BUREAU OF LAND MANAGEMENT
Central Yukon Field Office
1150 University Avenue
Fairbanks, Alaska 99709-3844
http://www.blm.gov/ak

In Reply Refer To:
FF-093007

CATEGORICAL EXCLUSION /PLAN CONFORMANCE DOCUMENTATION AND DECISION FOR AKDOT&PF MINERAL MATERIAL PIT RENEWAL

FF093007 (362000)

DOI-BLM-AK-03000-2012-0041-CX

Proposed Action:	Approve the continued mining and use of the mineral material pit at MP 145 of the Dalton Highway.
Date of Proposed Action:	August 2012 through December 2022
Location:	Dalton Highway Mile Post 145 T.24N., R.14W., Sec. 23, Fairbanks Meridian
Applicant:	Alaska Department of Transportation and Public Facilities (ADOT&PF)
Serial Number:	FF093007

Description of Proposed Action:
The Alaska Department of Transportation and Public Facilities (ADOT&PF) has submitted a request to reauthorize the existing mineral material site at Dalton Highway mile post 145, to conduct road maintenance projects along the Dalton Highway for the next 10 years. The previously approved ADOT&PF mineral material pit encompassed about 200 acres south of the Dalton Highway. ADOT&PF proposes to stay within this previously approved permit boundary. This material site is a joint use with Alyeska. Figures 2 and 3 show the previously approved pit boundary according to the Master Title Plat.

Access to the mineral material site would be from the Dalton Highway, along the existing access road.

Equipment to be used at the mineral material site is best described as standard excavating equipment. This includes bulldozers, front end loaders, excavators, dump trucks (side or belly dump), crushing and screening equipment, and support equipment for maintenance and refueling.

There may also be a processing or sorting plant on site to sort the usable material from the waste material.

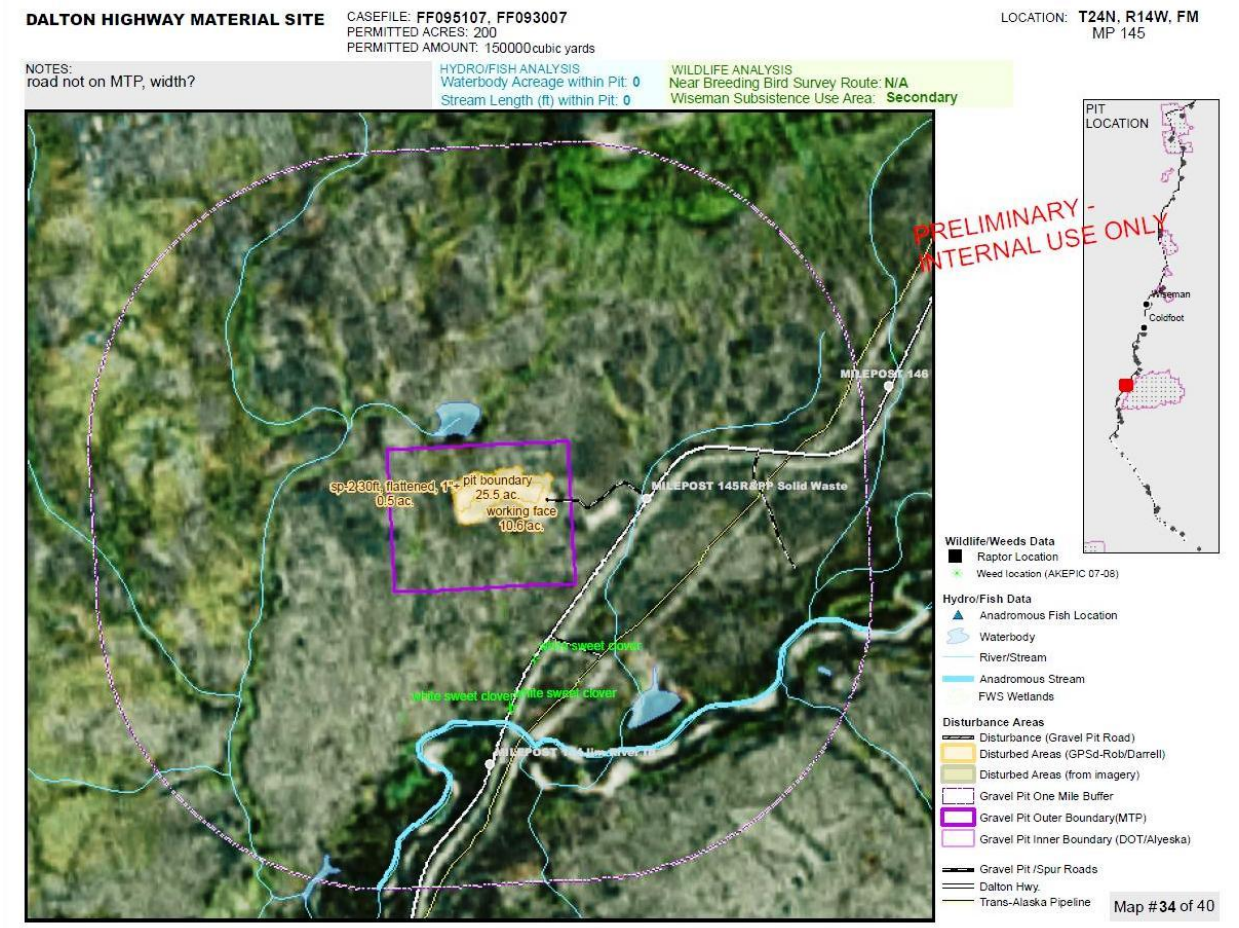

Figure 1: Orthophoto of the ADOT&PF pit as previously permitted and a general location map.

