

ASFO NEPA DOCUMENT ROUTING SHEET

Number: AZ-110-2007-012

Project Title: **Western Wireless Rights-of-Way Assignments – AZA-30856, AZA-30857**

Project Lead: Linda Barwick

Date that concurrent, electronic distribution for review was initiated: **12/27/2006**

Deadline for receipt of responses: **January 17, 2007**

Required Reviews:

Gloria Benson, Native American Coordinator

Tom Folks, Recreation/Wilderness/VRM

Laurie Ford, Lands/Realty/Minerals

Michael Herder, Wildlife/T&E

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Discretionary Reviewers:

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ARIZONA STRIP FIELD OFFICE
CATEGORICAL EXCLUSION REVIEW**

CX-AZ-110-2007-012

PROJECT TITLE: Western Wireless Rights-of-Way Assignments, AZA-30856, AZA-30857

PROJECT LEAD: Linda Barwick

PROPOSED ACTION: Western Wireless has merged with WWC License LLC/Alltel Communications and has requested assignment of two telecommunication site rights-of-way. The Low Mountain site, overlooking the Virgin River, supports highway maintenance and law enforcement primarily along the I-15 corridor from the state line port of entry down the Virgin River corridor (AZA-30856). The Desert Springs/Littlefield site (AZA-30857), located at Beaver Dam, serves residents in the Littlefield/Beaver Dam area and travelers on I-15. A Decision Record was approved June 3, 1999 (EA AZ-010-99-11). Copies of the EA and terms and conditions are available upon request.

The communication sites were authorized in 1999 and the grants will expire June 28, 2029. No changes are proposed on-the-ground and all terms and conditions will remain in effect.

LOCATION OF PROPOSED ACTION: Located in the following area:

Gila and Salt River Meridian, Arizona
T. 41 N., R. 14 W., **(AZA-30856)**
Sec. 36, SWNE.
Containing 0.04 acre, more or less
T. 41 N., R. 15 W., **(AZA-30857)**
Sec. 33, S1/2SE.
Containing 0.04 acre, more or less

PLAN CONFORMANCE REVIEW: The proposed action has been reviewed for conformance with the Arizona Strip District Resource Management Plan, as amended. The proposed action **is** in conformance with the RMP. Decision **LR16** provides for the evaluation of individual Rights-of-Way on a case-by-case basis with National Environmental Policy Act analysis.

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 6, Appendix 5.4. **E(9)** which provides for renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME **LIST OF EXCLUSION CRITERIA** *Assign surnames for determination under each below*

LBarwick 1. The proposal would have no adverse effects on public health or safety: *Identify the effect if any*

TFolks 2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: *Identify the area that would be affected if any*

- JHerron 3. The proposal would have no adverse effects on historic or cultural resources: *Identify the effect if any*
- LBarwick 4. The proposal would have no highly controversial environmental effects: *Identify the effect if any*
- LBarwick 5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: *Identify the effect if any*
- LBarwick 6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: *Identify the effect if any*
- LBarwick 7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: *Identify the other actions and their effects if any*
- JHerron 8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: *Identify the effect if any*
- LHughes 9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species and effect if any*
- MHerder 10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species and effect if any*
- MHerder 11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). *Identify the order and effect if any*
- MHerder 12. The proposal would not require compliance with the Fish and Wildlife Coordination Act: *Identify the effect if any*
- GBenson 13. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: *Identify the law and effect if any*
- LFord 14. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement (January, 1992)

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

REVIEWED BY: _____ **DATE:** _____
 Environmental Coordinator - Arizona Strip

IT IS MY DECISION TO IMPLEMENT THE PROPOSAL, AS DESCRIBED, WITH THE STIPULATIONS IN THE ATTACHMENT.

