

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

**Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507
Phone: (907)267-1246
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DECISION RECORD

**James Tweto
Case File Number: AA-93084
DOI-BLM-AK-A010-2011-0047-CX**

1. Decision:

It is my decision as Manager of the Bureau of Land management (BLM) Anchorage Field Office (AFO) to accept the proposed action as stated in the categorical exclusion (CX) DOI-BLM-AK-A010-2011-0047-CX, to authorize a three (3) year right-of-way (ROW) grant authorized under Title V of the Federal Land Policy and Management Act of October 21, 1976, as amended (90 Stat. 2776; 43 U.S.C. 1761), for an overland move to James Tweto, case file number AA-93084. Mitigation measures and right-of-way grant stipulations and conditions are attached.

2. Alternatives:

The alternatives considered were the proposed action and the no action alternative. The proposed action is a routine action addressed in the Kobuk-Seward Peninsula Management Plan, Approved: Sept. 2008. The no action alternative would not address the need of the applicant and would not allow access to valid inholdings on Native Selected lands.

3. Rationale for the Decision:

No significant impact will occur to resources as a result of implementing the proposed action. The proposed action is not expected to be controversial, does not establish a precedent, or represent a decision in principle about future considerations, nor is it related to any other proposed actions representing cumulatively significant impacts.

The proposed action is in conformance with the Kobuk-Seward Peninsula Resource Management Plan (Kobuk-Seward RMP), Approved: Sept. 2008. The project has been considered in the context of public health and safety and consistency with regards to Federal, State, and local laws. The area of the proposed activity is not within a critical subsistence use area and no serious wildlife problems are anticipated.

The proposed action will ensure that BLM meets public needs for use authorizations such as ROW, leases, and permits while minimizing adverse impacts to other resource values throughout the planning area (Kobuk-Seward RMP - Under Lands and Realty, H-2a-4: Goals, #1).

4. 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.

5. 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.

6. Consultation and Coordination:

Public participation was sought by a 906K concurrence through the State of Alaska's Department of Natural Resources. The village corporation for Shaktoolik was contacted for input. Internal scoping was conducted by AFO staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

7. 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 and after the overland move subject to budget considerations.

/s/

10/06/2011

Matthew S. Varner
Anchorage Field Manager,
Acting

Date

Attachments:

Environmental Assessment: DOI-BLM-AK-A010-2011-0046-CX
Exhibit A, Terms and Stipulations



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

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Anchorage, Alaska 99507
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<http://www.blm.gov/ak/st/en/fo/ado.html>

Categorical Exclusion Overland Move of Heavy Equipment

Applicant: James Tweto
Case File Number: AA-93084
DOI-BLM-AK-A010-2011-0047-CX



Location:

Kateel River Meridian, Alaska

T. 10 S., R. 11 W.,
Secs. 26, 27, 35 and 36 (within)

T. 11 S., R. 11 W.,
Sec. 12 (within)

Prepared By:
Anchorage Field Office
August 2011

CATEGORICAL EXCLUSION

A. Background

BLM Office: Anchorage Field Office Lease/Serial/Case File No: AA-93084

Environmental Document No: **DOI-BLM-AK-A010-2011-0047-CX**

Proposed Action:

James Tweto proposes to move an excavator (Hitachi EX 200 or equivalent), under its own power, from the coast of Norton Bay to patented mining claims on the Ungalik River. The route follows a trail system from the coast of Norton Bay to the Ungalik River patented mining claims formerly owned by Pat Bliss. A portion of the proposed route would follow a public easement (EIN 8L L) reserved in Patent 50-2009-0400 issued to Shaktoolik Native Corporation. The route as applied for by the applicant describes a trail 20 feet in width and approximately 4 miles long (21,120 feet) and encompasses 9.70 acres land. The move would be done in late fall while the Norton Bay is ice free. The proposed action would be for a three (3) year term.

Location:

Kateel River Meridian, Alaska

T. 10 S., R. 11 W.,
Sec. 26, 27, 35 and 36 (within)

T. 11 S., R. 11 W.,
Sec. 12 (within)

Description:

The proposed action is to permit an overland move of a piece of heavy equipment (Hitachi EX 200 or equivalent), from the shore of Norton Bay to Mineral Survey 1245 on the Ungalik River, approximately 12 miles north of Shaktoolik, Alaska. If approved the action would be authorized Under Title V, Federal Land Policy and Management Act (FLPMA) in accordance with regulations found at 43 CFR §2800. The grant would be issued to James Tweto. Mr. Tweto purchased certain patented and unpatented mining claims from the Pat Bliss estate. The heavy equipment would be moved from Unalakleet, Alaska to the shore of Norton Bay by Alaska Logistics, a barge company. The move is anticipated to take one day and Mr. Tweto wishes to move the equipment in late fall. No refueling would be necessary. The move would be accomplished after adequate frost and/or snow cover to protect the vegetation.

Applicant: James Tweto
Form Date: 6/2009

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

Land Use Plan Name: Kobuk-Seward Peninsula Management Plan, Approved: Sept. 2008

The proposed action is in conformance with the plan because it is specifically provided for in the following planning decisions: Under Lands and Realty, H-2a-4:

Goals, #1 states “Meet public needs for use authorization such as ROW, leases, and permits while minimizing adverse impacts to other resource values.”

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. 148 which provides:

Realty

E-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 apply to individual actions. Departmental instructions mandate that environmental documents must be prepared for actions which may:

1. Have significant adverse impacts on public health or safety.
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.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
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.
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.
9. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
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).
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).

This categorical exclusion is appropriate 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. 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.

F. Signature

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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).

Authorized Official: /s/ Matthew S. Varner Date: 10/06/2011