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Bureau of Land Management
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**Administrative Determination (AD)/Documentation of NEPA Adequacy (DNA)
Free Use Mineral Material Site**

Applicant: State of Alaska, Department of Transportation and Public Facilities (DOT&PF)
NEPA Number: DOI-BLM-AK-A020-2011-0013-DNA



FM, T. 16 S., R. 10 E., Sec. 7 NE 1/4

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Administrative Determination (AD)
Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)
U.S. Department of the Interior - Bureau of Land Management
Glennallen Field Office

A). BLM Office: Glennallen Field Office
Serial Case File No: AA-92697

Proposed Action Title/Type: Free Use Mineral Material Permit

Location of proposed Action: Delta River Floodplain, Near Mile 228 Richardson Highway, 40 miles south of Delta Junction, Alaska.

Description of Proposed Action: The excavation of up to 500,000 cubic yards of mineral materials (principally sand and gravel) for use in construction and maintenance of the realigned portion of the Richardson Highway, proposed under *Richardson Highway MP228 One Mile Creek Bridge Replacement Project and Richardson Highway MP 228 Flood Permanent Repairs, State/Federal Project Numbers 61870/BR-017(18) and 76791/ER-008 (6)*.

The materials source pit will have a buffer of 100' between it and any water body. The proposal is not to exceed 40 acres and will serve as the primary source of mineral materials for the project. Materials will be delivered to the project work site following extraction. Alternatively, the materials will be temporarily stockpiled on the adjacent Uplands site (AA-92367) pending BLM approval. The State's selected contractor will be required to submit a detailed mine plan to BLM for authorization, prior to beginning any site disturbance or mine production on the Delta River Floodplain. The material site will be authorized for a term of ten years, to provide material strictly for the defined One Mile Creek Bridge Replacement and Richardson Highway Relocation at MP 228. DOT&PF will acquire additional permits, as necessary, for future Maintenance and Operations and/or construction projects needing material from this site.

Applicant: State of Alaska, Department of Transportation & Public Facilities (ADOT).

B). Conformance with Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans.

The following text, taken from the East Alaska Resource Management Plan, Record of Decision, dated July 2007, addresses salable minerals. This site is located outside the Delta River Wild and Scenic River Corridor and is open to salable mineral development subject to stipulations referenced in number J-3-a-(5) below:

J-3: Salable Minerals (Mineral Materials)

J-3-a: Allocations

1. Areas closed to mineral material sale: a) The scenic and wild portions of the Delta Wild and Scenic River; b) the Gulkana National Wild River corridor; c) the Bering Glacier RNA.

2. Areas open, subject to seasonal constraints: a) the Delta bison calving area; b) the Nelchina caribou calving area; and c) the West Fork Gulkana area.
3. The Denali Highway viewshed is an avoidance area. If no alternatives exist, mineral material development could occur with mitigation for visual resource impacts.
4. The recreational portion of the Delta Wild and Scenic River is an avoidance area. If no alternatives exist, mineral material development could occur with mitigation for visual resource impacts.
5. All other areas are open, subject to Required Operation Procedures described in Appendix A.

C). Identify applicable NEPA documents and other related documents that cover the Proposed Action.

ADOT

Richardson Highway MP 228 One Mile Creek Bridge Replacement and Richardson Highway MP Flood Permanent Flood Repairs (Oct. 06) Project Number: 61870/BR-017(18) and 76791/ER-008(16). The document is dated 12-16-08. This body of work was completed with the input of Glennallen Field Office, Bureau of Land Management, Fish and Wildlife Service, Army Corp of Engineers, and state specialists.

U. S. Army Corps of Engineers (USACE), Alaska District

Permit Evaluation and Decision document, application number POA-2004-653. The permit is dated June 8, 2010. This documents the USACE Environmental Assessment, Public Interest Review, Section 404 (b) (1) Review and Compliance Determination, and includes a Statement of Findings for the proposed work project, including the removal of gravel from the Delta River floodplain. A Finding of No Significant Impact (FONSI) was determined for the project. This review included Public Involvement using a published request for comments from Federal/State/Local agencies, Tribes, organizations, and individuals. The public comment period closed 15-March-2010.

D). NEPA Adequacy Criteria

1. Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed? Is the current Proposed Action located at a site specifically analyzed in an existing document?

Yes, no changes have been made to the One Mile Creek Bridge replacement project or planned mining operations since the State of Alaska completed its NEPA review, and the USACE completed its EA. Yes, the effects of mining on the Delta River floodplain are specifically analyzed in the USACE Environmental Assessment.

2. Is the range of alternatives analyzed in the existing NEPA Document(s) appropriate with respect to the current proposed action, given the current environmental concerns, interest, and resource values? Yes,

ADOT has also applied to BLM for a material site permit (AA92367) for the Federal uplands near mile 228 Richardson Highway, adjacent to the existing highway. Although this alternative pit is situated in a slightly more economically favorable location 0.5 miles closer to the site of material use, it also contains significantly more overburden and trees which increases the cost of mining. Natural river dynamics are expected to quickly replenish the removed sand and gravel materials in the Delta River floodplain mine area, while mining impacts in the alternative uplands site are expected to take a longer time to return to a natural state after reclamation.