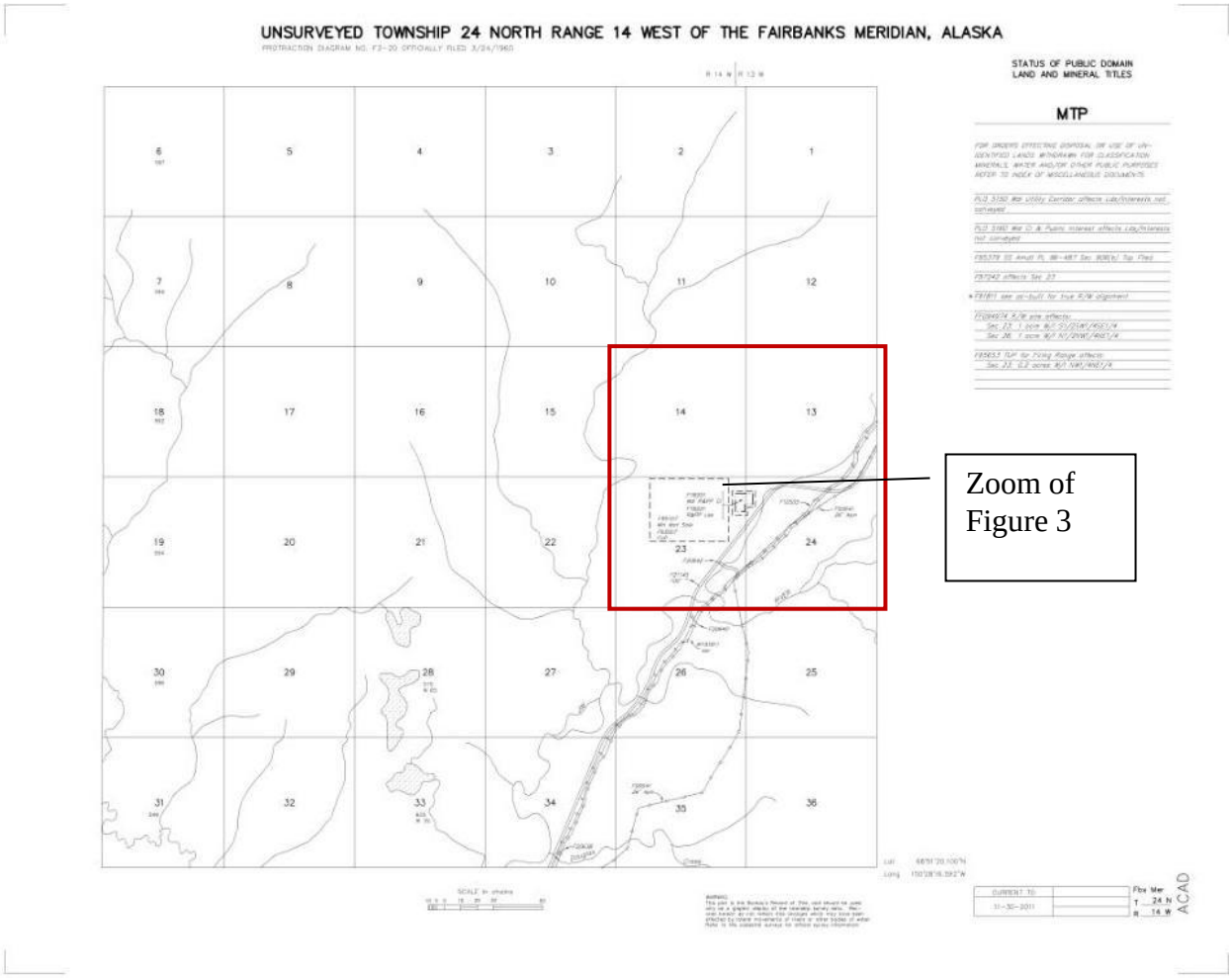

Figure 2: MTP of the project area.

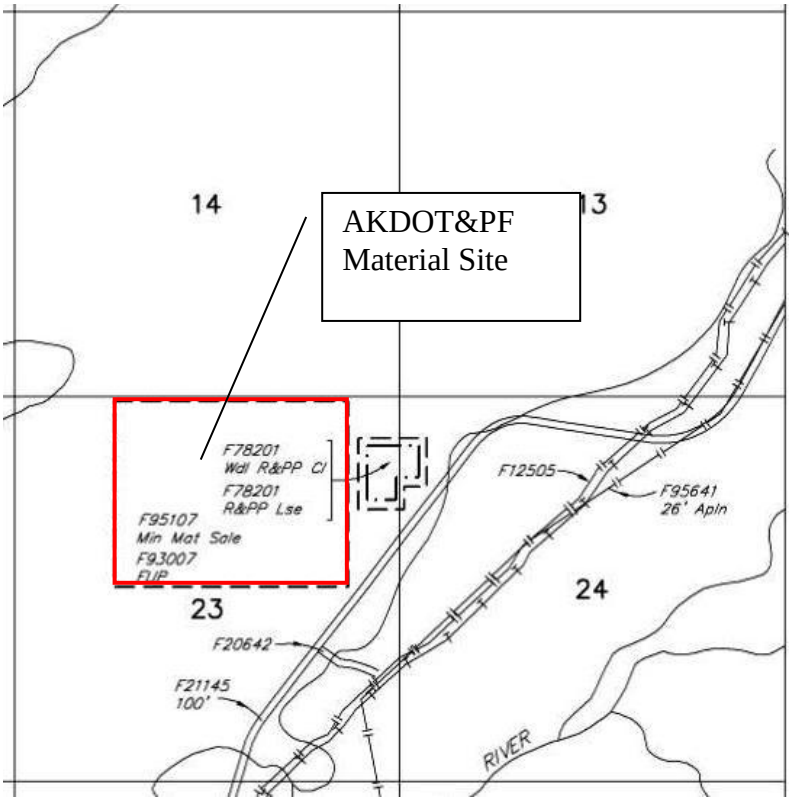

Figure 3: MTP zoom of material site previously approved boundaries

Operations will likely be conducted 12-24 hours a day during the mining at the material site. The noise and dust will probably not be noticeable along the Dalton Highway. Since the material is being removed is not bedrock, it will not need to be blasted to be made usable.

