

Case File Numbers: AA-92970 and AA-92972
DOI-BLM-AK-A010-2011-0032-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 RECORD

Unicom, Inc.

**Case File Number: AA-92970 and AA-92972
DOI-BLM-AK-A010-2011-0032-CX**

I. Decision:

It is my decision to authorize a short term Right-of-Way grant for AA-92970 and AA-92972, for Unicom, Inc. for geotechnical investigations needed in conjunction with the proposed installation of two microwave repeater towers on two separate sites. Mitigation measures and stipulations and conditions are attached.

II. Proposed Action:

Unicom, Inc. would be authorized short-term rights-of-way under Title V. of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761), as amended to conduct geotechnical investigations on federal lands located at the Golovin Alternative Repeater site and the Otter Creek Repeater site. The proposed action is in conformance with the Kobuk-Seward Resource Management Plan, Approved: September, 2008.

III. Rationale for the Decision:

The rationale for the decision is based on the need for the applicant to have the authorizations to conduct research in support of installing communication equipment at two proposed repeater sites.

The proposed action is in conformance with the Kobuk-Seward Resource Management Plan, Approved: September, 2008. The area of the proposed activity is not within a critical subsistence use area and no serious wildlife problems are anticipated.

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. Consultation and Coordination:

Public participation was accomplished through the development of the Kobuk-Seward Resource Management Plan which anticipated routine land authorizations in accordance with Title V of FLPMA. Adequate measures to protect public lands through stipulations and required operating procedures are in place. Internal scoping was conducted by AFO staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

VII. Compliance and Monitoring Plan:

Compliance and monitoring of this authorization will be conducted by the BLM Anchorage Field Office. Inspections will be made on a regular basis and after the applicant reclaims the land upon termination of the authorization.

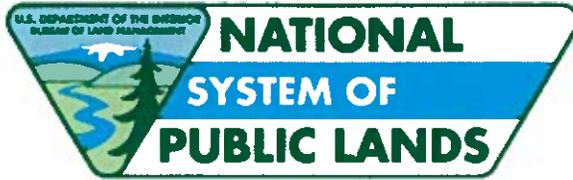


Matthew S. Varner
Anchorage Field Manager, Acting

8/22/11

Date

Attachments: Terms and Stipulations



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

Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507
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<http://www.blm.gov/ak/st/en/fo/ado.html>

**Categorical Exclusion
Short-Term Geotechnical Evaluation Right-of-Way**

**Applicant: Unicom, Inc.
Case File Numbers: AA-92970 and AA-92972
DOI-BLM-AK-010-2011-0032-CX**



Location:
Kateel River Meridian, Alaska
T. 11 S., R. 20 W.,
Section 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and Section 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
T. 25 S., R. 12 W.,
Section 16 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and Section 21 SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Prepared By:

Anchorage Field Office

August 2011

CATEGORICAL EXCLUSION

A. Background

BLM Office: Anchorage Field Office Lease/Serial/Case File Nos: AA-92970 and
AA-92972

Environmental Document No: DOI-BLM-AK-A010-2011-0032-CX

Proposed Action Title/Types: Short-Term Geotechnical Right-of-Way

Location of Proposed Action:

Kateel River Meridian, Alaska

T. 11 S., R. 20 W.,

Section 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and Section 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

T. 25 S., R. 12 W.,

Section 16, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and Section 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Description of Proposed Action:

Unicom, Inc. would be authorized short-term rights-of-way under Title V. of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761), as amended to conduct geotechnical investigations on federal lands located at the Golovin Alternative Repeater site and the Otter Creek Repeater site. The crew would consist of up to six people, accessing the sites by helicopter over the course of three days at each site. Equipment could range from hand shovels up to a small drilling rig. If a drilling rig is required, the rig would be transported by sling-load to the sites by helicopter. Drilling would be done with a Mobile Auger B 24 with a rubber track carrier to move around the site. Unicom anticipates that drilling would take three days. All equipment and personnel would be transported by helicopter to the sites, with several landings each day, not to exceed ten landings over the course of the drilling.

The boring holes would be two inches in diameter, going to an estimated depth of 25 to 30 feet below bedrock. The holes would be filled with chip cuttings with one inch PVC pipes left in each borehole. An estimated two boreholes would be left at the proposed tower sites.

Applicant (if any): Unicom, Inc.

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

Land Use Plan Name: Kobuk-Seward Record of Decision and Approved Management Plan

Date Approved: September 2008

The proposed action is in conformance with 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):

H-2-a(6): Rights-of-Way

"Rights-of-Way

- *Rights-of-Way (ROWs) will be located near other ROWs or on already disturbed areas to the extent practical.*
- *Communication site ROWs shall be co-located when feasible.*
- *Public Use cabins may be constructed under a ROW reservation."*

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 which provides:

NEPA Handbook H-1790-1

E. 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 applies 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 |
| 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. | _____ | _____X |
| 9. | Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. | _____ | _____X |
| 10. | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | _____ | _____X |
| 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). | _____ | _____X |

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). _____ X

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects 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 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).

