



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
Establishment of a short Right-of-way over public land

Applicant: Bureau of Land Management
Case File Number: AA-092955
DOI-BLM-AK-A020-2011-0021-CX



Location:

T. 4 S., R. 1 E., Section 21 and 22, Copper River Meridian, Alaska

Prepared By:

Joseph Hart
Realty Specialist
June 27, 2011

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Glennallen Field Office

CATEGORICAL EXCLUSION (CX) FORM

CX No.: DOI-BLM-AK-A020-2011-0021-CX

Lease/Serial/Case File No.: AA-092955

Proposed Action Title/Types: Establishment of a short Right-of-way.

Location of Proposed Action: T. 4 S., R. 1 E., sections 21 and 22, Copper River Meridian, Alaska. This right-of-way is to provide access to the customer's mining claim and will terminate immediately upon the loss or relinquishment of the mining claim by the customer.

Description of Proposed Action: The BLM would authorize a right-of-way grant to the customer which would allow the applicant to perform trail maintenance and continue his access over public lands to terminate on his mining claim.

Applicant (if any): John D. Pipkin

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 II - NEPA REVIEW

A. Categorical Exclusion Review.

This Proposed Action qualifies as a categorical exclusion under 516 DM 2, Appendix 4. or 516 DM 11.9:

E (17). Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

The length of the right-of-way being asked for is 2,200 feet long by 25 feet wide, a short right-of-way that will go from the TAPS right-of-way to the mining claim and no further. The BLM authorizes rights-of-ways for multiple miles long, for utilities, for access, for pipelines, this request in comparison is a short right-of-way.

B. Departmental List of Extraordinary Circumstances Review.

The following Departmental List of Extraordinary Circumstances apply 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.)

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 Joseph Hart

Date: 6-27-11

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 and Stipulations.

Authorized Official: s/s Elizabeth Maclean

Date: 6/27/11

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Serial Number
AA-092955

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

a. X 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 John D. Pipkin receives a right to construct, operate, maintain and terminate a Non-exclusive use access right-of-way on public lands (or Federal land for MLA Rights-of Way) described as follows:

A non-exclusive right-of-way over public lands within T. 4 S., R. 1 E., sections 21 and 22, Copper River Meridian, Alaska

This non-exclusive right-of-way will begin from a point along the TAPS Right-of-way and travel in a South-Westerly direction to terminate on a mining claim in Section 28 of the same township.

b. The right-of-way permit area granted herein is Twenty five (25) feet wide, 2,200 feet long and contains 1.27 acres, more or less. If a site type facility, the facility contains _____ acres.

c. This instrument shall terminate on December 31, 2015, 4.5 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 X 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 rate is calculated with Zone 4 for 2011 @ 47.98 per acre which totals \$60.94 annually.

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 06-28-2011 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
06-28-2011

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(a).
- 1.2 "Grantee" means John D. Pipkin, 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 or 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.
- 3.5 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. Re-vegetation shall occur through seeding of native seed or by providing for soil conditions that allow the site to re-vegetate 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.
- 3.6 The grant holder will obtain and provide a copy of his access permit for the TAPS right-of-way. Should this access permit for the TAPS laps, be revoked or terminated, the applicant will be permitted 15 business days to obtain and provide a new permit to this office.
- 3.7 This authorization will terminate upon the following situations, the mining claim held by the grant holder laps, is revoked, or fails to be a valid claim held by grant holder.