The ADOT contractor for the operation will make a final determination of overall feasibility for the uplands versus Delta River floodplain sites. The ‘no action’ alternative will not result in alleviating the road maintenance and safety issues associated with the current bridge location.

3. Is the existing analysis valid in light of any new information or circumstances? There have been no new circumstances or information regarding the project, nor the general area concerned.

4. Does the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action? The authors have done complete jobs in methodically canvassing agencies, stakeholders, and scientists to form logical conclusions regarding the use of the mineral source. The following entities were solicited to comment on the project during the public comment period: U.S. Environmental Protection Agency (EPA); U.S. Fish and Wildlife Service (USFWS); National Marine Fisheries Service (NMFS); U.S. Coast Guard (USCG), Alaska Department of Fish and Game – Division of Habitat (ADF&G); ADNR, Division of Coastal and Ocean Management (DCOM); ADNR, Office of History and Archaeology (OHA); Alaska Department of Environmental Conservation (ADEC); Federally Recognized Tribes; and Local Agencies.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed actions? Yes, there have been no new news or project changes since the publication date. Sections III and IV of the State of Alaska NEPA review adequately articulate the impacts of the project. The US ACE EA documents environmental impacts in Section 6, Factors.

6. Are the cumulative impacts that would result from the implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)? There are no new proposed changes to the existing NEPA document, nor any new information. The impacts discussed are unchanged.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

The ADOT document lists,

- comments and coordination utilized in scoping comments for the project,
- a comprehensive listing of all comments received,
- and all agencies contacted for comment and consultation titled “Agency Scoping Letter and Responses.”

The USACE public notice for the project was published 15-March-2010, and was open for a 30-day comment period; comments were received from the State of Alaska Department of Fish and Game.

E). Interdisciplinary Analysis: The required analysis is incorporated by reference to the original environmental documentation done by the State of Alaska and by the USACE. Both documents are attached to this NEPA document. The interdisciplinary review was completed by the staff at the Glennallen Field Office and is included in the administrative record found in casefile AA-92697.

F). Mitigation Measures: All mitigation is included in the stipulations below.

1. 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. "Permittee" means State of Alaska, Department of Transportation and Public Facilities, and any and all assignees that may be of record, including all agents, contractors, subcontractors, and employees.
- 1.3. "Permit" means the license, lease, permit, or other permissions granted by the United States to the grantee for the use of public lands and resources.

Administrative/General

1. The permittee shall comply with all other stipulations and mitigations imposed by state or federal permits and clearances for the project.
2. The permittee shall prominently mark the work area boundary.
3. The permittee shall not expand or work outside of the permitted area without prior written approval from the AO or their representative AOR. Approval will require additional resource clearances.
4. Any modifications to the proposed activities must be approved in writing by the AO.
5. The AO may revoke or terminate this permit in whole, or in part, upon a determination by the AO that the terms, conditions, or stipulations of the authorization have been violated, or by determination by the AO that the permittee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
6. During production/active mining, the permittee shall maintain an on-site copy of the executed Free Use Permit (FUP), including all stipulations.
7. Either, 1) a copy of all invoices submitted by the contractor to ADOT&PF documenting minerals production under the FUP, or 2) a total accounting of volumes and material types removed from this FUP, shall be forwarded to the AOR prior to January 1 of the following permit year as a requirement for ADOT's annual production report to BLM-Alaska.
8. Photographs shall be taken before any excavation and uses occur, and after mining cells are closed. Photos will be submitted to the AO with the annual production report outlined above.
9. This signed permit authorizes a term of ten (10) years to provide said materials for the defined One Mile Creek Bridge Replacement and Richardson Highway Relocation at MP 228. DOT&PF will acquire additional permits, as necessary, for future Maintenance and Operations and/or construction projects needing material from this site over.
10. The federal government shall not be held responsible for protection of permittee's structures or their personal property from wildfire.
11. The permittee will be held financially responsible for any actions or activity that directly 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.
12. The permittee shall protect all survey monuments. In the advent of obliteration or disturbance of a survey monument, the permittee shall immediately notify the AO. The permittee will be financially responsible to re-establish the survey monuments to the BLM standards.
13. To the greatest extent possible, unused and unneeded areas within the authorized area will be reclaimed prior to opening new areas within the same permitted area.

