



U.S. Department of the Interior  
Bureau of Land Management  
Glennallen Field Office  
P.O. Box 147  
Glennallen, Alaska 99588  
<http://www.blm.gov/ak/st/en/fo/gdo.html>

## **Categorical Exclusion Environmental Study Sites**

**Applicant: Bureau of Land Management  
Case File Number: AA 093088  
DOI-BLM-AK-A020-2012-0003-CX**



### **Location:**

T. 1 N., R. 1 W., sections 1 – 5, 7 - 36; T. 1 S., R. 1 W., sections 1 - 36; T. 2 S., R. 1 E., sections 3, 10 and 15;  
T. 1 S., R. 2 E., sections 28 - 33; T., 2 S., R. 3 E., sections 17, 21, 25 - 27; T. 2 S., R. 4 E., sections 19 – 21 and  
30 - 34, Copper River Meridian.

**Prepared By:**  
Joseph Hart  
Realty Specialist  
October 20, 2011

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Glennallen Field Office  
**CATEGORICAL EXCLUSION (CX) FORM**

CX No.: DOI-BLM-AK-A020-2012-0003-CX Lease/Serial/Case File No.: AA-093088

Proposed Action Title/Types: Establishment of environmental monitoring sites through the issuance of a Temporary Use Permit.

Location of Proposed Action: T. 1 N., R. 1 W., sections 1 – 5, 7 - 36; T. 1 S., R. 1 W., sections 1 - 36; T. 2 S., R. 1 E., sections 3, 10 and 15; T. 1 S., R. 2 E., sections 28 - 33; T., 2 S., R. 3 E., sections 17, 21, 25 - 27; T. 2 S., R. 4 E., sections 19 – 21 and 30 - 34, Copper River Meridian.

Description of Proposed Action: The applicant is conducting a scientific study of the hydrologic characteristics of the Willow Creek watershed and the surrounding areas. They will observe and measure flow rates, water quality, precipitation, salinity, groundwater parameters, vegetative patterns, fish and wildlife, and permafrost locations and changes. They will place a various locations within the described location monitoring stations which require the boring and placement of 2 inch diameter pipe and minimal equipment to record subsurface temperatures.

Applicant (if any): Willow Creek Water Consortium, David Wellman, Agent

## **PART I - PLAN CONFORMANCE REVIEW**

This Proposed Action is subject to the following land use plan: East Alaska Resource Management Plan

Date Plan Approved: September 7, 2007

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5-3(a)).

Remarks:

East Alaska Resource Management plan, page 19, Section I, Lands and Realty.

I-1: Goals – second bullet; “Provide a balance between land use (rights-of-ways, land use permits, leases and sales) and resource protection that best serves the public at large.

I-2: Land Use Authorizations – “Land use authorizations include various authorizations and agreements to use BLM lands such as right-of-way grants, road, temporary use permits under several different authorities; leases, permits, and easements under section 302 of the Federal Land Policy and Management Act of 1976 (FLPMA); airport leases under the Act of May 24, 1928; and Recreation and Public Purposes (R&PP) leases.”

**PART 11 – NEPA REVIEW**

A. Categorical Exclusion Review.

This Proposed Action qualifies as a categorical exclusion under 516 DM 2, Appendix 4. or 516 DM 11.5:

J (3). Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.

B. Departmental List of Extraordinary Circumstances Review.

The following Departmental List of Extraordinary Circumstances applies to individual actions. Departmental instructions mandate that environmental documents **MUST BE PREPARED** for actions which may: (Mark applicable answer for each item. If "yes", prepare an EA/EIS and append this form to it.)

The following Departmental List of Extraordinary Circumstances applies 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.

Yes \_\_\_\_\_ No  X

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.

Yes \_\_\_\_\_ No  X

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Yes \_\_\_\_\_ No  X

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Yes \_\_\_\_\_ No  X

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

Yes \_\_\_\_\_ No  X

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

Yes \_\_\_\_\_ No  X

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.

Yes \_\_\_\_\_ No  X

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.

Yes \_\_\_\_\_ No  X

9. Violate Federal law or a State, local or Tribal law or requirement imposed for the protection of the environment.

Yes \_\_\_\_\_ No  X

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes \_\_\_\_\_ No  X

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 site (Executive Order 13007).

Yes \_\_\_\_\_ No  X

12. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes \_\_\_\_\_ No  X

I certify that none of the Departmental Extraordinary Circumstances listed in the above Part B (516 DM 2, Appendix 2) apply to this action.

