

**United States Department of the Interior
Bureau of Land Management**

Categorical Exclusion

DOI-BLM-CO-SO50-2014-0034

November 2014

Fiber Optic ROW to Serve Communication Site

*Location: approximately 6 miles northwest of Delta
Delta County, Colorado*

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2014-0034

CASEFILE: COC-35417 Amendment

PROJECT NAME: Fiber optic cable to serve the North Delta Communication Site

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: 6th Principal Meridian, T. 15 S., R. 96 W., Sections 7 and 18.

APPLICANT: Qwest Corporation d/b/a CenturyLink QC

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue an amendment to Qwest's telephone line right-of-way (ROW) to add a fiber optic cable. The cable would provide improved services and capabilities for the two communication site users at the North Delta communication site (a.k.a. Alkali Creek) located approximately 6 miles northwest of Delta.

The proposed project includes the following:

Buried Segment: Qwest would bury the cable within their existing 16-foot wide ROW by paralleling their telephone line for a distance of 2,360 feet from Highway 50. Over half of the existing ROW is adjacent to Star Nelson Road (1025 County Road). However, the exit from Highway 50 for the Star Nelson Road was moved approximately 2,000 feet west some years ago to alleviate a blind curve at the original intersection. Qwest's existing buried line is still within the alignment of the abandoned county road. Access for the new buried cable will be overland within the existing ROW for the initial segment and then along the county road for the next segment.

Aerial Segment: The cable would then be constructed as a new aerial line that would consist of 4 single wood poles, 25 feet high. The aerial segment would be 849 feet long. Access for the aerial segment will utilize existing roads to the extent possible or be overland within the ROW. Because Pole #2, located half way up the hillside, is not accessible by vehicle it will be hand-dug.

The amendment for the cable would be a total of 3,209 feet long, 10 feet wide and contain 0.737 acres. The amendment would be issued under FLPMA, and the existing ROW expires in 2041 with the right of renewal. The amendment would be subject to rental and the stipulations in Exhibit A.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: Management Unit 5, managed to reduce salinity loads in the Upper Colorado River Basin, Page 149-150

Decision Language: The unit is open to development of major utility facilities but no surface disturbing activities would be permitted from March 1 through May 31 to protect wet soils if necessary.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9. Buried Segment: Number E(12) allows for ROWs wholly within the boundaries of other compatibly developed ROWs. Aerial segment: Number E(17) which allows granting of a short right-of-way for utility service to an outbuilding (849 feet). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	___ <u>X</u>
2. Have adverse effects 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, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	___	___ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	___ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	___ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	___ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	___	___ <u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	___	___ <u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	___	___ <u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	___	___ <u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	___	___ <u>X</u>

11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ X
12. Significantly, 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. _____ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Teresa Pfifer	Lands & Minerals Staff Supvr	Lands and Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E and Migratory Birds
Edd Franz	Outdoor Recreation Planner	Lands with wilderness characteristics

REMARKS:

Cultural Resources: The majority of the proposed line is situated within previously disturbed surface and no inventory is required. The overhead portion was inventoried for cultural resources on May 28, 2014, by BLM archaeologist Glade Hadden. There are no National Register or otherwise eligible historic properties within the ROW and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened, Endangered Species, and Sensitive & Migratory Birds:

The project occurs within occupied Colorado Hookless cactus (CHC) habitat with several large populations occurring near the planned construction activities. The other large occurrence is along the access road to the communication tower as it turns south for the final approach to the facility (Figure 2). Plant distribution in this area is dense and they exist among an extensive surface cap of black eroded volcanic rock. In this location there are numerous individual CHC plants on the road margin and within 1 meter of the road. Because of the potential for plants near the access road to be affected by the project, BLM consulted the US Fish and Wildlife Service concerning the proposed action. Based on the conservation measures (stipulations 18-25) put forth by BLM and the project proponent, BLM concluded the project "May affect but is not likely to adversely affect" the Colorado Hookless Cactus (BLM 2014). The Service concurred with BLM's finding on September 23, 2014.

