



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

Anchorage Field Office

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Anchorage, Alaska 99507

<http://www.blm.gov/ak/st/en/fo/ado.html>

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**Environmental Assessment: AK-010-08-EA-046**

**Case File No: AA-087901**

**Buried Telecommunications Line**

Right-of-Way

Matanuska Telephone Association



**Location:**

Seward Meridian, T. 24 N., R. 4 W.,  
Section 17 S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 20 N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

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August 15, 2008

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**1.0. INTRODUCTION**

Matanuska Telephone Association, Inc. (MTA) is a telecommunications company based in Palmer, Alaska. MTA currently has a buried communications line along a trail south of Sunshine Road, Matanuska-Susitna Borough, Talkeetna, Alaska.<sup>1</sup> MTA is in need of upgrading the line to allow for expansion of its customer base and to provide its customers with enhanced telecommunication services.

**1.1 Land Status**

A portion of the lands to be traversed by the new line are administered by the BLM and are selected for conveyance by and to the Native Community under the Alaska Native Claims Settlement Act, BLM Case File: AA-11153-23.<sup>2</sup> The lands are described as

Seward Meridian  
T. 24 N., R. 4 W.,  
Section 17 S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 20 N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

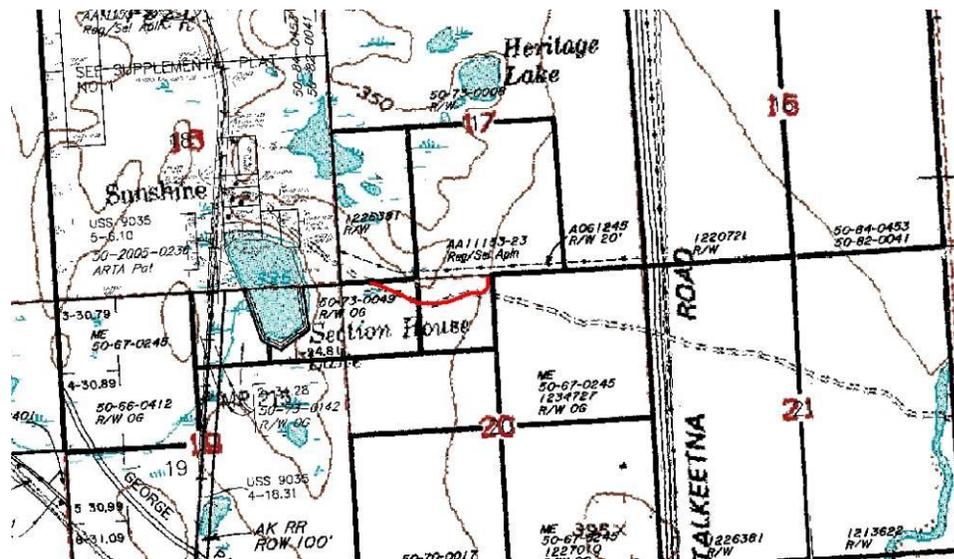


Figure 1 Map of project area.

<sup>1</sup> Although MTA acquired a permit from the Matanuska-Susitna Borough to bury the line, MTA failed to obtain a permit or right-of-way from BLM.

<sup>2</sup> The land ownership pattern in Alaska has been evolving since passage of the Alaska Statehood Act. Presently, there are two categories of BLM lands: BLM *administered* lands - lands selected from the Federal public domain for conveyance to either the State of Alaska under the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, July 7, 1958, or the Native community under the Alaska Native Claims Settlement Act, Public Law 92-203, 85 Stat. 688, December 18, 1971 or the Native Allotment Act of May 17, 1906, and BLM *managed* lands - lands of the Federal public domain that have not been set aside for conservation under the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371, December 2, 1980, or for conveyance to either the State of Alaska or the Native community.

