



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

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Determination of NEPA Adequacy North End Borrow Pit, Port of Anchorage Expansion project

Applicant: *ICRC Program and Project Management, for U.S. Department of Transportation,
Maritime Administration*

Case File No: AA-86338
DOI-BLM-AK-A010-2012-0007-DNA



Location:

**Seward Meridian, Alaska,
T. 14 N., R. 3 W.,
sec. 27, and
sec. 34 (within).**

**Prepared By:
Anchorage Field Office
December 7, 2011**

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Office: Anchorage Field Office

Environmental Document No: DOI-BLM-AK-A010-2012-0007-DNA

Lease/Serial Case File No: Abstract AA-086338

A) Proposed Action Title/Type:

Mineral Materials Free Use permit renewal under 43 CFR Subpart 3604. Permit would provide an economically viable source of fill material with minimal impacts for the Anchorage Marine Terminal Redevelopment Project while reducing the surface elevation of a hill which is a safety hazard for users of the North/South runway on Joint Base Elmendorf-Richardson (JBER).

Location/Legal Description:

Project area is located immediately north of the JBER north/south runway and 4.75 miles northeast of the Port of Anchorage. The legal description is: Seward Meridian, Township 14 North, Range 3 West, Sections 27, and 34 (within).

Applicant (if any):

ICRC Program and Project Management, for the U.S. Department of Transportation, Maritime Administration.

Description of the proposed action and any applicable mitigation measures

Applicant is seeking to renew an existing contract, granted in 2006, allowing for removal of 9.5 million bank cubic yards (bcy) of mineral materials from the North End Pit on JBER, AK.

B) Land Use Plan (LUP) conformance:

Ring of Fire Resource Management Plan, dated March, 2008.

C) Identify applicable NEPA documents and other related documents that cover the Proposed Action.

North End Runway Material Extraction and Transport Environmental Assessment Final, AK-040-06-EA-013.

D) NEPA Adequacy Criteria

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The proposed action is identical to those analyzed in the NEPA documents and will take place on the same lands. The renewal would be confined within the original allotted 255 acre area and limited to the 9.5 million bank cubic yards specified. There would be no new surface disturbance outside that area.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, and resource values?**

The range of alternatives analyzed in NEPA documents is appropriate with respect to the current proposed action and current environmental concerns.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

There have been no changes in resource conditions within the affected area. There have been no changes of resource-related plans, policies, or programs by State or local government, Indian Tribes, or other Federal agencies that address the affected area.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

The methodology and analytical approach used in the existing NEPA documents is appropriate for the current proposed action. Direct and indirect effects were analyzed for cultural, T&E, subsistence, air quality, noise, water resources, geology and soil, vegetation, habitats, and wildlife. Cumulative effects of the proposed action were also analyzed in the 2006 EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

The direct and indirect impacts of the proposed action are substantially unchanged from those identified in the existing NEPA documents. A new environmental analysis of the impacts of the proposed action would result in the same conclusions drawn by the existing NEPA documents. The existing NEPA documents address the critical elements and sufficiently analyze site-specific impacts of the proposed action.

6. Are the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?

The cumulative impacts that would result from implementation of the current proposed actions are the same as those analyzed in the existing NEPA documents. These include: extraction of the remaining portion of the 9.5 million bank cubic yards of material, removal of existing wetlands, and use of various non-renewable petroleum products for various vehicles and loading equipment.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

The public involvement and interagency review associated with prior NEPA analysis is adequate for the current proposed action. Tribal entities identified as being potentially interested in excavation activity were sent information and invited to comment. The State Historic Preservation Office (SHPO) was contacted for information regarding potential historic properties north of the runway and along the road alignment. Other applicable resource agencies were sent information regarding the Proposed Action. Because the original area of disturbance and permitted yardage are unchanged from the original EA, additional public involvement and interagency review are not necessary.

E) Interdisciplinary Analysis:

The following individuals of the Anchorage Field Office and their disciplines were consulted in the analysis of the proposed action:

Jenny Blanchard (Archeologist) - Cultural, Historic, Paleontological
Bruce Seppi (Wildlife Biologist) - Wildlife, T&E, Riparian
Rob Ellefson (State Mineral Materials Lead)

F) Stipulations/Mitigation Measures:

The attached stipulations and/or mitigation measures are expected to prevent and/or minimize short and long-term impacts noted in the Environmental Consequences Sections of the existing EA. Additional stipulations related to invasive vegetation, not found in the original EA, has been added to reflect new BLM invasive species direction and policy.

