

DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
MUNICIPAL LIGHT AND POWER

I. Decision:

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. It is my decision to grant Municipal Light & Power of the Municipality of Anchorage (ML&P), a 20-year, 30-foot-wide and 4,700 foot long, electrical distribution line right-of-way. The right-of-way is renewable pursuant to Title V of the Federal Land Policy and Management Act of 1976. The right-of-way is located in the Seward Meridian, T. 13 N., R. 2 W., Section 6, E $\frac{1}{2}$ SW $\frac{1}{4}$; Section 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$. The rental for this right-of-way will be determined by appraisal and will be billed on an annual basis. The right-of-way will be subject to standard stipulations for land use authorizations and stipulations derived from mitigation measures identified in the environmental assessment. (See Exhibit A.)

II. Rationale for the Decision:

The lands with the application are included in the Alaska Southcentral Planning Area Management Framework Plan (MFP), dated March 1980. Objective Number L-2 of the MFP states the BLM intends to "Satisfy needs for rights-of-way." Objective Number L-1 of the MFP states the BLM intends to "Satisfy state and local government needs as well as public and/or private demonstrated needs for land as they arise." The decision to allow the Proposed Action does not result in any undue or unnecessary environmental degradation. The Proposed Action will authorize ML&P to place Phase I of the project along a currently used corridor, and Phase III will follow the most favorable route to the Fish Hatchery at Fort Richardson.

III. Finding of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that the impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The decision will not significantly restrict subsistence uses, decrease the abundance of subsistence resources, alter the distribution of subsistence resources, or limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

V. Monitoring:

Bureau of Land Management staff from the Anchorage Field Office will monitor the right-of-way within the first year after construction to assess if invasive, non-native species have propagated as a result of soil disturbance. Staff will also monitor periodically determining if any of the power poles or the power lines have caused harm to raptors.

/s/ Peter Ditton, Acting
Anchorage Field Manager

March 19, 2001
Date

Attachments:

Exhibit A - Stipulations

Environmental Assessment: AK-040-EA-01-010

**Exhibit A
Stipulations**

Case File No.: AA-082820
AK-040-EA01-010
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1. Unless otherwise agreed to by the Authorized Officer in writing, power lines shall be constructed in accordance to standards outlined in: Suggested Practices for Raptor Protection of Power Lines: The State of the Art in 1996. The Holder shall assume the burden and expense of proving that pole designs not shown in the above publication are raptor safe. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the Holder without liability or expense to the U.S.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
3. Equipment, gravel and other materials brought on-site must be free of weed sources. Besides auger holes, no blading or removal of vegetation to mineral soil on right-of-way or access routes will be allowed. Disturbed sites will be monitored to determine if non-native species become established. If these species are found, ML&P will be responsible for their removal. Any areas that do not revegetate by the end of the second growing season must be seeded with the native seed mixture specified below. If disturbed areas are found to be excessive in size, ML&P will be required to seed after construction.

Requirements for Seeding:

- A. The seed mixtures shall be spread in the amounts specified in pounds of pure live seed/acre.
- B. There shall be no primary or secondary noxious weeds in the seed mixture.
- C. Seed shall be tested and the viability testing of seed shall be done in accordance with state law(s) and within nine months prior to purchase.
- D. Commercial seed shall be certified or registered seeds.
- E. The seed mixture container shall be tagged in accordance with state law(s) and available for inspection by the Authorized Officer.

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Reseeding or planting should be done with native plant species. Suitable species for this site include: Tufted Hairgrass Deschampsia caespitosa, Bering Hairgrass Deschampsia beringensis, Red Fescue Festuca Rubra, Bluejoint Reedgrass Calmagrostis, Polargrass Arctagrostis latifolia, and Alpine Bluegrass Poa. All are commercially available. Any other proposed species will require review by the Authorized Officer.

4. All soil removed from the ground and not replaced in the holes and trench will be evenly spread around each hole and the trench. Removal of vegetation will be held to a minimum. Routes to, from and along the power line will be held to a minimum.
5. Pursuant to 43 CFR 10.4(g), the Holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.
6. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides 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, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material 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 Authorized Officer. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.
7. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the right-of-way shall be allowed under this grant.
8. The Holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the Holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be

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reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency or state government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.