



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507-2591
<http://www.blm.gov/ak>

Matanuska Electric Association Transmission Line Right-of-Way Renewal Categorical Exclusion, DOI-BLM-AK-A010-2011-0010-CX

Case File, AA-25016

DECISION RECORD

Decision

It is my decision to authorize a 30-year right-of-way grant renewal to Matanuska Electric Association (MEA), with a right to renew, for the existing 100-foot wide, 17,515-foot long (3.3 miles) electrical transmission line as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2011-0010-CX. This right-of-way grant renewal is subject to the General Conditions and Stipulations attached to this Decision Record.

Rationale for the Decision

The Proposed Action has been reviewed by Anchorage Field Office staff and appropriate Project Design Features and/or Stipulations will be incorporated into the project to minimize the potential for impacts to public lands and resources. Based on the attached Categorical Exclusion documentation review, I have determined that the Proposed Action involves no significant impact to the human environment and no further analysis is required.

The authorization would insure that the MEA customers of Eagle River and surrounding Anchorage area will continue to receive adequate electrical power without interruption.

There will be little or no adverse impact to public lands and resources as result of renewing this transmission line right-of-way grant.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Anchorage Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Alan Bittner

March 5, 2013

Alan Bittner
Anchorage Field Manager

Date

Attachments

1. Categorical Exclusion documentation, DOI-BLM-AK-A010-2011-0010-CX
2. General Conditions and Stipulations, Right-of-Way Grant, AA-25016



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CATEGORICAL EXCLUSION (CX)

A. BACKGROUND

Project Name / Type: Renewal of Electrical Transmission Right-of-Way Grant

NEPA Register Number: DOI-BLM-AK-A010-2011-0010-CX

Case File Number: AA-25016

Location / Legal Description: Palmer, Alaska, Seward Meridian,
T. 14 N., R. 1 W., Sections 19, 20 and 21 inclusive; T. 14
N., R. 2 W., Sections 14, 15, 22, 23 and 24 inclusive
within.

Applicant (if any): Matanuska Electric Association, Inc.

Description of Proposed Action:

Matanuska Electric Association, Inc. (MEA) has applied for a renewal of their existing 100-foot wide, 17,515-foot long (3.3 miles) electrical transmission line right-of-way grant. The application has been submitted to ensure that MEA is in compliance with requirements for owning and operating an electrical transmission line on Bureau of Land Management (BLM) lands. This right-of-way action, if granted, would authorize the operation, maintenance of the existing electrical transmission line for a term of 30 years.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: Ring of Fire Approved Resource Management Plan and Record of Decision, March 2008

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

Section I-2n: Rights-of-Way states:

The BLM may issue rights-of-way for a variety of uses including but not limited to: roads, water pipelines, electric lines and communication sites under the authority of Title

V of FLPMA. Oil and Gas pipelines are issued using the Mineral Leasing Act (1920). Stipulations developed during the proposal’s evaluation will include:

- 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.
- Utilization of rights-of-way 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.

C. CATEGORICAL EXCLUSION

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR § 46.210 or United States Department of the Interior Manual, Part 516, Chapter 11, which provides:

- E. Realty
 - (9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

D. EXTRAORDINARY CIRCUMSTANCES

The proposed action must be screened against the Extraordinary Circumstances found in 43 CFR § 46.215 (listed below). Any “yes” finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

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

EXTRAORDINARY CIRCUMSTANCES	YES/NO
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.	No
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.	No
9. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
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).	No
12. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or 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).	No

E. SIGNATURE

The proposed action is in conformance with the applicable land use plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 FM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that no further environmental analysis is required.

/s/ Alan Bittner

March 5, 2013

Alan Bittner
Anchorage Field Manager

Date

GENERAL CONDITIONS and STIPULATIONS
Right-of-Way Grant AA-025016

1. The Permittee assumes the responsibility for conducting the operation and holds the U.S. Government harmless and indemnifies it against all loss and injury.
2. The Permittee assumes the responsibility for inspecting the permitted area for any existing or new hazardous conditions, i.e., natural landing areas, rocks, changing weather conditions, hazardous wildlife, or other hazards that present risks for which the Permittee assumes responsibility. The Permittee must promptly inform BLM of any potential hazardous waste sites.
3. The Permittee shall comply with all Federal, State, and local laws.
4. The Permittee shall not interfere with other valid uses of the Federal land by other users.
5. The Permittee must present or display a copy of the land use permit to the Authorized Officer's representative, or law enforcement personnel upon request, including any of the records or other documents related to the permit.
6. All human solid waste and unburnable garbage will be back hauled from the landing sites or work areas and deposited in an approved waste disposal site.
7. The land use permit is renewable, at the discretion of the authorized officer.
8. This Permit does not provide authorization for areas other than federal land managed by BLM. It is the responsibility of the permittee to know and understand the land ownership and to only utilize the areas authorized by this permit.
9. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the permittee, or any person working on his behalf, on public or Federal land will be immediately reported to the Authorized Officer. The permittee 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.
10. The Permittee shall not allow any use of the permit to another entity without the prior written authorization of the Authorized Officer. Prior to authorizing additional uses within the permit area, the Authorized Officer will consult the Permittee, and determine whether the use will interfere with the purposes for which this permit is issued.
11. Use of pesticides will comply with the applicable Federal and State laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Permittee will obtain from

Exhibit A
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the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year. Emergency use of pesticides will be approved in writing by the Authorized Officer prior to such use.

12. No burning of trash, litter, trees, brush or other vegetative material generated through utilizing the permit will be allowed.
13. The Permittee will comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
14. The Permittee 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 Permittee 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 in the permit area 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.
15. The permit shall terminate two days prior to tentative approval or patent of the state selection if that approval is issued prior to the expiration of the permit.

SPECIAL STIPULATIONS

1. The grant holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes.
2. This grant authorizes the non-exclusive use of BLM-managed land. The use of “No Trespassing”, “Private”, “Keep Out”, and similar signs are only allowed.