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**1.2 Relationship to Statutes, Regulations, Policies, Plans or Other Environmental Analyses**

**1.2.1 Statutory and Regulatory Authority**

The Federal Land Policy and Management Act of 1976 (FLPMA) directs the Secretary of the Interior to manage the public lands in a manner which recognizes the public's resource needs and to regulate use, occupancy, and development of the public lands through easements, leases, licenses, published rules or other appropriate legal instruments, 43 U.S.C. §1732. The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, under or through the public lands for systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication, 43 U.S.C. §1761(a)(5).

**1.2.2 Plans**

Installation of MTA's new telecommunication line will occur within the planning area addressed in BLM-Alaska's, March 2008, Ring of Fire Resource Management Plan.

**1.2.2.1 Plan Conformance**

The Ring of Fire Resource Management Plan provides that:

The BLM may issue rights-of-way for a variety of uses including but not limited to: roads, water pipelines, electric lines and communication sites under the authority of Title V of FLPMA.

The grant of a right-of-way to accommodate MTA's new communication line is contemplated by and in conformance with the Ring of Fire Resource Management Plan.<sup>3</sup>

**1.2.3 Environmental Analysis**

The National Environmental Policy Act of 1969 requires that the BLM analyze the environmental effects of activities it authorizes on the public lands to determine whether they will have a significant effect on the quality of the human environment, 42 U.S.C. §4332.

FLPMA requires that the Secretary of the Interior, in managing the public lands, prevent unnecessary or undue degradation of the land, its resources, or the environment. In that vein Title V of FLPMA sets forth specific guidelines for right-of-way development. Those guidelines are:

1. Where practical utilize rights-of-way in common;
2. The boundaries of each right-of-way shall be specified as precisely as practical. Each shall be limited to the ground which:
  - a. will be occupied by facilities which constitute the project;
  - b. is necessary for the operation or maintenance of the project;
  - c. is necessary to protect public safety;
  - d. will do no unnecessary damage to the environment.

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<sup>3</sup> 43 CFR §1610.5-3

3. Where a new project may have a significant impact on the environment, a plan of construction, operation and rehabilitation is required.
4. Mineral and vegetative materials, including timber, within or without a right-of-way, may be used or disposed of in connection with construction or other purposes only if authorized or for emergency repair work.
5. Each right-of-way shall contain terms and conditions which will:
  - a. minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;
  - b. comply with applicable air and water quality standards established by or pursuant to applicable Federal or State law;
  - c. comply with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance if those standards are more stringent than Federal standards;
  - d. protect users of the lands adjacent to or traversed by the right-of-way;
  - e. protect lives and property;
  - f. protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes;
  - g. locate rights-of-way along routes that will cause the least damage to the environment, taking into consideration feasibility and other relevant factors; and
  - h. protect the public interest in the lands traversed by the right-of-way or lands adjacent thereto.

Further and in recognition of the fact that the "... continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence," "... utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands....", Title VIII of the Alaska National Interest Lands Conservation Act, Public Law 96-487, December 2, 1980, 94 Stat. 2371, 16 U.S.C. §§3111 and 3112.

### 1.3

#### **Purpose and Need for the Proposed Action**

MTA's current telecommunication line is incapable of meeting anticipated demand and modern telecommunication needs. MTA seeks to upgrade the line to provide its current and future clientele with modern telecommunication services, including DSL and other amenities associated with modern telecommunication services.

## 2.0 PROPOSED ACTION AND ALTERNATIVES

### 2.1 Federal Action

In recognition of the land and resource needs of the public, BLM proposes to issue the MTA a right-of-way grant under Title V of FLPMA which will authorize the use of public lands for the purpose of installation and maintenance of a telecommunications line along a trail south of Sunshine Road, Matanuska-Susitna Borough, Talkeetna, Alaska, *see* Figure 2 below.

### 2.2 Proposed Action: Issuance of a Right-of-Way grant

MTA wants to install a new 50-pair, copper-wire telecommunication line to the service area. Part of that line will be buried on and traverse public lands identified in Paragraph 1.1 above, *see* Figure 2 below.