APPROVED BY: _____ **DATE:** _____
 Field Manager - Arizona Strip

**STIPULATIONS FOR WWC License LLC/Alltel Communications
AZA-30856 and AZA-30857**

1. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
3. No earthwork/blading other than driving cross country would be authorized; however, spraying the road with water would be required to keep the dust down.
4. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the grant.
5. Reclamation activities shall be designed to minimize long-term impacts to natural lines, form, textures, and color contrast. Reclamation methods shall avoid disturbing more area or exposing greater color contrast that resulted from the original operation.
6. Desert Tortoise Terms and Conditions
 - a. The Bureau field contact representative (FCR) shall be responsible for overseeing compliance with these terms and conditions and for coordination on compliance with the U.S. Fish & Wildlife Service. The FCR, qualified biologist(s) approved by the Bureau, and authorized biologist shall have the authority and the responsibility to halt all project activities that are in violation of these terms and conditions. These individuals shall have a copy of the terms and conditions of this biological opinion while on the work site.
 - b. All project personnel that may encounter tortoises (employees, inspectors, supervisors, contractors, and subcontractors) shall attend a desert tortoise education program (provided by the BLM) prior to initiation of activities that may result in disturbance of desert tortoise habitat or death or injury of desert tortoises. The education program will include discussions of the following: legal protection of the desert tortoise and sensitivity of the species to human activities; a brief discussion of desert tortoise distribution and ecology; the terms and conditions of the Right-of-Way grant; project features designed to reduce adverse effects to desert tortoises and their habitat, and to promote the species' long-term survival; protocols during encounters with desert tortoises and associated reporting requirements; and the definition of take and penalties for violations of Federal and State laws.
 - c. To the extent possible, project features shall be located in previously-disturbed areas or outside of tortoise habitat.
 - d. Project vehicle use shall be limited to designated routes (existing routes prior to designation) to the extent possible.
 - e. Areas of new construction or disturbance shall be flagged or marked on the ground prior to construction. All construction workers shall strictly limit their activities and vehicles to areas that have been marked. Construction personnel shall be trained to recognize markers and understand the equipment movement restrictions involved.
 - f. Blading of work areas shall be minimized to the extent possible. Disturbance to shrubs shall be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use, wherever possible they shall be crushed rather than excavated or bladed.
 - g. During the tortoise active season (March 15 through October 15), project features that might trap or entangle desert tortoises such as open trenches, pits, open pipes, etc shall be covered or modified to prevent entrapment.

- h. To the extent possible, project activities shall be scheduled when tortoises are inactive (Oct 15 through March 15). The following activities shall only occur from October 15 through March 15: construction and maintenance activities in rights-of-ways; and non-emergency maintenance of existing roads.
- i. If a tortoise or clutch of tortoise eggs is found in a project area, to the extent practicable activities shall be modified to avoid injuring or harming it. If activities cannot be modified, the tortoise/clutch shall be moved from harm's way by an the authorized biologist the minimum distance possible within appropriate habitat to ensure its safety from death, injury, or collection associated with the project or other activities. The authorized biologist shall be allowed some discretion to ensure that survival of each relocated desert tortoise/clutch is likely. Desert tortoises/clutches shall not be translocated to lands outside the administration of the Federal government without the written permission of the landowner. Handling procedures for desert tortoises and their eggs shall adhere to protocols outlined in Desert Tortoise Council (1994 with 1996 revisions).

Only biologists authorized by the U.S. Fish and Wildlife Service and Arizona Game and Fish Department shall handle desert tortoises. If the Bureau or Right-of-Way holder desires other biologists be authorized, the name(s) of the proposed authorized biologist(s) shall be submitted to the Service for review and approval at least 15 days prior to the onset of activities that could result in a take. The authorized biologist shall maintain a record of all desert tortoises encountered during project activities. This information shall include for each desert tortoise:

- The locations and dates of observation
- General condition and health, including injuries and state of healing and whether animals voided their bladders
- Location moved from and location moved to
- Diagnostic markings (i.e. identification numbers of marked lateral scutes)

No notching of scutes or replacement of fluids with a syringe is authorized.

Desert tortoises that are handled shall be marked for future identification. An identification number (using the acrylic paint/epoxy technique) shall be placed on the 4th costal scute (Fish and Wildlife Service 1992).

