

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

**Categorical Exclusion
DOI-BLM-CO-SO50-2015-0025 CX**

May 2015

**Delta-Montrose Electric Association
Fiber Optic Cable Installation**

Location: Portions of Delta and Montrose Counties

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



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2015-0025 CX

PROJECT NAME: DMEA Fiber Optic Cable Installation

PLANNING UNIT: Uncompahgre Field Office (UFO)

LEGAL DESCRIPTION: See Table 1:

Serial Number	Location	Length (miles)	Width (ft)	kV	Approximate ROW Acres
COC-2296 (COC-77176)	Hotchkiss to Paonia, an overhead powerline Sixth Principal Meridian, Colorado T. 14 S., R. 92 W., sec. 31, SE1/4SW1/4 and S1/2SE1/4; sec. 32, NW1/4SW1/4.	1.43	25	46	4.33
COC-13718 (COC-77177)	Paonia to Somerset, an overhead powerline Sixth Principal Meridian, Colorado T. 13 S., R. 90 W., sec. 18, NW1/4NE1/4. T. 13 S., R. 91 W., sec. 20, lot 7; sec. 22, lots 2 and 3; sec. 29, lot 1.	0.60	40	12/46	2.91
COC-36666	Somerset to north of Paonia Reservoir, an overhead powerline Sixth Principal Meridian, Colorado T. 13 S., R. 89 W., sec. 7, S1/2NE1/4; sec. 8, N1/2NW1/4 and SW1/4NW1/4; sec. 9, lots 4 and 5. T. 13 S., R. 90 W., sec. 11, lot 9; sec. 12, lots 1 and 5, SW1/4NE1/4 and S1/2NW1/4.	2.80	25	7.2/12.5	8.51
COC-36710	Hotchkiss to Crawford, an overhead powerline Sixth Principal Meridian, Colorado T. 14 S., R. 92 W., sec. 34, SW1/4NE1/4, E1/2NW1/4 and W1/2SE1/4. T. 15 S., R. 92 W., sec. 3, lots 5, 6, 9, and 10; sec. 10, NE1/4SE1/4; sec. 11, NW1/4SW1/4, SE1/4SW1/4 and SW1/4SE1/4; sec. 14, NW1/4NE1/4; sec. 24, W1/2NW1/4 and W1/2SW1/4; sec. 25, NW1/4NW1/4.	3.96	50	46	23.98
COC-39188	Austin to Hotchkiss, an overhead powerline Sixth Principal Meridian, Colorado T. 14 S., R. 92 W., sec. 31, SE1/4SW1/4. T. 14 S., R. 93 W., sec. 31, lot 7 and SW1/4NW1/4. T. 14 S., R. 94 W., sec. 35, N1/2NE1/4, SW1/4NE1/4 and S1/2NW1/4; sec. 36, NE1/4 and N1/2NW1/4. T. 15 S., R. 94 W., sec. 5, lot 5.	3.32	50	46	20.14
COC-64141	South Canal Substation, a buried powerline New Mexico Meridian, Colorado T. 48 N., R. 8 W., sec. 18, lot 4 and SE1/4SW1/4; sec. 19, lot 1 and NE1/4NW1/4.	0.24	25	7.2/12.5	0.89

Table 1: ROW descriptions

BACKGROUND: DMEA has submitted six applications to the Uncompaghre Field Office requesting the authorization to install fiber optic cable on their power transmission lines. This fiber optic cable installation will provide internal communications to DMEA's infrastructure. The list above denotes the serial numbers and locations of the existing rights-of-way (ROWs) granted to DMEA for the operations and maintenance of these buried and overhead powerlines with varying voltages.

APPLICANT: Delta-Montrose Electric Association (DMEA)

DESCRIPTION OF PROPOSED ACTION:

The proposed action is to amend four DMEA ROWs to authorize the upgrade of their existing powerline ROWs by allowing the installation and maintenance of a fiber optic cable. These ROWs are: COC-36666, COC-36710, COC-39188, and COC-64141.

The other two ROWs, COC-2296 and COC-13718, are pre-FLPMA ROWs and the authority with which these were granted was repealed by FLPMA and so they cannot be amended. In addition, COC-2296 expires in 2018, and COC-13718 expires in 2023. Therefore, we would convert these ROWs to FLPMA ROWs and then renew and amend the ROWs to authorize the upgrade of their existing powerline ROWs by allowing installation and maintenance of a fiber optic cable. COC-2296 would be replaced with COC-77176 and COC-13718 would be replaced with COC-77177. COC-77176 and COC77177 would authorize the existing powerlines, the fiber optic cable additions, and would have new thirty year terms.

With the exception of COC-64141, all of the fiber optic cables would be installed overhead on the existing powerline infrastructure and would be completely within the existing ROWs. COC-64141 would have a 1,250 foot section buried within their existing ROW, adjacent to their buried powerline which is within the access road to the sub-station off of Kinikin road.

No other surface disturbing activities are proposed.

Special Design Features

For COC-39188 (T. 15 S., R. 94 W., sec. 5, lot 5), the powerline structures will be accessed by crews on foot and the fiber hardware will be installed on the power poles by hand. A pulling rope will then be strung across the structures from west to east and then boated across the Gunnison River to a private property access (see map, STR1 to STR5). The fiber cable will be attached to the pulling rope and pulled across the power poles and attached by hand. A third-party monitor will be on site to flag T&E species that occur in the work area and to assure avoidance of flagged areas. No motorized equipment will be used for this portion of this ROW.

Otherwise, the ROWs will be accessed using existing access routes as identified on the maps (Exhibit B) either by foot or motorized equipment as necessary for the installation and maintenance of the fiber optic cable.

DMEA's facilities are recognized under the Rural Electrification Act and are rental exempt. The grants and amendments will be subject to the attached stipulations, see Exhibits A.