Operator Submitted Mining and Reclamation Plan

14. The ADOT contractor (mining operator) will submit a detailed mining plan to BLM at least 30 days prior to any ground disturbing activities, for review and approval. The Plan will be forwarded to the AO or AOR by the ADOT Point of Contact (POC) for the specific project. The plan will include:
- a. A map showing pit boundary, working faces, stock piles, and access.
 - b. Cross-section sketch of the current pit and of the idealized final reclaimed slope.
 - c. A detailed description of how the gravel will be extracted, including methods for mining that will not cause unnecessary and undue degradation of the gravel resource (best mining practices).
 - d. The types and number of equipment to be used or located within the authorized permit area must be provided. This includes trucks, crushing and screening plants, pavers, hot mix asphalt plants (include operational capacity), administrative buildings, and other equipment.
 - e. The types and number of equipment to be used on the project.
 - f. Location of fuel storage on site (types of fuel tanks, fueling equipment, and quantity of fuel to be stored on site).
 - g. Equipment fueling plans (how fueling will be accomplished, where equipment will be fueled, and fuel spill plans).
 - h. Location of crew lodging facilities, if located on BLM land.
 - i. Location and types of other construction material stored on site.
 - j. Plans for human and solid waste disposal.
 - k. Any additional description of mining and reclamation techniques as requested by the AOR.

Hazardous Materials and Spill Prevention

15. Petroleum, oil and lubricants (POLs) shall be handled in a manner to minimize negative effects to the environment and human health. Gasoline, diesel, oils, greases and hydraulic fluids are a few of the most common POLs.
16. Storage of POLs is prohibited within the the Delta River floodplain.
17. Fueling of equipment while on the Delta River floodplain is prohibited. Equipment refueling and storage areas shall be located at least 100 feet from an active stream channel.
18. Equipment that has been identified as having a fluid leak should have a drip basin under the leak area when not in use, to ensure no release to the surrounding environment.
19. No vehicles or equipment shall be stored or serviced in wetlands or within 100 feet from an active stream channel.
20. All hazardous materials storage containers must be labeled with the following information: permittee's name, contents of the container (name of the product 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).
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 ADEC as soon as the person has knowledge of the release. As soon as possible, but not later than 48 hours, following the discovery of any discharge as defined in 18 Alaska Administrative Code (AAC) 75.300 [Oil and Other Hazardous Substances Pollution Control], appropriate notification will be given to the AO and any other federal and state officials as required by law.

Housekeeping

22. All solid waste (garbage), including incinerated ash shall be removed by the permittee from public lands and disposed of in an Alaska Department of Environmental Conservation (ADEC) approved waste disposal facility, unless otherwise specified. Incineration of solid waste combustibles shall be undertaken in a contained and controlled manner. Burial of garbage on public lands is not authorized.
23. Back hauling and stockpiling of minerals or trash from outside the site (i.e. originating beyond the boundary of the authorized area) is prohibited.
24. Areas of operation shall be kept in a neat and sanitary condition at all times. Specific written instructions will be provided by the AOR should conditions warrant.

Surface Water Quality and Erosion Mitigation

25. The permittee shall be familiar with the ADEC's, Best Management Practices for Gravel Pits and the Protection of Surface Water Quality of Alaska (2006).
26. Except for the ingress and egress points to the Delta River floodplain, the vegetated streambanks of the Delta River shall not be altered or disturbed.
27. Material shall not be removed from the flowing waters of the Delta River. A 100-foot buffer shall be maintained between the material removal area and flowing waters. A 100-foot buffer shall likewise be maintained between any temporary stockpiles of the excavated material and flowing waters in the Delta River floodplain. Permittee shall maintain a minimum 50-foot-wide, undisturbed buffer along the remainder of the site perimeter.

Paleontological and Cultural Resources

28. The permittee shall immediately report to the BLM all paleontological and cultural materials encountered during your mining operation.
29. The permittee must stop all operations in the area of these discovered paleontological and cultural materials until the resources are evaluated and mitigation measures to prevent the loss of significant cultural or scientific resources are developed by a BLM archeologist.
30. The permittee shall pay all the costs, as determined by the BLM archeologist, associated with the evaluation and mitigation of the paleontological and cultural resources.

Wildlife

31. Attracting wildlife to food and garbage is prohibited. The permittee shall keep garbage or other wildlife attractants secured while awaiting their use or incineration.
32. Wildlife will not be harassed by the permittee, or any of their employees or subcontractors.
33. The permittee shall not "take" migratory birds, their nests, or their eggs.

Other

34. The permittee will follow the best management practices for dust abatement to keep dust at an acceptable level.
35. The contractor/permittee will not conduct any ground-disturbing activities in areas where the BLM has identified the occurrence of federally listed sensitive plants.

36. The permittee is responsible for ensuring that they, and their affiliates, are familiar with the identification of invasive plant species that may occur in the area, particularly any ones listed in this document. The permittee will promptly report to the BLM, the location and extent any invasive plant infestations observed at, or near, the permitted mineral site.
37. Permittee camping is not allowed on the site.

G). Conclusion: The proposed action does not result in any undue or unnecessary environmental degradation and is in conformance with the East Alaska Resource Management Plan 2007.

s/s Elijah Waters
Acting Glennallen Field Manager

14 April 11
Date