

Environmental Assessment

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

*DOI-BLM-WY-D090-2014-0105-EA
Communication Use Lease: WYW-171448
Right-of-Way Grant: WYW-171457*

Fossil Butte Communication Site, access road and fiber optic cable

*6th Principal Meridian,
T. 21 N., R. 118 W., Sections 9, 11, 14, 15
Lincoln County, WY*

As Applied for by Silver Star Telephone Company

February 2015



It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BLM/WY/PL-15/009+1310

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1.0 Introduction

This Environmental Assessment (EA) has been prepared to analyze and disclose the site specific environmental consequences of Silver Star Telephone Company, Inc.'s application for a communication use lease and right-of-way to construct, operate, maintain, and terminate a new communication site, fiber optic line and use of an existing access road, hereafter referred to as the Proposed Action. The lease and grant term is requested for a period of 30 years. The application was filed with the Kemmerer Field Office on May 21, 2014.

This EA is a site-specific analysis of potential impacts that could result from the implementation of the Proposed Action and alternatives to the Proposed Action.

1.1 Purpose and Need for the Proposed Action

The purpose of the action is to consider Silver Star Telephone Company, Inc.'s (Silver Star) application for a communication use lease for a communication site and a right-of-way for a fiber optic cable on the same location as Union Telephone Company's Fossil Butte Communication Site location to be installed after seasonal restrictions have lifted in 2015.

The need for the action is established by the Bureau of Land Managements (BLM) responsibility to respond to a request for a communication use lease and right-of-way grant under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The application will be processed in accordance with §43 CFR 2800.

Decision to be Made

The BLM will decide whether or not to issue a communication use lease and right-of-way grant to the applicant; and if so, which mitigation measures and terms and conditions will be prescribed.

1.2 Scoping, Public Involvement and Issues

Scoping is an important part of the NEPA process and determines the scope of key issues related to a Proposed Action (40 CFR §1500.7) Scoping can involve federal, state, and local government agencies, tribal governments, BLM resource specialists, industry representatives, local interest groups, and other members of the public.

The proposal was internally scoped March 5, 2014 and comments were received from BLM resource specialists, which helped to define the key issues for analysis, determine the data needs, and formulate a range of alternatives. Each discipline notifies the appropriate interest groups for review and comment of the Proposed Action as appropriate for the project. Formal consultation was completed with Wyoming Game and Fish Department for sage grouse core. Consultation with other interest groups, State Historic Preservation Office, and U.S. Fish and Wildlife Service was not required for this project.

The Proposed Action was not formally scoped to the general public after evaluation and consideration of factors such as scale or the size of the project, type of proposal, interested or

affected groups, connected actions, other developments in the area of the project, review of the elements of the human environment, and other resource considerations.

2.0 Proposed Action and Alternatives

This EA will analyze the Proposed Action and the No Action alternative for issuing a Communication Use Lease, WYW – 171448 and a Right of Way (ROW), WYW – 171457, to Silver Star.

2.1 Alternative 1 - Proposed Action

The Proposed Action is to construct a new cellular communication tower, 120 feet tall, on a 30ft x 30ft concrete pad. Additional equipment will consist of a 10ft x 12ft equipment building and a 10ft x 12ft generator building, both constructed on concrete pads. Total disturbance for the tower site is approximately .1 acre. A propane tank could be installed in the future, depending upon customer needs, within the .1 acre area. The proposed cellular communication tower will be co-located on the Union Telephone Company site, approved on June 22, 2006. The proposed tower will be located to the southeast, behind the Union Tower site (Figure 1).

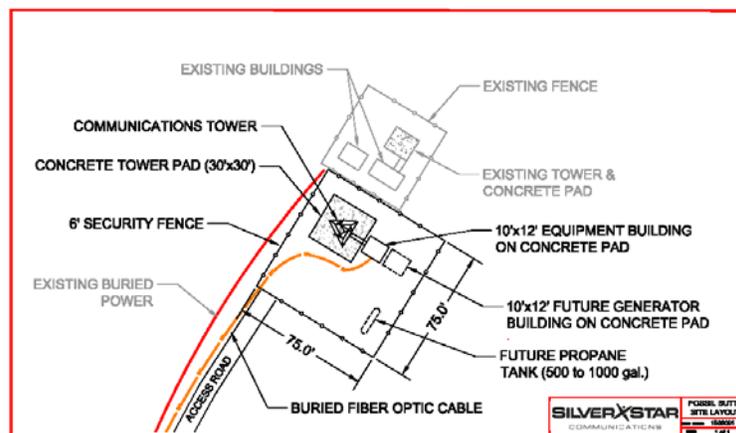


Figure 1

An existing access road currently being used by Union Telephone Company will also serve as the access road for Silver Star. The fiber optic cable will be ripped in immediately adjacent to the access road. The existing road is 3.35 miles by 16 feet wide. No improvements are authorized for the access road. The fiber optic cable right-of-way will be 10-foot wide and 3.35 miles long.

2.2 Alternative 2 - No Action

Under the No Action Alternative, the communication site would not be constructed on public lands as applied for by Silver Star. Silver Star would need to find an alternative method to provide communication service to the public. Potential benefits to not constructing the communication may reduce the effects to wildlife, vegetation, and soils through no additional surface disturbance, vegetation removal, potential erosion or impacts to the view shed.

2.3 Alternatives Considered but not Analyzed in Detail

Silver Star originally requested sites on the north side of US Highway 30. Both sites proposed were located within the Rock Creek Tunp area of significant resource concern. Management prescriptions for the Rock Creek Tunp area do not allow for any new disturbances. All new ROW actions are restricted to existing disturbance zones. Silver Star moved the location of their proposal to the south side of US Highway 30 where the prescriptions for management allowed for new proposals. The Kemmerer Resource Management Plan (RMP) Record of Decision (ROD) recognizes the Fossil Butte Communication Site, see Decision 6010 (BLM 2010b). The Bureau of Land Management encourages co-location of sites to avoid unnecessary impacts by scattering communication towers across the landscape.

2.4 Conformance

The Proposed Action is subject to the Kemmerer Resource Management Plan/ Final Environmental Impact Statement/Record of Decision (RMP/FEIS/ROD), as approved on May 24, 2010. The plan has been reviewed to determine if the Proposed Action conforms with the Land Use Plan's terms and conditions, as required by 43 CFR §1610.5-3. This action is in full conformance with the land use direction pertaining to Land Resources (LR) goals, objectives, and decisions/management actions; LR:2.1 and LR:3; and Decision No. 6010: Consider communication sites by type in the following designated areas: ...Fossil Ridge (BLM 2010b).

The Proposed Action/decision has been analyzed for consistency with WY-IM-2012-019 "Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands" and WO-IM-2012-043 "Greater Sage-Grouse Interim Management Policies and Procedures."

The Resource Management Plan (RMP) for the Kemmerer Field Office is currently undergoing amendment as part of the Wyoming Greater Sage-Grouse Land Use Plan Amendment (Amendment). The Draft Amendment and Environmental Impact Statement was released in December 2013.

The Proposed Action/decision was screened against the Draft Amendment to ensure that the Proposed Action/decision would not preclude BLM's ability to select any alternative in a ROD. The Proposed Action/decision was also determined to not be inconsistent with the direction outlined in the Amendment's Preferred Alternative.

2.4.1 Relationship to Statutes, Regulations, Plans or Other Environmental Analyses

This Environmental Assessment (EA) is prepared pursuant to the National Environmental Policy Act (NEPA) and subsequent regulations adopted by the Council of Environmental Quality (40 CFR §1500), The EA is intended to be a concise public document which analyzes the probable and known environmental impacts of the proposed action and the alternative(s) upon the components of the human environment and reaches a conclusion as to its significance. The ultimate decision of this EA must ensure that the actions approved are not only in the best

interest of the public, but would not result in a significant impact to the human environment (40 CFR §1508.13).