Migratory Birds: Migratory bird use of the area is limited, but several species were detected. The most common species using the project area is horned lark (*Eremophila alpestris*) and this species was active in most parts of the project area. Other species encountered during the survey included American kestrel (*Falco sparverius*), mourning dove (*Zenaida macroura*), white-throated swift (*Aeronautes saxatalis*), common raven (*Corvus corax*), rock wren (*Salpinctes obsoletus*), lark sparrow (*Chondestes grammacus*) and golden eagle (*Aquila chrysaetos*).The

habitat type of the project site does not offer suitable nesting substrate for bird species of conservation concern under the Migratory Bird Treaty Act. The project is expected to be completed prior to the spring nesting season therefore there are no expected impacts to avian species from the project.

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

NAME OF PREPARER: Nick Szuch November 13, 2014

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard
Jedd Sondergard

DATE: 11/17/14

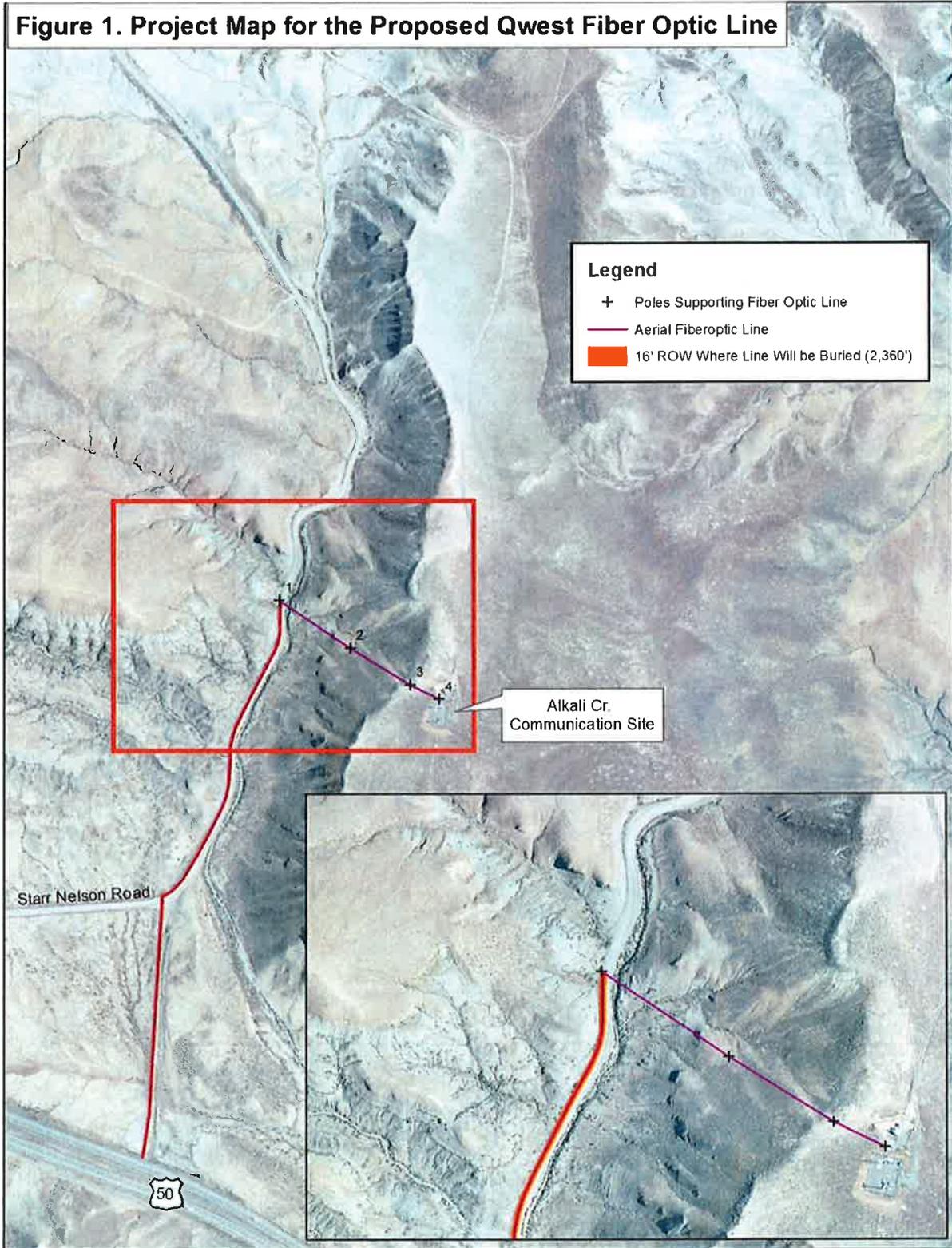
