

FINDING OF NO SIGNIFICANT IMPACT

For Windstreams Fork Rock Fiber Optic Right-of-Way

I have reviewed Environmental Assessment (EA) DOI-BLM-NM-A010-2009-38-EA. After consideration of the environmental effects as described in the identified EA, I have determined that the proposed action associated with the requested right-of way will not significantly effect the quality of the human environment therefore, an Environmental Impact Statement (EIS) is not required.

I have determined that the proposed action while not specifically mentioned in the Rio Puerco Resource Management Plan (1986 maintained and reprinted 1992) is not in conflict with provisions of the plan and therefore, is considered to be in conformance with the plan and it meets Rio Puerco land use objective to grant rights-of-way for the use of public lands.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.**

This project has potential for short-term and long-term local and regional effects. It will increase the effectiveness and efficiency of local and regional communications capability.

- (b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:**
- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

There will be both positive and negative impacts. None are of a magnitude to be considered significant to the human environment.

- (2) The degree to which the proposed action affects public health or safety.**

The construction or installation of the fiber-optic communication facilities will have negligible impacts on public health and safety directly. But, the availability of a more reliable means of communication may have positive indirect effects on public health and safety in the long-term.

- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

Cultural resources and wetlands have been identified. Means of avoiding these resources are identified in the proposed action. Otherwise, unique resources have not been identified in the development area.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Initial public scoping and consideration of elements of the human environment have not revealed highly controversial elements within the area affected by the proposed action.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The degree to which cultural resource and soil erosion effects can be avoided has been strengthened through a commitment to monitoring for cultural resources during construction and through compaction of soils disturbed during construction and the use of best management practices in reclamation of the site after construction.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

No recognizable precedent.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

There is a similar project by the same proponent a few miles away. These are independent and separate projects and are not dependent on each other. They will have some similar impacts and are considered in the cumulative impact section of the environmental assessment and do not create impacts at a significant level.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The proposed action is not expected to affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places nor cause loss or destruction of significant scientific, cultural, or historical resources.

Frank Lewark (Acting)
Field Manager, Rio Puerco Field Office

November 4, 2009
Date