

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

**Anchorage Field Office
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DECISION RECORD

**Categorical Exclusion
Short-Term Contaminated Equipment Removal Land Use Permit
Applicant: Alaska Department of Fish and Game
Case File Number: AA-93083
DOI-BLM-AK-A010-2012-0004-CX**

A. Decision:

It is my decision to authorize a short-term land use permit to the State of Alaska Department of Fish and Game.

B. Proposed Action:

Alaska Department of Fish and Game would be authorized a short-term land use permit under Title III of The Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1732), as amended, to conduct the removal of contaminated equipment that contains an aquatic invasive species in the Whiting Harbor area. The area covers approximately 1 acre of land and would be used by the State and its contractors and partners in an effort to remove and/or limit the potential spread of the *D. vex* (sea squirt) from Whiting Harbor before it spreads from the harbor and contaminates the whole Sitka Sound area. The old oyster farm floating docks, buildings, and associated equipment is beginning to break up due to major storm action. The proposal is to remove the infrastructure from the water using boats, a landing craft, and fork lift (or similar type equipment). The area used would be the float plane launch and the area of the causeway that is adjacent to the launch and the airport. The activities authorized would be the removal and storage of the oyster farm infrastructure and other contaminated items. The removed items would be stored on the causeway until it could be properly removed and transported to an appropriate landfill. The immediate action to remove those pieces of equipment contaminated with *D. vex* most likely to breakup, float into the Sitka Sound and spread the *D. vex* would begin in November 2011. Due to limited funding the total cleanup is anticipated to take several years and the permit would be issued for up to three (3) years to allow for the time needed to facilitate as thorough of cleanup as possible. The permit would allow the permittee to move some of the boulders on the site so the work could be more safely done. On completion of the project any boulders moved would be returned, as close as possible, to their original position. The land use permit would expire

November 30, 2014.

C. Rationale for the Decision:

The rationale for the decision is based on the need of the applicant to remove items contaminated with an invasive species to keep it from spreading and impacting the natural environment.

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

D. 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.

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. 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 activity will take place next to the Sitka airport in on lands that have already been altered from their natural state.

G. Consultation and Coordination:

Public participation was accomplished through the development of the Ring of Fire

Record of Decision and Approve Management Plan which anticipated routine land authorizations in accordance with Title III of FLPMA. Adequate measures to protect public lands through stipulations and required operating procedures are in place. Internal scoping was conducted by the Anchorage Field Office staff and included threatened and endangered species, cultural, and ANILCA 810 analysis.

H. Compliance and Monitoring Plan:

Compliance and monitoring of this authorization will be conducted by the BLM Anchorage Field Office.

/s/

11/16/2011

Matthew S. Varner
Anchorage Field Manager, Acting

Date



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

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Categorical Exclusion
Short-Term Contaminated Equipment Removal Land Use Permit
Applicant: Alaska Department of Fish and Game
Case File Number: AA-93083
DOI-BLM-AK-A010-2012-0004-CX



Location:

USS 3926, T. 56 S., R. 63 E.,
Copper River Meridian, Alaska

Prepared By:
Anchorage Field Office
November 2011

CATEGORICAL EXCLUSION

A. Background

BLM Office: Anchorage Field Office Lease/Serial/Case File No: AA-093083

Environmental Document No: DOI-BLM-AK-A010-2012-0004-CX

Proposed Action Title/Types: Short-Term Permit

Location of Proposed Action:

USS 3926, T. 56 S., R. 63 E., Copper River Meridian, Sitka Bay Quadrangle A-5

Description of Proposed Action:

Alaska Department of Fish and Game would be authorized a short-term land use permit under Title III of The Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1732), as amended (FLPMA) to conduct the removal of contaminated equipment that contains an aquatic invasive species in the Whiting Harbor area. The area covers approximately 1 acre of land and would be used by the State and its contractors and partners in an effort to remove and/or limit the potential spread of the *D. vex* (sea squirt) from Whiting Harbor before it spreads from the harbor and contaminates the whole Sitka Sound area. The old oyster farm floating docks, buildings, and associated equipment is beginning to break up due to major storm action. The proposal is to remove the infrastructure from the water using boats, a landing craft, and fork lift (or similar type equipment). The area used would be the float plane launch and the area of the causeway that is adjacent to the launch and the airport. The activities authorized would be the removal and storage of the oyster farm infrastructure and other contaminated items. The removed items would be stored on the causeway until it could be properly removed and transported to an appropriate landfill (*D. vex* dies when it is exposed to the air and dries out). The immediate action to remove those pieces of equipment contaminated with *D. vex* most likely to breakup, float into the Sitka Sound and spread the *D. vex* would begin in November 2011. Due to limit funding the total cleanup is anticipated to take several years and the permit would be issued for up to three (3) years to allow for the time needed to facilitate as through of cleanup as possible. The permit would allow the permittee to move some of the boulders on the site so the work could be more safely done. On completion of the project any boulders moved would be returned, as close as possible, to their original position. The land use permit would expire November 30, 2014.

Applicant (if any): State of Alaska Department of Fish and Game

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

1. Land Use Plan Name: Ring of Fire Resource Management Plan, Approved: March 2008.

2. The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions: Lands and Realty, I-1: Goal No. 2 states “Provide a balance between land use (Right-of-Way, permits, leases and sales) and resource protection which best serves the public at large.”

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 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. Lands with Wilderness Characteristics

The proposed action has been reviewed for affect on lands with the following Wilderness Characteristics. The lands do not contain the wilderness characteristics listed below:

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 lands do not contain the above Wilderness Characteristics so the proposed action would have no permanent effect on lands with wilderness characteristics.

F. 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: /s/ Matt Varner, Acting

Date: 11/16/2011