COMPLIANCE WITH NEPA

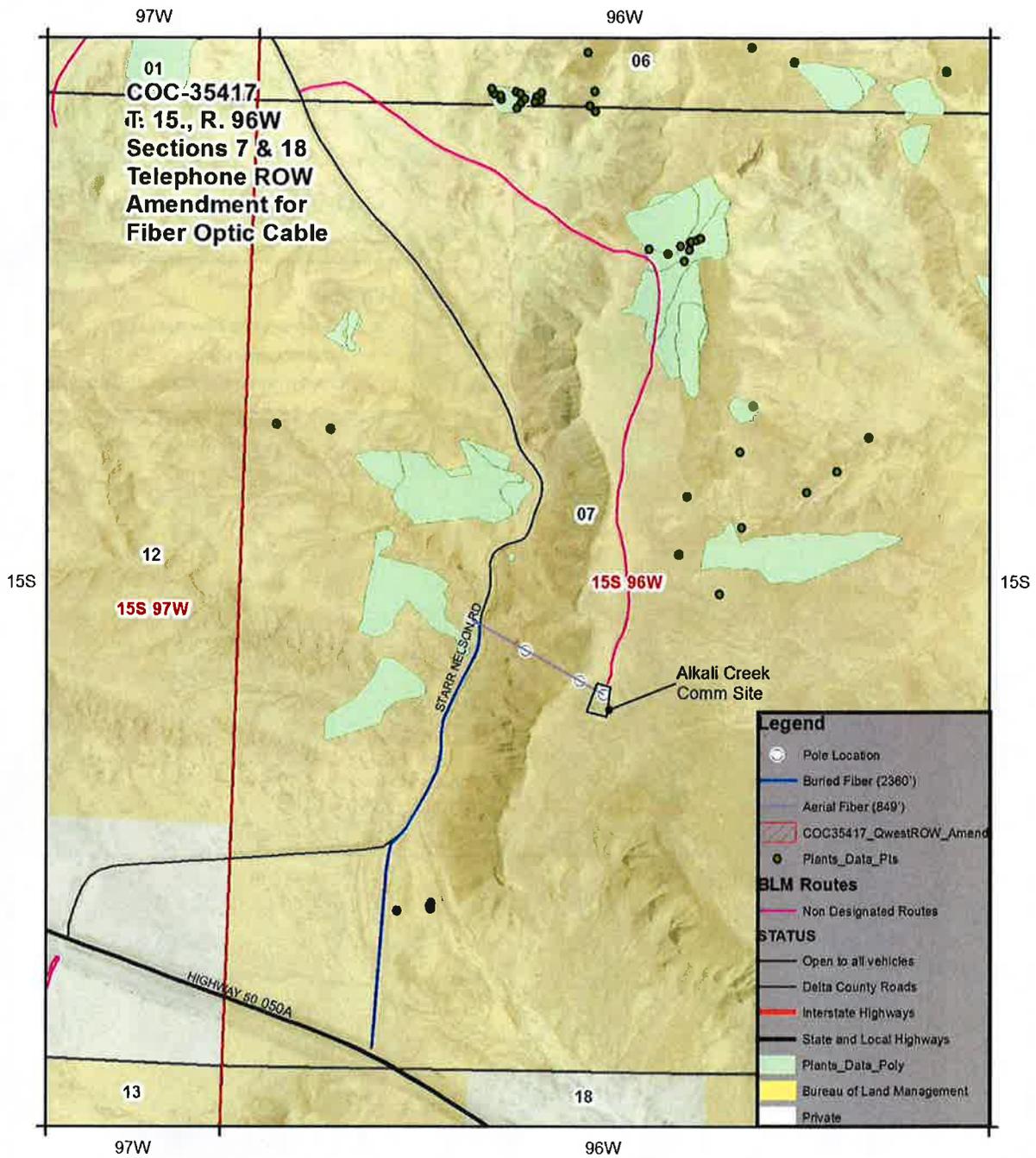
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Numbers E(12) and E(17). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially 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 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED: 11/20/14

Figure 1. Project Map for the Proposed Qwest Fiber Optic Line





COC-35417 Qwest Fiber Optic Line Amendment



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

1:8,364

Date: 11/17/2014

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STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. For emergencies, the holder will contact the BLM as soon as possible after maintenance activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way in conformance with the terms, conditions and stipulations contained herein. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/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 pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.
6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.

12. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs to restore access are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
13. The holder shall disturb the minimum amount of soils and vegetation necessary for the construction, operation and maintenance of this right-of-way. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
14. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The disturbed areas shall then be covered with wood straw according to the manufacturer's recommended application rates (wood chips will not be acceptable as they are easily transported by high winds). The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Galletta grass	4
Indian Ricegrass (White River)	<u>4</u>
Total	8 lbs/acre PLS

15. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
16. The holder shall obtain and comply with all County, State and Federal permit requirements, regulations and resolutions, including but not limited to obtaining any necessary permits

from Delta County and the Colorado Department of Transportation (CDOT) for work to be done within their highway and road rights-of-way.

17. The holder may not authorize or sublease to third parties the right to space or use of the facilities authorized herein prior to contacting the Authorized Officer. Allowing third party use of this facility may require an amendment to this right-of-way.
18. A 3rd party biological monitor will be required to be on site during all installation activities to assist in and ensure avoidance of cacti in the area.
19. The fiber optic installation crew will be instructed on avoidance and conservation of the Colorado Hookless Cactus prior to commencing work by the onsite biological monitor.
20. All project related vehicles shall remain on existing roads or disturbances at all times.
21. For the cacti within 5 meters of the two-track access road on top of the mesa, those plants will be delineated with highly visible rope or barrier fencing during installation activities. Those individuals within 2 meters of the two-track access road will have large rocks stacked around them to offer an additional level of protection from passing vehicles during installation.
22. Project related vehicles utilizing the two-track access road will be required to not exceed 5 mph to reduce fugitive dust generation.
23. If noxious or invasive weeds occur within the proposed ROW, Qwest will be required to treat weeds in accordance with BLM policy and standards. Refer to Uncompahgre Programmatic Weed Management Plan (ES/GJ-6-CO-13-F-001 TAILS-06E24100-2013-F-0040).
24. If the project should be delayed until spring or the blooming period for Colorado Hookless Cactus, then the contractor would be required to provide daily dust abatement for the Star Nelson road.
25. Should any cacti be damaged or destroyed due to failure to comply with the proposed conservation measures during project implementation, all work shall cease immediately and BLM and USFWS shall be notified. Work will not continue until Qwest, USFWS, & BLM can determine and ensure that no additional plants will be damaged or destroyed during completion of the project. Additional conservation measures may be required at the cost to Qwest and project completion may be delayed until agreed upon conservation measures have been fully implemented.
26. To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

27. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2014-0034 CX)

PROJECT NAME: Fiber Optic ROW to Qwest to serve Communication Site

DECISION: It is my decision to amend the right-of-way granted to Qwest for a telephone line to additionally construct, operate and maintain a fiber optic cable to serve the North Delta Communication Site (a.k.a. Alkali Creek).

The North Delta communication site is located approximately 6 miles northwest of Delta.

The amendment for the fiber optic cable would be a total of 3,209 feet long, 10 feet wide, consisting of a buried segment and an aerial segment, and encumbers 0.737 acres.

Buried Segment: The cable will be within Qwest's existing 16-foot wide ROW by paralleling their telephone line for a distance of 2,360 feet from Highway 50. Access for the new buried cable will be overland within the existing ROW for the initial segment and then along County Road 1025 for the next segment.

Aerial Segment: The cable will be constructed as a new aerial line that will consist of 4 single wood poles, 25 feet high. The aerial segment will be 849 feet long. Access for the aerial segment will utilize existing roads to the extent possible or be overland within the ROW. Because Pole #2, located half way up the hillside, is not accessible by vehicle it will be hand-dug.

The amendment would be issued under FLPMA, and the existing ROW expires in 2041 with the right of renewal. The amendment would be subject to rental fees and the stipulations in Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Numbers E(12) and E(17). This categorical exclusion is appropriate in this situation because 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 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin Resource Management Unit.

PUBLIC COMMENT:

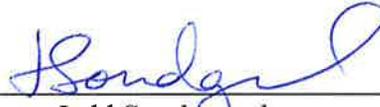
The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Nick Szuch, November 13, 2014

NAME OF ENVIRONMENTAL COORDINATOR: _____


Jedd Sondergard

DATE _____

11/17/14

SIGNATURE OF AUTHORIZED OFFICIAL _____



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED _____

11-20-14