The mineral material site will be authorized for use by ADOT&PF for 150,000 cubic yards over the life of the permit and as part of the permit they will be allowed to mine pit run material for incidental use on minor projects up to 5,000 cubic yards per year without any further National Environmental Policy Act (NEPA) review. When ADOT&PF prepares to go out for bid to conduct major mining operations, they will be required to submit for approval and possible NEPA analysis the mining plan submitted by their selected contractor. Mining will not start until the contractors mining plan is reviewed and approved by the BLM. The following is from ADOT&PF and is the material that they require from their contractors, prior to hiring them to mine the material sites:

ADOTPF General Information

These general development guidelines apply to Alaska Department of Transportation and Public Facilities (ADOT&PF) material sites, and are incorporated into its material sale contracts, agreements, and free use permits with State, Federal and private land owner agencies. These guidelines may be modified when sufficient information is available for development of site-specific mining and reclamation guidelines. These guidelines are subject to any site specific and/or project specific conditions and stipulations required by specific sales contracts, use agreements, and project permits.

ADOT&PF geotechnical reports and material site information are located at the Alaska Department of Transportation and Public Facilities office at 2301 Peger Road, Fairbanks, Alaska 99709.

Cell Development
Develop material sites in cells. Cell development is intended to facilitate systematic extraction of materials; put materials to highest and best use; and reclaim areas concurrent with development, thereby avoiding large un-reclaimed areas. Cells will generally be 5 acres and developed sequentially. However, as noted below, the presence of frozen ground within a site requiring natural thawing of material may result in multiple cells under development at a given time.

Buffers
Buffers are generally provided within material site boundaries to provide a barrier between mining activity and adjacent land uses. Buffer widths vary. Other than disturbance required to create access to the mining area, manage activities to eliminate disturbance within buffers. Mining and overburden storage areas, work pads, stockpile locations or other developments will not be located within buffers.

Access Roads, Work Pads and Facilities
Locate access roads to provide sight distances on approached roadways that are equal or greater than minimum stopping sight distances calculated from signed traffic speeds and local road grades.

Access to the material site and a work pad will remain at the end of individual projects for future use for crushing, screening and stockpiling material. When possible, this work pad will be at least 5 acres. Once the entire material site is depleted, the work pad and access road will be reclaimed and the pit closed out.

Remove all facilities and equipment after use. Garbage, trash or other items (e.g. guardrail, concrete, etc.) will not be disposed of within the site.

Mining Method
Mining and processing method selection is at the discretion of the contractor or user. Contractors or users are responsible for visiting and inspecting the site, and reviewing available site information prior to equipment or mining method selection, and development of a Project Mining and Reclamation Plan specific to each Department project.

Sites with unconsolidated deposits
Generally, these sites contain unconsolidated deposits of silt, sand and gravel. Standard excavation techniques are generally adequate for development and mining. Depending on contractor or user preference and project timing blasting, excavation equipment, or natural thawing may be employed to loosen frozen material. If a contractor or user elects to use natural thawing, multiple cells may be stripped and excavated concurrently.

Mining
Mining will take place following the same basic principals for each cell:

1. Survey and mark material site and buffer boundaries in the area to be mined prior to breaking ground.
2. Windrow or stockpile surface vegetation and organic soils for use in reclamation adjacent to the buffers, as shown in the attached maps.
3. Windrow or stockpile overburden adjacent to the vegetation and organic soils, or preferably use directly for reclamation of previously mined areas.
4. Minimize stockpiling overburden where it will need moving during future stripping.
5. Conserve material for future mining by not placing overburden stockpiles on top of material that can be mined in the future.
6. Conduct mining activities to put materials to their highest and best use.
7. The side slopes of the active pit should not be steeper than 1: 1 so stockpiled berms do not fall or slough into the active pit.
8. All mining and stockpiling activities shall be in accordance with applicable Construction General Permits (CGP) and Storm Water Pollution Prevention Plans (SWPPP).

Figure 4 illustrate these elements.

Reclamation

The reclamation plan has several general objectives:
1. Not to disturb previously reclaimed areas.
2. To merge with previous reclamation and surrounding topography.
3. To prevent erosion and sediment transport to surrounding, undisturbed areas.
4. To allow reestablishment of native vegetation, and development of wildlife habitat.
5. To leave the site in a safe condition that does not endanger people or wildlife.
6. Not to preclude or unduly hinder future development of un-mined areas.
7. All reclamation activities will be in accordance with applicable CGP and SWPPP.

Reclaim cells as soon as practical after depletion. Also perform concurrent reclamation of disturbed areas to the extent possible as part of the active project. Reclamation activities will include:
1. Reclaim slopes along the material site boundaries, or where future development is not anticipated.
2. Grade slopes above the water table to 3(H): 1(V), or flatter.
3. Grade slopes within 30 feet of the shore in areas that are either underwater or expected to be underwater, to provide shallow water habitat, with water depth less than three feet.
4. Spread available organic soils over re-graded side slopes. Spread available vegetative material over the organic soils to aid reestablishment of native species.
5. Contact agencies to determine site-specific seeding and fertilizer requirements.
6. Grade the pit floor or pad to a flat or gently sloping shape, and remove all equipment and non-native debris and waste. Grade slopes above the water table and adjacent to areas of future production to 1(H):1(V) or flatter. Overburden or organic material need not be re-spread on these slopes.
7. Reclaim the active work area and remove or reclaim access roads once the site is depleted.
8. Where not covered by the above items, or typical sections, final contouring and grading pond margins will occur in accordance with the appropriate sections of the State of Alaska Department of Fish and Game Technical Report 93-9, North Slope Gravel Pit Performance Guidelines.