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

Name of Plan: Uncompaghre Basin Resource Management Plan

Date Approved: July 1988

Decision Language:

Provisions standard throughout planning area unless specifically noted in each management unit:

Major Utilities – Public lands would be open to development of major utilities. Stipulations and mitigating measure would be developed on a case by case basis. (p. 144)

Management Unit 2 – All other land uses would be permitted if they would not degrade the areas’ winter range capabilities. Disturbances would be minimized from December 1 through April 30 on crucial deer and elk winter range... (p. 147)

Management Unit 7 – Corridors one-quarter mile wide and located on each side of Colorado Highway 133 would be open to development of major utility facilities. (p. 152)

Name of Plan: Gunnison Gorge NCA Resource Management Plan

Date Approved: November 2004

Decision Number/Page: Management Unit 3: Gunnison and North Fork River SMRA; A utility ROW corridor 0.5-mile wide will be designated on public lands along the centerline of the existing 46kV surface transmission line on the south side of SH-92...

The 46kV line will be contained within the corridor and will be permitted to be upgraded. Page 2-65.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9:

E. 9, “Renewals and assignments of leases, permits or right-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

E. 11, “Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed.”

E. 13, “Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional disturbances outside the rights-of-way boundary.”

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 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, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas. _____ X
- 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. _____ X
- 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. _____ X
- 5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. _____ X
- 6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects. _____ X
- 7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places. _____ X
- 8. Have significant impacts 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. _____ X
- 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
- 10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
- 11. Limit 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. 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>
Nick Szuch	Realty Specialist	Lands & Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E and Migratory Birds

REMARKS:

Cultural Resources: There are no known Cultural Resource concerns for this project. Inventory is not required under the provision of BLM Manual 8110.23B4 and the 2014 BLM/Colorado State Protocol.

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

Threatened and Endangered Species:

There are no animal or plant species listed, proposed, or candidate to the Endangered Species Act or considered sensitive to the BLM that are known to inhabit or derive important use of habitats within or adjacent to COC-2296, COC-13718, COC-36666, COC-36710, and COC-64141.

COC-39188. The entire segment of this above ground powerline occurs within suitable habitat for Colorado Hookless cactus from T. 15 S., R. 94 W., sec. 5 to T. 14 S., R. 93 W., Sec. 32. For most of this line there are no service roads or obvious surface disturbance associated with the individual poles or access to the poles. Survey found a total of 9 cacti occurring within the 50' ROW in T. 15 S., R. 94 W., sec. 5. These plants are widely spaced within the ROW which will facilitate avoidance of these cacti based on the applicant committed conservation measures for the installation of the proposed fiber optic cable. The applicant has committed to accessing this line on foot and installing the line and necessary hardware by hand and the cable would be threaded from structure to structure on foot with the cable never coming in contact with the ground. A third party biological monitor will be onsite to flag all plants within proximity of the ROW prior to project implementation and remain onsite during implementation to assure avoidance of identified cacti by work crews. Based on the applicant committed conservation measures, no effects are anticipated to the federally threatened Colorado Hookless Cactus that occur in or adjacent to the ROW for CO-39188 from the proposed fiber optic cable installation.

Required Stipulations:

To the extent possible, reptiles or amphibians observed in the project area will be avoided and will not be intentionally harmed.

Surface disturbing activities or application of herbicide will not occur within 660 feet of known federally protected plant populations, or within 330 feet of known BLM sensitive plant populations. For small scale or less intensive treatments or activities (e.g., vegetation trimming, handtool work, etc., as determined by a BLM biologist), ground disturbing activities will not occur within 100 feet of known federally protected plants, or within 50 feet of known BLM sensitive plants. Appropriate sediment and erosion control, weed control, and similar practices will be applied as necessary to protect plant populations.

BALD EAGLE CRUCIAL WINTER RANGE

To protect wintering bald eagles and crucial habitats, no surface disturbing¹ activities shall occur from December 1 through April 30. Exceptions or variances to this restriction will be considered and evaluated according to UFO policies².

MIGRATORY BIRDS & RAPTORS

To minimize impacts on migratory bird populations, it is recommended that no surface disturbing¹ 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.

Powerlines and transmission facilities design shall comply with guidelines in the publication, Suggested Practices for Avian Protection on Powerlines: The State of the Art in 2006 (<http://www.aplic.org/>).

- Avian Protection Plan

http://www.aplic.org/uploads/files/2634/APPguidelines_finaldraft_Aprl2005.pdf

- Suggested Practices for Avian Protection on Powerlines

[http://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](http://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)

- Mitigating Bird Collisions with Powerlines

<http://www.eei.org/products/Pages/ReducingAvianCollisions.aspx>

Power poles shall comply with the guidelines in the publication Developing Power Pole

Modification Agreements for Compensatory Eagle Mitigation for Wind Energy Projects (2014)

(Available:

http://www.aplic.org/uploads/files/15523/APLIC%20PPM%20FINAL_June%202014.pdf)

BIG GAME CRUCIAL WINTER RANGE

To protect wintering big game and crucial habitats, no surface disturbing¹ activities shall occur from December 1 through April 30. Exceptions or variances to this restriction will be considered and evaluated according to UFO policies²

NAME OF PREPARER: Nick Szuch

NAME OF ENVIRONMENTAL COORDINATOR:  Jedd Sondergard

DATE: 5/29/15

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, E. 9, E. 11 & E. 13. These categorical exclusions are 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: 

¹ Surface disturbance- includes, but is not limited to, vegetation clearing/ removal, drilling, dirt work, surface blasting, or similar activities; if it is uncertain whether a particular activity qualifies as surface disturbance, the operator shall consult with the BLM authorized officer prior to implementation