The following list includes the laws and regulations that were of particular relevance in creating this document:

- Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
- 43 CFR §2800.
- Endangered Species Act of 1973 as amended
- Executive Order 12898 regarding Environmental Justice.
- Native American Religious Freedom Act
- National Environmental Policy Act of 1969

3.0 Affected Environment

This chapter presents the physical, biological, social and economic resources of the areas affected. This chapter provides the baseline for comparison of impacts/consequences described in Chapter 4. This chapter is organized by the identified affected resources.

3.1 Introduction

The environment consists of undulating lands of Southwest Wyoming. It has topographic and geologic features, rolling uplands and moderately eroding drainages. The soil characteristics are sandy, salty, clay, and rocky. The flora is sagebrush steppe; a type of dry habitat characterized by sagebrush and other shrubs and short grasses common to the KFO resource area. The observed fauna has been deer, antelope, coyotes, cottontail rabbits, and rodents. These are all common to the area.

The area surrounding the Proposed Action is considered to be rural with a surrounding industrialized landscape and is located at an approximate distance of three miles southwest of Fossil Butte National Monument.

The following are not present and will not be further analyzed:

The following resources of concern have been reviewed and it has been determined that these elements will not be affected by the Proposed Action, alternative(s) or the element is not present in the project area, which precludes the resource from further required analysis:

- Areas of Critical Environmental Concern (ACEC)
- Climate Change
- Environmental justice
- Farm lands, Prime or Unique
- Floodplains
- Native American Religious Concerns
- Threatened or Endangered Species
- Wastes, hazardous or solid
- Water Quality (Surface and Ground)
- Wetlands / Riparian zones

- Wild and Scenic Rivers
- Wilderness
- Forestry / Woodland Resources
- Geology and Minerals
- Paleontology
- Public Health and Safety
- Recreation
- Social and Economic Conditions
- Air Quality
- Range/Livestock Grazing

Analyzed Resources and Attributes:

Elements of the human environment and/or resource elements that could potentially be affected and are key issues as identified by the IDT that 1) drive the analysis of environmental effects; 2) prescribe or necessitate the development of mitigation measures; and/or 3) drive the development of additional project alternatives are summarized as follows:

- Visual Resource Management
- Cultural Resources
- Soils
- Vegetation
- Weeds - Invasive, Non-Native Species, and Noxious
- Wildlife, Sensitive Status Animals and Plants

3.2 Visual Resource Management

The BLM (2008) visual resource class for this area is Class II. The Class II objective is to retain the existing character of the landscape. Change may be visible, but does not attract attention. The level of change to the characteristic landscape must be low. Changes in any of the basic elements, form, line, color or texture should not be evident in the management activity. A management activity may repeat the basic elements which are dominant in the landscape only if this repetition does not evidently change the essential quality of the existing dominant elements, (e.g. pattern, intensity, or amount).

3.3 Cultural Resources

In accordance with Section 106 of the National Historic Preservation Act, the BLM must consider impacts to historic properties (sites that are determined eligible for or listed on the National Register of Historic Places [NRHP]) that may occur within a project area. The project area is located in the middle of the Overthrust Belt Cultural Sub-region, which encompasses approximately 869,000 acres in the western portion of the Kemmerer Field Office, and contains numerous cultural resources of diverse types and ages. Specifically, the local vicinity of the project area was analyzed on December 18, 2014, through a cultural file search of 20 sections centered over the proposed communication site, access road and fiber optic cable. Within this area, 53 cultural resource inventories have been conducted over the past 40 years.

These inventories were completed for 10 pipelines, 10 access roads, nine range developments, seven projects associated with Fossil Butte National Monument, four well pads and access roads, four power lines, three buried telephone lines, one highway improvement project, one land exchange, one rock quarry, one communication site, one compressor station, and one transect of a Class II sampling survey.

As a result of these inventories, 49 cultural sites are documented and include 31 prehistoric sites, eight prehistoric sites with historic components, and 10 historic sites. The prehistoric sites are predominantly open camps left by Native American hunter-gatherers during their annual nomadic approach to strategic exploitation of seasonally available resources in the region. Of these 30 prehistoric camps, eight are historic properties and two are unevaluated for NRHP eligibility. The other site type is the Hams Fork Conglomerate Lithic Landscape, which represents casual procurement and testing of abundant materials available on the surface from which to manufacture stone tools. The lithic landscape is not eligible to the NRHP. The prehistoric sites with historic components are all Native American camps at which historic era debris was deposited by subsequent land users. One is a historic property and five are unevaluated for NRHP eligibility.

The historic era sites include the Oregon Short Line Railroad, US Highway 30, two ranch facilities, three shepherd camps, two stone cairn markers, and one oil field. The railroad is the only historic property, with one of the ranch facilities left unevaluated for NRHP eligibility.

The file search resulted in the identification of a previous adequate cultural resource inventory of the entire project area. In 2005, an intensive on-the-ground cultural survey was completed of 10 acres for the Union Telephone Fossil Butte Communication Site and additional linear inventory of the access road. As a result of the study, two historic stone cairns were documented in the 10 acres and determined to be not eligible to the NRHP. Neither of the cairns will be impacted by this project.

3.4 Soils

Soils in this area are primarily rocky. The project location is a bare rocky bluff, with some low growing vegetation due to its exposure to the wind. There is very little top soil at this location.

3.5 Vegetation

This is primarily a bare rocky bluff, with some low growing grasses, due to its exposure to the wind. There is grass, sagebrush, saltbush and forbs growing alongside the access road, where the fiber optic line will be installed. The Proposed Action will disturb very limited amounts of vegetation.

3.6 Weeds – Invasive, Non-native Noxious

Currently the project area does not show signs of invasive, non-native, or noxious weeds. Implementation could result in the occurrence of invasive, nonnative, noxious plant species relating to vegetation removal and disruption of the soil surface.

3.7 Wildlife, Sensitive Status Animals and Plants

The BLM has conducted a field investigation of the proposed communication site, access roads and fiber optic line location to determine the potential impacts of the Proposed Action on identified wildlife species. The following section provides an overview of only those species that may be affected by the Proposed Action.

General Wildlife and Fish

Mammals potentially occurring in the project area include: badger, red fox, coyote, desert cottontails, white-tailed jackrabbit, ground squirrels, chipmunks, mice, voles, shrews, pocket gophers and big game species. Additional wildlife and fish species are present in the project area but their population sizes are stable on average and do not currently exhibit negative density or distribution trends which would warrant additional protection under the ESA. Additional information is provided below on big game species managed by the WGFD and migratory birds that may be present in the study area for brief periods.

Big Game

Mule Deer

Mule Deer (*Odocoileus hemionus*) occur throughout western North America in a wide variety of habitats from deserts, riparian areas, broken grasslands, shrublands, foothills, forests to tundra (Clark and Stromberg 1987). In Wyoming, mule deer provide recreational, aesthetic, and economic values to hunters, wildlife enthusiasts, and local business throughout the State (Olson 1992). More than 100,000 hunters annually pursue this species in Wyoming, spending an average of more than 336,000 days in the field to harvest more than 60,000 animals (Olson 1992). Based on hunter harvest reports, mule deer are the most frequently taken big game animal in Wyoming (Clark and Stromberg 1987).

