

## Categorical Exclusion Documentation

### A. Background

BLM Office: El Centro Field Office  
1661 S. 4<sup>th</sup> Street El Centro, CA 92243

DOI-BLM-CA-D070-2012-0074-CX  
CACA-53439

#### Project Title:

AT&T Telecommunication Cable Line

#### Location:

Portions of Sections 26 and 27 of Township 16S and Range 9E near the community of Ocotillo, California.

#### Description and Rationale, including any Stipulations:

AT&T submitted a right-of-way (ROW) application, dated February 6, 2012, to the Bureau of Land Management (BLM) to install, maintain and operate portions of a telecommunication cable within existing public road ROWs in Imperial County, California (AT&T Telecommunication Line). The AT&T Telecommunication Line would extend approximately 2.8 miles along Imperial Highway (S2 Highway), commencing near the town of Ocotillo to the intersection of Dos Cabeza Road. At this point the line would enter the Ocotillo Wind Energy Facility (OWEF) project site traveling along Project access roads terminating at the OWEF substation/switchyard facility. As shown on Figure 1, the proposed line would extend northward from the substation/switchyard within the OWEF project site using utility corridors being installed as part of the Project to a point near the intersection of Dos Cabeza Road and S2 Highway. From this location the proposed alignment would extend eastward along the south side of the S2 Highway for approximately 2.8 miles to a point just east of Shell Canyon Road. The proposed alignment along the S2 Highway crosses approximately 0.27 miles of BLM lands within Section 28, T16S, R9E (within the project boundaries of the OWEF study area), and approximately 0.50 miles of additional BLM managed lands in the southwest quarter of Section 26 (outside of the project boundaries of the OWEF study area). AT&T's ROW application covers that portion of the AT&T Telecommunication Line that cross BLM-managed lands along Highway S2.

The County of Imperial presently holds a ROW for the affected roadway segment that is 50 feet in width, and is currently developed as a two lane highway, with 26-feet of pavement and 12-foot shoulders on either side. The AT&T Telecommunication Line would be an insulated copper wire and would be installed underground and typically located 6-feet outside the existing edge of pavement generally within a 3-foot deep trench. No above ground telecommunication facilities are proposed within the existing S2 ROW alignment.

The AT&T Telecommunication Cable Line will serve the OWEF. The BLM issued a ROW grant to Ocotillo Express, LLC to construct, operate and decommission the OWEF on 10,151 acres of BLM-managed land near the city of Ocotillo in Imperial County, California. While the Final EIS/EIR for the OWEF Project includes a discussion of utility routing (OWEF Final EIS/EIR, Section 2) that would serve the project, including utility extensions within the public road ROWs, the specific location of the off-site alignment of the AT&T Telecommunication

Line was not known at the time the Final EIS/EIR was prepared. Accordingly, the ROW grant for the OWEF did not authorize the off-site extension of the AT&T Telecommunication Line.

The proposed ROW grant for that portion of the AT&T Telecommunication Line along highway S2 is being considered by BLM for a Categorical Exclusion. The portion of the AT&T Telecommunication Line being constructed within the OWEF study area from Dos Cabeza Road to the substation is not considered under this Categorical Exclusion because that portion of the line is being installed within utility corridors that were approved as part of the OWEF ROW grant.

AT&T is expected to begin construction activities on August 6, 2012. Construction will take place during daylight hours Monday through Friday. The equipment and crews will consist of up to 4 people and 4 pieces of equipment including a small plow or trencher, cable/conduit transport vehicle and 2 pickup trucks. Completion of the telecommunication line is estimated to be completed by September 15, 2012.

## **B. Land Use Plan Conformance**

This action conforms to the *California Desert Conservation Area Plan 1980*, as amended (CDCA Plan) because it is specifically provided for or is clearly consistent with the RMP objectives and decisions as follows:

The Proposed Action is subject to the CDCA Plan. As part of 1976 Federal Policy Management Act (FLPMA), the CDCA Plan was developed to guide land use management of BLM lands within southern California. Approximately 0.50 miles of the proposed alignment along the S2 Highway crosses BLM-administered public lands in Imperial County that are managed under the CDCA Plan. Most of the lands administered under the CDCA Plan have been designated as one of four Multiple Use Classes (MUC): Controlled (C), Limited (L), Moderate (M), or Intensive (I). The class designations govern the type and degree of development or management activities allowed within the boundaries of the classes. Proposed actions must meet the plan guidelines given for a given MUC. The project alignment is within MUC-L, which aims at protecting sensitive, natural, scenic, ecological, and cultural resource values [and] are managed for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. Utility and transmission facilities are allowed within MUC-L designated utility corridors subsequent to NEPA compliance.