² Exceptions and variances to standard restrictions and protection measures must be requested in writing to the BLM authorized officer or BLM biologist. Such requests are evaluated on a case-by-case basis and may be granted by the authorized officer depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

Barbara Sharrow,
Field Manager
Uncompahgre Field Office

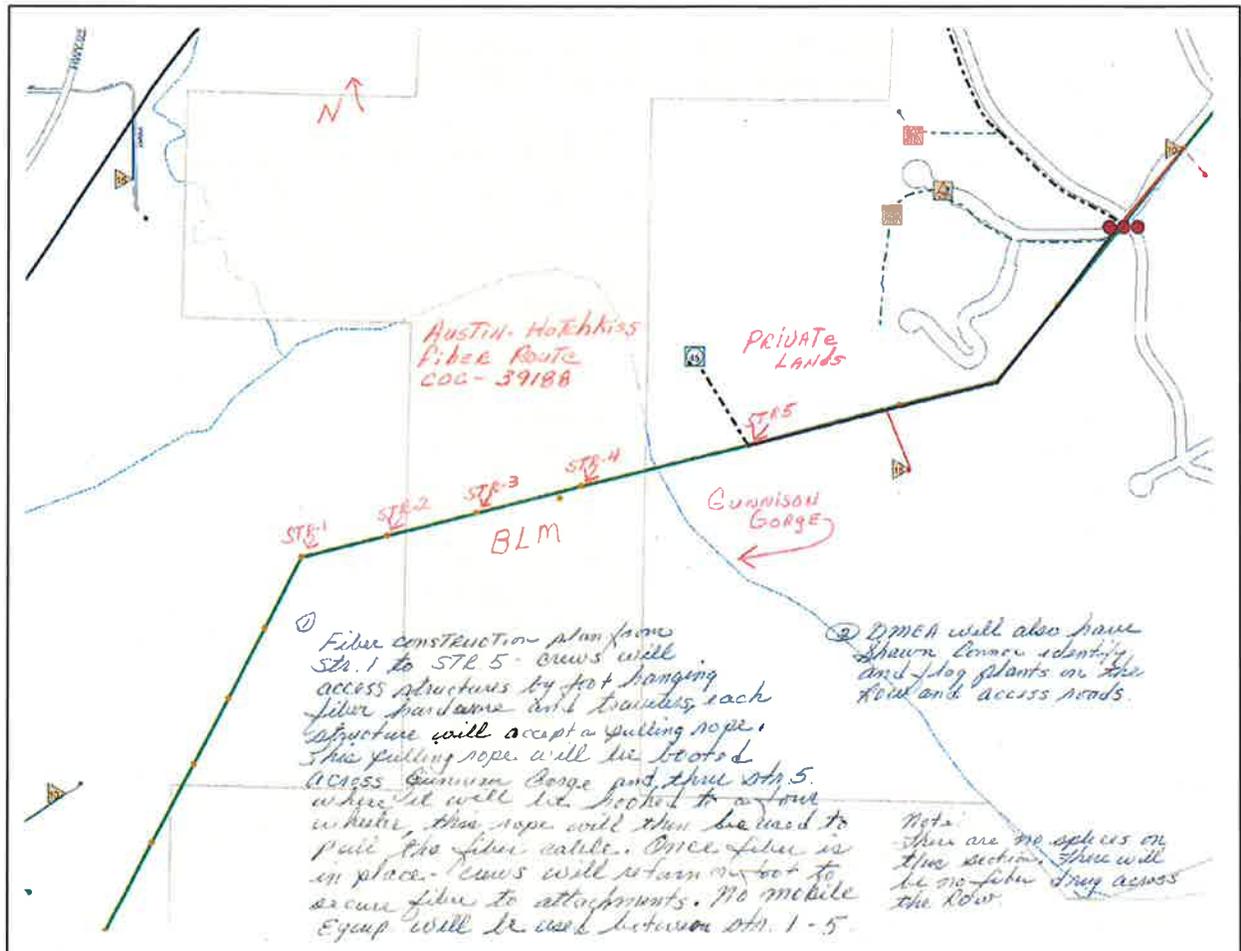
DATE SIGNED: 6-1-15

Attachments:

EXHIBITS A – Stipulations
EXHIBIT B - Maps

Holder Committed Design Feature

1. Regarding the fiber optic cable installation on right-of-way COC-39188 (T. 15 S., R. 94 W., sec. 5, lot 5), the powerline structures will be accessed by crews on foot and the fiber hardware will be installed on the power poles by hand. A pulling rope will then be strung across the structures from west to east and then boated across the Gunnison River to a private property access (see map, STR1 to STR5). The fiber cable will be attached to the pulling rope and pulled across the power poles and attached by hand. A third-party monitor will be on site to flag threatened and endangered species that occur in the work area and to assure avoidance of flagged areas. No motorized equipment will be used for this portion of this right-of-way.



STIPULATIONS

1. The holder shall contact the Authorized Officer (AO) at least 60 days prior to the anticipated start of any surface disturbing activities in order to determine if threatened, endangered and sensitive species and cultural resources clearances are needed and what documentation is required in order to comply with the National Environmental Policy Act. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. The BLM will determine if any surveys or inventories are required. As necessary, the holder shall demonstrate compliance in writing, i.e., with surveys and inventories completed by qualified individuals, with the following laws including, but not limited to, the Endangered Species Act (if potential habitat is determined to be present), the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act. Evaluations and inventories can be completed by BLM, or by the holder in order to meet the holder's schedule and subject to approval by the AO. Inventories may be time sensitive and may require US Fish and Wildlife Service concurrence, therefore this process could take longer than 60 days to complete. The holder shall not initiate any surface disturbing activities on the right-of-way without prior written approval, as determined necessary by the AO. Contact BLM Realty Specialists Nick Szuch at (970) 240-5322 or Jana Moe at (970) 240-5324.
2. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction for monitoring purposes. 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.
3. 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.
4. 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. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts.

5. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
6. Use of pesticides/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.
7. 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.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be 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.
10. 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.

11. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
12. All brush, grasses, and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability and re-vegetation efforts.
13. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
14. No operations 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 and maintain services 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
15. The holder shall disturb the minimum amount of soils and vegetation necessary for the construction, operation, and maintenance of the facility. 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.
16. The holder shall contact the AO to determine the appropriate seed mix to be used on all disturbed areas in the right-of-way.
 - 1) All seed must comply with BLM and Colorado weed seed guidelines. There should be no prohibited species seed, and no more than allowable levels of restricted species seed. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than 1/4" in length. Seed shall not be stored in burlap bags.
 - 2) The BLM Uncompahgre Field Office places additional local restrictions on seed to minimize cheatgrass spread. If seed tests show any *Bromus tectorum* or *Bromus japonicus*, the BLM should be consulted with for approval. No mix placed on BLM shall contain more than 150 *Bromus tectorum* and/or *Bromus japonicus* seeds per pound.
 - 3) BLM requires additional seed tests on seeding projects that are greater than 20 acres and/or require over 200 lbs of seed. For these seeding projects, the holder should have the seed supply company store the purchased seed prior to mixing, and pull samples to be sent to a certified laboratory, preferably Wyoming State Seed Laboratory at the following address. Seed test results must comply with the criteria listed above before seed is mixed, shipped and applied to the project area:
Wyoming State Seed Laboratory
749 Road 9

- 4) BLM will need copies of seed tags and test results for all seed applied regardless of project size.
 - 5) Only State Certified weed free mulch shall be used.
17. 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.
18. 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 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.
19. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
20. **Fiber Optic Cable:** 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 grant.
21. **Powerlines:** Unless otherwise agreed to by the authorized officer in writing, powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Avian Protection on Powerlines: The State of the Art in 2006" (Avian Powerline Interaction Committee. 2006. Available at: [http://www.aplic.org/uploads/files/2643/SuggestedPractices2006\(LR-2\).pdf](http://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf)). The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are "eagle and raptor safe." Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States. All pole replacements will be brought up to this standard. For all maintenance activities that involve, but are not limited to,

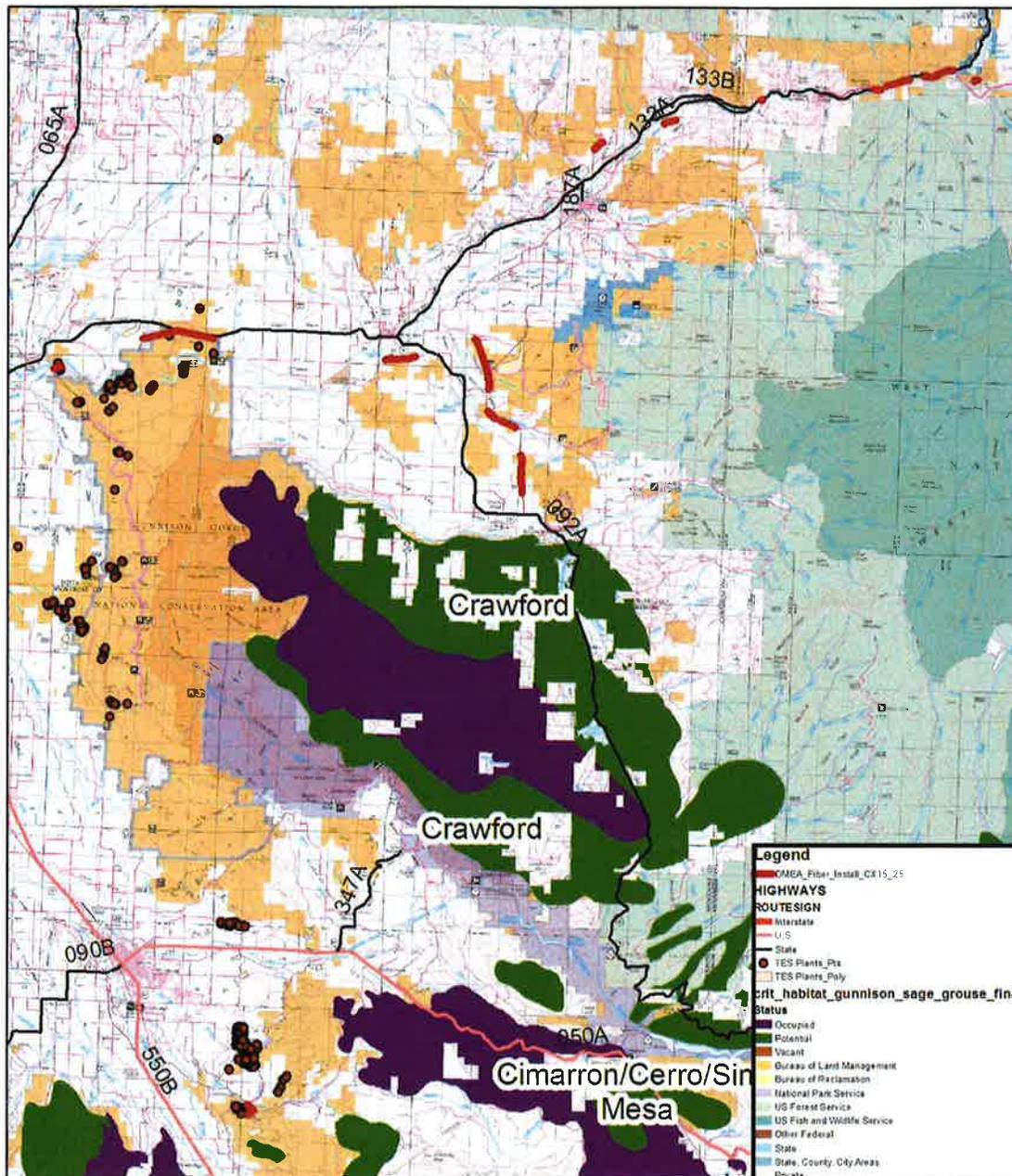
nest relocation or destruction, temporary possession, depredation, salvage/disposal, harassment, and scientific collection of raptors, the right-of-way holder shall provide the BLM with a copy of their current Migratory Bird Permit for those activities.