The project area is located within Mule Deer Herd Unit 131. Herd Unit 131 (Wyoming Range mule deer herd) begins at the junction of US Highway 30 and Interstate 80; westerly along I-80 to Wyoming Highway 412; northwesterly to US Highway 189; southerly to Muddy Creek; westerly to the Amoco Sulfur Haul Road; southwesterly along the Sulfur Haul Road to the Whitney Canyon Road; westerly to the Uinta County Road 103; southerly to Wyoming Highway 89; northerly to the Wyoming-Utah State line; northerly to the Wyoming-Idaho State line; northerly to the Snake River; easterly to Bailey Creek; southerly to Dry Wash Draw; easterly to the top of Greyback Ridge; southerly to the head of the South Fork of South

Cottonwood Creek; easterly to South Cottonwood Creek; easterly to Cottonwood Creek; easterly 45 to the Green River; southeasterly to Fontenelle Dam and the Fontenelle Dam Road (Lincoln County Road 313); westerly to Lincoln County Road 316; southerly to Wyoming Highway 372; southeasterly to I-80; westerly to the US Highway 30 and I-80 junction (WGFD 2012). This herd unit encompasses approximately 3.6 million acres, of which approximately 0.1 acres (less than 0.01%) lie within the project area. The current estimated population for Herd Unit 131 is 33,000 individuals which is 34% below the population objective of 50,000 (WGFD 2012).

The potential communication site is located along the southern edge of mule deer crucial winter range. The winter range area spans to the north and south encompassing approximately 203,636 acres. The entire project area is located within a winter range closure area. This area has been closed for the protection of wintering wildlife.

Migratory Birds

The Migratory Bird Treaty Act (MBTA), as amended, was implemented for the protection of migratory birds. Unless permitted by regulations, the MBTA makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, or barter any migratory bird, including feathers or other body parts, nests, eggs, or migratory bird products. In addition, Executive Order 13186 sets forth the responsibilities of federal agencies to implement the provisions of the MBTA by integrating bird conservation principles and practices into agency activities and by ensuring that federal actions evaluate the effects of actions and agency plans on migratory birds. Wyoming BLM non-sensitive migratory birds that could nest in the project area include: vesper sparrow, horned lark, black-billed magpie, and common raven.

Special Status Species

Special Status Species (SSS) include those species federally listed under the Endangered Species Act (ESA) by the U.S. Fish and Wildlife Service (USFWS) and in the Wyoming BLM Sensitive Species (WBSS) list designated by the BLM Wyoming State Director.

In accordance with Section 7 of the ESA, as amended, the lead agency in coordination with USFWS must ensure that any federal action to be authorized, funded, or implemented would not adversely affect a federally listed species, or its designated critical habitat. Within the Kemmerer Field Office boundaries, the USFWS requires nine threatened or endangered animal species, two threatened or endangered plant species, one candidate animal species, and one candidate plant species to be analyzed for all proposed actions (USFWS 2012). Of these species, none would be affected by the implementation of this Proposed Action. Only one of the thirteen species (Colorado River fishes, black-footed ferret, Canada lynx, Ute Ladie's tresses, blowout penstemon, grizzly bear, grey wolf, yellow-billed cuckoo and the white bark pine), Greater Sage-grouse, was present within the project boundary; therefore, the other twelve species will not be discussed further within this EA.

Special Status Species Management Policy 6840 requires the BLM not only to manage species listed under the ESA, but to also manage WBSS to prevent the need for future listing under the ESA. A total of forty-two WBSS animals potentially occur within the KFO; ten are either known to occur or the habitat is present for the species to potentially occur, within the action area (BLM 2010a; Table 3). The thirty-two WBSS which do not occur will not be discussed further within this EA. ²

Species	Scientific name	Status	Habitat	Habitat Type
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	SSS ² ; Candidate ³	habitat present	basin-prairie shrub and mountain-foothill shrub
Canada lynx	<i>Lynx canadensis</i>	SSS ² ; Threatened ¹	None - no habitat present	Forested areas; Lynx Analysis Units (LAUs)
Idaho pocket gopher	<i>Thomomys idahoensis</i>	SSS ²	habitat present	shallow stony soils in open sagebrush, sagebrush grassland, and mountain meadow habitats
sage thrasher	<i>Oreoscoptes montanus</i>	SSS ²	habitat present	basin-prairie shrub and mountain-foothill shrub
Brewer's sparrow	<i>Spizella breweri</i>	SSS ²	habitat present	basin-prairie shrub
sage sparrow	<i>Amphispiza belli</i>	SSS ²	habitat present	basin-prairie shrub and mountain-foothill shrub
loggerhead shrike	<i>Lanius ludovicianus</i>	SSS ²	habitat present	basin-prairie shrub and mountain-foothill shrub
pygmy rabbit	<i>Brachylagus idahoensis</i>	SSS ²	habitat present	basin-prairie and riparian shrub
tufted twinpod	<i>Physaria condensata</i>	SSS ²	habitat present	elevation 6500-7000 feet; sparsely vegetated shale slopes and ridges

Dorn's twinpod	<i>Physaria dornii</i>	SSS ²	habitat present	elevation 6500-7200 feet; dry, calcareous-shaley soils on slopes and ridges with mountain mahogany and rabbitbrush
Beaver Rim Phlox	<i>Phlox pungens</i>	SSS ²	habitat present	elevation 6000-7400 feet; sparsely vegetated slopes on sandstone, siltstone, or limestone
Blowout penstemon	<i>Penstemon haydenii</i>	SSS ² ; Endangered ¹	None - no habitat present	Sand dunes or blowouts
Ute ladies'-tresses	<i>Spiranthes diluvialis</i>	SSS ² ; Threatened ¹	None - no habitat present	moist streambanks and wet meadows
bonytail chub	<i>Gila elegans</i>	SSS ² ; Threatened ¹	None - no habitat present	Colorado river drainages
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	SSS ² ; Threatened ¹	None - no habitat present	Colorado river drainages
humpback chub	<i>Gila cypha</i>	SSS ² ; Threatened ¹	None - no habitat present	Colorado river drainages
razorback sucker	<i>Xyrauchen texanus</i>	SSS ² ; Threatened ¹	None - no habitat present	Colorado river drainages
black-footed ferret	<i>Mustela nigripes</i>	SSS ² ; Candidate ³	None - no habitat present	grasslands and prairie dog towns
Grizzly Bear	<i>Ursus arctos horribilis</i>	SSS ² ; Threatened ¹	None - no habitat present	Select rugged mountains and remote forests that are undisturbed by humans
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	SSS ² ; Candidate ³	None - no habitat present	Woody riparian areas with willow

			present	and cottonwood
Grey Wolf	<i>Canis lupus</i>	SSS ² ; Candidate ³	None - no habitat present	Greater Yellowstone Ecosystem
White Bark Pine	<i>Pinus albicaulis</i>	SSS ² ; Candidate ³	None - no habitat present	Montane forests and on thin, rocky cold soils at or near timberline at 1300- 4700m
¹ USFWS ESA-listed species				
² Wyoming BLM Special Status Species				
³ Proposed for listing as threatened under the ESA				

Pygmy rabbit

The pygmy rabbit (*Brachylagus idahoensis*) is the smallest of any North American rabbit species (Keinath and McGee 2004). The pygmy rabbit is distinguishable from other Leporids by its small size, short ears, gray color, small hind legs, distinctive hopping motion, and lack of white on the tail (Keinath and McGee 2004). Pygmy rabbits are distributed across most of the Great Basin and parts of adjacent areas in the intermountain western United States (Keinath and McGee 2004). Pygmy rabbits depend upon stands of tall, dense sagebrush in conjunction with deep, friable soils, the combination of which provides cover, food, and burrows (Keinath and McGee 2004). Purcell (2006) found that pygmy rabbits occurred within areas mostly comprised of Wyoming big sagebrush, however, habitats dominated by mountain big sagebrush, shrub dominated riparian, black sage steppe, or desert shrub also had pygmy rabbit occurrences. The distribution of this species is not continuous but is patchy within this range, thus the distribution of pygmy rabbits likely shifts over time in response to disturbances such as fire, flooding, grazing, and crop production as well as weather patterns (Keinath and McGee 2004). At this time, habitat mapping has not occurred within the project area, however, evidence of use was observed while conducting field visits for the project area. Efforts are ongoing to map habitat and gather distribution data.

