



# 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>

## **Dog Island Withdrawal Renewal**

Categorical Exclusion, DOI-BLM-AK-010-0034-CX

Case File, AA-12484

## **DECISION RECORD**

### **Decision**

Dog Island is entirely within the Tongass National Forest and has been withdrawn from surface entry and mining by Public Land Order (PLO) No. 6965, as a U.S. Forest Service Resource Natural Area since April 15, 1993. The U.S. Forest Service applied June 18, 2009 to extend this withdrawal for another 20 years.

It is my decision to renew the Dog Island withdrawal for twenty (20) years, as requested by the U.S. Forest Service and as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2012-0034-CX.

### **Rationale for the Decision**

The proposed action has been reviewed by Anchorage Field Office staff and appropriate Project Design Features, as specified, will be incorporated during project implementation. Based on the attached Categorical Exclusion review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

### **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 thirty (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/ David Mushovic  
David Mushovic  
Acting Anchorage Field Manager

09/17/2012  
Date

**Attachments**

Categorical Exclusion documentation  
PLO 6965



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## CATEGORICAL EXCLUSION (CX)

### A. BACKGROUND

**Project Name / Type:** Dog Island Withdrawal Renewal

**NEPA Register Number:** DOI-BLM-AK-010-0034-CX

**Case File Number:** AA-12484

**Location / Legal Description:** Secs. 25 and 36, T. 79 S., R. 93 E., and Secs. 30 and 31, T. 79 S., R. 94 E., Copper River Meridian

**Applicant (if any):** U.S. Forest Service, Department of Agriculture

### Description of Proposed Action:

Dog Island was withdrawn on April 15, 1993 as a Research Natural Area for the U.S. Forest Service by Public Land Order (PLO) No. 6965, comprising approximately 685 acres of National Forest System land. The withdrawal is due to expire in April 2013, and the Forest Service applied on June 18, 2009 to renew the withdrawal for another twenty years to protect the natural ecological complex of the island from surface entry and mining. The BLM's Proposed Action is to renew the Dog Island withdrawal for a twenty-year period (ending April 2033).

### B. LAND USE PLAN CONFORMANCE

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

The proposed action is in conformance with the applicable land use plan even though it is not specifically provided for because it is consistent with the following land use plan decisions (objectives, terms, and conditions):

**Lands and Realty decision *I-2-M. Withdrawal Review* which states:**

*The BLM will maintain current withdrawals unless the agency for which the lands were withdrawn requests revocation of the withdrawal.*

### C. CATEGORICAL EXCLUSION

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 the Interior Manual, Part 516, Chapter 11.9 E(1), which provides:

#### E. Realty

1. Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use.

### 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.

<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO</b>
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
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
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**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/ David Mushovic

09/17/2012

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David Mushovic  
Acting Anchorage Field Manager

Date

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PLO 6965  
Part Affected: AA-12484  
Effective Date: 4/15/93

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Public Land Order 6965**

**[AK-932-4210-06; AA-12484]**

**Withdrawal of National Forest System  
Lands for a Research Natural Area; AK**

**AGENCY: Bureau of Land Management,  
Interior.**

**ACTION: Public Land Order.**

**SUMMARY:** This order withdraws approximately 685 acres of National Forest System lands from surface entry and mining for a period of 20 years for the Department of Agriculture, Forest Service to protect a research natural area within the Tongass National Forest that would maintain a natural ecological complex containing Pacific yew, and to preserve the lands for research, science, and educational purposes. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** April 15, 1993.

**FOR FURTHER INFORMATION CONTACT:** Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from settlement, sale, location, or entry under the public land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), to protect a research natural area:

**Copper River Meridian  
Tongass National Forest**

Those portions of secs. 30 and 31, T. 79 S., R. 94 E., and portions of secs. 25 and 36, T. 79 S., R. 93 E., more particularly described as:

All of Dog Island, an island approximately 1.9 miles long and 1.4 miles wide, and all of the islets in the immediate vicinity of Dog Island which are connected at low tide and with intervening tidal bars and estuaries. The area is in approximate latitude 54°59'6" N., longitude 131°19'15" W., and is located in Felice Strait just north of Duke Island and Pond Bay.

The areas described aggregate approximately 685 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal with expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: April 2, 1993.

**Bruce Babbitt,**  
*Secretary of the Interior.*

[FR Doc. 93-8867 Filed 4-14-93; 8:45 am]

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