22. For access and maintenance of facilities, the holder shall use existing roads. When existing roads are not available, the holder may use the right-of-way for access. BLM roads should not be maintained without first consulting with the authorized officer.
23. Typically at angles along the aerial alignment and at the final pole, guyed wires are required to anchor and stabilize the poles. The guyed wires and anchors typically require a small area approximately 30 feet outside of the designated right-of-way limits.
24. 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.
25. Per the BLM Wildlife Biologist, the holder shall conform to the following mitigation measures to ensure the project has no effect on any federally listed or sensitive species:
 - Construction activity and new surface disturbance will be prohibited during the period from December 1st to April 30th for the protection of elk and mule deer within winter and severe winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.
 - To protect wintering bald eagles and crucial habitats, no surface disturbing¹ activities shall occur from December 1 through April 30. Exceptions or variances to this restriction will be considered and evaluated according to UFO policies².
 - Migratory Birds and Raptors: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15th through July 15th.
 - To the extent possible, reptiles or amphibians observed in the project area will be avoided and will not be intentionally harmed.
 - Surface disturbing activities or application of herbicide will not occur within 660 feet of known federally protected plant populations, or within 330 feet of known BLM sensitive plant populations. For small scale or less intensive treatments or activities (e.g., vegetation trimming, handtool work, etc., as determined by a BLM biologist), ground disturbing activities will not occur within 100 feet of known federally protected plants, or within 50 feet of known BLM sensitive plants. Appropriate sediment and erosion control, weed control, and similar practices will be applied as necessary to protect plant populations.

¹ Surface disturbance- includes, but is not limited to, vegetation clearing/ removal, drilling, dirt work, surface blasting, or similar activities; if it is uncertain whether a particular activity qualifies as surface disturbance, the operator shall consult with the BLM authorized officer prior to implementation.

² Exceptions and variances to standard restrictions and protection measures must be requested in writing to the BLM authorized officer. Such requests are evaluated on a case-by-case basis and may be granted depending on animal or herd status, topographic characteristics, site context, weather severity, and other factors, provided species and habitats are adequately protected. Any modifications to prescribed restrictions, and the rationale behind those decisions, will be documented in the project case file(s). In some cases, site characteristics and/or conditions may warrant expanding buffer distances to ensure adequate protection of species.

