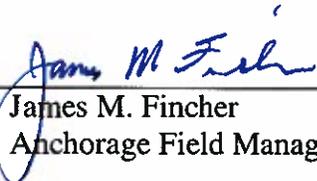
Public participation was accomplished by the Municipality of Anchorage and through the development of an Environmental Assessment (EA), DOI-BLM-AK-A010-2011-0001-EA as well as the Ring of Fire Resource Management Plan which anticipated routine land authorizations in accordance with Title V of FLPMA. Adequate measures to protect

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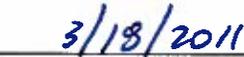
public lands through stipulations and required operating procedures are in place. External scoping and public meetings were conducted by MOA staff. Internal scoping and review of the EA was conducted by Bureau of Land management Anchorage Field Office's resource and land branch staff assigned and included threatened and endangered species, cultural clearances and an ANILCA 810 analysis.

VIII. Compliance and Monitoring Plan:

Compliance and monitoring of this authorization will be conducted by the BLM Anchorage Field Office. Inspection will be made prior to the applicant's use, during construction and operation, and after the applicant reclaims the land upon termination of the authorization.



James M. Fincher
Anchorage Field Manager



Date

Attachments: Terms and Stipulations

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

**Anchorage Field Office
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FINDING OF NO SIGNIFICANT IMPACT

Drainage Control System

Environmental Assessment # DOI-BLM-AK-A010-2011-0001-EA

Case File # AA-092682, AA-092682A & AA-92783

PROJECT NAME:

Glenn Highway & Eagle Glenn East Subdivision Drainage Control System

PROJECT PROPONENT:

Municipality of Anchorage

PROJECT OVERVIEW AND ALTERNATIVES:

This project would address severe flooding and icing conditions impacting the Glenn Highway and the Eagle Glenn East Subdivision. If left unchecked, further property damage to homes within the subdivision and vehicle safety issues on the Glenn Highway will continue. The project would provide for the Municipality of Anchorage to divert water into a former gravel pit within the military Joint Base Elmendorf-Richardson (JBER). The overall goal of the project is to divert water to remove icing conditions along the Glenn Highway and to mitigate flooding within the Eagle Glenn East Subdivision thus enhancing public safety. The earliest start date of this project would be April 1, 2011, and the latest would be mid-September 2012. Estimated project completion would be mid-September 2012.

In order to determine the appropriate actions to take, the Municipality of Anchorage with review by Bureau of Land Management (BLM) developed an environmental assessment (EA) in which two alternatives were evaluated: The Proposed Action, and the No Action Alternative. Various alternatives which were considered not feasible due to technical issues were identified but not analyzed in detail.

PROPOSED ACTION:

The Proposed Action is for a contractor to construct a drainage system into JBER lands. The work includes installing culverts, improving an existing dirt road, and creating a drainage area with the former gravel pit. The proposed work is planned for the spring and summer of 2011 with completion by fall of 2012.

NO ACTION:

The No Action Alternative is to leave the present drainage in place.

ASSOCIATED ENVIRONMENTAL DOCUMENTATION:

An EA (attached) was prepared to comply with the National Environmental Policy Act and BLM requirements.

FINDING OF NO SIGNIFICANT IMPACT (FONSI):

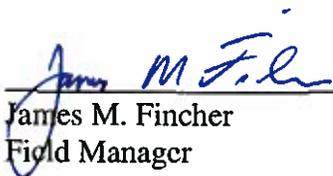
I have reviewed the EA (DOI-BLM-AK-A010-2011-0001-EA) and other relevant environmental documentation. I have determined that the Proposed Action without mitigating measures will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

LANDS WITH WILDERNESS CHARACTERISTICS:

The Proposed Action has been analyzed as required by Secretarial Order 3310. The lands involved are within a developed military base and have been found to contain none of the wilderness characteristics which would be required to designate them as possible Wild Lands at some future date.

RATIONALE FOR NO SIGNIFICANT IMPACT FINDING:

Through the analysis conducted in the EA, no significant impacts to human health, safety, or the environment have been identified. Both beneficial and adverse impacts from implementing the proposed action have been considered. The proposed action is consistent with existing national environmental policies and objectives as set forth in Section 101 (a) of the National Environmental Policy Act of 1969 (NEPA). Further and based on the analysis of potential environmental impacts contained in the attached environmental assessment, it is my determination that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and that an environmental impact statement is not required.