Project Mining and Reclamation Plan
Prior to use of the site for any project, the contractor or user shall submit a detailed Project Mining and Reclamation Plan, in accordance with A.S. 27.19, 11 AAC 97 and the project contract documents for approval by both the land owner agency and ADOT&PF. The Project Mining and Reclamation Plan, by sketch map and narrative describes the proposed method of operation and must comply with the conditions outlined above. After approval of this plan, it will be followed by the contractor or user and if applicable, the ADOT&PF Project Engineer. Revisions to the plan require approval of the ADOT&PF and, if applicable, the regulatory agencies having jurisdiction.

In general, all data should be shown graphically unless it can be better described in the accompanying narrative. Section and profile drawings should be used as appropriate. Project Mining and Reclamation Plans should contain the following as appropriate:

Sketch Maps
Sketch maps shall have a scale sufficient for clarity under field conditions and should not be overly complex or inflexible. Items to be shown on sketch maps, when appropriate, shall include:
1. *Site boundary (including monumentation and demarcation);*
2. *Existing access route;*
3. *Proposed working limits to be marked on the ground;*
4. *Development stages;*
5. *Approximate contours before and after excavation;*
6. *High and low water lines;*
7. *Vegetation lines and type of vegetation, screens and dimensions;*
8. *Material stockpiling areas;*
9. *Overburden and reject stockpiling areas;*
10. *Other planned features, such as port-a-potties, offices, processing plants, temporary housing, well(s), weigh scales, explosive storage facilities, etc;*
11. *Final slope ratios and site drainage measures including grade and, when appropriate, day-lighting ditches or stream diversions;*
12. *Scale of drawing, North arrow, and specific dimensions as appropriate.*

Narrative
The mining and reclamation plan narrative may be made part of the sketch map or may be attached to the sketch map as conditions allow. Items to be addressed in the narrative shall include:
1. *Methods of operation;*
2. *Length and times of operation (day, month, year, and working hours);*
3. *Air and water pollution control measures;*
4. *Rehabilitation measures.*
5. *Blasting plan if applicable, detailing explosive and detonation types, onsite storage and duration of blasting.*

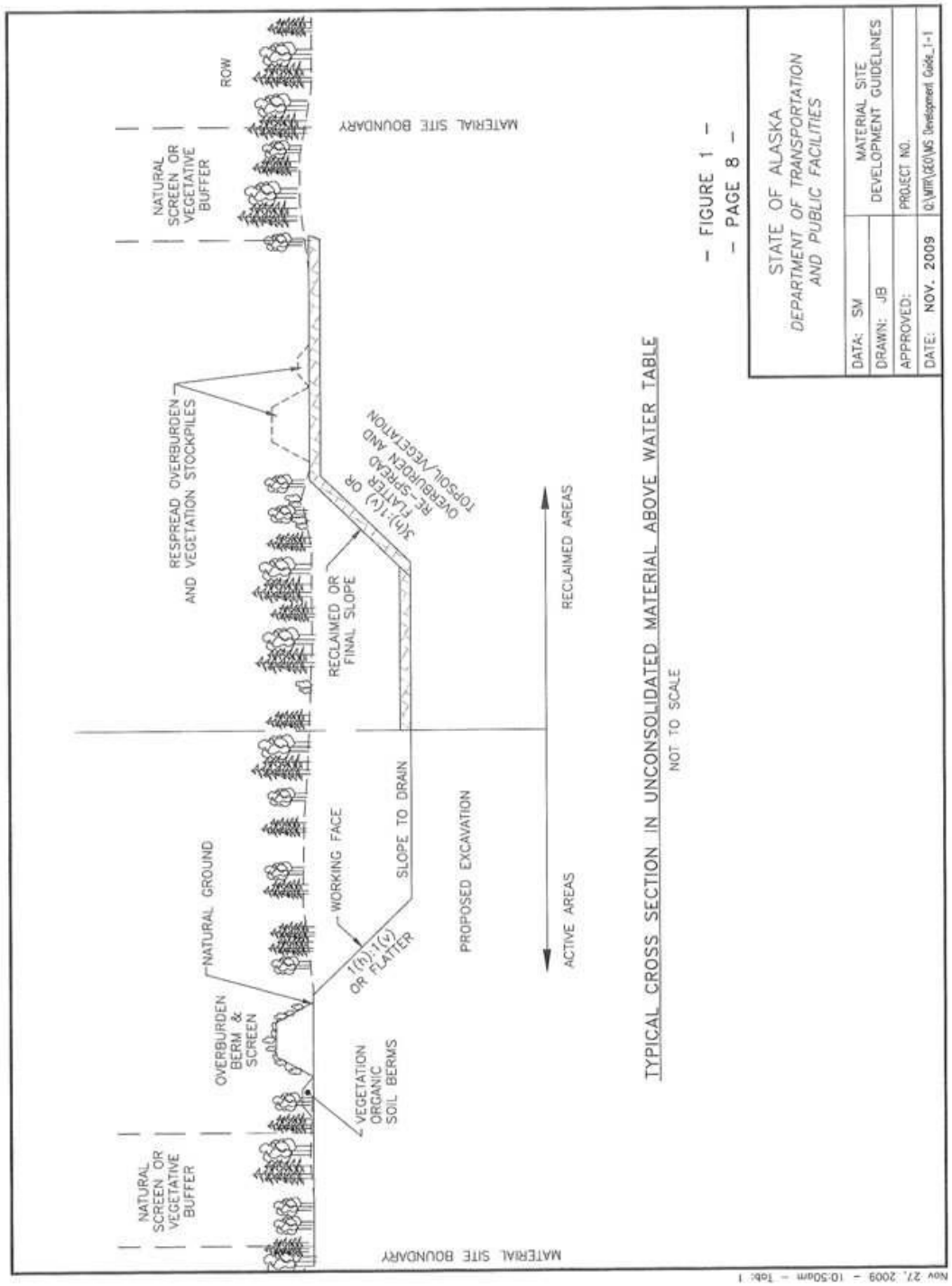

Figure 4: ADOT&PF typical cross section for mining unconsolidated material.