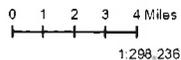
EXHIBIT B
MAPS



**DMEA Fiber Optic Line installation
CX 15-25
COC-2296, COC-13718, COC-36666
COC-36710, COC-39188, COC64141**



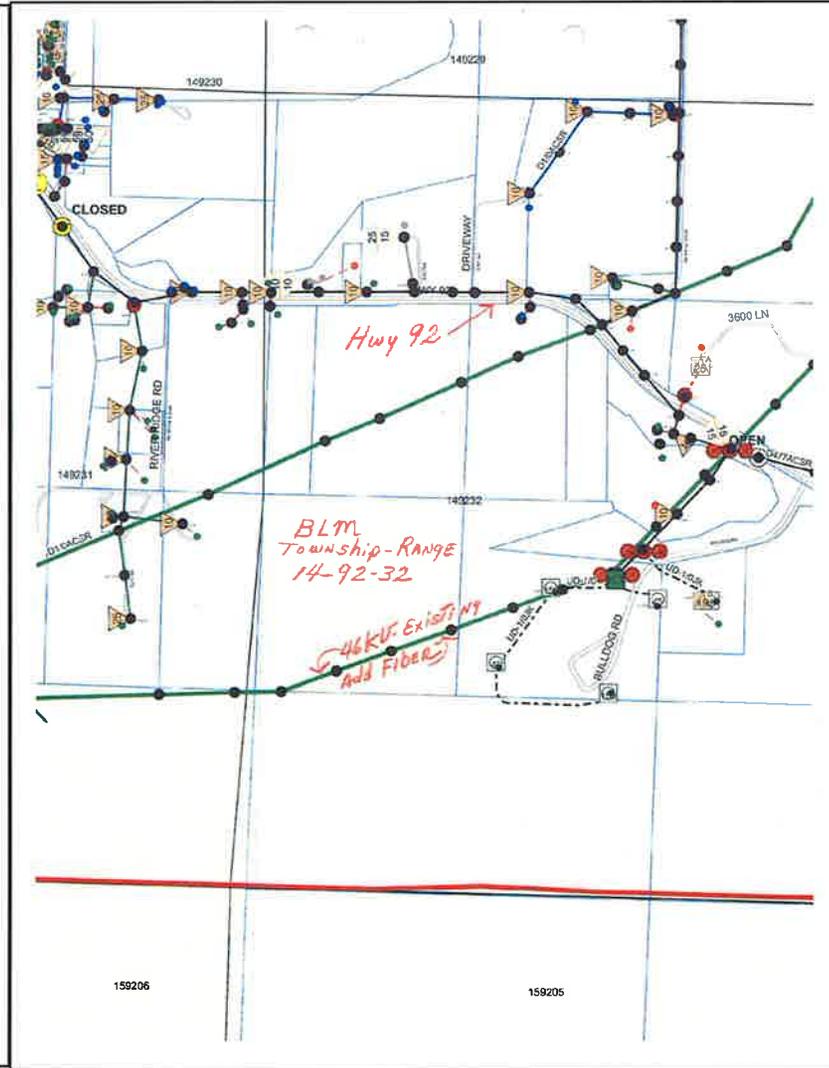
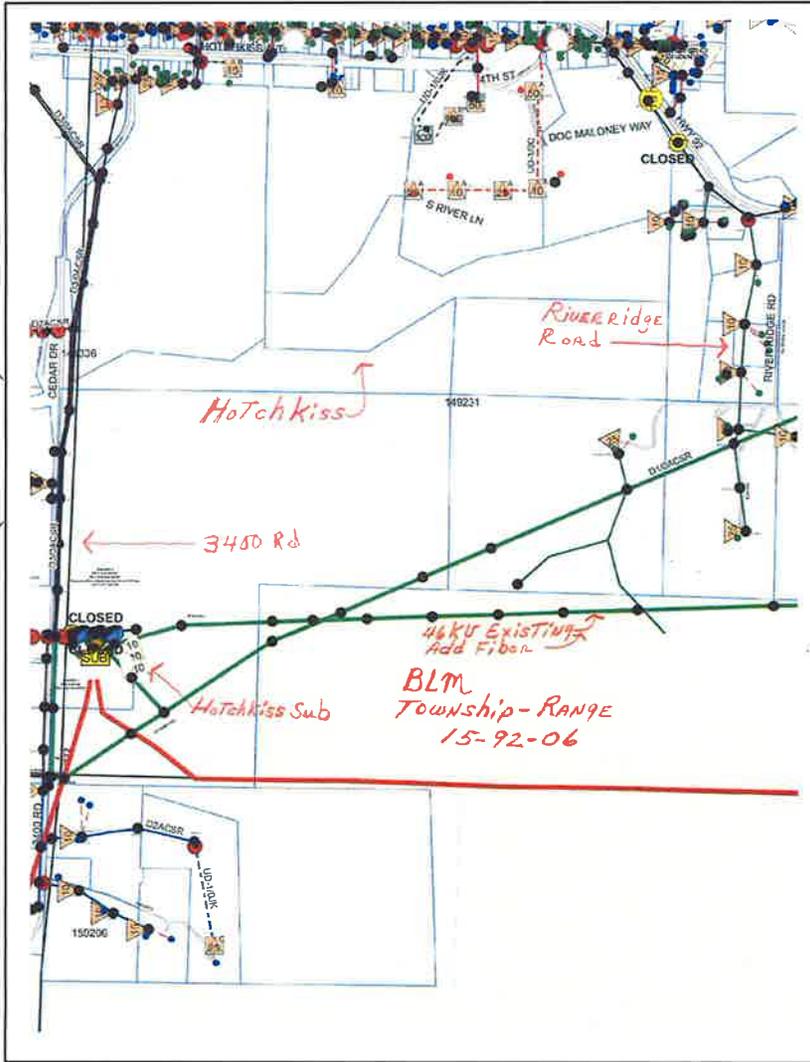
No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

