



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Glennallen Field Office
P.O. Box 147
Glennallen, Alaska 99588
<http://www.blm.gov/ak>

CVEA – Solomon Gulch Hydropower Transmission Line Right-of-Way Renewal Categorical Exclusion, DOI-BLM-AK-A020-2012-0022-CX

Case File, AA-012692

DECISION RECORD

Decision

It is my decision to implement the proposed action on BLM-managed lands as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A020-2012-0022-CX.

The BLM will renew the existing CVEA right-of-way grant for the hydro-electric transmission lines from Solomon Gulch near Valdez to Glennallen, Alaska, across BLM-managed lands. The renewal shall be issued for 30 years with the option to renew. No additional rights, beyond those granted by the original authorization, shall be conveyed with this renewal.

The proposed action has been reviewed by Glennallen Field Office staff and appropriate Project Design Features or stipulations, as specified, will be incorporated during project implementation. Based on the attached Categorical Exclusion review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4. To appeal you must file a notice of appeal at the BLM Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588, within 30 days from date of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Glennallen Field Office as noted above. *The BLM does not accept appeals by facsimile, email, or other electronic means.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards: (a) The relative harm

to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

/s/ Dennis C. Teitzel

01/02/2014

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Categorical Exclusion, DOI-BLM-AK-A020-2012-0022-CX
Grant Stipulations
1979 Grant Stipulations



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CATEGORICAL EXCLUSION

A. BACKGROUND

Project Name / Type: CVEA - Solomon Gulch Hydropower Transmission Line Right-of-Way Renewal

NEPA Register Number: DOI-BLM-AK-A020-2012-0022-CX

Case File Number: AA-012692

Location / Legal Description: This transmission line runs from Solomon Gulch near Valdez, Alaska to Glennallen, Alaska.

Applicant (if any): Copper Valley Electric Association, Inc. (CVEA)

Description of Proposed Action:

The BLM would renew the existing CVEA right-of-way grant for the hydro-electric transmission lines from Solomon Gulch near Valdez to Glennallen, Alaska, across BLM-managed lands. The renewal would be issued for 30 years with the option to renew. No additional rights, beyond those granted by the original authorization, would be conveyed with this renewal.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: East Alaska Resource Management Plan, September 2007

The proposed action is in conformance with the applicable land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

I. Lands and Realty (page 19)

I-1: Goals

Provide a balance between land use (rights-of-way, 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.

C. CATEGORICAL EXCLUSION

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR 46.210 or United States Department of the Interior Manual, Part 516, Chapter 11, which provides:

Realty

E.9. Renewals and assignments of leases, permits, or rights-of-ways where no additional rights are conveyed beyond those granted by the original authorization.

D. EXTRAORDINARY CIRCUMSTANCES

The proposed action must be screened against the Extraordinary Circumstances found in 43 CFR § 46.215 (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. Have significant adverse impacts on public health or safety.	No
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.	No
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
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.	No
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.	No
9. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority	No

EXTRAORDINARY CIRCUMSTANCES	YES/NO
populations (Executive Order 12898).	
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 sites (Executive Order 13007).	No
12. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or 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).	No

E. SIGNATURE

The proposed action is in conformance with the applicable land use plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 FM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that no further environmental analysis is required.

/s/ Dennis C. Teitzel

01/02/2014

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Grant Stipulations
1979 Grant Stipulations

Stipulations for Copper Valley Electric Association, Right-of-Way (AA-12692)
December 2, 2013

1.0 Definitions

- 1.1 The Glennallen Field Manager or designated representative is the Authorized Officer (AO), as defined by 43 CFR 2920.0-5(c).
- 1.2 “Grantee” means Copper Valley Electric Association, Inc., 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 permission granted by the United States to the grantee for the use of public lands and resources.

2.0 General

- 2.1 The grantee will address all matters to the Glennallen Field Manager, P.O. Box 147, Glennallen, Alaska 99588.
- 2.2 In case of change of address, the grantee shall immediately notify the AO.
- 2.3 Any modifications to the proposed activities must be approved in writing by the AO.
- 2.4 This grant is subject to all Departmental regulations contained in 43 CFR 2800 as more specifically set forth in the attached terms and conditions.
- 2.5 This grant is subject to all prior valid and existing rights, and the United States makes no representations or warranties whatever, either expressed or implied, as to the existence, or nature of such valid existing rights.
- 2.6 The right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant is reserved to the AO.
- 2.7 It is the responsibility of the grantee to ensure that field party members are familiar with and adhere to these stipulations.
- 2.8 The grantee, in exercising the privileges granted under this grant shall comply with the regulations of the Department of the Interior and all Federal, State, Borough and Municipal laws, ordinances, or regulations, which are applicable to the area of operations covered by this grant.
- 2.9 The grantee may be requested by the AO to furnish transportation and quarters for designated field representatives or observers while inspecting operations.
- 2.10 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.
- 2.11 Grantee shall defend and hold the United States, it’s 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 connections 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.