Figure 2 Close-up aerial of project area affecting BLM administered lands.

To bury the line MTA will clear a swath of BLM *administered* public land approximately one quarter mile long by eight feet wide. Clearing of the land will be accomplished by a crawler with a hydro-axe attachment. Clearing of vegetation is necessary to accommodate the equipment necessary to efficiently install the line. A hydro-axe leaves behind a fine, protective mulch. The mulch creates a protective mulch layer for the tractor to travel over, thus reducing surface disturbance.



**Figure 3 MTA crawler.**



**Figure 4 Example of a Hydro-axe.**

Trees will be removed in this process. They are predominantly willow and located along the side of the trail, see Figure 2 above. Cut vegetation will regenerate naturally.

Once the land is cleared, a crawler will traverse the land with a static plow attachment.



**Figure 5. Static Plow attachment.**

The crawler will cut through the soil with the static plow and lay the communications line in the ground directly behind the plow. The area disturbed by the plow will be no wider than 12 inches. After the crawler has laid the cable in the ground, the soil and vegetative mat will fall back in place. A crew member will walk behind the crawler and realign any materials that do not fall back in place.

The upgraded communications line would lie approximately 3 feet from the old line. The old line will be abandoned in place.

Installation of the new line will require a three-man crew. There will be approximately two days of ground work occurring on BLM administered lands.

### 2.3

#### **No Action Alternative: Denial of a Right of Way Grant**

Under the no action alternative the BLM would deny MTA a right-of-way grant. MTA would not be able to expand its customer base and its existing customer base would not receive enhanced telecommunication services absent alternate routing of the line. The existing line was not authorized by the BLM and is in trespass.

**3.0 Affected Environment**

The vast majority of Alaska is uninhabited and undeveloped. There are some areas however that have been subjected to Western-European settlement and development such as Anchorage and Fairbanks and the transportation corridor between the two cities. Talkeetna is located along that transportation corridor approximately 114 miles north of Anchorage and 274 miles south of Fairbanks. At the 2000 census the population of Talkeetna was 772 people.

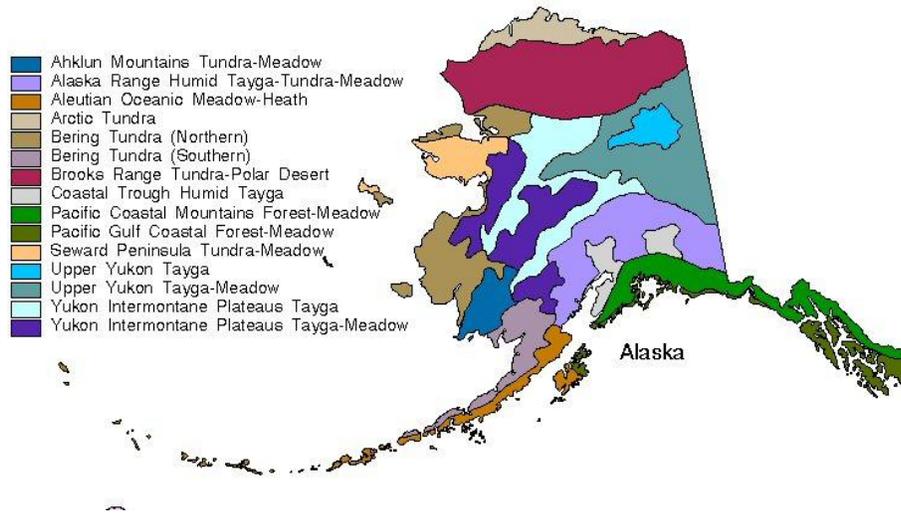


**Figure 6 Talkeetna with Alaska Range in background. Note rail corridor.**



**Figure 7 Talkeetna, Alaska**

### 3.1 Ecosystem Provinces<sup>4</sup>



**Alaska's Ecosystem Provinces**

The proposed action will occur within the Coastal Trough Humid Tayga Province. Characteristics of the Coastal Trough Humid Tayga Province are:

**Land-surface form.**--This province includes smooth and irregular plains surrounded by high mountains. Cook Inlet is level to rolling, with areas of ground moraine and stagnant ice topography, drumlin fields, eskers, and outwash plains. Most of the lowland is less than 500 ft (150 m) above sea level, with a local relief of 50-250 ft (15-80 m).