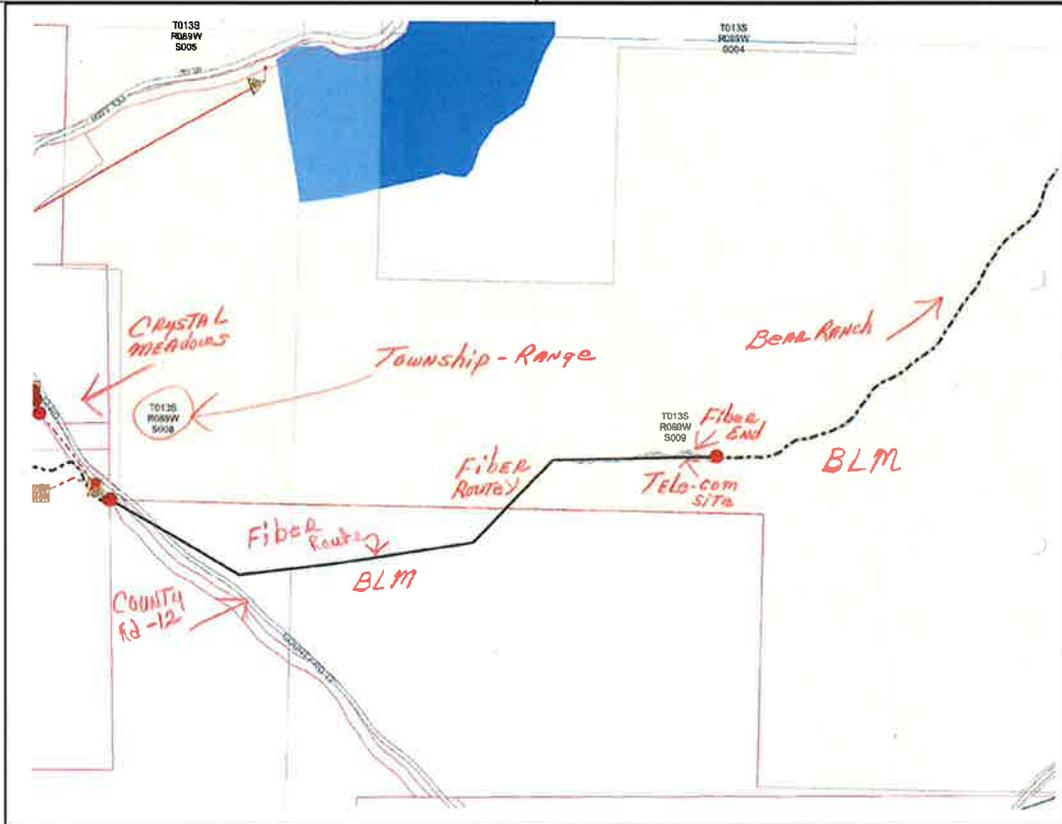
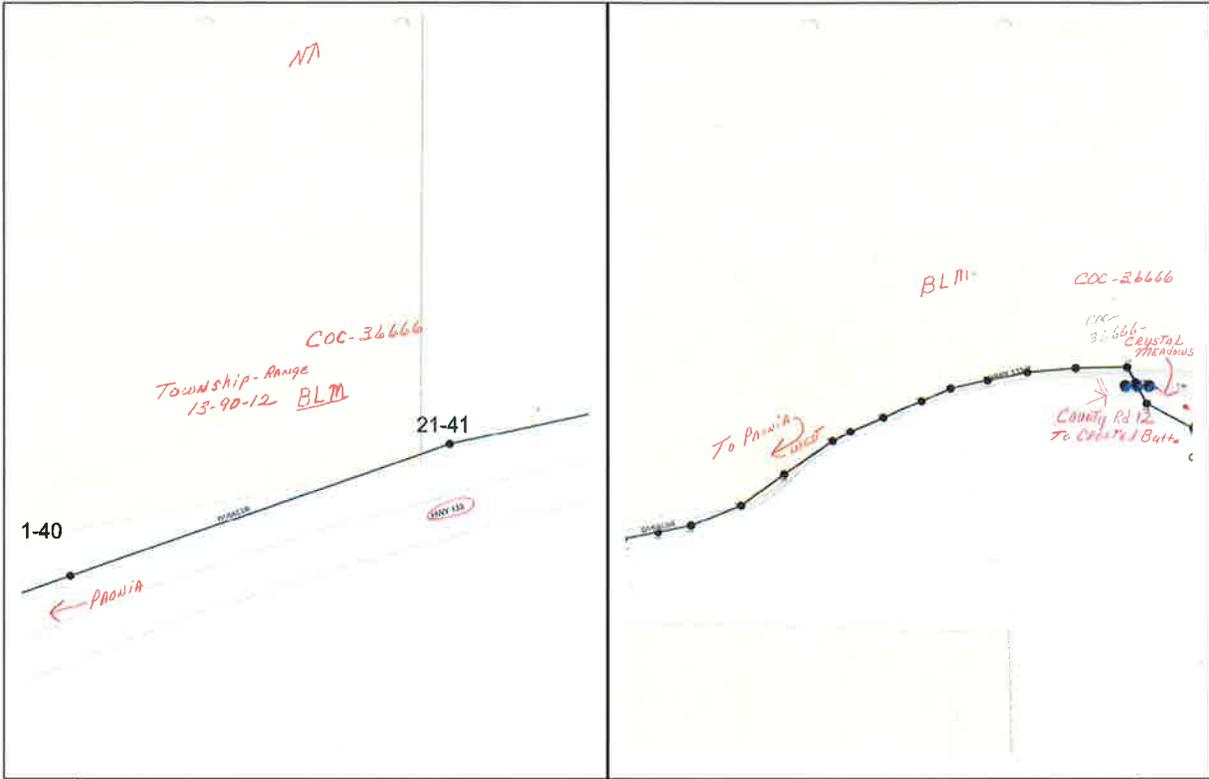


