



**U.S. Department of the Interior  
Bureau of Land Management**

Glennallen Field Office

P.O. Box 147

Glennallen, Alaska 99588

[Hhttp://www.blm.gov/ak/st/en/fo/gdo.html](http://www.blm.gov/ak/st/en/fo/gdo.html)

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**Categorical Exclusion  
Coal Mine Jarvis Creek Road Access**

**Applicant: Alaska Power and Telephone  
Case File Number: AA-86381**

**DOI-BLM-AK-A020-2009-0005**



**Location:**

FM, T. 14 S., R. 10 E., Secs. 5, 8, 9, 16, 21, 28, and 33

**Prepared By:**

Tami Jindra

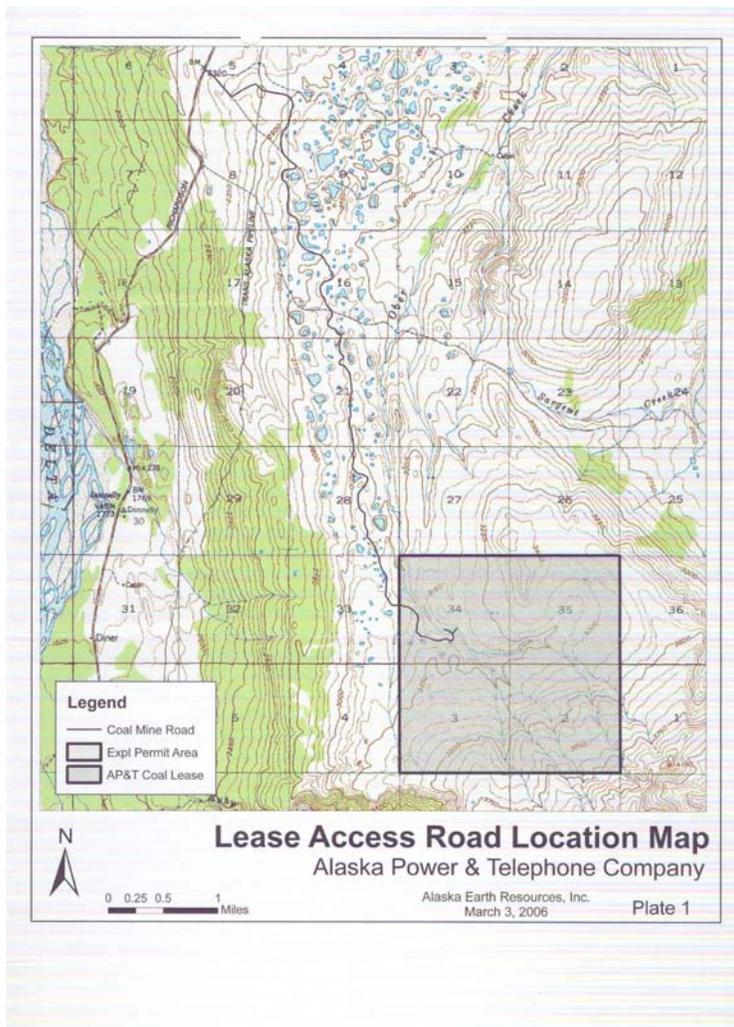
Realty Specialist

February 10, 2009

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

CX No.: DOI-BLM-AK-A020-2009-0005

Lease/Serial/Case File No.: AA-86381



Map Supplied by Applicant

**Location: Secs 5, 8, 9, 16, 21, 28 and 33, T. 14 S., R. 10 E., FM**

**Applicant: Alaska Power and Telephone Co.**

On June 6, 2006, Alaska Power and Telephone was granted a permit for a right-of-way on Jarvis Creek, Coal Mine Road between the Richardson Highway, and State of Alaska owned land. This right-of-way allowed the only overland access to state coal lease ADL 539639. The permittee used the access for approximately 2 years in order to do some drilled core samples of the mining claim. Alaska Power and Telephone are still planning on doing core sampling in the mining area.

David Lappi, a contracted consultant on behalf of Alaska Power and Telephone expressed the desire to renew the permit. The road is currently used quarterly to access the claim for inspection. When the core drilling begins, use could be daily for about a month in early spring. If the core samples are favorable, then plans to reroute a road directly to the mine over state managed lands would be planned and the BLM right-of-way would be relinquished.