**Climate.**--Although the climate is subarctic, it is less severe than the interior of Alaska, because the region is sheltered by the Alaska Range to the north. Average annual temperatures range from 32 to 39F (0 to 4C), with a winter average of about 5F (-15C) and summer maximums of about 64F (18C). Average annual precipitation ranges from 10 to 18 in (260 to 460 mm). Annual snowfall averages from 4 to 10 in (100 to 260 mm).

**Vegetation.**--Throughout the Cook Inlet lowlands, lowland spruce-hardwood forests are abundant. Bottom land spruce-poplar forest adjoins the larger river drainages, along with thickets of alder and willow. Wet tundra communities exist along the Cook Inlet coastline. White spruce forests occur on south facing gravelly moraines, and cottonwood-tall bush communities are common on large floodplains.

**Soils.**--Spodosols are the principal upland soils in the Cook Inlet.

**Fauna.**--The diversity of habitats in this province supports a large variety of species. Muskrats and red foxes abound, moose flourish in lowland areas, and

<sup>4</sup> [http://www.fs.fed.us/colormap/ecoreg1\\_akprovinces.conf?24,158](http://www.fs.fed.us/colormap/ecoreg1_akprovinces.conf?24,158).

Dall sheep are frequently seen in the uplands. Black bear populations are dense throughout the region.

Trumpeter swans nest here, and tundra swans are present during migration.

King, sockeye, and silver salmon are common or abundant.

### **3.2 Critical Elements of the Human Environment**

The following discussion addresses the significance criteria discussed in 40 CFR §1508.27 and incorporated into BLM's Critical Elements of the Human Environment (H-1790-1 Rel. 1-1710. 01/30/2008), supplemental Instruction Memorandums, Acts, Regulations and Executive Orders. It also includes consideration of subsistence pursuant to ANILCA Title VIII, Sections 801 and 802.

#### **3.2.1 Unaffected Critical Elements of the Human Environment**

The following Critical Elements of the human environment have been analyzed and are either not present or will not be affected by the Proposed Action or the No Action Alternative:

1. Areas of Critical Environmental Concern
2. Cultural Resources
3. Environmental Justice
4. Essential Fish Habitat
5. Farmlands (Prime or Unique)
6. Flood Plains
7. Forests and Rangelands
8. Migratory Birds
9. Native American Religious Concerns
10. Subsistence

The land is selected for conveyance by and to the Native Community under the Alaska Native Claims Settlement Act, BLM Case File: AA-11153-23. Consequently, the land does not meet the definition of "public lands" under Section 102(3)(A) of the Alaska National Interest Lands Conservation Act and the proposed action is not subject to the subsistence provisions of Title VIII of the Alaska National Interest Lands Conservation Act. Nonetheless, Section 505(b)(iv) of FLPMA, 43 U.S.C. 1765(b)(iv), requires the Bureau of Land Management to "... protect the interests of individuals living in the general area traversed by the [proposed] right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes."

#### **11. Threatened & Endangered Species**

There is no reason to believe that:

- a. an endangered or a threatened species is present in the area affected by the proposed action;
- b. implementation of the proposed action will jeopardize the continued existence of an endangered or threatened species;

- c. implementation of the proposed action will result in the destruction or adverse modification of critical habitat of such species;
- d. implementation of the proposed action will jeopardize the continued existence of any species proposed to be listed as endangered or threatened;
- e. implementation of the proposed action will result in destruction or adverse modification of critical habitat proposed to be designated for such species;

therefore, no consultation with the U.S. Fish and Wildlife Service is considered necessary pursuant to Section 7 of the Endangered Species Act of 1973, 16 U.S.C. §1536.