Sage obligate songbirds

Sage obligate species require sagebrush stands in order to successfully reproduce and/or survive. The sage sparrow in particular requires large blocks of un-fragmented habitat to successfully reproduce. These species are considered to be especially at risk of habitat loss and subsequent population declines given the rapid habitat changes now occurring in sagebrush steppe ecosystems such as fragmentation and removal of sagebrush nesting habitat for human activities (WGFD 2010). Implementation of the Proposed Action would directly remove up to 0.1 acres of suitable habitat for sage obligate songbirds; however, due to the currently fragmented structure

of the sagebrush stands in the project area, it would be unlikely to have significant effects on the songbird populations.

Idaho pocket gopher

There are several species of pocket gophers in Wyoming and the surrounding states. All look very similar, making it difficult to distinguish specimens to species. Reliable identification has to involve chromosomal analysis (i.e., karyotyping to count chromosome number), with supporting information from geographic location, pelage characters, and overall morphology (Beauvais and Dark-Smiley 2005). Idaho pocket gophers (*Thomomys idahoensis*) are very small, with yellowish to dark brown fur; they lack ear patches and contrasting cheeks, and dorsal regions are uniform in color (Clark and Stromberg 1987). *T. idahoensis*, along with other members of the pocket gopher family are highly adapted to fossorial (underground) living (Beauvais and Dark-Smiley 2005, Griscom et al. 2010).

T. idahoensis occurs from southwestern Montana, through eastern Idaho to southwestern Wyoming. Little is known about its habitat but its distribution suggests a preference for mountain foothill shrubland and a higher tolerance for rocky soils (Griscom et al. 2010). In Wyoming, the species occupies shallow, stony soils and has been documented in open sagebrush, grassland plains, and subalpine mountain meadow habitats in Wyoming (Beauvais and Dark-Smiley 2005). The Biotics database maintained by the Wyoming Natural Diversity Database (WYNDD) contains only 33 known occurrences of *T. idahoensis* in Wyoming, all falling within the sagebrush foothills zone of the Wyoming Range, Uinta, and Wind River Mountains (Beauvais and Dark-Smiley 2005, Griscom et al. 2010). Very little is currently known about its biology and ecology (Griscom et al. 2010), but the species is assumed to be rare and has a limited distribution (Beauvais and Dark-Smiley 2005). Even though Idaho pocket gophers have not been observed, current habitat projections indicate that the species has the potential to occur throughout the project area.

Greater Sage-grouse

Greater Sage-grouse (*Centrocercus urophasianus*) were originally proposed for protection under the endangered species list on July 2, 2002. Most recently, after several 90-day findings, the USFWS issued a proposed rule of, “Warranted, but precluded by higher priority listing actions” (USFWS 2010). Due to this rule, the sage grouse is not listed at this time; however, precautions should be taken to avoid listing. Several factors could move the species higher on the ranking list and closer to listing.

Currently, Greater Sage-grouse distribution and sagebrush habitat encompasses parts of 11 states in the western United States and 2 Canadian provinces, occupying approximately 56% of their historical range (Schroeder et al. 2004). Greater Sage-grouse distribution is strongly associated with distribution of sagebrush (*Artemisia* spp.), and in particular, big sagebrush (*A. tridentata*) (Schroeder et al. 2004). Greater Sage-grouse show high fidelity to an area. During the breeding

season (March–May), male sage-grouse gather together to perform courtship displays at known locations called “leks.” Leks are generally areas of little or no vegetation or cushion plant communities. Leks can be formed opportunistically or near nesting habitat (USFWS 2010). Females have been documented to travel more than 12.5 miles to their nesting site after mating (Connelly et al. 2000), however, studies conducted in Wyoming indicate that 45% of sage-grouse hens nest within 1.86 miles of the lek while 64% nest within 3.11 miles (Holloran and Anderson, 2005). Greater Sage-grouse nesting habitat is generally described as sagebrush that has a canopy cover between 15 and 30%, and heights between 11 and 32 inches (BLM 2004). During the first 2-3 weeks, hens rear their broods in what is considered early brood-rearing habitat (within 1.2 miles of the nest in Wyoming, on average (Cagney et al. 2010).

The Proposed Action is not within winter concentration areas.

Tufted twinpod

Prior to 1975, the tufted twinpod was known to exist in only two locations, one of which was on the slopes of Bridger Butte in Uinta County, Wyoming (Fertig 2002). This prompted a recommendation of “threatened” under the ESA in 1975 (Fertig 2002). However, surveys conducted by Robert Dorn and Robert Lichvar from 1977-1982 demonstrated that *Physaria condensata* was more widespread and abundant in southwestern Wyoming than previously suspected, and the species was dropped as a candidate for federal protection (Fertig 2002, USFWS 1985). Due to its limited geographic range and high habitat specificity, *P. condensata* has remained a species of special concern in Wyoming and was listed as “Sensitive” by the Bureau of Land Management (BLM) Wyoming State Office in 2001 (BLM 2001, Fertig 2002).

Tufted twinpod occurs primarily on south, west, or east facing, semi-barren, wind-blasted upper slopes and rims of calcareous shale or sandstone desert mesas at elevations of 6000-7760 feet (Fertig 2002). Populations are typically found in cushion plant/bunchgrass communities dominated by shortstem buckwheat, rayless tansyaster, northern Indian parsnip, hood phlox, Sandberg bluegrass, bluebunch Wheatgrass, and Indian ricegrass within openings in more dense Utah juniper or big sagebrush communities (Fertig 2002). Occasionally, *Physaria condensata* may also occur in cushion plant communities with scattered black sagebrush, green rabbitbrush, Utah serviceberry, shadscale, antelope bitterbrush, or mountain mahogany (Fertig 2002). Tufted twinpod is usually found on convex or concave slopes of 10-15 degrees and becomes rare to absent on summit flats, even in areas with low vegetative cover and shallow, rocky soils (Fertig 2002).

Tufted twinpod is endemic to the southern Overthrust Belt and lower Green River Basin in Lincoln, Uinta, and Sublette counties, Wyoming (Fertig 2002). It is known from 17 occurrences consisting of at least 43 discrete subpopulations and occupying a minimum area of 160-175 acres (Fertig 2002). Based on modeling, 4,012 square kilometers of potential habitat occurs for *P. condensata* in Wyoming (Fertig 2002). Most of this potential habitat is restricted to the desert

mountains of the Overthrust Belt in southern Lincoln and western Uinta counties and the Little Colorado Desert of southern Sublette County and coincides with the known distribution of this species (Fertig 2002). Within the project area there is approximately 210,055 acres of potential habitat and two known locations.

Herbivory of fruits and seeds is relatively common by rodents and ants (Fertig 2002). With the exception of fruits and seeds, the plant's low stature, dense covering of hairs, and presence of inedible mustard oils prevents its foliage from being browsed by most native herbivores or livestock (Fertig 2002).