James M. Fincher
Field Manager

3/13/2011
Date

Stipulations for Right-of-Way for drainage infiltration system
Municipality of Anchorage

- I. Permit 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 and established trails destroyed or damaged by the project;
 - c. Do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the area;
 - d. 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;
 - e. 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 lands;
 - f. 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;

II. Stipulations:

1. A plan of operations will be supplied prior to operations and must be approved prior to commencement of on-the-ground activities;
2. Non-Hazardous Solid Waste (trash/refuse/wood debris) will be back hauled from the area and disposed in an approved waste disposal site;
3. No hazardous materials will be stored at the site. All spills of fuel will be reported to the Alaska Department of Environmental Conservation (ADEC) and cleaned-up in accordance with 18 AAC 75. BLM shall be notified of all reportable spills. Absorbent material shall be stored on site for any fuel spills and used in refueling of equipment;
4. 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 permit, the applicant shall immediately cease activities and notify the BLM authorized officer;

5. The boundary of the work area shall be prominently marked;
6. A detailed reclamation and closure plan shall be submitted and approved by BLM prior to closure of the site. The reclamation plan shall identify the amount of fertilizer and seeding mixtures to be used (if applicable). The seed mixture must be accordance with Instruction Memorandum No, 2006-073 (attached);
7. In order to prevent non-Native invasive plant spread, all vehicles, and equipment used in conjunction with the permit 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 propagules, and vegetative material;
8. Annual inspections to identify the presence or spread of invasive plants throughout the grant area will be performed in each of the three years following construction completion. Inspections will occur during snow free season. A report will be submitted to the authorized officer annually. The inspection shall be performed by an individual trained in the recognition of invasive plants. Should any area used under the Grant be found to have invasive plant infestations exceeding the currently documented levels, or caused by operations, they must be removed in accordance with an invasive mitigation plan which the Grant holder shall develop and have approved by the authorized officer. The Grant holder must confer with the authorized officer to reduce and monitor the spread of invasive species by contacting: Laurie Thorpe by telephone at 907-267-1208 or by e mail at lthorpe@blm.gov
9. All equipment, personal property, and improvements must be removed within thirty (30) days after permit expiration date or as directed by the authorized officer;
10. Utilize existing road and trails whenever possible;

11. Operations requiring vegetation removal will avoid the migratory bird nesting period of April 15 to July 15, if activities cannot avoid the April 15-July 15 time frame, you must confer with the authorized officer and obtain a written notice to proceed prior to beginning work by developing a plan to mitigate the impacts to nesting birds by contacting: Bruce Seppi 907-267-1282 or by e mail at bseppi@blm.gov ;
15. No surface disturbance activities will take place within one-fourth of a mile of bald eagle nest
16. Refueling of equipment will not be conducted within 100 ft. from non-fish bearing waterbodies.
17. Activities in wetlands will comply with federal and state permit requirements for alteration of wetlands.
18. Utilize winter access whenever possible in wetlands.
19. In snow-free months, if wetlands cannot be avoided, low ground pressure vehicles will be used
20. The Grant holder will take water quality samples during high water events during the spring thaw and in the fall prior to freeze up during storm events a minimum of once a year. The results of the water quality samples will be supplied to BLM annually. If such sampling results do not comply with applicable State of Alaska or Federal laws and regulations, the Grant holder shall immediately confer with the authorized officer of BLM to develop a plan to mitigate the impacts to water quality and the environment.

**IM 2006-73/Weed Free Seed Use on Public Lands Administered
by
the BLM**

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
January 20, 2006
In Reply Refer To:
1745 (220) P

EMS TRANSMISSION 01/27/2006
Instruction Memorandum No. 2006-073
Expires: 09/30/2007

To: All Field Officials
From: Director
Subject: Weed-Free Seed Use on Lands Administered by the Bureau of Land Management

Program Area: All programs which place seed, or approve the placement of seed on public lands.
Purpose: This Instruction Memorandum (IM) describes Bureau of Land Management (BLM) policy for the quality of seed purchased by BLM for use on public lands.

Background: The BLM Manual Section 1745 (1992) establishes policy and guidance for transplantation, augmentation, and reestablishment of habitat on public land utilizing native, and when necessary, introduced plant species. This action will comply with all Federal and State regulations, restrictions, and requirements governing the release and distribution of non-native exotic plants, including weed seeds.