- 12. Water Quality, Drinking/ground
- 13. Wetlands/Riparian Zones
- 14. Wild and Scenic Rivers
- 15. Wilderness

### **3.2.2 Affected Critical Elements of the Human Environment**

The following Critical Elements of the Human Environment may be affected by the Proposed Action or the No Action Alternative.

#### **3.2.2.1 Air Quality**

As a consequence of Alaska's low population density and relatively sparse industrial activity, air quality, particularly in interior Alaska, is good. Decreases in air quality are attributable to volcanic activity, wildfire and sources outside of the geographic boundary of the State. International transport pathways bring low concentrations of airborne contaminants across the Arctic and Pacific Oceans from Europe and Asia. Other pathways bring contaminants north from the industrialized and agricultural zones of the North American Continent. These pollutants originate from power plants, metal smelters, other industrial sources and agricultural activity and are eventually deposited onto the snow, vegetation, and soils and ultimately into the waters of Alaska.<sup>5</sup> During temperature inversions in winter, air quality in the Westernized urban areas of Fairbanks and Anchorage occasionally fails to meet federal standards.

It is presumed that the air quality along the transportation corridor between Anchorage and Fairbanks and in the communities along the corridor is somewhat degraded, albeit insignificantly, relative to levels of urbanization.

#### **3.2.2.2 Invasive, non-native species**

With increased trade and travel, invasions by introduced vascular plants are becoming commonplace and are widely recognized as one of the most serious threats to biodiversity and to economies. Introduced plants have wide-ranging negative effects on ecosystems. These include alterations to the physical structure of habitats, nutrient cycling, fertility and productivity, hydrological regimes, and food webs.

<sup>5</sup> See <http://www.akaction.org/PDFs/contaminantsinalaska.pdf> and <http://www.columbia.edu/~pjs2002/arctic/pages/pollution.html>

Arctic tundra and Taiga habitats have remained relatively insulated from the negative ecological, economic, and social impacts due to invasive non-native plant species. Most non-native plant populations in Alaska are small and largely restricted to areas of human disturbance. However, arctic and boreal habitats are generally subject to significant natural substrate disturbances, making them susceptible to invasion by weedy non-native species that are primarily disturbance specialists. Further, the natural disturbances display high connectivity. Areas of human disturbance may act as foci for invasions into arctic and boreal habitats.

Road and urban development in the project area has resulted in the introduction of invasive non-native plants such as *Elymus repens* (L) Beav. (quackgrass), *Plantago major* L. var. *major* (timothy), *Trifolium repens* L. (white clover), *Taraxacum officinale* Weber (dandelion), etc.