Dorn's twinpod

Dorn's Twinpod (*Physaria dornii*) is a tufted silvery-pubescent perennial herb which flowers primarily from late May to mid-June, while fruiting may occur from late May to early July (Fertig 2010). At the northern end of its range (Rock Creek Ridge area), Dorn's Twinpod occurs primarily in openings within sparsely vegetated communities of alderleaf mountain mahogany, Indian ricegrass and Sandberg bluegrass on whitish clay-gravel slopes of the Twin Creek Limestone. Known occurrences of the plant range in elevation from 6500-7500 ft (Fertig 2010).

Beaver rim phlox

Beaver Rim phlox (*Phlox pungens*) is endemic to the Wind River and Green River basins including the East Slope foothills of the Wind River Range and the Beaver Rim, in Fremont, Lincoln, and Sublette counties, Wyoming (Heidel 2009). Beaver Rim phlox occurs on a range of substrates, including relatively barren limestone, weathered conglomerate, redbed, volcanic-rich sandstone, siltstone, or weathered claystone slopes most commonly on a southwest to northwest exposure (Dorn 1990). It is found at elevations between 5,600-8,500 feet (Heidel 2009). Flowering occurs from May to early June with fruits maturing several weeks later (Dorn 1990). Seed dispersal is likely to occur over short distances, both down slope and down wind, with the aid of wind and water (Heidel 2009).

There is potential habitat throughout the Kemmerer BLM Field Office including areas surrounding the Cumberland/Uinta and Byrne Creek allotments. The closest known population of Beaver Rim phlox is 52.4 km (32.6 miles) northeast of the project area.

4.0 ENVIRONMENTAL EFFECTS

This chapter describes the direct and indirect effects that would be expected to occur upon the implementation of the considered alternatives. This chapter is organized by resource topics, with the impacts of all alternatives combined under each resource.

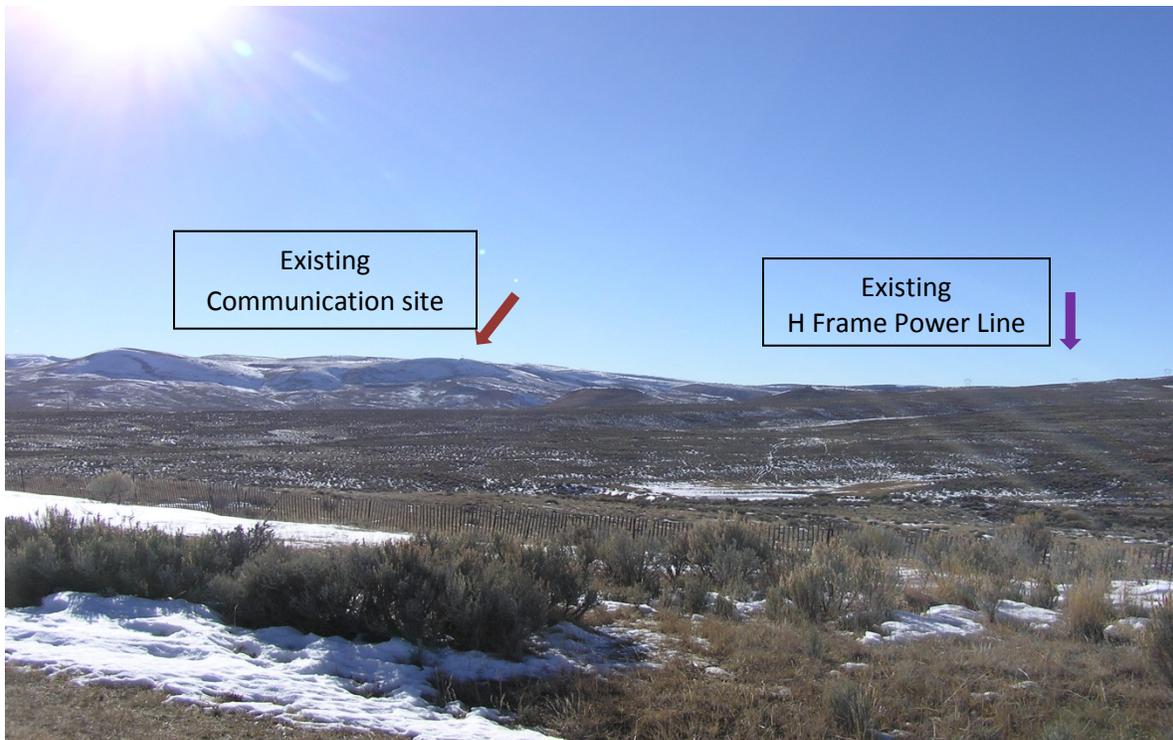
The Council on Environmental Quality (CEQ) regulations that implement NEPA defines a cumulative impact as the impact which results from the incremental impact of the action, decision, or project when added to other past, present, and reasonably foreseeable future actions.

“Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time...” (40 CFR1508.7) the cumulative impact assessment area for this project is defined as a one mile area surrounding the proposed project area. The Proposed Action would not affect any of the resources identified beyond this analysis area. The period of time for the cumulative analysis is 30 years which corresponds with the period of time before a renewal of the ROW would be required.

4.1 Visual Resource Management

4.1.1 Alternative 1 - Proposed Action

The classification for the view shed at this location was changed to a Class II, after the construction of the Fossil Butte Communication Site. When the Fossil Butte Communication Site was approved, the classification for this location was a Class IV. The five key observation points (KOP) for Fossil Butte are located at each corner and the visitor center. The visitor center is the closest KOP to the communication site. An individual standing on the deck at the visitor center cannot see the communication site due to the topography surrounding the visitor center. A person located on the Chicken Creek Road can see the communication site, but it does not dominate the view shed.



There is a large H-frame power line between the communication site location and the Chicken Creek Road that is visible from the Chicken Creek Road. The H-frame power line is approximately one mile away from the Chicken Creek Road. There are other numerous, smaller power lines located within the vicinity servicing residential homes and other buildings. The communication site is approximately three miles from the Chicken Creek Road.

4.1.2 Alternative 2 - No Action

Under the No Action Alternative, this project would not be constructed or operated. No project-related disturbance would occur to the view shed as a result of the No Action Alternative.

4.1.3 Cumulative Effects

There are several power lines, a railroad, a large compressor station and a communication site within the Class II view shed analysis area that can be seen from Highway 30. However, none of these facilities dominate the view shed from the KOPs located in Fossil Butte, and do not change the characteristic landscape. Long-term cumulative impacts could occur if additional facilities are approved within the classification area, however, cumulative impacts are not anticipated due to the limited oil and gas activity in the area. Most projects can be sighted outside of the classification area.

4.2 Cultural Resources

4.2.1 Alternative 1 - Proposed Action

Pursuant to the Wyoming State Protocol Section V.B.III.A, the BLM cultural resource specialist determines that the undertaking's entire area of potential effects was previously examined for historic properties by an adequate Class III inventory that has been reviewed and accepted by the BLM KFO and SHPO who previously agreed that no historic properties will be affected in the inventoried area. Therefore, no further cultural inventory is required. The undertaking may proceed as planned without further consideration of cultural resources other than the inclusion of the standard stipulation regarding the discovery of unanticipated cultural resources on the authorization.

4.2.2 Alternative 2 - No Action

Under the No Action Alternative this project would not be constructed or operated. No project-related disturbance would occur to cultural resources as a result of the No Action Alternative.

4.2.3 Cumulative Effects

Cultural resources are a non-renewable resource, and the increase in oil and gas development with the associated roads and facilities has the potential to adversely impact the cultural landscape. The overall trend is loss of cultural resources due to development, public access, natural weathering, erosion and fire, to list a few examples. Long-term cumulative impacts could occur due to the impacts related to increased public access and vehicle traffic, which could result in the loss of scientific information due to unauthorized collection by looters. However, cumulative impacts are not anticipated since there are no historic properties within the cumulative impact analysis area.