Remarks: None.

Preparer(s): Joseph Hart

Date: 1-12-2012

### **PART III – DECISION**

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).

It is therefore my decision to implement the action, as described, with appropriate mitigation measures or stipulations.

Mitigation Measures/Other Remarks: See attached Grant with stipulations.

Authorized Official: s/s Elizabeth Maclean

Date: 1/12/12

~~RIGHT OF WAY GRANT~~/TEMPORARY USE PERMIT

Serial Number  
AA-093088

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (describe) \_\_\_\_\_

2. Nature of Interest:

- a. By this instrument, the holder Willow Creek Water Consortium receives a right to construct, operate, maintain and terminate a No more than 30 monitoring stations on public lands (or Federal land for MLA Rights-of Way) described as follows:

A non-exclusive temporary use permit for the placement of up to thirty (30) separate monitoring sites within the following described public lands: T. 1 N., R. 1 W.; T. 1 S., R. 1 W.; T. 2 S., R. 1 E., sections 4 and 9; T. 1 S., R. 2 E., sections ; T. 2 S., R. 3 E., sections ; T. 2 S., R. 4 E., sections , Copper River Meridian.

b. The right-of-way permit area granted herein is \_\_\_\_\_ feet wide, \_\_\_\_\_ feet long and contains \_\_\_\_\_ acres, more or less. If a site type facility, the facility contains .07 acres.

c. This instrument shall terminate on January, 2015 years from its effective date unless, prior thereto, it is relinquished abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument  may \_\_\_\_\_ may not be renewed. If renewed, the right-of-way or permits shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be no binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental: **The annual rental is waived.**

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with the comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holders' compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4) (d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1) (a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter that do not exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in the Exhibit(s) A, dated 01-12-2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Pursuant to 43 CFR 2800.1-2(b)(1)(iii), no rental shall be collected provided all use is strictly related to rural utility services. Commercial use by other non-rural related services requires rental. The sale or lease of any excess capacity for commercial purposes to other telecommunications service providers that are not exempt from rent by statute, or regulations, shall result in the loss of the rental exemption for that portion of the fiber optic capacity being sold or leased for the commercial purposes. The rental for this portion shall be assessed based on the fair market value as determined by the authorized officer.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

\_\_\_\_\_  
(Signature of Authorized Officer)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Effective Date of Grant)

Exhibit A  
01-6-2012

1.0 Definitions

- 1.1 The Glennallen Field Office Manager or its designees is the Authorized Officer (AO), as defined by 43 CFR 2920.0-5(c).
- 1.2 "Grantee" means Willow Creek Water Consortium, and any and all assignees that may be of record, including all agents, contractors, subcontractors, and employees.
- 1.3 "Grant" means the license, lease, permit, or other permissions granted by the United States to the grantee for the use of public lands and resources.

2.0 General

- 2.1 This grant is subject to all prior valid and existing rights, and the United States makes no representations or warranties whatever, neither expressed nor implied, as to the existence, or nature of such valid existing rights.
- 2.2 Any modifications to the proposed activities must be approved in writing by the AO.
- 2.3 It is the responsibility of the grantee to ensure that association members are familiar with and adhere to these stipulations.
- 2.4 These provisions do not relieve the grantee of any responsibilities or provisions required by any applicable State or Federal law and regulations.
- 2.5 The grantee may be required by the AO to furnish transportation and quarters for designated field representatives or observers while inspecting field operations.
- 2.6 In the advent of a disagreement of the interpretation or implementation of these stipulations the grantee agrees that the AO shall have the final say in how these stipulations are interpreted and implemented.
- 2.7 Grantee shall defend, indemnify and hold the United States, its assigns, agents, employees, representatives and successors in interest harmless from and against any and all actions, fees, for injury to or death of any person, persons, or property arising in connection with and as a direct result of grantee's activities, included but not limited to United States negligence, if any in failing to recognize or remedy a hazardous condition existing on public lands.
- 2.8 Grantee shall comply with Title VI of the Civil Rights act of 1964 (42 U.S.C. 2000 et seq) and the regulations of the Secretary of the Interior issued pursuant thereto.
- 2.9 This grant may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.10 The AO may revoke or terminate this grant in whole, or in part, upon a determination by the AO that the terms, conditions, or stipulations of the grant have been violated, or by determination by the AO that the grantee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
- 2.11 The grantee shall not enclose in any manner, or erect or maintain any signs or structures on roads or trails commonly used for public travel or access to public lands surrounding the grant unless directed to do so by the AO.
- 2.12 This grant does not authorize the grantee to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq.
- 2.13 This grant does not authorize any other use of the public lands or improvements belonging to the U.S. Government.