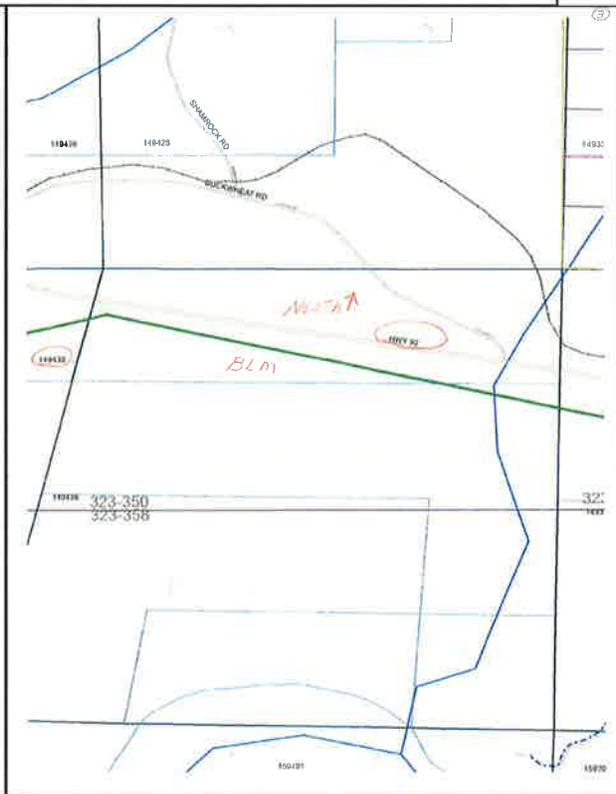
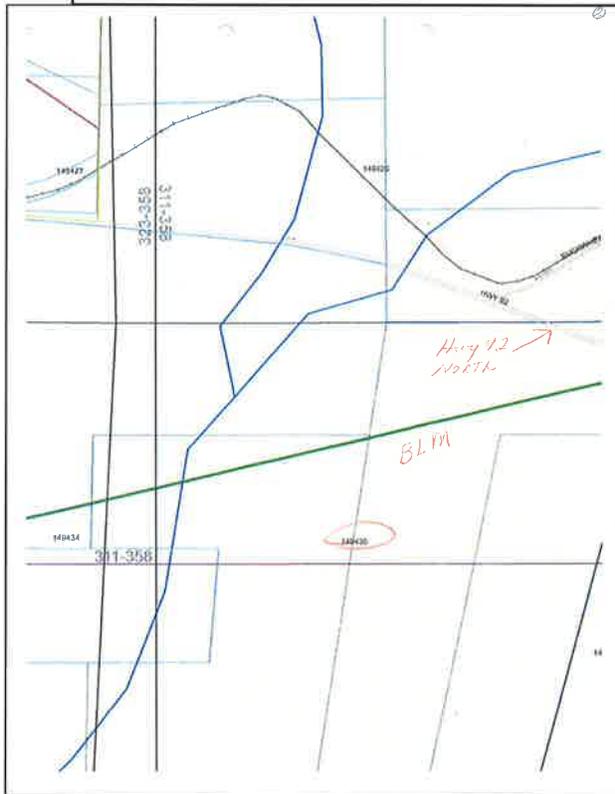
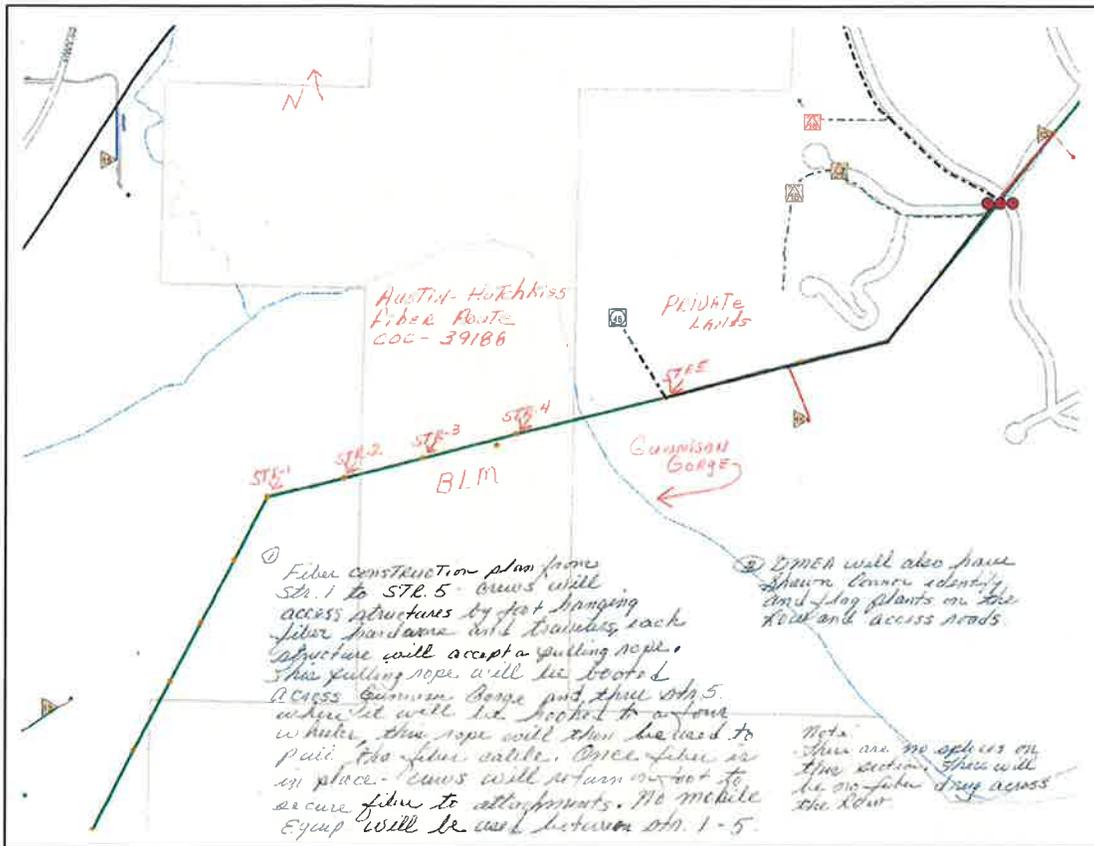
Date: 4/20/2015

Document Path: T:\CO\GIS\gswor\kulp\projects\lands\DMEA\2015 DMEA Fiber Line install.m

COC-77176 (COC-2296)







**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-S050-2015-0025 CX)

PROJECT NAME: DMEA Fiber Optic Line Installation

DECISION: It is my decision to issue new ROW grants to replace the pre-FLPMA ROW grants, COC-2296 & COC-13718 by offering new ROW grants, COC-77176 & COC-77177 respectively, under Title V of FLPMA, 1976. These new ROW grants, COC-77176 & COC-77177, will authorize the existing facilities and infrastructure. They will also be renewed with new thirty year terms and be amended to authorize the installation and maintenance of fiber optic cable used for DMEA internal communications. It is also my decision to amend the following ROW grants to authorize the installation and maintenance of fiber optic cable for internal DMEA communications: COC-36666, COC-36710, COC39188, & COC-64141.

MITIGATION MEASURES: Federal regulations under 43 CFR 2807.20 & 22 (FLPMA) specify that BLM may add terms and conditions to the ROW grant when approving a renewal or an amendment. The stipulations (Exhibit A) will be applied to the ROW grants and amendments. The ROW holder will be required to contact BLM prior to any surface disturbing activity in the ROW, and the BLM will make a determination at that time whether additional clearances or stipulations are necessary. Renewals will continue to be subject to the stipulations contained in the original grant, in addition to the attached stipulations. If there is a conflict, the attached stipulations will supersede the original stipulations.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. 9, E.11, & E.13. These categorical exclusions are 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 RMP and the Gunnison Gorge NCA RMP.

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 Categorical Exclusion 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

NAME OF ENVIRONMENTAL COORDINATOR:  Jedd Sondergard

DATE 5/29/15

SIGNATURE OF AUTHORIZED OFFICIAL



Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 6-1-15