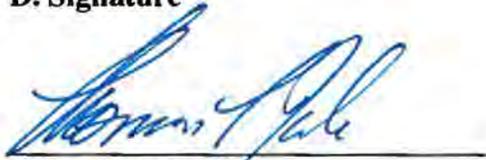
The Energy Production and Utility Corridors Element of the CDCA Plan (Chapter 3) identifies utility corridors for coaxial cables for interstate communications. The proposed communication line is only an extension of a local communication line, so it is not required to be located within a corridor. Therefore, the proposed action would be consistent with the CDCA Plan and would not require a Plan Amendment or change in land use designation.

## **C. Compliance with the National Environmental Policy Act**

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9: E.12 - *Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way*. This categorical exclusion is appropriate for this action because (1) the ROW for the AT&T Telecommunication Line will be wholly located within an existing ROW that is developed as a two lane highway,

with 26-feet of pavement and 12-foot shoulders on either side; and (2) there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply (see attached).

**D. Signature**

A handwritten signature in blue ink, appearing to read "Thomas F. Zale", written over a horizontal line.

Thomas F. Zale  
Acting Field Manager

7/26/2012  
Date

**E. Contact**

For more information, contact Nicolle Gaddis (760) 337-4427 or [ngaddis@blm.gov](mailto:ngaddis@blm.gov) at the El Centro Field Office.

## Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

**Proposed Action:** AT&T submitted a Right-of-Way (ROW) application to the BLM for development of telecommunications facilities on federal lands in Imperial County. The purpose of the proposed line is to provide telecommunication services to the Ocotillo Wind Energy Facility (OWEF), which was recently approved by the BLM through a Record of Decision (ROD) signed on May 11, 2012. The Final EIS/EIR and approved ROD for the OWEF Project includes a discussion of utility routing (OWEF Final EIS/EIR, Section 2) that would be required to serve the project. This description includes extensions of project telecommunication facilities within public road ROWs outside the OWEF project area. However, since the specific location of the AT&T alignment was not known at the time of the preparation of the Final EIS/EIR, it was not directly surveyed for sensitive biological or cultural resources. In order to avoid resources and minimize environmental impacts, reconnaissance surveys of the proposed telecommunication alignment were performed by Helix Environmental for biological resources and Tierra Environmental for cultural resources within the proposed project alignment in June 2012. The findings and recommendations of these additional surveys are included as technical memorandums to this Categorical Exclusion (the memorandum prepared by Tierra Environmental is confidential and is available subject to the applicable legal requirements upon request to the BLM’s El Centro office).

*1) Have significant impacts on public health or safety.*

Yes  No

Rationale: The proposed telecommunication alignment would be buried within the disturbed shoulder area along the existing S2 Highway. All construction related activities will follow established Occupational Safety and Health Administration (OSHA) rules concerning health and safety. Therefore, construction and operation of the proposed underground telecommunication line would not result in significant public health and safety impacts.

*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.*

Yes  No

Rationale: The proposed alignment would be located within the disturbed shoulder of the S2 Highway and would not be located within or adjacent to any designated park, refuge land, wilderness or wilderness study area, prime or unique farmlands, national monuments, floodplains, wetlands, or any other ecologically significant or critical areas. The proposed telecommunications line would be buried the entire length along the S2 ROW and would not result in new impervious surface which could create runoff affecting drainages or groundwater. No historic properties are located within the affected segment of the S2 ROW, and therefore would not be affected by this undertaking.