- j. At no time shall vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to the Bureau and cleaned up immediately, using the best available practices according to the requirements of the law. All spills of federally or State-listed hazardous materials that exceed reportable quantities shall be promptly reported to the appropriate State agency and the Bureau.
- k. For surface-disturbing activities conducted from March 15 to October 15 in desert tortoise habitat, construction and operation activities shall be monitored by a qualified desert tortoise biologist approved by the Bureau. The biologist shall be present during all activities in which encounters with tortoises may occur. The biologist shall watch for tortoises wandering into construction areas, check under vehicles, check at least three times per day any excavations that might trap tortoises, and conduct other activities necessary to ensure that death or injury of tortoises is minimized.
- l. Unleashed dogs shall be prohibited in project areas.
- m. In ACECs, vehicles associated with Bureau-authorized projects traveling on unpaved roads in desert tortoise habitat shall not exceed speed limits established by the Bureau as necessary to protect desert tortoises. These speed limits will generally not exceed 40 mph even on the best unpaved roads but may be much less on some roads.
- n. Temporary fencing, such as snow fencing, chain link, and other suitable materials shall be used in designated areas as determined by the Bureau to reduce encounters with tortoises from March 15 to October 15 on short-term projects, such as construction of power lines, burial of fiber optic cables, etc, where encounters with tortoises are likely.
- o. Long-term or permanent project sites in which continued encounters with desert tortoises are expected, such as construction of schools under an R&PP lease, roads, power plants, office buildings, and other permanent or long-term projects shall be enclosed with desert tortoise barrier fencing to

prevent tortoises from wandering onto the project site where they may be subject to collection, death, or injury. Barrier fencing should consist of wire mesh with a maximum mesh size of 1-inch (horizontal) by 2-inch (vertical) fastened securely to posts. The wire mesh shall extend at least 18 inches above the ground and preferably 12 inches below the surface of the ground. Where burial is not possible, the lower 12 inches shall be folded outward, away from the enclosed site, and fastened to the ground so as to prevent tortoise entry. Any gates or gaps in the fence shall be constructed and operated to prevent desert tortoise entry (such as installing "tortoise guards" similar to cattle guards, and/or keeping gates closed). Specific measures for tortoise-proofing gates and gaps shall be addressed project by project. Once fence construction is complete, all tortoises within the fence shall be relocated outside the fence. After the area within the fence has been cleared of tortoises, construction and operation activities may occur within the fence without the presence and monitoring of a biologist.

- p. New paved roads and highways in desert tortoise habitat (only authorized outside of ACECs) or major modifications of existing paved roads through desert tortoise habitat shall be fenced with desert tortoise barrier fencing. Culverts, to allow safe passage of tortoises, shall be constructed approximately every mile of new paved road (culverts can also serve the more typical purpose of conducting water under roads). The culvert diameter needed to encourage tortoise use is correlated with culvert length, but generally short culverts of large diameter are most likely to be used. The floor of the culvert shall be covered with dirt and maintenance should be performed as necessary to maintain an open corridor for tortoise movement. Culvert design shall be coordinated with and approved by the Service.
- q. Temporary access routes created during project construction shall be modified as necessary to prevent further use. Closure of access routes could be achieved by ripping, barricading, posting the route as closed, and/or seeding and planting with native plants.
- r. New rights-of-ways shall be routed away from high-density tortoise populations and shall be placed adjacent or parallel to existing rights-of-ways and share vehicular access. Utilities shall be co-located with other projects whenever feasible.
- s. To reduce attraction of potential desert tortoise predators, project sites in desert tortoise habitat shall be maintained in a sanitary condition at all times; waste materials at those sites shall be placed in covered receptacles and disposed of promptly at an appropriate waste disposal site. "Waste" refers to all discarded matter, including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. All reasonable effort shall also be taken to reduce or eliminate water sources associated with project activities that might attract ravens and other predators.
- t. After completion of the project, trenches, pits, and other features in which tortoises could be entrapped or entangled, shall be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoises.
- u. After project completion, measures shall be taken to facilitate restoration. Restoration techniques shall be tailored to the characteristics of the site and the nature of project impacts. Techniques may include removal of equipment and debris, recontouring; and seeding, planting, transplanting of cacti and yuccas, etc. Only native plant species, preferably from a source on or near the project area, shall be used in restoration.
- v. The Bureau shall prohibit live vegetation harvest, except salvage in areas where surface disturbance has been authorized.
- w. The Bureau shall authorize no translocations of desert tortoises from private to public lands unless 1) prior authorization from the Service and Arizona Game and Fish Department is obtained, 2) the desert tortoise population in the area to which a tortoise(s) would be moved is depressed, 3) testing of animals to be translocated is conducted to ensure that spread of URTD or other diseases is not facilitated as a result of translocations, 4) handling of desert tortoises is in compliance with other terms and conditions, and 5) protocols are followed to ensure that translocated animals have the greatest chance for survival and do not disrupt the behavior of resident animals.