Land Use Plan Conformance

Land Use Plan Name: Utility Corridor Resource Management Plan
Date Approved/Amended: January 11, 1991

The proposed action falls within the Utility Corridor Resource Management Plan prepared by BLM. Mineral material extraction is addressed specifically on Pg. 2-108 of the Utility Corridor RMP, "Mineral material (gravel) sales would be allowed throughout the planning area with certain safeguards for specific areas (e.g., within the Jim River and Prospect Creek floodplains and the Ivishak River ACEC)."

Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (E9), which states, "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215and listed below. Any "yes" finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

EXTRAORDINARY CIRCUMSTANCES

	YES	NO
1) May have significant impacts on public health or safety.		X
2) May 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.		X
3) May have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4) May have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5) Might establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6) May have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7) May 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.		X
8) May 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.		X
9) Might violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X
10) May have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X
11) Might 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).		X
12) Could contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the 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).		X

Recommendation

I have found that the Proposed Action is compatible with the Utility Corridor Resource Management Plan, and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 DM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that an Environmental Assessment or Environmental Impact Statement is not needed.

Concurrence

I concur that the above action is in conformance with the Utility Corridor Resource Management Plan, does not meet any of the extraordinary circumstances, and qualifies as a Categorical Exclusion.

_/S/ Tim Hammond (for)_____ _10/24/2012_____
Shelly Jacobson Date
Field Manager
Central Yukon Field Office

Contact Person
For additional information concerning this CX review, contact Darrel VandeWeg, Geologist, Central Yukon Field Office, at 907-474-2325.

Decision for Categorical Exclusion DOI-BLM-AK-03000-2012-0041-CX
for ADOT&PF Mineral Material Pit Renewal

Decision

It is my decision to approve the continued operation of a mineral material site located near mile post 145 of the Dalton Highway (T.24N., R.14W., Fairbanks Meridian, Section 23) described as the proposed action in categorical exclusion DOI-BLM-AK-03000-2012-0041-CX. A mineral material free use permit will be issued to the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF) for a period of 10 years in accordance with the regulations found in 43 CFR 3600 and pursuant to Title 3 of the Federal Land Policy and Management Act of 1976. The permit will be renewable.

Stipulations

The following stipulations will apply to this action:

Site-Specific Stipulations for Free Use Application and Permit for Mineral Material Permit # FF-93007:

1. The permittee/contractor will submit a detailed mining plan to BLM at least 30 days prior to start up for review and approval. The plan will include:
   - A map showing pit boundary, working face, stock piles, access to the pit
   - A detailed description of how the gravel will be extracted
   - Cross-section sketch of the current pit
   - Method(s) for mining that will not cause unnecessary and undue degradation of the gravel resource (best mining practices)
   - The types and number of equipment to be used on the project
   - Location of fuel storage on site (types of fuel tanks, fueling equipment, and quantity of fuel to be stored on site)
   - Equipment fueling plans (how fueling will be accomplished, where equipment will be fueled, and fuel spill plans)
   - Location of crew lodging facilities, if located on BLM land
   - Location of other construction material stored on site
   - Plans for human and solid waste disposal

2. Surface water flow will be diverted around the excavated pit to protect the water quality of the area.

3. The contractor/permittee will not conduct any ground-disturbing activities in areas where the BLM has identified federally listed sensitive plants occurring.

4. Maintain a 100 foot buffer along any creeks that flow through the pit. Maintain a 50-foot-wide buffer along the remaining site perimeter. Buffers will remain undisturbed.

5. Overburden and vegetation will be stockpiled separately on the perimeter of pit, adjacent to the 50 foot buffer. Storage of these materials will be in a manner that minimizes loss through erosion and allows for use in reclamation.

6. Unused and unneeded areas within the permitted area will be reclaimed prior to opening new areas within the same permitted area.

7. BLM staff will provide input to the permittee/contractor's mining and reclamation plan(s), when received 30 days in advance, in an effort to speed soil and vegetative recovery.

8. If the permittee/contractor chooses to have their employees camp on BLM land, a permit will be needed for camping. A permit request must be submitted to the BLM no less then 90 days prior to the start of work to allow for the time needed to process the camping permit.

9. The permittee/contractor shall prominently mark the work area boundary.

10. The permittee/contractor shall not expand or work outside of the area permitted under this authorization.

11. Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. The Antiquities Act (1906), Archaeological Resources Protection Act (1979), Federal Land Policy and Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 USC 470; 16 USC 432; 43 U.S. 1733(a); 18 U.S.C. 1361; 18 U.S.C. 641; 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the permitted activity, the permittee should avoid impacting such materials, and immediately notify the authorized officer.

12. The permittee/contractor shall pay all the costs, as determined by the BLM archeologist, associated with the evaluation and mitigation of the paleontologic and cultural resources.

13. The permittee/contractor shall slope the side of the active work pit to prevent erosion and provide for the safety of humans and animals.

14. The permittee/contractor slope the pit floor to prevent erosion or create ponds to prevent the degradation of the water quality of adjacent streams.

15. The BLM and the permittee/contractor will develop the amount of fertilizer and seeding mixtures to be used when reclaiming the disturbed areas of this site as determined necessary at the time of pit closure.