- 2.14 Fire suppression or protection shall not be provided by the government. The grantee shall be responsible for taking reasonable precautions to prevent and suppress brush, grass and other fire hazards within the authorized area, extinguishing all fires before departing the premises.

### 3.0 Environmental

- 3.1 All operations will be conducted in such a manner as not to cause damage or disturbance to any fish wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).
- 3.2 All activities shall be conducted so as to avoid or minimize disturbance to vegetation. If it becomes necessary to remove vegetation, prior approval by the AO is required.
- 3.3 All operations shall be conducted with due regard for good resource management and in such a manner as not to block any stream, or drainage system, or cause the pollution of siltation of any stream or lake.
- 3.4 Use of pesticides or herbicides shall comply with the applicable Federal and State laws. Pesticides or herbicides 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 or herbicides, the grantee shall obtain from the AO written approval of a plan showing the type and quantity of materials 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 AO. Emergency use of pesticides or herbicides shall be approved in writing by the AO prior to such use.

### 4.0 Operational

- 4.1 There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoth and mastodon bones, tusks, etc, is strictly prohibited. Any cultural or Paleontological resources discovered by the holder, or any person working on behalf of the holder, shall be immediately reported to the AO. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. The grantee shall not occupy or otherwise disturb any cultural sites including historical cabins. The grant holder will be responsible for the cost of any evaluation and mitigating measures determined necessary by the AO.
- 4.2 All solid wastes shall be removed from the public lands to an Alaska State DEC approved solid waste disposal facility.
- 4.3 Areas of operation shall be left clean of all unauthorized foreign objects. This shall include, but is not limited to; wires, pins, flags and reflectors.
- 4.4 All fuel or lubricant spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska State DEC approved methods. Any such spill sites will be documented so that they can be located during the compliance check.
- 4.5 Recovered spill fluids will be removed and incinerated in approved receptacles.
- 4.6 As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2 will be given to the AO and any other Federal and State Officials as are required by law.
- 4.7 All State and Federal safety standards and regulations for fuel transportation and handling will be followed. Only fuel products and amounts specifically authorized shall be stored on site, and shall be located a minimum 100 feet away from any source of water. All fuel containers, including barrels and propane tanks, shall be marked with the grantee's name, product type and year filled.
- 4.8 The grantee shall protect all Survey Monuments. In the advent of obliteration or disturbance of a survey monument, the grantee shall immediately notify the AO. The grantee will be financially responsible to re-establish the survey monuments to the Bureau standards.

- 4.9 No hazardous materials shall be transported or disposed within the area of authorized use.
- 4.10 The grantee shall ensure that a copy of the permit and stipulations is present on site at all times.
- 4.11 The grantee shall notify the AO 7 (seven) days prior to removal of personal property and abandonment of the area, and shall be responsible for any rehabilitation of the site deemed necessary by the AO. At minimum all disturbed areas shall be re-contoured and re-vegetated using native species.
- 4.12 The holder shall have a representative available to accompany the Bureau's field representative during any compliance inspection, and shall provide the AO with documentation of all work performed. This shall include a description of the work, photographs and maps or charts depicting the specific sites where operations were conducted.

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Grantee Signature

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Date

**Assessment of Undertakings Not Subject to Further Section 106 Review Glennallen Field Office**

**GDO Document No.** GFO-12-05

**BLM Serial No.** AA-093088 **Environmental Assessment No.** DOI-BLM-AK-A020-2012-0003-CX

**Class of Inventory:** No Further Section 106 Review

**Dates of Inspection:** 10/27/2011

**Inspector:** John Jangala

**Maps:** Valdez 1:250,000

**Applicant:** Dave Wellman, Willow Creek Watershed Consortium

**Location:** The project area will be located in the vicinity of the Willow creek watershed and its surroundings. Specifically, the project lies within: sects. 1-5, 7-36, T.1N., R.1W.; Sects. 1-36, T.1S., R.1W.; Sects. 3, 10, 15, T.2S., R.1E.; Sects. 28-33, T.1S., R.2E.; Sects. 17, 21, 25-27, T.2S., R.3E.; Sects. 19-21 and 30-34, T.2S., R.4E., CRM.