4.3 Soils

4.3.1 Alternative 1 - Proposed Action

Soils at the site of the tower will be impacted by construction and reclamation activities associated with the Proposed Action. Direct effects would be soil disturbance for the construction of the concrete pads. Access would be restricted when soils are wet to minimize damage to the road.

4.3.2 Alternative 2 - No Action

Under the No Action Alternative, this project would not be constructed or operated. No project-related disturbances would occur. The soil would not be disturbed other than by naturally occurring events such as snow, rainfall or the natural weathering processes.

4.3.3 Cumulative Effects

Soil disturbance from activities can contribute to disruption of the native soil. It is expected that this would continue until reclamation has been completed for all facilities and roads within the area. Not all soil disturbances are associated with oil and gas development. Activities such as hunting, recreational use, transmission line projects, or natural weathering have contributed to soil disturbances. Soils will be disturbed by construction, reclamation and future maintenance activities of the Proposed Action. Cumulative effects would include the increased susceptibility to wind, erosion, and loss of topsoil productivity. Effects would be minimized through reclamation and vegetation growth. The effects are expected to be short term and would not have long term effects.

4.4 Vegetation

4.4.1 Alternative 1 - Proposed Action

Direct effects would be minimal, as there are just a few bunches of low growing grass where the communications tower and buildings will be installed. The fiber optic cable will be ripped in, using a zipper plow. Disturbance resulting from that method of construction, will not be visible after one growing season. Ripping in the cable opens up a 6-inch slit in the soil, where the cable is installed off the back of the plow. The plow will crush vegetation where it travels, but lays the soil and vegetation back down, causing very little long term damage. Indirect impacts would be an increased potential for invasive weed introduction. .

4.4.2 Alternative 2 - No Action

Under the No Action Alternative, this project would not be constructed or operated. No project-related disturbances would occur.

4.4.3 Cumulative Effects

Surface disturbing activities from oil and gas activities, and other disturbance such as two-track development has impacted vegetation over time in the cumulative analysis area. Reclamation is a recognized activity to allow for re-growth of desirable species that over time returns the disturbance to pre-disturbance levels. Vegetation loss is expected over time as proposed projects/actions are authorized. Indirect impacts would include the short-term and long-term increased potential for weed invasion, establishment, and expansion. Cumulative effects are expected to be minimal as the project is using an existing established road, and the communications site is already established. The only really new disturbance is for the fiber optic cable, which impacts to vegetation should not have a long term effect due to the construction techniques proposed.

4.5 Weeds – Invasive, Non-native, Noxious

4.5.1 Alternative 1 - Proposed Action

Construction and reclamation activities could result in the occurrence of invasive, nonnative, noxious plant species in the area of the Proposed Action. Monitoring and control would be the preferred method required per the reclamation plan submitted by the applicants.

4.5.2 Alternative 2 - No Action

Under the No Action Alternative, this project would not be constructed or operated. No project-related disturbances would occur that could potentially allow for weeds or invasive species.

4.5.3 Cumulative Effects

Disturbance in some instances have allowed weeds to grow. Management tools such as spraying, or other actions as appropriate are requirements for eradication or control. Monitoring and management/control for weeds is mandatory for all federal actions. No cumulative impacts are expected.

4.6 Wildlife, Sensitive Status Animals and Plants

4.6.1 Alternative 1 - Proposed Action

Construction, drilling and completion operations of the communication tower and fiber optic line installation could result in some direct habitat loss, animal displacement, and even mortality depending on the wildlife species. Increased roads and traffic caused by construction and maintenance of the tower can increase wildlife vehicle mortalities over the life of the project. The potential effects of the Proposed Action were evaluated for each species based on their habitat requirements and known distribution.

General Wildlife and Fish

Most of the non-SSS wildlife populations in the project area are relatively stable. The direct impacts from the Proposed Action would not likely result in population declines that would require these species to be listed as sensitive species in the future. Additional information is provided on migratory birds.

Big Game

The Proposed Action would result in the direct loss of 0.1 acres of big game habitat within the herd unit. In addition big game will be displaced and there could potentially be loss of individuals from the population due to vehicle collisions. Displacement would be short term and would mainly occur during construction. Animals would be able to return to the area immediately after construction and reclamation occurs. It is unlikely that the loss of 0.1 acres of habitat as a result of the Proposed Action would have any major impacts on big game herds. These impacts would be reduced by implementing a timing limitation stipulation to restrict construction or other surface disturbing and disruptive activities from November 15 to April 30 each year. Motor vehicle travel is seasonally limited in this area from January 1 to April 30.

Migratory Birds

If surface disturbing activities occur during the migratory birds nesting season, those species utilizing habitats in or near the project area could be temporarily displaced, which may alter nest establishment or cause nest abandonment. In addition to temporary displacement, the Proposed Action would also result in the removal of up to 0.1 acres of potential nesting and foraging habitats which could destroy nests and potentially kill migratory birds. Overall, implementation of the Proposed Action may affect individual migratory birds through displacement, habitat loss or death, but given the small area of impact, it would not likely result in a trend towards federal listing of these species.

Special Status Species

Ten of the forty-two SSS either listed under the ESA or designated as WBSS by the BLM Wyoming State Director may be impacted by the Proposed Action. They include pygmy rabbit, sage thrasher, Brewer's sparrow, sage sparrow, loggerhead shrike, Idaho pocket gopher, Greater Sage-grouse, tufted twinpod, Dorn's twinpod, and Beaver Rim phlox.

Pygmy Rabbit

The proposed area has the potential for pygmy rabbit habitat but after the onsite inspection it was found that no pygmy rabbit burrows existed in this proposed area. Many areas in the KFO have the potential for pygmy rabbit habitat and further surveys and onsite inspections are being done to determine if these potential habitat areas warrant stipulations or not. Since no burrows were

found it has been determined no effect would take place to this species due to the implementation of the Proposed Action.

Sage obligate songbirds

Sage obligate species require sagebrush stands in order to successfully reproduce and/or survive. The sage sparrow in particular requires large blocks of un-fragmented habitat to successfully reproduce. These species are considered to be especially at risk of habitat loss and subsequent population declines given the rapid habitat changes now occurring in sagebrush steppe ecosystems such as fragmentation and removal of sagebrush nesting habitat for human activities (WGFD 2010). Implementation of the Proposed Action would directly remove up to 0.1 acres of suitable habitat for sage obligate songbirds; however, due to the currently fragmented structure of the sagebrush stands in the project area, it would be unlikely to have significant effects on the songbird populations. In addition, the timing limitation stipulation that will be implemented for Greater Sage-grouse will also help minimize impacts to nesting and brood-rearing sage obligate songbirds.

Idaho pocket gopher

Currently, habitat needs are poorly known for the Idaho pocket gopher making it difficult to determine the potential impacts of the Proposed Action on the population. However, pocket gopher habitat in general appears to be limited by a soil layer deep and tractable enough to hold burrow systems and enough plant material to form a food base (Beauvais and Dark-Smiley 2005). Using the most recent predictive model for Idaho Pocket Gopher distribution a medium potential for the species is expected to reside in the project area. Direct impacts would include loss of habitat or removal of some individuals from the population due to construction activities.

Greater Sage-grouse

The area was assessed as per Wyoming Instruction Memorandum (IM) WY-IM-2012-019 (Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Lands including the Federal Mineral Estate). The IM directs the BLM to analyze sage grouse habitat out to a minimum of four miles for a relatively small project (i.e. exploratory well, individual rights-of-way, etc.) and out to a minimum of 11 miles for a large project (i.e. oil and gas full field development, large powerlines, etc.). In addition, this analysis is to occur both within and outside of the sage grouse core areas, as designated by the Governor's Executive Order (EO 2011-5).