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: 8/22/11

STIPULATIONS

I. Stipulations:

- A. Holder activities in connection with the grant shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal or State law.
- B. Holder will ensure that the facilities to be constructed, used and operated will control or prevent damage to scenic, esthetic, cultural and environmental values (including damage to fish and wildlife habitat), damage to Federal property and hazards to public health and safety.
- C. Holder will ensure that the facilities to be constructed, used and operated on the authorized location are maintained and operated in a manner consistent with the grant.
- D. Holder will comply with State standards for public health and safety, environmental protection and siting, construction, operation and maintenance when those standards are more stringent than Federal standards.
- E. The Holder shall not allow any use of the authorization to another entity without the prior written authorization of the Authorized Officer.
- F. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land will be immediately reported to the Authorized Officer. The Holder will suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision as to proper mitigation measures will be made by the Authorized Officer, after consulting with the Holder.
- G. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the Holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The Holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that operations may resume.
- H. The Holder shall protect all survey monuments found within the right-of-way area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points,

U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the *Manual of Surveying Instructions for the Survey of the Public Lands in the United States*, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.

- I. The Holder shall survey and clearly mark the centerline and/or exterior limits of the grant area, as determined by the authorized officer.
- J. The Holder shall conduct all activities associated with the construction, operation, and termination of the grant within the authorized limits of the grant area.
- K. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- L. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles (within the grant area) for use in reclamation.
- M. The Holder will comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the Holder will comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the grounds or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 will be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
- N. The Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is

wholly unrelated to the right-of-way Holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.

- O. 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.
- P. Non-Hazardous Solid Waste (trash/refuse) may be burned in campfire pits. All unburned/unburnable trash/refuse will be back hauled from the area and disposed in an approved waste disposal site. All fire rings/pits must be removed or destroyed after use. Trash/refuse will not be disposed of in a Pit Privy.
- Q. 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. Unicom, Inc., Gasoline, 2011). Fuels shall not be stored over the winter. 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 1-800-478-1263. 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.

Non-Native Invasive Plant Prevention and Mitigation

- All vehicles, transport equipment used in access, construction, maintenance and operations of 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 propagules, and vegetative material.

- 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.

Useful websites:

Homer Soil and Water Conservation District
<http://www.homerswcd.org/invasives/invasivepg.htm>

US Department of Agriculture & Alaska Natural Heritage Program
<http://akweeds.uaa.alaska.edu/>

USDA Natural Resources Conservation Service
<http://plants.usda.gov/java/noxiousDriver>

US Fish and Wildlife Service
<http://www.fws.gov/invasives/>

Alaska committee for Noxious and Invasive Plants Management
<http://www.uaf.edu/ces/cnipm/>

**TITLE 18 ALASKA ADMINISTRATIVE CODE
CHAPTER 75 – OIL & HAZARDOUS SUBSTANCES POLLUTION CONTROL
(EXTRACT)**

18 AAC 75.300. DISCHARGE OR RELEASE NOTIFICATION; REPORTING REQUIREMENTS.

(a) Subject to (b) of this section, a person in charge of a facility or operation shall notify the department by telephone, and immediately afterwards send the department a written notice by facsimile, hand delivery, or first class mail, informing the department about a discharge or release of a hazardous substance at or from the facility or operation as follows:

(1) as soon as the person has knowledge of a

(A) discharge or release of a hazardous substance other than oil;

(B) discharge or release of oil to water; or

(C) discharge or release, including a cumulative discharge or release, of oil in excess of 55 gallons solely to land outside an impermeable secondary containment area or structure; and

(2) within 48 hours after the person has knowledge of a discharge or release, including a cumulative discharge, of oil solely to land

(A) in excess of 10 gallons, but 55 gallons or less; or

(B) in excess of 55 gallons, if the discharge or release is the result of the escape or release of oil from its original storage tank, pipeline, or other immediate container into an impermeable secondary containment area or structure.

(b) A person in charge of a facility or operation shall maintain, and provide to the department monthly, a written record of each discharge or release, including a cumulative discharge or release, of one gallon to 10 gallons of oil solely to land.

(c) If a person in charge of a facility or operation has entered into an agreement with the department, as provided under AS 46.03.755(b) or AS 46.09.010(b), for the periodic reporting of a discharge or release of a hazardous substance, the terms of the agreement replace the applicable requirements of this section for the hazardous substance.

(d) After receiving notice of a discharge or release under (a) of this section, and until containment and cleanup are completed, the department will require interim reports as the department considers necessary to ascertain any threat to human health, safety, or welfare, or to the environment.

(e) Unless the department determines that a written report is not needed for the department to ascertain any threat to human health, safety, or welfare, or to the environment, a written report

must be submitted to the department within 15 days after containment and cleanup are completed or, if no cleanup occurs, within 15 days after the discharge or release. The report must be submitted to the department's Anchorage, Fairbanks, or Juneau office, whichever is nearest to the location of the discharge, unless the department specifies otherwise. The report must contain the information specified in (f) of this section.

(f) A report, record, or notification required by this section must contain, as applicable,

- (1) the date and time of the discharge or release;
- (2) the location of the discharge or release;
- (3) the name of the facility or operation;
- (4) the name, mailing address, and telephone number of
 - (A) each responsible person; and
 - (B) the owner and the operator of the facility or operation;
- (5) the type and amount of each hazardous substance discharged or released;
- (6) factors that caused or contributed to the discharge or release;
- (7) a description of any environmental effects of the discharge or release, or the containment and cleanup, to the extent those effects can be identified;
- (8) a description of the containment or cleanup action taken;
- (9) the estimated amount of
 - (A) hazardous substance cleaned up; and
 - (B) hazardous waste generated;
- (10) the date and method of disposal or treatment of the hazardous substance, contaminated equipment, contaminated materials, contaminated soil, and contaminated water;
- (11) a description of actions being taken to prevent another discharge or release; and
- (12) other information that the department requires to fully assess the cause and impact of the discharge or release, including any sampling reports and a description and estimate of any remaining contamination.

Note: Spills required to be reported to the State of Alaska must also be reported to the BLM.