North End Borrow Site Stipulations

1. An Annual Reclamation Plan must be submitted sixty (60) days prior to beginning reclamation of unneeded areas of the pit. The annual plan must be approved by the Authorized Officer before any actions are undertaken. At a minimum, the annual reclamation plan must contain:
 - a) Map or aerial photo of the proposed area to be reclaimed.
 - b) Statement of the proposed manner and time when the reclamation will be completed.
 - c) Specifications on the amount of fertilizer and seed mixtures to be used when reclaiming the disturbed portions of this site.
 - d) Permittee must implement a non-native invasive plant mitigation, monitoring and management strategy to prevent the introduction and/or spread of non-native invasive species by implementing the following:
 - e) Prevention: All vehicles, transport equipment used in access, construction, maintenance and operations of project must be thoroughly cleaned prior to moving equipment and gear across or onto BLM managed lands. High-pressure washing equipment and gear to remove material that can contain weed seeds or other propagates will help to insure equipment is weed and weed seed free. All parts of drilling equipment and associated gear, including but not limited to the insides of bumpers, wheel wells, undercarriages, belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential propagules, seeds, and soil carrying vegetative material. All gear, tool bags and accessories must be free of all plant debris, mud, and materials which can be the source of non-native invasive plants and pathogens.
 - f) Monitoring: Proponent must conduct early detection rapid response monitoring on BLM managed land permitted for use and occupancy. This involves a minimum of one site visit annually during the growing season (preferably July) to look for the occurrence of non-native invasive plants. Existing and known species invasions can be found at the University of Alaska Exotic Plant Information Clearinghouse website (<http://aknhp.uaa.alaska.edu/botany/akepic/>). All known occurrences are to be managed in accordance with the BLM Alaska Policy, and implement early detection rapid response. Early detection rapid response efforts are designed to detect new invasive plants in time to allow efficient assessments to be made; and respond to invasions in an effective, environmentally sound manner that will prevent the spread and permanent establishment of invasive species. EDRR is achieved by visual observation of the ground in the area of concern looking for suspected plant species and taking prompt action to remove the infestation, typically by hand pulling into containment bag and properly disposing. Not all species respond favorably to hand pulling, but the majority does. Repeated visits to infested sites within a single growing season may be

Case File No: AA-86338
DOI-BLM-AK-A010-2012-0007-DNA

necessary, before plants produce seeds. The objective is to remove the seed bank and thus potential for increased spread.

- g) Site reclamation: 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.
 - h) All revegetation and stabilization efforts must use native and/or certified weed free products. Certified weed-free mulch, hay or straw is required. Sources for weed free products can be obtained from the Plant Materials Center: 907-745-4469.
 - i) Revegetation Guidance can be found at:
http://www.dnr.state.ak/ag/pmcweb/PMC_reveg
2. The Authorized Officer will provide a Notice to Proceed when the annual reclamation plan has been approved. The approved annual plan will then become part of the approved permit.
 3. The permittee must allow BLM personnel access to the site at any reasonable time to conduct field inspections for permit and regulatory compliance. The permittee must make a qualified individual available during field inspections if requested by the BLM.
 4. No work shall take place outside the permitted area without the prior approval of the Authorized Officer.
 5. All surface water flow shall be diverted around the excavated pit to protect the water quality of the area.
 6. The sides of the active work pit shall be sloped to prevent erosion and provide for the safety of humans and animals.
 7. The pit floor shall be sloped to prevent erosion of the pit floor, the creation of ponds or degradation of the water quality of adjacent streams.
 8. 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 shall be immediately reported to the authorized officer. Permittee shall 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 permittee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the permittee.

Case File No: AA-86338
DOI-BLM-AK-A010-2012-0007-DNA

9. Pursuant to 43 CFR 10.4(g), the permittee of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
10. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall 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 shall obtain from 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 shall be approved in writing by the authorized officer prior to such use.
11. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the site shall be allowed under this permit.
12. The permittee shall 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.
13. The permittee shall 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 shall 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 right-of-way or on facilities authorized under this right-of-way grant. (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 shall 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 of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
14. The permittee of this authorization or the permittee's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations issued by the Secretary of Interior.
15. The permittee shall comply with all State, Federal, and local permits and requirements, including requirements imposed by the U.S. Air Force relating to the project site.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Matthew S. Varner

December 16, 2011

Matthew S. Varner
Anchorage Field Manager, Acting

Date