3) *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes  No

Rationale: The proposed action would install, operate, and maintain installation of the necessary telecommunication line along the unpaved shoulder of County Highway S2. The County's ROW for the affected roadway segment is 50-feet, and is currently developed as a two lane highway, with 26-feet of pavement and 12-feet of unpaved shoulders on either side. The proposed telecommunication line would be an insulated copper wire and would be undergrounded and typically located 6-feet outside the existing edge of pavement within a typical 3-foot deep trench. No above ground telecommunication facilities are proposed within the existing S2 ROW alignment. Trenching activities to accommodate the proposed telecommunication line would be minor, involving excavation of an approximate 1.5 foot wide trench across approximately 0.80 miles of BLM lands along the S2 right-of-way. Therefore, the telecommunication line extension along County Highway S2 would disturb approximately 0.14 acres of BLM lands to underground the insulated copper cable line within the disturbed roadbed shoulder of the S2 Highway. There are no valuable resources located within the disturbed roadbed shoulder, and all disturbances within the shoulder would be restored back to original site conditions once construction is completed. Moreover, the CDCA Plan encourages a dual use of established corridors and ROWs for transmission lines, canals, pipelines, and cables, to help minimize environmental effects on undeveloped public lands. Therefore, the proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources within the proposed alignment.

4) *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes  No

Rationale: As described above in Response 3, the CDCA Plan encourages combined use of existing ROWs to reduce environmental effects or unknown risks on undeveloped public lands. The proposed telecommunication alignment would be located within the disturbed shoulder of the public right-of-way for Highway S2. There are no valuable resources located within the disturbed roadbed shoulder, and all disturbances within the shoulder would be restored back to original site conditions once construction was completed. Therefore, the proposed action would not result in a highly uncertain and potentially significant environmental effect or involve unique or unknown environmental risks. These conclusions are further confirmed by the reconnaissance surveys performed in June 2012 and described in more detail above.

5) *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes  No

Rationale: Similar ROWs grants for telecommunication lines have been authorized for many years throughout public lands managed by the BLM. There is no evidence that these actions have previously or currently resulted in significant environmental effects. This management activity does not commit the BLM to pursuing further actions, and as such would not establish a precedent or decision for future actions with potentially significant environmental effects.

6) *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes  No

Rationale: The proposed telecommunication line has no direct relationship to individually insignificant but cumulatively significant environmental effects. As explained above, the proposed telecommunication line will serve the OWEF, which was approved for development by the BLM in May 2012 and thus has a direct relationship with that action. The Final EIS/EIR prepared for the OWEF project addressed potential impacts from the OWEF, and determined that even with required mitigation, there would be individually significant environmental effects, as well as cumulatively significant effects. The proposed telecommunications line does not have a direct relationship to any other actions.

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.*

Yes  No

Rationale: A Class III Cultural Resources Inventory of the proposed telecommunication line was prepared by Tierra Environmental Services in June 2012, but is only available upon request subject to applicable legal requirements due to the confidential nature of the contents (Tierra, 2012). The survey of the proposed alignment found that no historical or archaeological resources would be affected by the construction and operation of the proposed telecommunication line (Tierra, 2012), thereby confirming that the proposed action would not affect or impact any properties listed or eligible for listing on the National Register of Historic Places as no such properties are located within the proposed alignment along the disturbed shoulder of the S2 Highway.

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.*

Yes  No

Rationale: The proposed extension of the telecommunication line would occur entirely within the disturbed shoulder area along the S2 Highway and would result in approximately 0.14 acres of disturbance on BLM-managed lands along the proposed alignment. A Biological Site Assessment of the proposed telecommunication alignment was prepared by Helix Environmental in June 2012, and is attached to this Categorical Exclusion. Biological surveys of the proposed alignment were conducted to evaluate whether any listed species or critical habitat was present, including sensitive wildlife and vegetation species proposed for listing. As documented in the biological assessment, no listed species were found within the affected area of the S2 ROW, as these areas are generally maintained free of vegetation, and present a hazard to wildlife due to their proximity to the existing roadway, thereby confirming that construction and operation of the telecommunications line would not significantly affect any species listed or proposed to be listed on the List of Endangered or Threatened Species, or their designated Critical Habitat.

9) *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes  No

Rationale: The proposed action would result in the undergrounding of a telecommunication line

along the disturbed shoulder of the S2 ROW. Underground and aerial transmission and telecommunication lines are commonly located within existing road ROWs throughout Imperial County. There are no unusual circumstances associated with construction and operation of the proposed line; therefore, it will not violate a Federal or State law, local or tribal law or requirement imposed for the protection of the environment.