16. A site Spill Prevention Control and Countermeasure Plan (SPCC) shall be written for the site if the amount of petroleum products stored or potential to store exceeds 1,320 gallons. The plan will be submitted to the Authorized Officer Representative (Darrel VandeWeg) for review and approval prior to storage of petroleum products greater than 1,320 gallons.

17. Transportation and storage of petroleum, oil and lubricants (POLs) shall be handled in a manner to ensure the products minimize the effects to the environment and human health. Gasoline, diesel, oils, greases and hydraulic fluids are a few of the most common POLs. All containers that are transferred to remote locations for everyday operations are to be stored within a containment area which has been constructed to contain 110% of the volume of the largest container. The containment area should be lined with an impermeable liner which is free of cracks or gaps and sufficiently impervious to contain leaks or spills. The containers shall be covered to eliminate the collection of rainwater within the containment area throughout the storage period.

18. Transfer of POLs to equipment shall be completed in a secure manner to minimize the possibility of contamination to the surrounding environment. At a minimum POL type absorbent pads shall be placed under the location to catch overflow or assist the operator in containing a spill, if one occurs. Fuel storage within 100 feet of a water body should be avoided where possible. If a refueling site is within 100 feet of a water body the holder shall exercise caution to ensure no release of POLs. Equipment that has been identified as having a fluid leak should have a drip basin under the leak area to ensure no release to the surrounding environment.

19. All hazardous materials storage containers must be labeled with the following information: Permittee's/contractor's name, contents of the container (name of the product that you put in the container, if not in the original container from the manufacturer), date the product was purchased/put in the container. (e.g. Northern Guides, Diesel Fuel, 2009)

20. Equipment repair by the permittee/contractor is allowed on the basis of the necessity to operate equipment on the site located within this permit. Equipment repair that has the potential to release fluids should be completed over an impermeable liner to ensure fluid migration to the environment does not occur.

21. All spills shall be contained and cleaned up as soon as the release has been identified. The release of POLs to any water body is to be reported to the Alaska Department of Environmental Conservation (ADEC) as soon as the person has knowledge of the release (in Fairbanks 457-2121 or 1-800-478-9300 outside normal business hours). Within 48 hours of a spill on public lands the permittee/contractor shall contact the Authorized Officer Representative, Darrel VandeWeg (907-474-2325) or Rebecca Hile (907-474-2371)

22. Attracting wildlife to food and garbage is prohibited. The permittee/contractor shall keep garbage or other wildlife attractants secured while awaiting their use or incineration. Specifically, it is recommend that they use bear-proof containers, elevated caches or, where possible, suspend attractants from a tree or structure 10 feet up in the air and 12 feet away from the tree if attractants are stored on site.

23. Wildlife will not be harassed by the permittee/contractor, any of their employees or contractors.

24. Under the Migratory Bird Treaty Act (MBTA) it is illegal for anyone to "take" migratory birds, their nests, or their eggs. Destruction of active bird nests, eggs, or nestlings that

can result from spring and summer vegetation clearing, grubbing, and other site preparation and construction activities would violate the MTBA. The recommended time frame for avoiding vegetation clearing is in Interior Alaska is May 1-July15.

25. Burial of garbage on public lands is not authorized. All solid waste (garbage), including incinerated ash shall be removed by the permittee/contractor from public lands and disposed of in an Alaska Department of Environmental Conservation (ADEC) approved waste disposal facility, unless otherwise specified. Solid waste combustibles may be incinerated in a contained and controlled manner.

26. Areas of operation shall be kept in a neat and sanitary condition at all times. Specific written instructions will be provided by the authorized officer's representative should it be required.

27. The permittee/contractor will follow the best management practices for dust abatement to keep dust at an acceptable level.

28. The permittee/contractor is responsible for familiarizing him/herself and affiliates with the identification of invasive plant species that may occur in the area, particularly the ones listed in this document. The permittee/contractor will promptly report to the BLM, the location and extent any invasive plant infestations observed at, or near, the permitted mineral site.

29. The federal government shall not be held responsible for protection of the permittee/contractors structures or their personal property from wildfire. The permittee/contractors will be held financially responsible for any actions or activity that results in a wildfire. Costs associated with wildfire include but are not limited to; Damage to natural resources and costs associated with suppression action taken on the fire.

30. Permittee/contractor will meet with BLM staff for a clear understanding of what the visual resource management objectives are prior to start of project.

    a. Best Management Practices (i.e. graveling, watering) will be used to reduce fugitive dust along access roads during mining and hauling.

    b. In consultation with BLM, any perennially flooded areas of the pit floor will be reclaimed to create wetland habitat as described in the North Slope Gravel Pit Performance Guidelines (Alaska Department of Fish & Game Technical Report No. 93-9) booklet under the section: Non-floodplain Material Sites.

    c. In an effort to lessen visual impacts, heavy equipment used in association with the material extraction operations will be well hidden from view during the life of the material extraction project.

31. Permittee/contractor meet with BLM Staff at the end of the life cycle of the material extraction project prior to final reclamation to define final configuration of the material extraction site.

Rationale

1. Renew the existing mineral material pit is needed for this area.
2. The material needed from this mineral material pit will be used for a large ADOT&PF project and continued maintenance of the Dalton Highway.
3. There are no anticipated impacts to cultural resources. See attachment # 1.
4. The Proposed Action will not significantly restrict subsistence uses. See attachment # 2.
5. The Proposed Action will not significantly restrict Essential Fish Habitat. See attachment # 3.

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals ,in accordance with 43 CFR Part 4 and DOI Form 1842-1. The notice of appeal must be filed in the Bureau of Land Management Central Yukon Field Office (at the above address) within 30 days from receipt of this decision.

