



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
Minimum Impact Permit for a Mobile Asphalt Plant**

**Applicant: QAP
Case File Number: AA-093121
DOI-BLM-AK-A020-2012-0005-CX**



Location:

T. 4 S., R. 1 E., Section 21, Copper River Meridian, Alaska

Prepared By:
Brenda Becker
Realty Specialist
December 20, 2011

CATEGORICAL EXCLUSION

BLM Office: Glennallen Field Office

Lease/Serial/Case File No.: A093121

Environmental Document No.: DOI-BLM-AK-A020-2012-0005-CX

Proposed Action Title/Types: QAP Mobile Asphalt Plant – Minimum Impact Permit

Location of Proposed Action: Section 21, T. 4 S., R. 1 E., Copper River Meridian. This is located at approximately Mile 69 Richardson Highway on a previously authorized gravel pad east of the Richardson Highway for Alyeska Pipeline. There is an existing access road already in place for this site.

Description of Proposed Action:

On December 2, 2011, an application was submitted by QAP to use public land for setting up a mobile asphalt plant, staging area and material stockpile area for the repaving of the Richardson highway. The area needed for the asphalt plant is approximately 100' X 200', plus the staging area and material stockpile area (approximately 2 acres). QAP is proposing to use approximately 2 acres of previously disturbed ground. This would only be used from May thru October 2012, 1 construction season.

Applicant (if any): QAP

Land Use Plan Name: East Alaska Resource Management Plan

Date Approved: September 2007

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

I. LANDS AND REALTY

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.

PART II - 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:

E. 19. – Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

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): s/s Brenda Becker

Date: 2/16/2012

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Glennallen Field Office

P.O. Box 147

Glennallen, AK 99588

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DECISION RECORD

QAP Mobile Asphalt Plant and staging areas

Case File Number: AA-93121

DOI-BLM-AK-A020-2012-0005-CX

I. Decision:

It is my decision to authorize the minimum impact permit for QAP to set up a mobile asphalt plant, and associated staging areas on already disturbed lands in Section 21, T. 4 S., R. 1 E., Copper River Meridian for a term of no longer than 6 months, or 1 construction season. Stipulations and conditions are attached.

II. Proposed Action:

The proposed action is to authorize a minimum impact permit for QAP to set up a mobile asphalt plant with associated staging areas and material stockpile area on public lands. The minimum impact permit would be authorized under the authority of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1761). The proposed action is in conformance with the East Alaska Resource Management Plan, Approved: September, 2007.

III. Rationale for the Decision:

The rationale for the decision is based on the need for the applicant to have the authorizations to do Highway repaving along the Richardson Highway.

The proposed action is in conformance with the East Alaska Resource Management Plan, Approved: September, 2007. The area of the proposed activity is not within a critical subsistence use area and no serious wildlife problems are anticipated.

IV. ANILCA Section 810 Compliance:

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and nor reasonably foreseeable limitations on harvester access will result from the proposed action.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

VI. Consultation and Coordination:

Public participation was accomplished through the development of the East Alaska Resource Management Plan which anticipated routine land authorizations in accordance with FLPMA. Adequate measures to protect public lands through stipulations and required operating procedures are in place. Internal scoping was conducted by GFO staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

VII. Compliance and Monitoring Plan:

Compliance and monitoring of this authorization will be conducted by the BLM Glennallen Field Office. Inspections will be made on a regular basis and after the applicant reclaims the land upon termination of the authorization.

s/s Elizabeth Maclean
Elizabeth Maclean
Glennallen Field Manager

2/16/12

Attachments: Terms and Stipulations

Stipulations for QAP, mobile asphalt plant
January 11, 2012

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 QAP, 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 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.
- 2.5 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.
- 2.6 It is the responsibility of the grantee to ensure that field party members are familiar with and adhere to these stipulations.
- 2.7 The holder, 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 or operations covered by this grant.
- 2.8 The grantee may be requested by the AO to furnish transportation and quarters for designated field representatives or observers while inspecting operations.
- 2.9 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.
- 2.10 Grantee shall defend 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 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.
- 2.11 This grant may not be encumbered, hypothecated, assigned, subleased, or transferred without prior written approval by the AO.
- 2.12 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.