*10) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes  No

Rationale: The proposed alignment along the S2 Highway is located a few miles north of the unincorporated community of Ocotillo. The unincorporated communities of Jacumba and Boulevard, California are located approximately ten and twelve miles west of the proposed alignment, respectively. There are no homes or communities located in close proximity to the proposed alignment as the affected portion of the roadway traverses a large expanse of vacant desert lands. Therefore, the proposed action will not have a disproportionately high and adverse effect on low income or minority populations.

*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).*

Yes  No

Rationale: The proposed telecommunication line will be buried underground and thus will not restrict access to any area. Additionally, the Class III Cultural Resources Inventory prepared for proposed underground telecommunication line did not identify any sacred sites within or adjacent to the proposed alignment along the disturbed shoulder of the S2 Highway (Tierra, 2012). Therefore, the proposed action would not limit access to, or ceremonial use of, any Indian sacred sites, or adversely affect or impact any such sites.

*12) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the 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).*

Yes  No

Rationale: The proposed telecommunication line would be undergrounded within the disturbed ROW of the S2 Highway. There will be no landscaping or irrigation needs associated with the proposed underground facility, and standard construction practices will be employed to ensure all equipment is washed prior to entering and exiting the work areas, along with rubble-strips to control dust and dirt being tracked onto the adjoining roadway. The shoulder areas of the County roadways are maintained to be vegetation free for ease of access and maintenance usage. Therefore, the construction and operation of the underground telecommunication line would not result in the introduction, continued existence, or spread of noxious weeds or actions that may promote the introduction, growth, or expansion of the range of such species.

**Reviewers:**

Christine McCollum  
Staff, Archaeologist

7-26-12  
Date

Sharon Tyson  
Sharon Tyson, Wildlife Biologist

7-26-12  
Date

Andrew Trouette  
Andrew Trouette, Natural Resource Specialist

7/26/12  
Date

Nicollee Gaddis  
Nicollee Gaddis, Planning & Environmental Coordinator

7/26/12  
Date

Daniel Steward  
Daniel Steward, Resource Branch Chief

7/26/12  
Date

## **Decision Record for a Categorically Excluded Action**

### **Introduction and Background**

AT&T submitted a Right-of-Way (ROW) application, dated February 6, 2012, to the BLM for development of telecommunications facilities on federal lands in Imperial County. The purpose of the proposed line is to provide telecommunication services to the Ocotillo Wind Energy Facility (OWEF), which was recently approved by the BLM through a Record of Decision (ROD) signed on May 11, 2012. The Final EIS/EIR and approved ROD for the OWEF Project includes a discussion of utility routing (OWEF Final EIS/EIR, Section 2) that would be required to serve the project. This description includes extensions of project telecommunication facilities within public road ROWs outside the OWEF project area. However, since the specific location of the AT&T alignment was not known at the time of the preparation of the Final EIS/EIR, it was not directly surveyed for sensitive biological and cultural resources. In order to avoid resources and minimize environmental impacts, reconnaissance surveys of the proposed telecommunication alignment were performed by Helix Environmental for biological resources and Tierra Environmental for cultural resources within the proposed project alignment in June 2012. The findings and recommendations of these additional surveys are included as technical memorandums to this Categorical Exclusion (the memorandum prepared by Tierra Environmental is confidential and is available upon request at the BLM's El Centro office).

### **Decision and Rationale**

I considered the implementation of the proposed telecommunications line by AT&T, and it is my decision to authorize the proposed action in support of planning and development for the OWEF. The off-site extension of AT&T's telecommunication line is necessary for monitoring ongoing operations at the OWEF project site.

A qualified multi-disciplinary team participated in the preparation and review of the analysis, and the proposed action was found to be in conformance with the California Desert Conservation Area Plan, 1980, as amended.

### **Compliance with Laws, Regulations, Policies and Land Use Plans**

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9: E.12 Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.

This action conforms to the California Desert Conservation Area Plan, 1980 (as amended) because it is specifically provided for or is clearly consistent with the RMP objectives and decisions as follows:

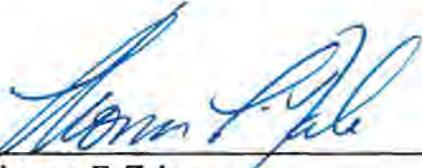
Approximately 0.50 miles of the proposed alignment along the S2 Highway cross BLM-administered public lands in Imperial County, and is managed under the CDCA Plan, as amended (BLM 1980). Most of the lands administered under the CDCA Plan have been designated as one of four Multiple Use Classes (MUC): Controlled (C), Limited (L), Moderate (M), or Intensive (I). The class designations govern the type and degree of development or management activities allowed within the boundaries of the classes, and must meet the guidelines given for that class. The project alignment is within MUC-L, which aims at protecting

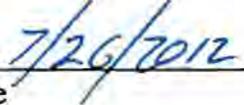
sensitive, natural, scenic, ecological, and cultural resource values [and] are managed for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished. Utility and transmission facilities are allowed within MUC-L designated utility corridors subsequent to NEPA compliance.