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

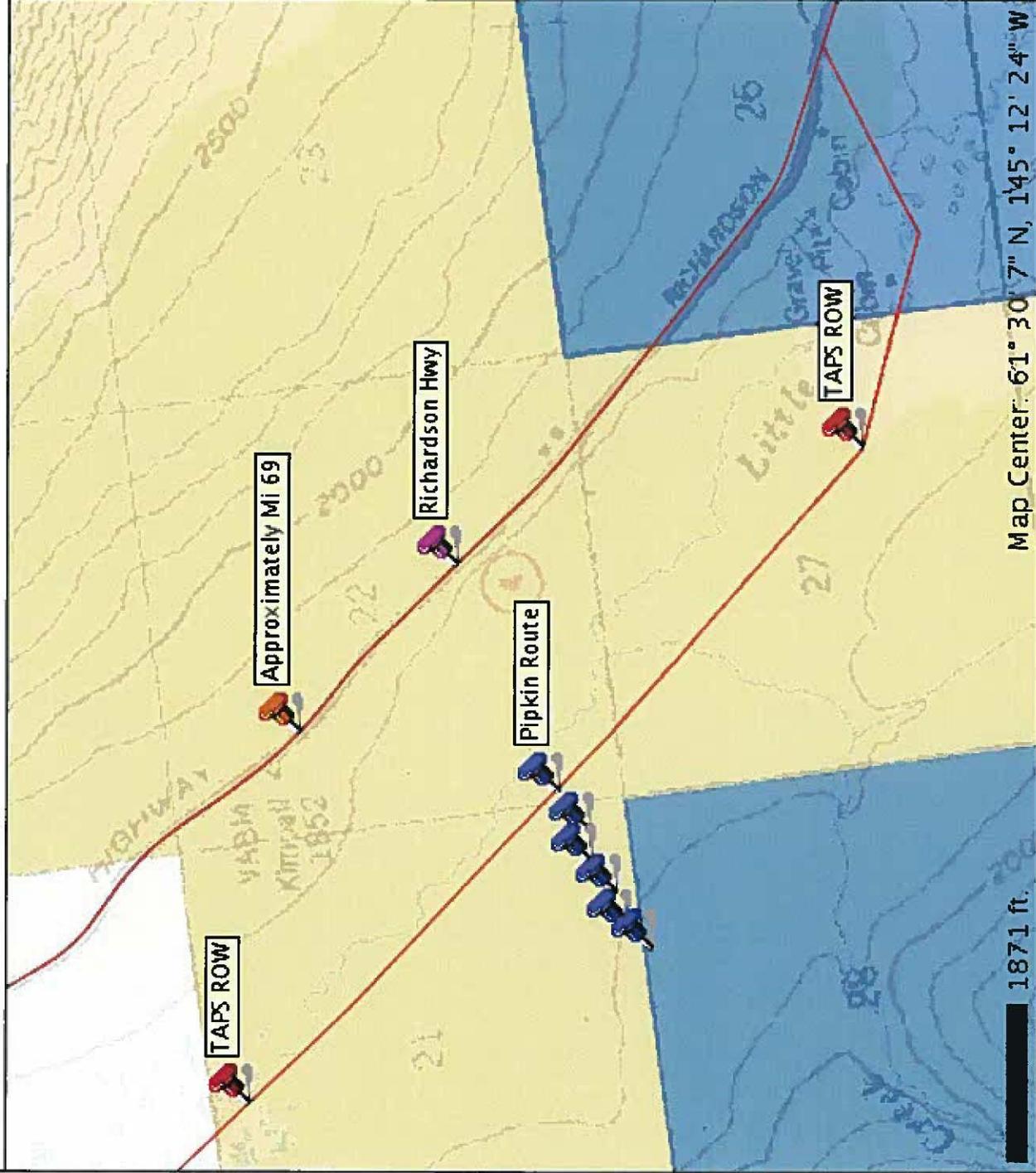
written authorization to proceed is issued by the AO. The grantee shall not occupy or otherwise disturb any cultural sites including historical cabins. The grant holder will be responsible for the cost of any evaluation and mitigating measures determined necessary by the AO.

- 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.

Grantee Signature

Date

Pipkin ROW AA-092955



1871 ft.

Map Center: 61° 30' 7" N, 145° 12' 24" W

Legend

- Towns
- Towns
- ~ Highways
- ~ Major Rivers
- Bureau of Land Management
- Fish and Wildlife Service
- Forest Service
- Metlakatla Indian Reservation
- Military
- National Park Service
- Native Patent or IC
- Native Selected
- Private
- State Patent or TR
- State Selected
- International Boundary
- Alaska

Scale: 1:22,454

DO NOT USE FOR NAVIGATION