- x. Prior to any surface-disturbing activities associated with "projects" work sites shall be surveyed for desert tortoises by a qualified biologist approved by the Bureau. Areas of new disturbance shall be surveyed with 100-percent coverage. For project activities occurring during the desert tortoise active season (March 15 through October 15), surveys shall be conducted within 24 hours of initiation of surface-disturbing activities. Between October 15 and March 15 any new disturbance shall be preceded by 100-percent surveys conducted within one week of the proposed activities. During surveys, occupied desert tortoise burrows in or within 40 feet of areas to be disturbed shall be excavated using hand tools under the supervision of an authorized biologist. Burrows discovered in areas to be disturbed by project activities shall be collapsed or blocked to prevent entry by tortoises (any tortoises in those burrows shall be relocated first). Desert tortoises and any desert tortoise eggs found in areas to be disturbed shall be relocated.
- y. Compensation fees for the loss of desert tortoise habitat has been be paid at the land compensation rate (LCR) of \$132/acre, an administrative overhead surcharge of 18 percent, plus an operating cost fee of 25 percent of the LCR as per IB AZ-98-066. For this proposed action, the compensation fees were calculated as follows: .04 acre @ \$132/acre (\$5.28) + 18% (\$0.95) + 25% (\$1.32) = \$7.55.

7. Roads

According to the Communication Site Plan for Low Mountain (copy sent to Western Wireless % Alltel Communications, Inc. January 10, 2006) states: "Primary access is a graded road from Interstate 15 to within 2 miles of the site. The first portion of the road to the gypsum mine is maintained by the mine to a haul standard. Between the mine and the junction 2 miles south of the site is on BLM Road 1009. This road receives maintenance as funds are available. The final 9,420 feet of road is included In the ROW's to the Arizona Department of Public Safety and WWC License LLC. Users who damage or disturb the access road, or any associated structures, such as ditches, culverts, roadside vegetation, signs and/or underground utilities or facilities, will be required to repair the road or associated structures, to conditions equal to or superior to those prior to any damage or disturbance. This work must be done according to applicable BLM road maintenance standards and may require the appropriate NEPA analysis."

8. Weeds

There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the BLM requires the following measures be taken: The operator will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The operator shall be responsible for the eradication of noxious weeds on disturbed areas within the limits of the work site during the contract period. The holder is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in BLM's EIS, by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS). Any reclamation efforts requiring seeding will be done with certified, weed-free native seed.