According to the Density and Disturbance Calculation Tool (DDCT) provided by the WGFD (dated 9/30/2014), the affected area encompasses roughly 634,128 acres within the Sage Sage-grouse Core area. The total area of new disturbance proposed for the project is 0.1 acres. In total, 557,652.16 acres (87.94%) of this identified area is considered undisturbed, while 76,475.84 acres (12.06%) is considered disturbed. The project is located within two miles of the inactive sage-grouse lek, Bullpen Creek, in the Sage core area. Literature indicates that 75 percent of the

hens nest within 4 miles and 66 percent within 3 miles of the lek where they are bred. This area has sufficient cover and is adjacent to foraging areas containing forbs and insects; therefore is classified as nesting and brood-rearing habitat. The proposed location of the trenching for the fiber optic line installation runs through mapped Sage-grouse winter habitat. The disturbed habitat for the Bullpen Creek lek exceeds the 5% disturbance threshold as stated in WY-IM-2012-019. Even though the amount of habitat disturbed is less than 0.1 acres and is next to an existing disturbance, this project would result in sagebrush loss and habitat fragmentation, and may or may not contribute to its decline and/or need for listing under the Endangered Species Act. Due to this project occurring in Sage-grouse winter habitat and the Sage Core Area, a nesting/brood rearing and winter habitat stipulation is being enforced from March 15 to July 15 and November 15 to March 14.

4.6.2 Alternative 2 - No Action

Under the No Action Alternative, this project would not be constructed or operated. No project-related disturbances would occur that could potentially affect wildlife in the project area.

4.6.3 Cumulative Effects

The cumulative loss, degradation, and fragmentation of habitat over time, would likely negatively impact populations of SSS in the area which include pygmy rabbit, sage thrasher, Brewer's sparrow, sage sparrow, loggerhead shrike, Idaho pocket gopher, Greater Sage-grouse, tufted twinpod, Dorn's twinpod, and Beaver Rim phlox. If development is maximized, some populations of sensitive species may even be eradicated by the reasonably foreseeable cumulative development in and around the project area. On federal lands, however, surveys or mitigation measures are required in potential and known habitats of species listed under the ESA. Surveys would help determine the presence of any listed species, and thus require protective measures to be taken including avoiding or minimizing disturbance in these critical areas.

4.7 Past and Present Actions

Past and present actions identified as having impacts on the assessment area include energy development and livestock grazing. South of US Highway 189, there are eleven oil and gas wells within a five mile radius of the Proposed Action. Only three are currently active. The most current well was drilled in 1991. There is one natural gas pipeline, three miles to the south. Otherwise there is not a large oil and gas presence in the project location.

The project area is located within the Twin Creek Grazing Allotment. Historically, the Twin Creek Grazing Allotment permits have been for summer cattle and sheep.

Other activity includes recreational use. The area is known for its hunting opportunities, both for big game and sage grouse.

4.8 Reasonably Foreseeable Future Actions

It is anticipated that livestock grazing is likely to continue at current levels. New range improvement projects are considered on an annual basis and analyzed on a site-specific basis.

4.9 Mitigation Measures Considered

4.9.1 Visual Resource Management

The tower will be constructed of non-reflective material. All buildings and facilities will be painted or colored a sage green color to blend into surrounding landscapes. Any dishes will have a dark covering, not a silver or white cover.

4.9.2 Cultural Resources

Any cultural and/or paleontological resources (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. The 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.

4.9.3 Soils

The plan of development (Appendix A) addresses how soils would be preserved and handled.

4.9.4 Vegetation

Reclamation would ensure that native grasses, forbs and shrubs during construction and final reclamation remain established to retain cover, species composition, and life form diversity commensurate with the surrounding plant community or desired ecological condition to benefit sage-grouse and replace or enhance sage-grouse habitat to the degree that environmental conditions allow. Seed mixes would include two native forbs and two native grasses with at least one bunchgrass species. All seed would be required to be certified weed-free seed for rehabilitation projects.

4.9.5 Weeds – Invasive, Non-Native Species, Noxious

Silver Star would be responsible for development and implementation of a weed control/management plan per the Kemmerer Field Office weed stipulations on the disturbed areas within the limits of the ROW to prevent the spread of weeds on public lands, including halogeton (*Halogeton glomeratus*) and Cheatgrass (*Bromus tectorum*).

4.9.6 Wildlife, Special Status Animals and Plants

Mitigation for this project includes a big game crucial winter range stipulation from November 15 to April 30 each year to protect wintering big game species; and protection for Sage-grouse winter habitat and the Sage Core Area, a nesting/brood rearing and winter habitat stipulation is being enforced from March 15 to July 15 and November 15 to March 14. In addition, the area is in the Bear River Divide winter closure area which prohibits motorized vehicle traffic from January 1 to April 30 each year.

With application of SOPs, applied mitigation, required BMPs and Conditions of Approval identified for Greater Sage-Grouse under the Proposed Action/decision, impacts caused by surface-disturbing and disruptive activities would be minimized.

4.10 Residual Effects

It is anticipated that the Proposed Action alternative would not negatively impact the environment. The proposed mitigation/monitoring requirements would provide for additional protective measures, stipulations as required by the RMP, and best management practices for the environment during construction and operation activities for the life of the project.

The impacts associated with the project would not be significant due to the scope/size of the proposal.

5.0 Tribes, Individuals, Organizations, or Agencies Consulted

Name	Title/Organization
Jeff Jensen	Silver Star Landman
John Kennedy	State of Wyoming Game and Fish Dept.

6.0 List of Preparers

Name	Title	Responsibility
Kelly Lamborn	BLM Realty Specialist	Lands and Realty
Lynn Harrell	BLM Archeologist	Cultural Resources
Larry Ashton	BLM Wildlife Biologist	Wildlife, Fisheries
Travis Chewning	BLM P&EC	Review and Editing
Annette Treat	BLM Acting Assistant FM/Minerals and Lands	Review and Editing
William A. Mier	BLM Kemmerer Field Manager	Authorizing Officer

7.0 References

Beauvais, G. and D.N. Dark-Smiley. 2005. Species Assessment for Idaho Pocket Gopher (*Thomomys idahoensis*) in Wyoming. Wyoming Natural Diversity Database, University of Wyoming, Laramie, WY.