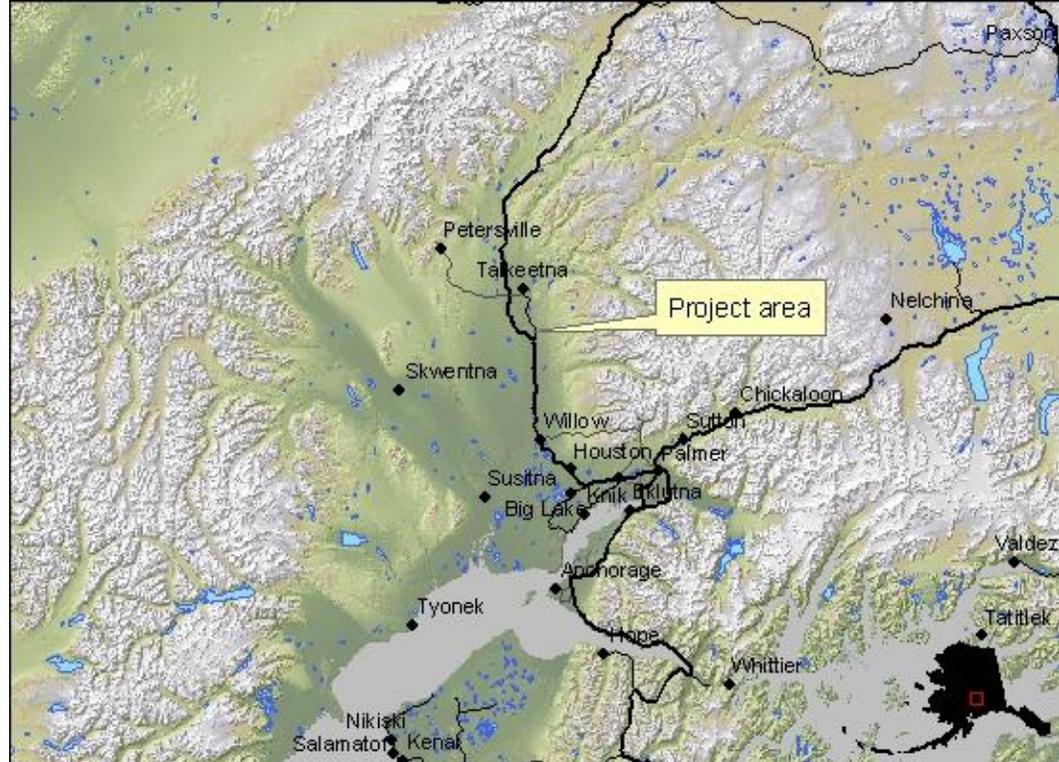
**3.2.2.3 Hazardous Waste/Materials**

There are no known hazardous waste sites in the area.

**3.3 Affected Non-critical Elements of the Human Environment**

The following Non-critical Elements of the Human Environment may be affected by the Proposed Action or the No Action Alternative.

**3.3.1 Fish and Wildlife**



**Figure 8 Matanuska-Susitna Basin**

Many envision Alaska as a completely untouched landscape. Such a misconception ignores the impacts that a century of natural resource development has had on freshwater and terrestrial ecosystems. Mining, timber harvest and oil

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and gas development have traditionally driven the State's economy. These major industries, increasingly coupled with rural and urban subdivision and infrastructure development, have affected fish and wildlife habitats throughout the State.

Unlike Interior Alaska, the level of urbanization along the transportation and settlement corridor between Anchorage and Fairbanks has resulted in relative wildlife avoidance and habitat fragmentation particularly with regard to ungulates such as moose and perhaps caribou.<sup>6</sup>

### 3.3.2 Noise

Noise within the project area is that associated with an urbanized, rural setting. Primary disturbance is on the local trail and road system that supports residential small vehicles and large commercial trucks. On a fairly regular basis, all terrain vehicles, including snowmobiles, utilize the ditch line of the roads for transportation. Annual average vehicle counts are 2,160<sup>7</sup> vehicles per day on the main arteries in the vicinity. Traffic on Old Sunshine Road and the trail system in its vicinity is less with estimates of 108 vehicles per day.

In addition to ground transportation, noise levels are impacted by use of the air space in the area by intermittent small aircraft. There are a number of small private airstrips in use throughout the summer and winter.

### 3.3.3 Vegetation<sup>8</sup>

Birch and spruce forests are dominant in the area with spruce-poplar forests adjoining the drainages of the larger rivers. Thickets of Alder and Willow may also be present.

### 3.3.4 Visual Resources

The area is a mixed boreal birch forest environment intermixed with gravel roads, trails, and housing.

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<sup>6</sup> Drivers along the highway between Anchorage and the Matanuska-Susitna Valley reduce the resident moose population along the corridor by two to three hundred animals a year.

<sup>7</sup> See: <http://www.dot.state.ak.us/stwdplng/mapping/trafficmaps/2006/Central/talkeetna06.pdf>

<sup>8</sup> See: [http://www.fs.fed.us/colormap/ecoreg1\\_akprovinces.conf?24,158](http://www.fs.fed.us/colormap/ecoreg1_akprovinces.conf?24,158)

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**4.0 ENVIRONMENTAL CONSEQUENCES**

**4.1 Affected Critical Elements of the Human Environment**

**4.1.1 Air Quality**

A minute but necessary increase in airborne particulate matter (dust, equipment emissions, and plant material) will be present for less than one week during installation of the communications line.