- 2.12 This grant may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.13 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.
- 2.14 The grantee shall not enclose or obstruct 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.
- 2.15 This grant does not authorize the permittee to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq.
- 2.16 This grant does not authorize any other use of the public lands or improvements belonging to the US Government.
- 2.17 The original stipulations (attached) are made a part of this grant.
- 2.18 Grantee shall comply with Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000 et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

3.0 Environmental

- 3.1 If monitoring or site visits indicate excessive rutting, erosion, sediment displacement, or if other resource damage is occurring along the right-of-way, the BLM will ask the grantee to halt operations or perform right-of-way maintenance including, but not limited to, application of gravel, grading trail tread, or other necessary measures to restore resource conditions and/or route of travel to an appropriate state.
- 3.2 Excessive resource impacts to BLM-managed lands from actions connected to this right-of-way grant, i.e., mining actions, are cause for revoking the grant.
- 3.3 All operations will be conducted in such a manner as not to cause damage or disturbance to any fish or wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, P.L. 96-487).
- 3.4 Grantee will not intentionally harass or harm migratory birds or interfere with their nesting and brood rearing activities.
- 3.5 All activities shall be conducted so as to avoid or minimize disturbance to vegetation. If it becomes necessary to remove vegetation beyond that approved in the Decision Record, prior approval by the AO is required.

- 3.6 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 or siltation of any stream or lake.
- 3.7 Use of pesticides or herbicides shall comply with the applicable Federal and State laws. Pesticides or herbicides shall be used 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.
- 3.8 The grantee shall conduct all activities associated with the construction, operation, and termination of the authorization within the authorized limits of the authorization. If any scarring or damage occurs outside of approved areas as a result of the holder's operations, the areas shall be repaired and reseeded, or otherwise corrected as necessary to the satisfaction of the AO.
- 3.9 The grantee will do everything reasonable, both independently and/or upon request of the authorized officer to prevent and suppress fires on or near the lands occupied under the authorization.
- 3.10 Petroleum products or by-products shall not be used for dust suppression.
- 3.11 Any revegetation will be with native species only.
- 3.12 The holder will do everything reasonable, both independently and/or upon request of the AO 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. Permittee will prevent and control noxious weed infestations. Noxious weeds in Alaska are listed under Alaska Statute 11 AAC 43.020.

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 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.
- 4.2 Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Grantee, or any person working on his behalf, on public or Federal lands shall be immediately reported to the AO. Grantee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the AO. An evaluation of the discovery will be made by the AO to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Grantee will be responsible for the cost of evaluation and the AO will make any decision as to proper mitigation measures after consulting with the Grantee.

- 4.3 All waste generated during operation, maintenance, and termination activities under this authorization shall be removed or otherwise disposed of as required by state and federal law. In this case the waste must be dumped in a DEC approved landfill site. Waste in this subparagraph means all discarded matter, including but not limited to, human waste, trash, garbage, refuse, and oil drums, petroleum products, ashes and discarded equipment.
- 4.4 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.
- 4.5 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.
- 4.6 Recovered spill fluids will be removed and incinerated in approved receptacles.
- 4.7 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.
- 4.8 All State and Federal safety standards and regulations for fuel transportation and handling will be followed. All fuel containers, including barrels and propane tanks, shall be marked with the grantee's name, product type, and year filled.
- 4.9 The grantee shall protect 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 reestablish the survey monuments to the Bureau standards.
- 4.10 No hazardous materials shall be transported or disposed of within the area of authorized use unless otherwise specified in the Decision Record.
- 4.11 Prior to abandonment of any portion of the facilities authorized by this grant, the grantee shall contact the AO, and if the situation warrants, to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable rehabilitation plan. The AO must approve the plan in writing prior to the grantee commencing any abandonment and/or rehabilitation activities.
- 4.12 The grantee shall at his expense, perform all maintenance and repairs, including exterior painting, structural maintenance and repairs, and maintenance of the ground necessary to keep the premises in first class order, repair, and safe conditions throughout the term of the lease. The grantee waives the right to make repairs at the expense of the United States Government.
- 4.13 All construction, maintenance, painting, etc., shall be done utilizing natural earth tone colors/materials, approved by the AO.
- 4.14 Any further ground disturbance will be done after approval by the AO.
- 4.15 Grantee shall inform and ensure compliance of the grant and its stipulations by his/her agents, contractors, subcontractors, employees, and guests.

4.16 No new access trails or roads are authorized without written authorization from the Bureau of Land Management, or upon conveyance of the land to the State of Alaska.

4.17 This authorization does not relieve the lessee from securing any other permits, licenses, or other authorizations required by federal, state, or local law.

Grantee Signature

Date