

**FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD
HUTCHINSON CREEK ACCESS AMENDED RIGHT OF WAY
E.A. AK-024-07-009
FF092963**

Decision:

It is my decision to grant Right-of-Way (ROW) amendment FF-092963 to Sheldon Maier to allow continued access to his State of Alaska mining claims located on Montana Creek. The proposed action occurs within the Eastern Interior Field Office. Mitigation measures developed in Environmental Assessment (EA) # AK-024-07-009 have been incorporated as site specific stipulations and are attached to this Decision Record. Applicable standard stipulations, which have been developed by the Eastern Interior Field Office, are also attached to this Decision Record. ROW amendment FF092963 will be subject to the attached standard and site specific stipulations.

Finding of No Significant Impact:

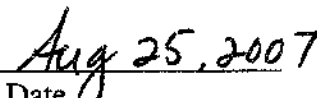
The potential impacts of the proposed action were analyzed in EA# AK-024-07-009, and based on that analysis I have determined that the impacts are not expected to be significant and an Environmental Impact Statement is not required.

Rationale for the Decision:

The decision to grant the ROW amendment will not result in any undue or unnecessary environmental degradation. The proposed action is in conformance with the Fortymile Management Framework Plan. Granting the ROW amendment will not cause a significant decrease in subsistence resources or limit the access of subsistence users. There are no minority or low income populations that will be impacted by the ROW. Cultural resources are known to exist in the general vicinity of the proposed action but will be protected by the stipulations that the ROW is subject to.



Eastern Interior Field Office Manager



Date

Attachments:

EA# AK-024-07-009
Standard and Site Specific Stipulations

Standard Stipulations

1. Transportation or storage of fuel and other petroleum products that can reach waters of the United States shall require a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with 40 CRF 112. A copy of the SPCC Plan shall be provided to the Authorized Officer's representative. Fuel storage areas within the Right-of-Way shall have secondary containment volume of at least 110 percent of the stored volume. The secondary containment shall be compatible with the stored product and capable of remaining impermeable during typical weather extremes expected throughout the storage period.
2. Fueling transfer areas shall be lined or have impermeable protection to prevent fuel migration to the environment due to overfills and spills. The storage area shall be located as close as safely feasible to the refueling source, but shall be at least 100 feet from any water body.
3. All equipment, storage, and petroleum products containers, including barrels and propane tanks, shall be marked with Permittee's name. Petroleum products containers shall also be marked with product type, and year filled or purchased (e.g. Company Name, Hydraulic Fluid, 1995).
4. Sorbant pads shall be stored and used at all fueling points and maintenance areas. Drip basins and/or sorbant pads will be placed under all non dry-disconnect-type fuel line couplings and valves. Drip basins shall be placed under stored vehicle oil pans.
5. All fuel spills should be controlled and cleaned up immediately. Spills shall be reported to the Alaska Department of Environmental Conservation (1-800-478-9300) as soon as possible (Alaska Statute Title 18, Chapter 75, Article 2). Then, within 48 hours of discovery, notice shall be given to the Authorized Officer, Lenore Heppler (907-474-2320) or the BLM Northern District Hazmat Coordinator, Susan Flora (work 907-474-2303).
6. Attracting wildlife to food and garbage is prohibited. The permittee shall keep garbage or other wildlife attractants secured while awaiting their use or incineration.
7. The holder shall remove all trash from the public lands. Solid waste combustibles may be incinerated. All non-combustible solid waste including ash from incineration and fuel drums shall be removed for approved disposal. There will be no burial of garbage.
8. The Holder would be held financially responsible if any of the Holder's actions or activities cause a wildfire. Costs associated with wildfires include but are not limited to damage to natural resources and costs associated with any suppression action taken on the fire.

Site Specific Stipulations

1. The construction and realignment of the trail will be completed within 5 years. The Holder will give the Authorized Officer a construction plan prior to the start of yearly construction activities. If practical, the Holder should begin construction on the southern section of the ROW.
2. Good drainage along the trail needs to be maintained to minimize the impounding of water. These maintenance measures should be ongoing for the term of the ROW.
3. All heavy equipment moves and hauling of bulk fuel should be done in winter conditions where the stream channels are frozen, there is six inches of snow on the ground, and twelve inches of ground frost. Overland moves must be completed prior to April 15, or when BLM determines that conditions will no longer support the use. The dozer blade may be used to plow or remove snow and to construct snow ramps where needed. The Holder will cease operations if damage is occurring to the soils or vegetative mat.
4. Stockpile the unused overburden in such a manner as to control erosion into nearby surface water. The BLM, working with the Holder, will locate borrow sites if there is not enough material within the ROW for the construction and realignment.
5. The ROW width will not exceed 20 feet and the trail width will not exceed 12 feet in order to decrease the footprint and soil damage in permafrost/wetland soil types.
6. Given that aufeis is common in the area, the Holder will, where practical, cap fine-grained material with coarse material.
7. If fill or soil is brought in from another site, it must be free of weed seed and propagative plant parts. Any proposed revegetation must have a developed plan approved by the BLM authorizing officer.
8. The ROW holder should avoid any historic or prehistoric archaeological sites that become exposed or have been flagged for avoidance by the BLM archaeologist. Any discovery of such sites will be reported to the AO as soon as possible.
9. The Holder will submit a yearly report describing the construction activities that occurred and the number of trips made using the ARDCO.
10. The Holder shall not block the access route to recreational or other trail users except during active repair operations. This includes using signs like "No Trespassing", "Private", and "Keep Out" that are meant to discourage use by the public.

11. A maximum of eight (8) moves per field season utilizing the ARDCO CR-14 will be allowed in the FNWSR corridor
12. The Holder shall purchase a BLM-approved performance bond for a minimum of \$3,000 to cover BLM costs if the applicant discontinues the Proposed Action and does not complete required reclamation of the affected land.

Action will be taken against the bond only if the reconstruction is not completed or restoration is required. Two-thirds of the refundable portion will be returned to the right-of-way holder upon completion of the reconstruction of the trail after a BLM site inspection is made and approval given. The remainder would be released or refunded less any needed restoration costs.

The Authorized Officer will suspend the permit if a performance bond has not been received and approved before commencing any moves or trail repairs.

13. No blading or material removal will occur within the creek bed.