

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

**Anchorage Field Office
4700 BLM Road
Anchorage, AK 99507
Phone: (907)267-1246
Fax: (907)267-1267**

DECISION RECORD

**North End Borrow Pit, Port of Anchorage Expansion project
DOI-BLM-AK-A010-2012-0007-DNA
Case File No: AA-086338**

DECISION TO IMPLEMENT THE PROPOSED ACTION ALTERNATIVE:

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 determination of NEPA adequacy (DNA), authorizing the renewal of a Free Use permit for approximately 9,500,000 cubic yards of mineral materials from subsurface public lands within Township 14 North, Range 3 West, section 27 and 34 of the Seward Meridian, Alaska (see attached maps).

The use authorized is the removal of gravel to be used for construction of the Port of Anchorage Expansion Project. The permit is issued under the authority of Section 302(b) of the Federal Land Policy and Management Act of 1976 (43 USC 1732) and the Materials Act of 1947 (61 Stat. 681). The permit renewal shall be subject to the stipulations on the permit as well as the regulations contained in 43 CFR 3601, 3602 and 3620.

The permit renewal will expire on December 31, 2021.

RATIONALE FOR THE DECISION:

I have reviewed the determination of NEPA adequacy and have determined that the proposed project does not result in any undue or unnecessary environmental degradation to the public land. It is in conformance with the Ring of Fire Resource Management Plan, March 2008. The potential environmental impacts of this project were analyzed in the following documents:

1. PORT INTERMODAL EXPANSION PROJECT, Marine Terminal Redevelopment Environmental Assessment, Final, March 2005;
2. North End Runway Material Extraction and Transport Environmental Assessment, Final, May, 2006, Anchorage Port Expansion Team.

The Anchorage Field Office staff reviewed the Determination of NEPA Adequacy North End Borrow Pit, Port of Anchorage Expansion project. Staff comments were submitted and fully integrated into the final document. The North End Runway Material Extraction and Transport Environmental Assessment, Final document meets the requirements of the BLM and Chapter III, section 3.E.2 and E.5 of the NEPA Handbook H-1790-1. The BLM incorporates this environmental assessment by reference. The mitigating measures that were identified and developed in these documents have led to the development of our stipulations which are incorporated in the free use permit authorization.

The submitted North End Borrow Pit Development, Operations Plan and Reclamation Plan is approved and is made a part of the permit.

FINDING OF NO SIGNIFICANT IMPACT(FONSI):

Based on the analysis of potential environmental impacts contained in the original environmental assessment, I have determined that the impacts are not expected to be significant.

ANILCA SECTION 810 COMPLIANCE:

The decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

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.

COMPLIANCE AND MONITORING PLAN:

Compliance and monitoring shall be in conformance with regulations found in 43 CFR 3600, Mineral Materials Disposal.

/s/ Matthew S. Varner

December 16, 2011

Matthew S. Varner
Field Manager

Date

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 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.
 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.