



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>

Broad Pass 17(b) Easement Donation/Release Categorical Exclusion, DOI-BLM-AK-A020-2010-0036-CX

Case File, F-14844-EE

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-A020-2010-0036-CX.

Specifically, the BLM Glennallen Field Office will conduct a Donation/Release procedure with Ahtna Incorporated (Ahtna) to move the “Broad Pass easement,” an Alaska Native Claims Settlement Act (ANCSA) 17(b) easement designated as 6b C5, L, to an existing trail approximately 1.5 miles south of its current location. The donation/release procedure consists of updating the easement document(s) to reflect a new location for the Broad Pass easement. The donation/release procedure does not entail any additional ground disturbance nor does it convey any additional rights.

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.

Rationale for the Decision

Currently, the Broad Pass easement is reserved in an area that is very marshy, unsustainable, and unlikely to provide adequate access to public lands. Ahtna Incorporated has agreed to donate an easement on an existing trail. Use of the existing trail will make the easement more sustainable and will improve public access to public lands.

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 receipt 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 or email.* 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

12/02/2013

Dennis C. Teitzel
Glennallen Field Manager

Date

Attachments

Categorical Exclusion, DOI-BLM-AK-A020-2010-0036-CX



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CATEGORICAL EXCLUSION

A. BACKGROUND

Project Name / Type: Broad Pass 17(b) Easement Donation/Release

NEPA Register Number: DOI-BLM-AK-A020-2010-0036-CX

Case File Number: F-14844-EE

Location / Legal Description: This is located south of Cantwell, within section 22, T. 19 S., R. 9 W., Fairbanks Meridian.

Applicant (if any): n/a

Description of Proposed Action:

The Bureau of Land Management (BLM) Glennallen Field Office proposes to conduct a Donation/Release procedure with Ahtna Incorporated (Ahtna) to move the “Broad Pass easement,” an Alaska Native Claims Settlement Act (ANCSA) 17(b) easement designated as 6b C5, L, to an existing trail approximately 1.5 miles south of its current location. Essentially, the donation/release procedure consists of updating the easement document(s) to reflect a new location for the Broad Pass easement. The donation/release procedure does not entail any additional ground disturbance nor does it convey any additional rights.

Currently, the Broad Pass easement, located within section 15, T. 19 S., R. 9 W., Fairbanks Meridian (FM), is reserved in an area that is very marshy, unsustainable, and unlikely to provide adequate access to public lands. The BLM and Ahtna have determined that this easement should be moved south approximately 1.5 miles, within section 22, T. 19 S., R. 9 W., FM, to an existing trail. Use of the existing trail will make the easement more sustainable and will improve public access to public lands, as an on-the-ground route already exists and would not have to be created or constructed. The relocated easement will also allow the general public to use the existing trail as the legal access route to public lands, without being in trespass. Additionally, it will lessen impacts to the private property owner by consolidating use into one location that is already impacted. Furthermore, it will minimize current trespass issues for the private property owner, because the public will no longer be in trespass for using an existing trail that currently is open only to Ahtna shareholders without a permit.

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The BLM notified the public during public meetings in the Cantwell area of this donation/release. All comments received were in favor of this action.

B. LAND USE PLAN CONFORMANCE

Applicable Land Use Plan: East Alaska Resource Management Plan and Record of Decision, September 7, 2007

The proposed action is in conformance with plan because it is specifically provided for in the following planning decisions:

The Proposed Action is addressed by the following Lands and Realty decisions (2007 ROD, pp. 24-25):

I-6: Access

I-6-a: Goal

Manage trails to provide access to public lands, recreation, and subsistence opportunities.

I-6-b: Management Actions

1. BLM will continue to review and reserve ANCSA 17(b) easements under the law and regulations to ensure legal access to publicly owned lands as the remainder of the ANCSA Corporation's land entitlements are conveyed. Realignment of reserved 17(b) easements will be considered on a case-by-case basis to resolve on-the-ground issues.

And

2. BLM will work with the land owner, State and other Federal agencies and subject to availability of funds, personnel and approval, BLM will locate, mark and monitor easements and help educate easement users to understand the rights reserved to the U.S. and the rights of the private land owner with priority based on:

- Easements accessing lands that are permanently managed by the BLM or are important to BLM programs.
- Easements receiving high use.
- Easement required to implement an activity or implementation plan.
- Easements where land owners support the activity allowed by the easement.

- Easements where maintenance or education would mitigate environmental damage to the easement or BLM-managed lands.

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:

E. Realty, 8. Corrections of patents and other conveyance documents under Section 316 of FLPMA and other applicable statutes.

E. Realty, 16. Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

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	No

EXTRAORDINARY CIRCUMSTANCES	YES/NO
the protection of the environment.	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
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

12/02/2013

Dennis C. Teitzel
Glennallen Field Manager

Date