The Energy Production and Utility Corridors Element of the CDCA Plan (Chapter 3) identifies utility corridors for coaxial cables for interstate communications. The proposed communication line is only an extension of a local communication line, so it is not required to be located within a corridor. Therefore, the proposed action would be consistent with the CDCA Plan and would not require a Plan Amendment or change in land use designation.

### **Administrative Remedies**

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of Interior, 2800 Cottage Way, E-1712, Sacramento, CA 95825.

  
\_\_\_\_\_  
Thomas F. Zale  
Acting Field Manager

  
\_\_\_\_\_  
Date

## Appendix A: Terms and Conditions

### General Terms and Conditions

- 1) The Holder shall comply with all stipulations contained in this right-of-way grant unless otherwise approved in writing by the Authorized Officer. Non-compliance with the stipulations by the Holder or any of its agents may at the option of the Authorized Officer result in cancellation or suspension of the right-of-way grant or adverse action against the Holder.
- 2) The Holder shall construct, operate, maintain and decommission the telecommunication facilities within this right-of-way in strict conformity with the project description as described in the plan of development (POD) submitted as part of the application (received March 10, 2012).
- 3) Upon completion of the construction activities, all construction related equipment and materials shall be removed from the site, and all debris shall be disposed of in approved landfills.
- 4) The Holder shall comply with applicable Federal and State laws and regulations issued there under, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of the right-of-way grant.
- 5) The Bureau of Land Management retains the right to occupy and use the right-of-way and to issue or grant rights-of-way or other land uses over, upon, under and through the lands, provided that the occupancy and use will not unreasonably interfere with the rights granted herein.
- 6) The Holder shall confine all activities within the area specifically defined in the right-of-way. All vehicle travel shall be restricted to designated routes of travel or in the authorized location for those areas that leave existing roadways.
- 7) The Holder or its agents shall follow only the prescribed route to enter and leave the project location.
- 8) The Holder or its agents shall define and respect work area limits.
- 9) In the event of the discovery of human remains on BLM lands, the holder or contractors shall notify the Imperial County Coroner at 760-339-6328 and BLM authorities immediately. BLM Law Enforcement may be reached at 909-383-5654, if unable to contact BLM dispatch at the number above call Emergency Services at 911.
- 10) The Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized officer and the respective installing authority if known. Where

General Land Office or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

- 11) In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- 12) The permittee/grant Holder, contractor or anyone conducting activities authorized under the grant must have a copy of the grant/terms and conditions on site at the time the activity is being conducted pursuant to the authorization.
- 13) The permit Holder and its contractors are liable for damages related to its activities and is responsible for incidents on its construction sites, including but not limited to, hazmat, vandalism, and accidents with recreational visitors. Permit Holder will take measures to ensure visitor safety such as signing, flagging, lighting, etc.

#### Biological Terms and Conditions

- 1) The project proponent shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective stipulations for the flat-tailed horned lizard, BLM sensitive species and migratory birds and for coordination on compliance with the BLM. The FCR must be on-site during all project activities. The FCR shall have the authority to halt all project activities that are in violation of the stipulations. The FCR shall have a copy of all stipulations on the site. The FCR may be a crew chief or a contracted biologist.
- 2) A BLM approved biological monitor shall be present in each area of active surface disturbance throughout the work day from initial clearing through habitat restoration to ensure that wildlife will not be impacted. Appropriate avoidance ESAs shall be established or the FCR will coordinate with California Department of Fish and Game if

active burrowing owl or desert kit fox burrows are located within 165 feet of work areas.