/S/ Tim Hammond (for) 10/24/2012

Shelly Jacobson, Manager Date
Central Yukon Field Office

Contact Person

For additional information concerning this CX review and decision, contact Darrel VandeWeg, Geologist, Central Yukon Field Office, at 907-474-2325.

Attachment # 1

Fairbanks District Office, Bureau of Land Management

ASSESSMENT OF ARCHAEOLOGICAL AND HISTORIC RESOURCES

Serial Number	FF093007
NEPA Number	DOI-BLM-AK-03000-2012-0041-CX
Applicant	Alaska Department of Transportation and Public Facilities
Quadrangle	Bettles
Date	9/25/12

Location:
Dalton Highway Mile Post 145, T.24N., R.14W., Sec. 23, Fairbanks Meridian

Description of Proposed Action:
The Alaska Department of Transportation and Public Facilities (ADOT&PF) has submitted a request to reauthorize the existing mineral material site at Dalton Highway mile post 145, to conduct road maintenance projects along the Dalton Highway for the next 10 years. The previously approved ADOT&PF mineral material pit encompassed about 200 acres south of the Dalton Highway. ADOT&PF proposes to stay within this previously approved permit boundary. This material site is a joint use with Alyeska. Figures 2 and 3 show the previously approved pit boundary according to the Master Title Plat.

Access to the mineral material site would be from the Dalton Highway, along the existing access road.

Equipment to be used at the mineral material site is best described as standard excavating equipment. This includes bulldozers, front end loaders, excavators, dump trucks (side or belly dump), crushing and screening equipment, and support equipment for maintenance and refueling. There may also be a processing or sorting plant on site to sort the usable material from the waste material.

Operations will likely be conducted 12-24 hours a day during the mining at the material site. The noise and dust will probably not be noticeable along the Dalton Highway. Since the material is being removed is not bedrock, it will not need to be blasted to be made usable.

The mineral material site will be authorized for use by ADOT&PF for 150,000 cubic yards over the life of the permit and as part of the permit they will be allowed to mine pit run material for incidental use on minor projects up to 5,000 cubic yards per year without any further National Environmental Policy Act (NEPA) review. When ADOT&PF prepares to go out for bid to conduct major mining operations, they will be required to submit for approval and possible NEPA analysis the mining plan submitted by their selected contractor. Mining will not start until the contractors mining plan is reviewed and approved by the BLM.

OFFICE REVIEW

Results of Office Review and Recommendation
The vicinity of the proposed action contains a number of known archeological sites resulting from several archeological surveys that have taken place since the early 1970s. While the entrance to the active pit has been surveyed, there is no documentation indicating that the entire area of the material sources has been inventoried for cultural resources. Air photos suggest the presence of terrain with a high probability for containing cultural resources. It is recommended that these areas be subjected to inventory prior to approving the continued development of the material source. A second option would be to approve continued work only within the existing disturbed area of the pit with no pit expansion until the Section 106 Review process has been completed.

FIELD EXAMINATION

Description of the area surveyed
NA

Survey methodology
NA

Results of survey
NA

RESULTS

Anticipated impacts to cultural resources
None

National Register eligibility

Conclusions & Recommendations

1.) It is recommended that the area of the material source be subjected to archeological inventory prior to approving the continued development of the material source.

2.) A second option would be to approve continued work only within the existing disturbed area of the pit with no pit expansion until the Section 106 Review process has been completed. If it is decided to permit only the existing disturbance area then adhere to stipulation number three below:

3.) Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. The Antiquities Act (1906), Archaeological Resources Protection Act (1979), Federal Land Policy and Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 USC 470; 16 USC 432; 43 U.S. 1733(a); 18 U.S.C. 1361; 18 U.S.C. 641; 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the permitted activity, the

permittee should avoid impacting such materials, and immediately notify the Authorized Officer.

/S/ William H. Hedman
William H. Hedman, Archeologist
BLM-FDO CYFO

Figure 2. Air photo of the material source location, high probability terrain is composed of small portions elevated well-drained terrain to the south, west, and north of the active pit.

Attachment # 2

COMPLIANCE WITH ANILCA SECTION 810
EVALUATION AND FINDING

NEPA Document No.: DOI-BLM-AK-03000-2012-0041-CX
Applicant(s): Alaska Department of Transportation and Public Facilities
Proposed Action: The BLM proposes to approve the continued mining and use of the mineral material pit at MP 145 of the Dalton Highway.
Location: In the vicinity of milepost 145 of the Dalton Highway
Township/Range: T.24S, R.14W, Sec. 23 Fairbanks Meridian
Evaluation by: Merben R. Cebrian and Dave Esse
Date: 07August2012
Type of Assessment / Sources: Review of application materials, subsistence database, local knowledge, and interviews with staff knowledgeable of the area and the proposed action.

Effect of the proposal on subsistence uses and needs:
Fisheries: The proposed action occurs in an upland site with no fish bearing water bodies located within the project area. Therefore, the proposed action also would not alter the distribution, migration or location of harvestable fisheries resources. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.
Wildlife: The proposed action is to occur in a previously disturbed area near a major industrial highway. The previously approved mineral material pit encompasses approximately 200 acres and will remain within the previously approved permit boundary.
The proposed action may cause localized disturbance to moose and other wildlife when human activity is present. However, moose will likely just avoid the area when the mineral pit when human activity is present. Therefore, the proposed action will not have a significant effect on subsistence uses and needs.
Other resources: The proposed action will not significantly affect other harvestable resources such as berries, willows, firewood, and spruce roots. Current practices are considered adequate to meet subsistence needs. Therefore, this alternative will have no significant effect on subsistence use and needs.

Expected reduction, if any, in the availability of resources due to alteration in resource distribution, migration, or location: None. There is no expected significant reduction in the availability of resources due to alteration in resource distribution, migration, or location. Moose are highly mobile game resources and will likely avoid the specific area of the mineral pit when human activity is present.

