



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Eastern Interior Field Office  
1150 University Avenue  
Fairbanks, Alaska 99709-3844  
<http://www.blm.gov/ak>

## PLAN CONFORMANCE / NEPA COMPLIANCE RECORD FF095783 DOI-BLM-AK-02000-2011-0005-CX

### A. Background

**Title:** Use and maintenance of an existing and improved access road.

**Location:** T. 28N., R. 20E., Sec. 35, Copper River Meridian

#### **Description of Proposed Action:**

The Bureau of Land Management proposes to issue a right-of-way (14 feet wide and approximately 1400 feet long) to Terry Tuell in order to authorize his use and maintenance of an existing road that provides access to his mining claims located on State of Alaska land.

In the case of this proposed action, the term “**maintenance**” applies to the running surface and sub-base of the road and includes the following activities:

- Grading and filling of potholes and repair of surface erosion such as rills or gulleys.
- Repair or replacement of culverts (if any exist). However, prior to replacement the holder of the R/W Grant must provide a site plan and description of such work for BLM’s review and approval.
- Repair and preventive maintenance of the road’s sub-base from erosion which may occur from spring break-up or heavy rainfall.

“Maintenance” **does not** include re-routing or expanding the current running surface of the existing road.

### B. Land Use Plan Conformance

The proposed action is located within the area covered by the Fortymile Management Framework Plan and is consistent with Lands Objective number 1 of that plan which is to “*make lands available for intensive use and public purposes*”. It is also consistent with that plan’s goal of “*providing the most appropriate management for each area and each situation, in accordance with the principles of multiple use*” as stated in the plan’s

Summary of Land Use Decisions and Management Direction. In addition, it is consistent with Section 1110 of ANILCA which states, in part, that the State or private owner (of State or privately owned land) “shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest.”

**C. NEPA Review**

This proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. Realty(16) which states:

“Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”

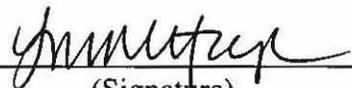
The proposed action must be screened against the extraordinary circumstances found in 43 CFR 46.215 and listed below. Any “yes” finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the proposed action.

**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		X

for the protection of the environment.		
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

**D. Signature**

Authorizing Official:  Date 4.18.11  
 (Signature)

Lenore Heppler  
 Manager, Eastern Interior Field Office

**Contact Person**

For additional information concerning this CX review, contact Vic Wallace, Realty Specialist, Eastern Interior Field Office, 1150 University Ave., Fairbanks, AK 99709. Phone: 907-474-2363.

**Decision for Categorical Exclusion DOI-BLM-AK-02000-2011-0005-CX  
for issuance of a Right-of-Way Grant to use and maintain an existing road**

**Decision**

It is my decision to issue a Right-of-Way Grant to Mr. Terry Tuell (owner of Niagara, Inc.) for the purpose of authorizing the use and maintenance of an old existing and improved road by Mr. Tuell et al. The right of way to be granted will be approximately 14 feet in width and approximately 1400 feet in length encompassing a total of 0.45 acre.

**Conditions**

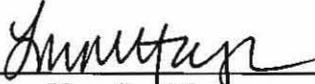
All applicable State and Federal laws shall be followed to protect cultural resources and to minimize potential contamination from petroleum, oil and lubricants.

**Rationale**

1. This action is consistent with the Fortymile Management Framework Plan and Section 1110 of the Alaska National Interest Lands Conservation Act.
2. There are no anticipated impacts to cultural resources. See attachment #1.
5. The Proposed Action will not significantly restrict subsistence uses. See attachment #2.

**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 Eastern Interior Field Office (at the above address) within 30 days from receipt of this decision. Appeals from administrative decisions issued by BLM-Alaska must be filed in writing in the office of the deciding official, either by mail or hand delivery. Notices of appeal transmitted by electronic means, such as facsimile or e-mail, **will not** be accepted as timely filed.

  
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Lenore Heppler, Manager  
Eastern Interior Field Office

4-18-11  
Date

**Contact Person**

For additional information concerning this CX review and decision, contact Vic Wallace, Realty Specialist, Eastern Interior Field Office, at 907-474-2363.