**Project Description:** The Bureau of Land Management proposes to grant the Willow Creek Watershed Consortium (WCWC) a minimum impact temporary use permit. WCWC proposes to install 10 to 30, up to 40' deep and 2" diameter PVC pipe monitoring wells with data loggers installed. Installation will be done by hand or small power tools and the areas will be accessed on foot, by ATV or by snowmachine. Cumulative surface disturbance for the project is anticipated to be minimal.

**Acreage:** Less than 1 Acre

**Recommendations:** According to the Protocol for Managing Cultural Resources on Lands administered by the Bureau of Land Management in Alaska, between the Bureau of Land Management and the State Historic Preservation Officer, signed April 17, 1998, this undertaking is not subject to further Section 106 review (Appendix 2: Category One). The proposed activity will not involve ground disturbance affecting more than a square meter cumulatively.

The following stipulations should be attached to the permit: "There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks etc., is strictly prohibited. If historic resources are encountered then all artifacts will be respectfully left in place and the Glennallen Field Office's cultural resources staff will be notified immediately."

Signed:

s/s John Jangala

John W. Jangala

Glennallen Field Office Archaeologist (AKA-020)

I suggest incorporating the following stipulation for non-native invasive plants.

Thanks,

Ben Seifert

## STIPULATIONS

### 3.0 Environmental

Add to standard stipulation list

- 3.8 The holder will do everything reasonable, both independently and/or upon request of the authorized officer to prevent the introduction and/or spread of invasive non-native plants (“weeds”) on BLM managed lands. Revegetation shall occur through seeding of native seed or by providing for soil conditions that allow the site to revegetate naturally, whichever provides the most effective means of reestablishing natural ground cover and minimizing erosion. Lessee will prevent and control noxious weed infestations. Noxious weeds in Alaska are listed under Alaska Statute 11 AAC 43.020.

Department of the Interior  
Bureau of Land Management  
**Glennallen Field Office**  
NEPA Interdisciplinary Review

Project Name: **Willow Creek Water Consortium**

Casefile Number: **AA 093088**

NEPA Document Number: DOI-BLM-AKA-020-2012-0003-CX

NEPA Preparer: Joseph Hart

Please return to preparer by: 11-10-11

| Staff Specialist    | Resource Area               | Comments Provided<br>Yes / No | Date Reviewed |
|---------------------|-----------------------------|-------------------------------|---------------|
| Brenda Becker       | Lands and Realty            | No                            | 11/7/2011     |
| Marcia Butorac      | Recreation and Facilities   | No                            | 10/24/2011    |
| Wildlife Specialist | ANILCA, Section 810         |                               |               |
| Wildlife Specialist | T&E Animals                 |                               |               |
| Wildlife Specialist | T&E Plants                  |                               |               |
| Wildlife Specialist | Wildlife                    |                               |               |
| Heath Emmons        | Wild and Scenic Rivers      | No                            | 10/20/2011    |
| Marnie Graham       | Public Affairs              |                               |               |
| Denton Hamby        | Special Recreation Use      | No                            | 10/24/2011    |
| Denton Hamby        | Visual Resources            | No                            | 10/24/2011    |
| Brad Honerlaw       | Law Enforcement             | N/A                           |               |
| Alysia White        | Law Enforcement             | No                            | 10/20/2011    |
| John Jangala        | Cultural Heritage           | Yes                           | 10/27/2011    |
| John Jangala        | Paleontology                | No                            | 10/27/2011    |
| Cory Larson         | Travel Management           | No                            | 10/24/2011    |
| James Whitlock      | Minerals                    | N/A                           |               |
| Ben Seifert         | Fire Management             | No                            | 10/24/2011    |
| Ben Seifert         | Forestry                    | No                            | 10/24/2011    |
| Ben Seifert         | Invasive Weeds              | Yes                           | 10/20/2011    |
| Mike Sondergaard    | Soils                       |                               |               |
| Mike Sondergaard    | Air Quality                 | No                            | 10/20/2011    |
| Tim Sundlov         | Riparian & Wetlands         | No                            | 10/20/2011    |
| Mike Sondergaard    | Water Quality               | No                            | 10/20/2011    |
| Tim Sundlov         | Fish Biology                | No                            | 10/20/2011    |
| Joseph Hart         | Hazardous Materials         | No                            | 10/20/2011    |
| Elijah Waters       | Branch Chief -<br>Resources |                               |               |

Authorized Officer Review: s/s Elizabeth Maclean Date: 1/12/12