BLM's Partners Against Weeds – An Action Plan for the Bureau of Land Management, January 1996, outlines BLM's plan to prevent and control the spread of noxious and invasive weeds on BLM lands. In addition, the 1999 Executive Order No. 13112 on Invasive Species states that each Federal agency shall not authorize, fund, or carry out actions that are likely to cause or promote the introduction or spread of invasive species in the United States.

The BLM obtains/purchases native or introduced plant seed, from seed producers and collectors for stabilization, rehabilitation, or restoration of public land. Prior to BLM accepting seed from any source, all seed must be tested for noxious weed seed at official state seed analysis labs. Noxious weed seed is not allowed in certified seed according to individual State's Department of Agriculture seed law and the Federal Seed Act. It has been acceptable for the seed lot (excluding species on the State and Federal noxious weed seed list) to contain from 0.5 percent to 2.0 percent of other "weed" seed depending on the State. "Other weed seed" is defined as any non-noxious weed seed, such as cheatgrass (downy brome) or Russian thistle, in the State(s) of concern. When purchased, all seed

must also be of certified quality or source-identified.

Policy/Action: All Field Offices are required to use seed on public lands that contain no noxious weed seed and meets certified seed quality. All seed to be applied on public land must have a valid seed test, within one year of the acceptance date, from a seed analysis lab by a registered seed analyst (Association of Official Seed Analysts). The seed lab results shall show no more than 0.5 percent by weight of other weed seeds; and the seed lot shall contain no noxious, prohibited, or restricted weed seeds according to State seed laws in the respective State(s). The seed procured for use on public land will meet the Federal Seed Act criteria. Seed may contain up to 2.0 percent of "other crop seed" by weight which includes the seed of other agronomic crops and native plants; however, a lower percent of other crop seed is recommended. Copies of the seed lab test results, including purity and germination (viability) rate, must be forwarded to the appropriate BLM office prior to seed application. If the seed does not meet the BLM and State/Federal standard for noxious weed seed content or other crop seed allowances, it shall not be applied to public land. All seed test results must be retained in the seeding project file.

The BLM State contracts for seed may be more restrictive with "other weed seeds" of concern as deemed necessary.

All donated seed or seed used for "mitigation or restoration" by contractors per a reclamation plan must meet BLM's noxious weed seed policy prior to use on public lands.

An exemption will be allowed for small reclamation projects, less than 20 acres or not to exceed 200 pounds of seed, which have an approved BLM reclamation or rehabilitation plan or permit. The seed will be accepted if accompanied by an official seed analysis report that provides documentation to show no noxious weed seed per State(s) weed law and no more than 0.5% other weed seeds. For this exception, any one of three seed test documents will be accepted:

1. A certified "blue" tag or tags.
2. An independent seed lab test.
3. A seed lab analysis supplied by a vendor either by seed lot or by seed mix.

Straw or mulches applied as part of seeding, stabilization, rehabilitation, or restoration projects on public lands must be certified to be weed seed-free.

Timeframe: Effective immediately.

Budget Impact: Approximately 80% of the seed used on public lands is purchased during a National Seed Buy (three times a year average) via a national seed contract. Under this contract, the seed must be tested prior to acceptance and payment. Therefore, there will be no new costs associated with the National Seed Buy. For offices and programs not currently testing their seed for noxious weeds or are approving project proponents to apply seed on public land without first testing for noxious weeds there will be a slight increase in the cost of seeding treatments. A typical seed test costs between \$120-220 per lot for purity, germination, and noxious weed seed analysis.

Manual/Handbook Sections Affected: None.

Coordination: Coordination for this IM has been with WO-200, WO-220, WO-230, WO-270, WO-310, ID-930, BC-660.

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AA-092682A &AA-092783**

Contact: If you have any questions on policy, please contact Jack Hamby, National ES&R Program Lead, at (202) 452-7747 or via email at Jack_Hamby@blm.gov. Questions pertaining to seed test, viability, seed lot tags, or weed seeds should be directed to Scott M. Lambert, National Seed Coordinator, Idaho State Office, at (208) 373-3894 or by e-mail Scott_Lambert@blm.gov.

Signed by:
Lawrence E. Benna
Acting, Director

Authenticated by:
Robert M. Williams
Policy and Records Group,WO-560