- BLM (Bureau of Land Management). 2001. Wyoming Instruction Memorandum 2001-040 (WY-IM-2001-040). Issuance of BLM (Wyoming) Sensitive Species Policy and List. U.S. Department of the Interior, Bureau of Land Management, Cheyenne, WY.
- BLM. 2004. Statement of Policy Regarding Sage-grouse Management Definitions, and Use of Protective Stipulations, and Conditions of Approval. U.S. Department of the Interior, Bureau of Land Management - State Office, Cheyenne, WY.
- BLM2008. Proposed Resource Management Plan and Final Environmental Impact Statement for the Kemmerer Field Office Planning Area, August 2008. U.S. Department of the Interior, Bureau of Land Management.
- BLM. 2010a. Wyoming Instruction Memorandum 2010-027 (WY-IM-2010-027). Update of the Bureau of Land Management, Wyoming, Sensitive Species List – 2010. Cheyenne, WY.
- BLM. 2010b. Record of Decision and Approved Kemmerer Resource Management Plan, May 2010. Kemmerer Field Office, Kemmerer, Wyoming.
- Cagney, Jim, Bainter, Everet, Budd, Bob, Christiansen, Tom, Herren, Vicki, Holloran, Matt, Rashford, Benjamin, Smith, Mike, Williams, Justin. 2010. Grazing influence, Objective Development, and Management in Wyoming's Greater Sage-Grouse Habitat (With Emphasis on nesting and Early Brood Rearing), USDI publication B-1203, March.
- Clark, T.W. and M.R. Stromberg. 1987. Mammals in Wyoming. University Press of Kansas, Lawrence, KS.
- Connelly, J.W., M.A. Schroeder, A.R. Sands and C.E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats. Wildlife Society Bulletin 28(4):967-985.
- Dorn, R.D. 1990. Report on the status of Phlox pungens, a candidate Threatened species. Prepared for the U.S. Fish and Wildlife Service. By Mountain West Environmental Services.
- Fertig, W. 2002. Status of Tufted Twinpod (*Physaria condensata*) in Southwest Wyoming. Wyoming Natural Diversity Database, University of Wyoming, Laramie, WY.
- Griscom, H., D. Keinath and M. Anderson. 2010. Pocket Gopher Surveys in Southwestern Wyoming: Draft Project Report. Wyoming Natural Diversity Database, University of Wyoming, Laramie, WY.
- Heidel, B. 2009. Status of *Lesquerella Macrocarpa* (Large-fruited Bladderpod), and *Phlox Pungens* (Beaver Rim Phlox) in the Upper Green River Basin, Wyoming. Report prepared for the Bureau of Land Management by the Wyoming Natural Diversity Database, University of Wyoming, Laramie, WY.

- Holloran, M.J. and S.H. Anderson. 2005. Spatial Distribution of Greater Sage-Grouse Nests in Relatively Contiguous Sagebrush Habitats. Appendix A in PhD Dissertation. Wyoming Cooperative Fish and Wildlife Research Unit, University of Wyoming, Laramie, WY.
- Keinath, D.A. and M. McGee. 2004. Species Assessment for Pygmy Rabbit (*Brachylagus idahoensis*) in Wyoming. Wyoming Natural Diversity Database, University of Wyoming, Laramie, WY.
- Olson, R. 1992. Mule Deer Habitat Requirements and Management in Wyoming. B-965. Department of Renewable Resources, College of Agriculture, University of Wyoming, Laramie, WY.
- Purcell, Melanie J. 2006. Pygmy Rabbit (*Brachylagus idahoensis*) Distribution and Habitat Selection in Wyoming. M.S. Thesis. Department of Zoology and Physiology, University of Wyoming, Laramie, WY.
- Schroeder, M. A., C. L. Aldridge, A. D. Apa, J. R. Bohne, C. E. Braun, S. D. Bunnell, J. W. Connelly, P. A. Deibert, S. C. Gardner, M. A. Hillard, G. D. Kobriger, S. M. McAdam, C. W. McCarthy, J. J. McCarthy, D. L. Mitchell, E. V. Rickerson, and S. J. Stiver. 2004. Distribution of sage-grouse in North America. *Condor* 106:363-376.
- USFWS (U.S. Fish and Wildlife Service). 1985. Endangered and Threatened wildlife and plants; Review of plant taxa for listing as Endangered or Threatened species; Notice of Review. *Federal Register* 50(188):39526-39584.
- USFWS. 2010. Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered; Proposed Rule. 50 CFR Part 17. *Federal Register*, Volume 75, Number 55, Tuesday, March 23, 2010, pp. 13910-14014.
- WGFD (Wyoming Game and Fish Department). 2010. Wyoming State Wildlife Action Plan. Wyoming Game and Fish Department. Downloaded June 29, 2012 from <http://wgfd.wyo.gov/web2011/WILDLIFE-1000407.aspx>
- WGFD. 2012. Final Wildlife Regulations. Wyoming Game and Fish Department, Cheyenne, WY. Downloaded June 18, 2011 from <http://gf.state.wy.us/admin/Regs/index.asp>

APPENDIX A
PLAN OF DEVELOPMENT

APPENDIX B

MITIGATION MEASURES, RMP REQUIREMENTS and/or STIPULATIONS

A detailed plan of development has been written to be incorporated into the right-of-way grant.

Because authorization of the Proposed Action may result in exposure of cultural resources not detected on the ground surface by previous inventories, the standard stipulation regarding the discovery of unanticipated cultural resources would be included in the authorization as a condition of approval, as follows:

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, 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 shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development (Appendix A).

Above ground equipment and/or facilities would be required to be painted to blend with the surrounding landscape using BLM color Shale Green. The exception to this requirement would be equipment, which if painted, would cause a safety issue. Any fencing material shall be neutral medium gray or color blended to match the building and surrounding environment. Metallic fencing shall be vinyl clad and grounded to prevent electrical interference.

Silver Star would be responsible for development and implementation of a weed control/management plan per the Kemmerer Field Office weed stipulations on the disturbed areas within the limits of the ROW to prevent the spread of weeds on public lands, including halogeton (*Halogeton glomeratus*) and Cheatgrass (*Bromus tectorum*).

All construction, operation, and termination activities shall be contained within the authorized limits of the right-of-way.

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 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 or 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, statues, 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.

The Holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Haz Mat, as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the construction, operation, maintenance, or termination of the ROW or any of its facilities.

‘Hazardous material’ means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any ‘Hazardous waste’ as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials, also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended. 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

The Holder of Communications Use Lease WYW-171448 and Right-of-Way no. WYW-171457 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. Or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) On the ROW (unless the release or threatened release is wholly unrelated to the ROW Holder’s activity on the ROW). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.

No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

Authorized construction, routine maintenance, or surface disturbance is not allowed during the following periods for protection of these special status species:

- From November 15 through April 30 for the protection of crucial big game winter range; From November 15 through March 14 for sage grouse winter range habitat;
- From March 15 through July 15 for sage grouse nesting and brood rearing habitat;

- Motor vehicle travel is seasonally limited and is closed from January 1 to April 30.

The Holder may request an exception in writing to the above stipulation. Any exceptions to the stipulation must be approved in writing by the Authorized Officer prior to conducting any surface disturbing or prior to conducting activities disruptive to wildlife. The exception request must explain the reason(s) for the exception, why the proposed activities will not impact the species or their habitat, and the dates for which the exception is requested. Data supporting the exception must accompany the written request.

A performance bond is required for this authorization. The amount of the bond shall be determined as follows: the holder shall furnish a report within 90 days estimating all costs for the BLM to fulfill the terms and conditions of the grant in the event that the holder was not able to do so. This estimate shall be prepared by an independent State certified engineer who is approved in advance by the BLM authorized officer, and shall include such information including but not limited to administrative costs and Davis Bacon wages potentially incurred by the BLM. The report shall detail the estimated costs and shall be accompanied by the engineer's seal. All costs of preparing and submitting this report shall be borne solely by the holder. This report along with inflationary estimates shall be the basis of the bond, and shall remain in effect until such time that the authorized officer determines that conditions warrant a review of the bond. This bond may be periodically adjusted by the authorized officer in the method described above when, in his/her sole determination, conditions warrant a review of the bond. Surface disturbing activities shall not commence until the BLM authorized officer has accepted the bond and issued a notice to proceed.

The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mixes would include two native forbs and two native grasses with at least one bunchgrass species. All seed would be required to be certified weed-free seed for rehabilitation projects.

Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the road. Failure of the holder to share proportionate maintenance costs on the common use access road in dollars, equipment, materials, or manpower with other authorized users may be adequate grounds to terminate the use agreement. The determination as to whether this has occurred and the decision to terminate shall rest with the authorized officer. Upon request, the authorized officer shall be provided with copies of any maintenance agreement entered into.

APPENDIX C
SUPPLEMENTAL DOCUMENTATION