- 2.13 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.
- 2.14 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.
- 2.15 This grant does not authorize any other use of the public lands or improvements belonging to the US Government.
- 2.16 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 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).
- 3.2 Grantee will not intentionally harass or harm migratory birds or interfere with their nesting and brood rearing activities.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 The grantee shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. 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 Authorized Officer.
- 3.7 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 right-of-way.
- 3.8 Petroleum products or by-products shall not be used for dust suppression.
- 3.9 Any revegetation will be with native species only.

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 Authorized Officer. Grantee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the 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 Authorized Officer 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 sub-paragraph 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. Only fuel products and amounts specifically authorized shall be stored on site, and shall be located at least 100 feet away from any source of water. All fuel containers, including barrels and propane tanks, shall be marked with the grantees name, product type, and year filled.
- 4.9 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.
- 4.10 No hazardous materials shall be transported or disposed within the area of authorized use.
- 4.11 Prior to abandonment of any portion of the facilities authorized by this grant, the grantee shall contact the Authorized Officer, 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 Authorized Officer 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 condition throughout the term of the lease. The grantee waives the right to make repairs at the expense of the United States Government.
- 4.13 Any further ground disturbance will be done after approval by the Authorized Officer.
- 4.14 The grantee shall maintain above the doorway to the structure a sign identifying the BLM lease number.
- 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.
- 4.17 The site must be kept clean. All waste generated during the operation and termination activities of this lease shall be removed and disposed of as required by state and federal laws. As defined in this paragraph “waste” means all discarded matter, including but not limited to human waste, trash, garbage, litter, oil drums, petroleum, ashes, and discarded equipment.
- 4.18 Fuel storage containers, including slow test holding tanks and hazardous substances, with a total combined capacity larger than 55 gallons shall not be placed within 100 feet of the ordinary high water mark of any water body. Containers which exceed a total combined capacity of 110 gallons must be stored within an impermeable diked area or portable impermeable containment structure capable of containing 110 percent capacity of the largest independent container. All containers must clearly be marked with the content’s and the Lessee’ name. Drip pans and materials, such as absorbent pads, must be on hand to contain and clean up spills from any transfer or handling of fuel.
- 4.19 This authorization does not relieve the lessee from securing any other permits, licenses, or other authorizations required by federal, state, or local law.

Permittee Signature: _____ Date: _____

Department of the Interior
Bureau of Land Management
Glennallen Field Office

NEPA Interdisciplinary Review

Project Name: QAP Mobile Asphalt plant and staging areas

Casefile Number: AA093121

NEPA Document Number: DOI-BLM-AKA-020-2012-0005-CX

NEPA Preparer: Brenda Becker

Please return to preparer by: January 5, 2012

Staff Specialist	Resource Area	Comments Provided Yes / No	Date Reviewed
Brenda Becker	Lands and Realty		
Marcia Butorac	Recreation and Facilities	No	1/03/2012
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	12/20/2011
Marnie Graham	Public Affairs	Yes	1/12/2012
Denton Hamby	Special Recreation Use	No	1/11/2012
Denton Hamby	Visual Resources	No	1/11/2012
Brad Honerlaw	Law Enforcement		
Alysia White	Law Enforcement	Yes	1/9/2012
John Jangala	Cultural Heritage		
John Jangala	Paleontology		
Cory Larson	Travel Management	Yes	1/3/2012
James Whitlock	Minerals		
Ben Seifert	Fire Management	No	12/20/2011
Ben Seifert	Forestry	No	12/20/2011
Ben Seifert	Invasive Weeds	No	12/20/2011
Mike Sondergaard	Soils	No	1/3/2012
Mike Sondergaard	Air Quality	No	1/3/2012
Tim Sundlov	Riparian & Wetlands		
Mike Sondergaard	Water Quality	No	1/3/2012
Tim Sundlov	Fish Biology		
Joseph Hart	Hazardous Materials		
Elijah Waters	Branch Chief – Resources	No	2/22/12

Authorized Officer Review: s/s Elijah Waters

Date: 2/22/12