Expected limitation, if any, in the access of subsistence users resulting from the proposal: None. The proposed action will not limit access to subsistence resources by subsistence users.

Availability of other lands, if any, for the purpose sought to be achieved: None. Lands available for the purposes of the applicant are on BLM lands that are within the Dalton Highway corridor. There are no other lands considered by the applicant for the intended purposes.

Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes: The only alternative that would

reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes is to not allow or permit any activities that conflict with subsistence uses. However, such an alternative is not viable because the BLM manages public lands for multiple uses.

Finding: The proposed action will not significantly restrict subsistence uses. Access to subsistence resources will not be hampered by the proposed activity. There is no reasonably foreseeable significant decrease in the abundance of harvestable resource and in the distribution of harvestable resources due to the proposed action.

Attachment # 3

ESSENTIAL FISH HABITAT ASSESSMENT

For the purposes of this environmental assessment, essential fish habitat means those waters and substrate necessary for salmon for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Act, 16 U.S.C. 1801 et seq). For the purpose of interpreting the definition of essential fish habitat: Waters include aquatic areas and their associated physical, chemical, and biological properties that are used by salmon and may include aquatic areas historically used by salmon where appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem; and spawning, breeding, feeding, or growth to maturity covers a species full life cycle.

The National Marine Fisheries Service (NMFS) recognizes fresh waters cataloged as being used by salmon under AS 41.14.870 (*Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes*) as essential fish habitat. No waterbodies in the proposed area fit this criteria (ADF&G 2012). The proposed action is anticipated to have no impact on essential fish habitat.

EFH Finding: No anadromous species are present in the project area so the effects on EFH are expected to be nonexistent in the area encompassed by this permit. Based on this fact, the proposed action is assigned the EFH determination: *will not affect*, and no further EFH consultation is required.

/s/ David Esse

Date: 7/27/12
Fisheries Biologist
Central Yukon Field Office

References:

Alaska Department of Fish and Game. 2012. Fish Distribution Database. Internet website at: http//www.sf.adfg.state.ak.us/SARR/FishDistrib/PDFListing/int/wisb1.pdf.

Attachment # 4

Executive Orders 11988 (Floodplains) and 11990 (Wetlands) Conformance Record

Date: July 27, 2012
Evaluation by: David Esse *Fisheries Biologist*

Procedures to be followed in applying EO 11988 and 11990 are set forth in Part II (p. 17) of the Water Resources Council Guidelines (43 FR 6030, Feb 10, 1978) as adopted in DM 520, Sections 1.5 C. and 1.8.

Step 1: Is the proposed action within the base (100-year) floodplain or wetland area? No, the proposed action occurs at an upland site.

a. **Does the proposed action have the potential to result in adverse effects or result in incompatible development which would cause harm to the floodplain or wetland?** No, the proposed action occurs in an upland site with no floodplain or wetland areas.

** If the answer to (1a) is *No* then the proposal is considered as meeting the intent of Executive Orders (11988 and 11990) and therefore no further evaluation is required.

Step 2: Was the public provided notice of the intent to locate the proposed action within a floodplain/wetland?

a. Did the public notice provide adequate information, opportunity for review and comment, and an accounting for the rationale for proposed actions affecting floodplains?
b. Method of Notice:
c. Date of Notice:

Step 3: List the practicable alternatives to be evaluated which would avoid locating the proposed action in the floodplain/wetland.

a. **Alternative site(s) must be identified and the practicality of such sites evaluated.**

b. **Alternative action(s) must be considered before a decision is made to carry out an action in the base floodplain.**

c. **No action.**

Step 4: Identify impacts of the proposed action.

a. Positive and negative impacts:

b. Concentrated and dispersed impacts:

c. Short and long term impacts:

Step 5: Requirements of the Order to minimize, restore, and preserve if the proposed action will result in harm to or within the floodplain/wetland.

a. Minimize. How does the agency propose to reduce harm to the smallest possible degree?

b. Restore. If the proposed site has been previously disturbed due to prior action(s), how does the agency propose to reestablish an environment in which the natural and beneficial floodplain/wetland values can again operate? (*Restore as defined in the WRC Guidelines*).

c. Preserve. How does the agency propose to design or modify the proposed action to assure that it will be carried out in a manner which preserves as much of the natural and beneficial floodplain/wetland values as is possible? (*Preserve as defined in the WRC Guidelines*)

Step 6: Reevaluation of alternatives – having identified the impacts the proposed action would have on the floodplain/wetland (step 4), methods to minimize, and opportunities to restore and preserve floodplain/wetland values (step 5), determine if the proposed action is feasible at this site.

a. Location within the Base Floodplain. This determination requires that the agency must ascertain that the floodplain site is the only practicable alternative. The importance of locating the proposed action within the floodplain/wetland clearly outweighs the requirements of the Order to: 1) ***avoid direct and indirect support of floodplain/wetland development wherever there is a practicable alternative; 2) reduce the risk of flood loss; 3) minimize the impact of floods on human safety, health and welfare; and 4) restore and preserve the natural and beneficial floodplain/wetland values.***

b. Limit Action. If the proposed action cannot meet the requirements of the EO, then list modifications to the proposed action that would lower the threshold of what constitutes a practicable alternative.

c. No Action Alternative. If neither of the above (a. and b.) courses of action are feasible, the no action alternative should be re-evaluated..

Step 7: If the reevaluation of the proposed action resulted in a determination that there was no practicable alternative to locating in or impacting the floodplain/wetland, a statement of findings and public explanation must be provided for the proposed action. List the statement that was attached to the FONSI for the proposed action. *(see p. 38 WRC Guidelines for elements to be included in the statement of findings and public explanation)

Step 8: Is the proposed action being implemented according to the requirements of EO 11988 and EO 11990?