- 3) In order not to create an illegal trail, no shrub vegetation shall be cleared/bladed using mechanical or manual methods. The Holder or its agents shall preserve existing vegetation. Precautions shall be taken to avoid damage to vegetation by people or equipment.
- 4) To prevent the introduction of new invasive weedy plant species into the project area, holder shall require the designated contractor to ensure that vehicles and equipment that have been used on sites outside of the project area have been cleaned prior to starting work on the project.
  - a) A log of the vehicle cleaning schedule shall be maintained by the contractor for right-of-way grant monitoring.
- 5) The area of disturbance shall be confined to the smallest practical area. Area boundaries shall be delimited with flagging or other marking to minimize surface disturbance associated with vehicle straying. Special habitat features, such as burrows, identified by the qualified biologist shall be avoided.
- 6) The biological monitor shall ensure that all potential pitfalls to wildlife will be covered when not attended.

#### Cultural Resource Terms and Conditions

- 1) If the construction staff or others observe previously unidentified archaeological resources during construction, they shall immediately halt all work within 100-feet of the find(s) and notify the project archaeologist and BLM El Centro Field Office, so that the resource value may be documented and assessed as soon as possible. The finds shall be formally evaluated and recorded, as necessary. The proponent shall protect the cultural resource discovery from further disturbance pending evaluation.
- 2) Pursuant to 43 CFR 10.4 the holder of this authorization or its contractor must notify the BLM El Centro Field Office (760-337-4400), 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 the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Field Office. Protective and/or mitigation measures specified by the Field Office may be required.
- 3) If human remains and/or cultural items defined by the Native American Graves Protection and Repatriation Act (NAGPRA) are inadvertently discovered during construction activities, all work in the vicinity of the find shall cease and the Imperial Valley County Coroner and the BLM El Centro Field Office Archaeologist shall be contacted immediately pursuant to Section (3)(d)(1) of the Act. If the remains are found to be Native American as defined by NAGPRA, work may be delayed in the vicinity of the find up to 30 days.
- 4) The Holder or its agents shall not disturb, handle, move or collect cultural resources.

**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**

**El Centro Field Office**  
1661 South 4<sup>th</sup> Street  
El Centro, CA 92243  
[www.blm.gov/ca/elcentro/](http://www.blm.gov/ca/elcentro/)

In Reply Refer To:

CA-670-12-091/CACA-53439/ DOI-BLM-CA-D070-2012-0074-CX (8100)P

**Memorandum**

To: Field Manager, El Centro Field Office

From: Archaeologist, El Centro Field Office

Subject: Agency Findings and Determinations under Section 106 of the National Historic Preservation Act

Project: AT&T ROW along Highway S2, Imperial County, California

The Bureau of Land Management (BLM) El Centro Field Office has received a right-of-way application from AT&T to install, maintain and operate a telecommunication cable, which would run from the town of Ocotillo to Dos Cabezas road at the Ocotillo Wind Energy Facility (OWEF) along County Highway S2. The proposed alignment along the S2 crosses approximately 0.27 miles of BLM lands within Section 28, T16S, R9E (within the project boundaries of the OWEF study area), and approximately 0.50 miles of additional BLM managed lands in the southwest quarter of Section 26 (outside of the project boundaries of the OWEF study area). The telecommunication line would be an insulated copper wire and would be installed underground and typically located 6-feet outside the existing edge of S2's pavement generally within a 3-foot deep trench.

Pursuant to the *State Protocol Agreement Between The California State Director of The Bureau of Land Management And The California State Historic Preservation Officer (2007)* and in accordance with 36 CFR Part 800, the BLM has reviewed this undertaking, has made a reasonable effort to identify historic properties that may be located within the Area of Potential Effect (APE), and has assessed the effect of this undertaking on historic properties. This information is detailed below.

Identification and evaluation efforts for the Project are described in Tierra Environmental Services' letter report submitted to the BLM on June 14, 2012. During the BLM Class III intensive survey an isolated historic sanitary can (07-025i) was recorded the southern berm of the S-2 right-of-way. In regards to the proposed AT&T telecommunications line project, Tierra makes the following recommendations:

"Isolated artifacts like 07-025i, by definition, lack the necessary qualities that would make them eligible for nomination to the National Register and as such no further treatment of the resources is necessary. Based on the results of the surface survey, it is

our recommendation that no significant archaeological or historical resources would be affected by the proposed CACA-053439 AT&T Telecommunication Line....