Greenhouse gas emissions from the equipment will add to greenhouse gas concentrations in the atmosphere.

**4.1.2 Invasive, non-native species**

There is a potential for the introduction or spread of invasive non-native species from heavy equipment use.

**4.1.3 Hazardous Waste/Materials**

Fuel spills could occur during transfer of fuel into equipment and by accidental damage caused by human error or equipment malfunctions of the containers. Oil may spill from the equipment during operation or storage via leaks and/or mechanical breakdown (i.e. rupture of hydraulic lines, or failure of engine seals). Operators will generate human sanitary wastes during their duty day. Operators will also generate some solid waste as a result of meals, equipment maintenance and repairs. Additionally, the current communication cable will be abandoned in place.

**4.2 Affected Non-Critical Elements of the Human Environment**

**4.2.1 Fish and Wildlife**

Heavy equipment use is expected to result in wildlife avoidance of limited duration. Habitat fragmentation is not expected to increase as the line will be installed along an existing travel route. Moose browse will be lost for one or two seasons as a consequence of clearing the vegetation to accommodate heavy equipment use.

**4.2.2 Noise**

Use of the crawler in combination with the hydro-axe is expected to result in an increase in the noise levels in the area. Similarly, the use of a crawler in combination with the static-plow will also result in an increase in the noise levels in the area although it is anticipated that the later will be substantially less than the noise attributable to the use of the crawler in combination with the hydro-axe. The duration of disturbance for both operations is expected to be no greater than one week.

In addition to wildlife avoidance, the increase in noise may prove to be an annoyance to residents and recreational enthusiasts.

**4.2.3 Vegetation**

The hydro-axe will cut an 8 foot by 2,500 foot swath of vegetation along the right-of-way. It is expected to recover naturally within one or two seasons.

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**4.2.4 Visual Resources**

The lands to be effected by the proposed action have been designated within BLM-Alaska's Ring of Fire Resource Management Plan as Visual Resource Management (VRM) class IV. The objective of this classification is to allow for activities which may require major modification of the existing character of the landscape. Perceptible change in the character of the landscape could therefore be high, dominate the view and be a major focus of viewer attention.

That said observers in the project area commonly view the area from the air and ground. The change in the view shed from the air should be imperceptible. Ground-based observers traverse the public road and trail system year round. Change in the view shed at ground level will occur within the ditch lines along the road and trail system and will be perceived as a cutting of vegetation only. Effected vegetation is expected to recover within one or two seasons.

**4.3 Cumulative Impacts associated with issuance of the right-of-way grant**

As is evident from figures 2, 6, 7 and 8 above, the project area has been subjected to considerable settlement and urban, albeit rural, development. Once installed, the communication line will not be apparent to the casual observer. It may however facilitate or accommodate further development in the area as a consequence of increased communication capacity. Increased communication capacity in the area however is not perceived as a primary or contributing cause or motivation for future development.

The abandonment of the old line in place will add to the accumulation of solid waste in the area.

Heavy equipment use will necessarily result in further accumulation of greenhouse gas emissions in the atmosphere. However, the current state of earth science does not allow for an assessment of the significance of such an increase in accumulations.

**4.4 Mitigation Measures**

The following mitigation measures are recommended and are either in addition to or an enhancement of the mitigation measures contained in the proposed action. During construction, operation, maintenance, and termination of the project MTA shall:

1. Regulatory language of practicability notwithstanding (43 CFR 2805.12), comply with all existing and subsequently enacted, issued, or amended Federal laws and regulations and state laws and regulations applicable to the authorized use
2. utilize rights-of-way in common where feasible;
3. minimize adverse environmental impacts and prevent unnecessary environmental damage in the installation and maintenance of the proposed underground telecommunication line;
4. limit the boundary of the right-of-way to an area no greater than that which is necessary to operate and maintain the underground telecommunication line;