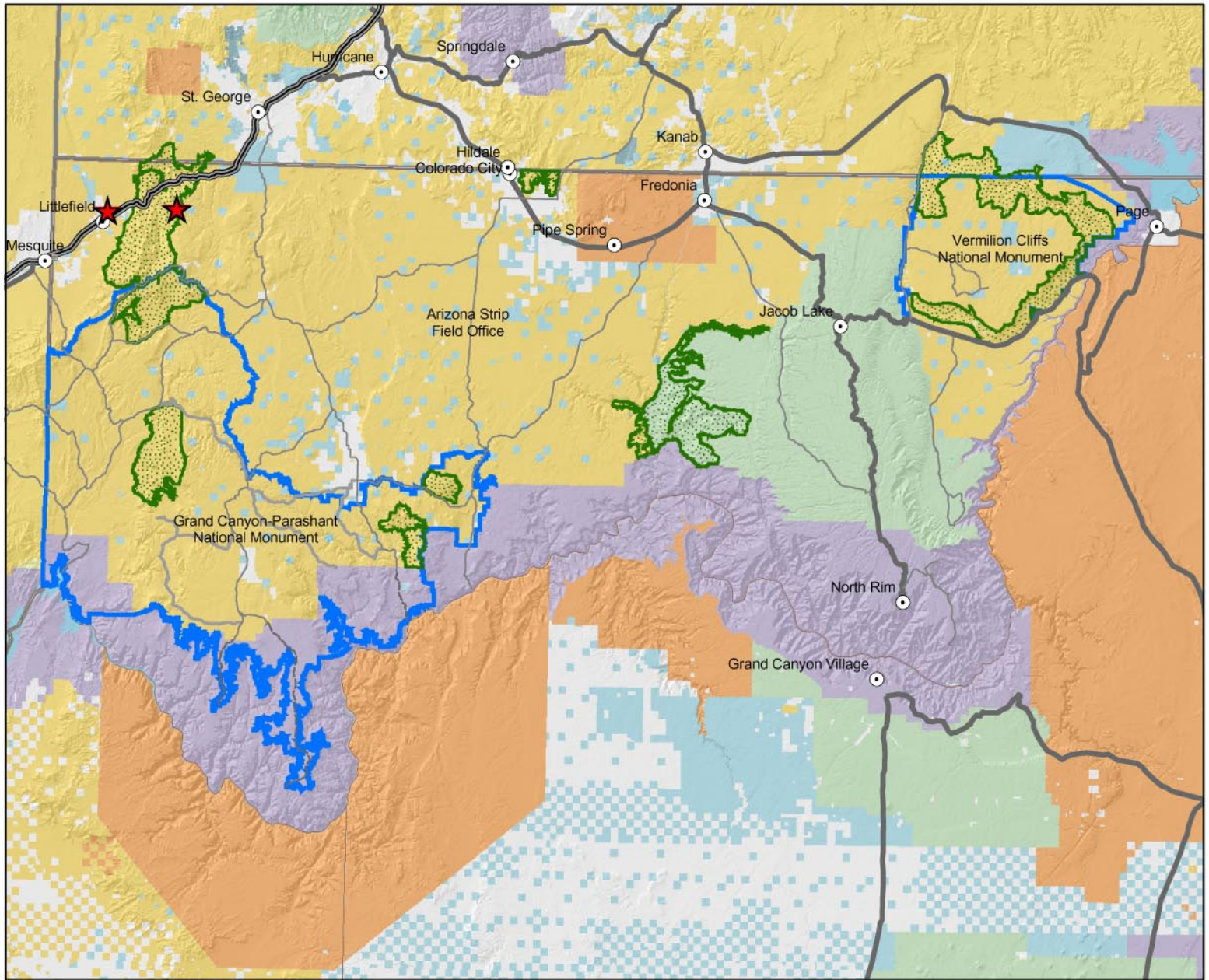
Use of herbicides shall comply with the applicable Federal and state laws. Herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides shall be approved in writing by the authorized officer prior to such use.

9. Cultural

Any surface, or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use shall be left intact; all work in the area shall stop immediately and the BLM Office Field Manager for the Arizona Strip (435)688-3323 shall be notified immediately. Commencement of work shall be allowed upon clearance by the BLM Office Field Manager in consultation with the Archaeologist.

An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.

If in connection with operations any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.



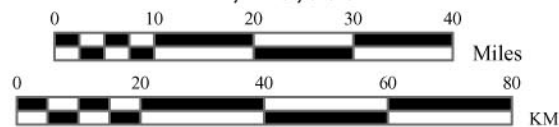
Legend

- | | | | |
|-----------------------|---------------------------|-----------------------|-------------------|
| Designated Wilderness | Bureau of Land Management | National Park Service | Interstate |
| Monuments | State Lands | Indian Lands | Primary Routes |
| Private Lands | National Forest | Secondary Routes | Light Duty Routes |
| | | | 4WD Routes |

Location Map



1:1,220,000



CAUTION:

Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