In the event unanticipated, buried prehistoric archaeological resources (lithic material, faunal, pottery, etc.) or historical archaeological resources (ceramics, building materials, glassware, etc.) be unearthed during construction or any ground disturbing activities within the project APE, additional resource treatments would become necessary. Once a potential resource has been identified, all work within 100 ft must be halted until the find can be assessed by a qualified archaeologist.”

The BLM has determined that the overview and inventory efforts were adequate to identify and avoid historic properties on public lands that might be affected by this undertaking and concurs with the contractor’s recommendations. Therefore, the BLM staff archaeologist has recommended that the proposed undertaking would have no effect on historic properties.

The BLM makes the following finding for this undertaking:

The BLM finds that there will be *no historic properties affected* by this undertaking.

This memorandum documents the recommendations of the cultural resources staff, the acceptance of these recommendations by the Agency Official (as defined in 36 CFR §800.2(a), Protection of Historic Properties), and constitutes the formal statement of Agency findings and determinations for Section 106 of the National Historic Preservation Act as implemented in the *Protocol*. In accordance with the *Protocol*, BLM has satisfied its responsibilities to take into account the effects of this undertaking on historic properties that may be included or eligible for inclusion on the National Register of Historic Places.

Recommended by:

*Carrizillo* 7/20/12  
Archaeologist, El Centro Field Office Date

Acceptance by the Agency Official:

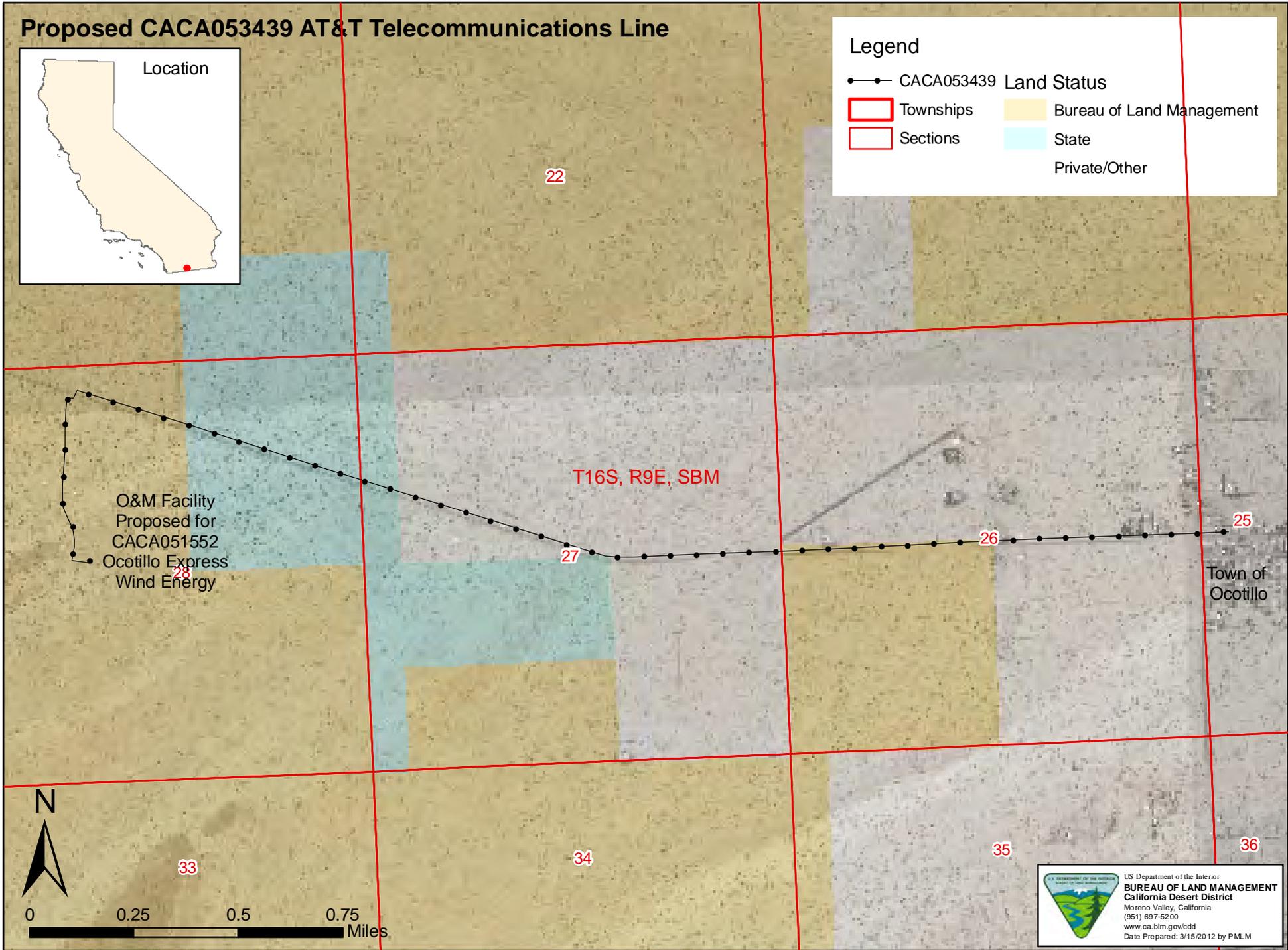
*Mark Lopez* 7/23/2012  
Field Manager, El Centro Field Office Date