The two tracked road is approximately 20 feet wide, and hard packed gravel. It is thought that the road was originally constructed in the late 1960's to early 1970's to access the coal mining areas to the east of the Richardson Highway. The route, dotted with many small glacial lakes known as "kettle lakes" that are stocked with game fish by Alaska Department of Fish and Game is used today as a recreational area. Along with being the only route to access these stocked lakes, the route is used for other casual recreational use as well. It is a popular route for off road vehicles (ORV), horseback riding, and hiking.

The current use by Alaska Power and Telephone for access is compatible with the casual recreational use currently enjoyed by the public.

Allowing the use of the road to gain access to State of Alaska permitted mining claims that are adjacent to the Federal land that the Jarvis Creek, Coal Mine Road is on, is in the best interest of the public. The road is already constructed and in use, therefore no further degradation to the natural resources of the area would occur.

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**PART I - PLAN CONFORMANCE REVIEW**

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

Date Plan Approved: July 2007

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

Remarks: On page 19 of the EARMP, it states that it is the goal of the Lands and Realty Program to...

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.

Page 21, Table 2: Land Use Authorization Constraints states that a right-of-way is OK for this area.

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**PART II - NEPA REVIEW**

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A. Categorical Exclusion Review.

This Proposed Action qualifies as a categorical exclusion under 516 DM 2, Appendix 1.

516 DM 11 E (12), Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

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.)

- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |           |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------|
| 1. | Have significant adverse impacts on public health or safety.                                                                                                                                                                                                                                                                                                                                                                                                     | _____ | <u>No</u> |
| 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. | _____ | <u>No</u> |
| 3. | Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].                                                                                                                                                                                                                                                                                                     | _____ | <u>No</u> |
| 4. | Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.                                                                                                                                                                                                                                                                                                                                        | _____ | <u>No</u> |
| 5. | Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.                                                                                                                                                                                                                                                                                                            | _____ | <u>No</u> |
| 6. | Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.                                                                                                                                                                                                                                                                                                                                  | _____ | <u>No</u> |
| 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.                                                                                                                                                                                                                                                                                                 | _____ | <u>No</u> |

- |     |                                                                                                                                                                                                                                                                                         |       |           |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------|
| 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.                                                                                    | _____ | <u>No</u> |
| 9.  | Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.                                                                                                                                                                     | _____ | <u>No</u> |
| 10. | Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).                                                                                                                                                                        | _____ | <u>No</u> |
| 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).                                                                     | _____ | <u>No</u> |
| 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). | _____ | <u>No</u> |

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:

NEPA documentation was completed during the initial authorization, and is numbered AK-050-CX-06-015. This CX referenced an incorrect legal land description for the proposed action; therefore, the Authorized Officer felt it prudent to prepare a new NEPA document for the renewal of the permitted action.

Preparer(s): \_\_\_\_\_ Date: \_\_\_\_\_  
Tami Jindra, Realty Specialist

**PART III – DECISION**

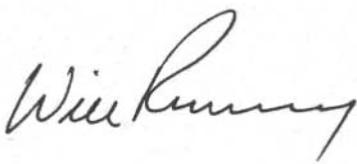
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The proposed action is in conformance with a management framework plan or a resource management plan, 43 C.F.R. § 1610.8(a)(3) (2006). The Department of the Interior has determined and found that the proposed action is within a category of actions 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:

The standard stipulations for the Glennallen Field Office will apply to this action.

Authorized Official:  Date: 2/12/2009

Glennallen Field Office  
Bureau of Land Management  
Stipulations for Alaska Power and Telephone; Jarvis Creek, Coal Mine Road ROW  
AA-86381  
Exhibit A

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 "Permittee" means Alaska Power and Telephone, 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.

2.0 General

- 2.1 This permit 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 permittee to ensure that field party members are familiar with and adhere to these stipulations.
- 2.4 These provisions do not relieve the permittee of any responsibilities or provisions required by any applicable State or Federal law and regulations.
- 2.5 The permittee 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 permittee agrees that the AO shall have the final say I how these stipulations are interpreted and implemented.
- 2.7 Permittee 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 permittee'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 Permittee 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 permit 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 permit 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 permittee's actions pose a threat to human health or safety, or irreparable harm to the surrounding environment.
  - 2.11 The permittee 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 permit unless directed to do so by the AO.
  - 2.12 This permit 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.
  - 2.13 This permit 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 lessee 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 permittee shall not occupy or otherwise disturb any cultural sites including historical cabins. The 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 at least 100 feet away from any source of water. All fuel containers, including barrels and propane tanks, shall be marked with the permittee's name, product type and year filled.
- 4.8 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 lessee 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 permittee shall ensure that a copy of the permit and stipulations is present on site at all times.
- 4.11 The Permittee 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 recontoured and revegetated 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