5. in the event MTA abandons the new telecommunication line, MTA will submit to the BLM a rehabilitation plan for the right-of-way, which shall include the removal of the new underground telecommunication line and the old underground telecommunication line;
6. only remove trees and vegetation from the right-of-way corridor that are necessary for the installation and maintenance of the underground communications line. Woody debris/slash shall be backhauled off BLM lands. Site reclamation shall commence as soon as possible after laying the communication line by replacing the original organic layer. Certified weed-free mulch, straw is required in areas needing mulch. Sources for weed free mulch can be found by calling Stoney Wright or Andy Nolan at the Plant materials Center: 907-745-4469. Revegetation Guidance can be found at: [http://www.dnr.state.ak/ag/pmcweb/PMC\\_reveg;](http://www.dnr.state.ak/ag/pmcweb/PMC_reveg;)
7. locate the right-of-way along a route that will cause the least damage to the environment, taking into consideration feasibility and other relevant factors;
8. protect Federal property and economic interests in the installation, operation and maintenance of the new underground telecommunications line and in the abandoned underground telecommunications line;
9. engage traffic control measures in accordance with regulations set forth by the State of Alaska, Department of Transportation for road crossing and road side work;
9. all wastes shall be managed in accordance with State of Alaska and Federal laws and regulations. MTA shall comply with Pollution Prevention and Reporting Stipulations for management of Wastewater, Solid Waste, and Spill Prevention and Response procedures. Leaks or spills will be abated immediately with spill prevention and control kits;
10. equipment, construction materials and personal clothing will be inspected and cleaned of invasive, nonnative plant or seed substance before entering the project area. All vehicles, transport equipment used in access, construction, maintenance and operations of project should be thoroughly cleaned prior to moving equipment across or onto BLM managed lands. High pressure washing is recommended to treat the insides of bumpers, wheel wells, undercarriages, inside belly plates, excavating blades, buckets, tracks, rollers, drills, buckets, shovels, any digging tools, etc., to remove potential weeds, seeds, and soil carrying weed propagules, and non-native vegetative material;
11. hours of operation during the installation of the new underground telecommunications line are restricted to 8:00 AM to 10:00 PM or to local standards, whichever is the most stringent;
12. Avoid hydro-axing the right-of-way during bird nesting and brooding periods (May 1 through July 15);

B. abandoned communication line:

- a. MTA shall continue to map, locate, and mark the abandoned cable's location on the ground with an industry standard marking protocol, and shall be responsible for all costs associated with the maintenance or removal of the abandoned line, including remediation of the right-of-way;
- b. The abandoned line shall be removed from the right-of-way upon BLM's or its successor's request;
- c. In the event the abandoned cable is lead shielded, MTA must remove all of the cable by Fall, 2009;
- d. A record of the abandoned line shall be maintained in MTA's permanent files until the abandoned line is completely removed from the ground. The record shall be provided promptly to BLM or its successor's request. The record must include a map, schematic or an as-built survey depicting the abandoned line with:
  - (1) offsets from property lines and the centerline of the right of way;
  - (2) global positioning system coordinates in WGS 84 Datum locating the abandoned line;
  - (3) the type, quantity, and size of the abandoned line;
  - (4) a legend explaining symbols, characters, abbreviations, scale, and other data shown on the map.

**4.5 Impacts of the No Action Alternative**

Denial of the right-of-way grant may result in depriving the public in the vicinity of advanced or enhanced telecommunication services if MTA is unable to secure alternate routing of the line. The natural and physical environment may also be disturbed should BLM elect to require MTA to remove the current line, which is in trespass. Trespass characterization of the current telecommunication line may jeopardize MTA's funding under the Rural Electrification Act of 1936.

**5.0 CONSULTATION AND COORDINATION**

**5.0.1 Consultation**  
NA

**5.0.2 List of Preparers**

Jayme Lopez                      Realty Specialist