# Proposed CACA053439 AT&T Telecommunications Line



### Legend

- CACA053439 Land Status
- ▭ Townships
- ▭ Sections
- ▭ Bureau of Land Management
- ▭ State
- ▭ Private/Other



US Department of the Interior  
**BUREAU OF LAND MANAGEMENT**  
California Desert District  
Moreno Valley, California  
(951) 697-5200  
www.ca.blm.gov/cdd  
Date Prepared: 3/15/2012 by PMLM

# Memorandum

HELIX Environmental Planning, Inc.  
7578 El Cajon Boulevard  
Suite 200  
La Mesa, CA 91942  
ShelbyH@helixepi.com  
619.462.1515 tel  
619.462.0552 fax  
www.helixepi.com



**To:** AT&T Project Manager  
**Date:** June 7, 2012 **From:** Shelby Howard  
**Subject:** Proposed CACA053439 AT&T Telecommunications Line

## Message:

HELIX Environmental Planning, Inc. (HELIX) conducted a biological site assessment of the proposed CACA053439 AT&T telecommunication communications line project (proposed project). The proposed work area occurs along the south side of State Highway S2 west of the community of Ocotillo, Imperial County, California. The proposed project would extend the telecommunications line from where the line currently terminates (at the Ocotillo Community Park) approximately 8,000 feet to the west and northwest to the Ocotillo Wind Energy Facility (OWEF) project site. The proposed project would terminate along Dos Cabezas Road, within the OWEF project site. The telecommunications line would be placed at a depth of at least 36 inches deep within the road right-of-way and five above-ground pedestals would be placed along the length of the proposed project. All work for the proposed project would occur within the State Highway S2 right-of-way corridor, which is maintained free of vegetation.

On Thursday, June 7, 2012, Jason Kurnow, the HELIX lead biologist for the OWEF project, conducted a biological survey of the proposed project. The biological survey included an assessment of the proposed work area to evaluate whether any sensitive biological resources were present, including special status plant and wildlife species, sensitive vegetation communities, and federal or state jurisdictional drainages. No sensitive vegetation communities or special status plant or wildlife species were documented within the project area; the proposed project area includes the shoulder of State Highway S2 and is devoid of vegetation and other biological resources. No federal or state jurisdictional drainages within the proposed project area.

Installation of the proposed communication line would not result in any significant impacts to vegetation, wildlife, or federal/state jurisdictional drainages. Photographs of the proposed project area are provided below. Please let Jason Kurnow or me know if you have any questions.

# Memorandum (cont.)

HELIX Environmental Planning, Inc.  
7578 El Cajon Boulevard  
Suite 200  
La Mesa, CA 91942  
ShelbyH@helixepi.com  
619.462.1515 tel  
619.462.0552 fax  
www.helixepi.com



Photo 1 - View to the northwest of shoulder on the south side of State Highway S2 (approximately 2,000 feet to the southeast of the existing Sunrise Powerlink and Southwest Powerlink transmission towers). Photo taken June 7, 2012.



Photo 2 - View to the northwest of shoulder on the south side of State Highway S2 (approximately 500 feet to the northwest of the existing Sunrise Powerlink and Southwest Powerlink transmission towers). Photo taken June 7, 2012.

Sincerely,

A handwritten signature in blue ink that reads "Shelby H".

Shelby Howard  
Project Manager/Senior Scientist