

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OF IDAHO
TWIN FALLS DISTRICT
SHOSHONE FIELD OFFICE
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Shoshone, ID 83352
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CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Project Name: Bliss Fiber Optic Right-of-Way
Number: DOI-BLM-ID-T030-2012-0032-CX
Applicant: Syringa Networks LLC
Project/Case File Number (if appropriate): IDI-37337
Preparer: Scott Webster of North Wind Resource Consulting, LLC
Date of Preparation: July 2012

Project Description

The Shoshone Field Office of the Bureau of Land Management (BLM) has received a right-of-way (ROW) application from Syringa Networks, LLC to construct and maintain a fiber optic cable on public lands in Gooding County along Highway (Hwy) 30 near Bliss, Idaho. The proposed ROW encompasses a contiguous area of approximately 3,500 feet in length by 10 feet wide, totaling 0.8 acres and is located entirely within the existing ROW for Hwy 30 (see attached map). The proposed term for the ROW is 30 years, after which the ROW could be terminated or renewed. The Bliss Fiber Optic ROW project calls for installing 1 to 4 1.25-inch SDR11-STM-F2160 conduits to a minimum depth of 36 inches. One of the conduits will contain a single armored, single jacket, single mode fiber optic cable for telecommunications to provide services to an existing communications tower on private land.

Syringa Networks, LLC would contract the installation of the fiber optic cable and conduit system. Various methods would be used to install the underground conduit for Syringa Networks' fiber optic cable. Ground conditions will dictate the type of equipment used. In unconsolidated sediments the typical installation would involve a tracked dozer with a vibratory plow on the rear of the dozer installing the conduits. In areas of consolidated tight sediments it may be necessary to pre rip a 6-inch wide trench prior to the vibratory plow installing the conduits.

The typical impact footprint by the tracked dozer would be approximately ten feet in width or 20 inches for each track on the dozer and a 6-inch plow scar. Areas that cannot be plowed to the proper depth would require the use of a rock saw or wheel to cut a 10- to 12-inch trench to the required 36-inch depth. The rock saw is a tracked machine and would have a similar footprint as the rip dozer and plow with the saw typically cutting the trench in the middle between the dozer tracks. The cut rock material would be stacked by the wheel and used as backfill once the conduits are installed in the bottom of the rock trench.

The installation contractor would utilize directional drills to bore under areas where the use of other methods are not feasible or would result in unacceptable resource damage. The only area which would require directional boring is a single roadway crossing. The directional drill would enter on one side of the road and bore under and across to the exit side to create a pilot borehole. Once the pilot hole is completed the conduits would be attached to the drill steel and pulled back through the borehole. Ground conditions would determine if a standard directional drill is utilized. During the drilling process a bentonite mud mixture is used to keep the bit and electronics cool, remove the cuttings from the borehole,

and to help stabilize the borehole walls. The bentonite mud mixture will be contained in an entrance or exit pit and removed with 800-gallon vacuum wagons for disposal. The directional drills are tracked units similar to the dozer and would have a footprint approximately 8-feet wide. Minimal surface disturbance is required for the drills other than an entrance and exit pit. Supporting the directional drills and plow crews are rubber tired backhoes for excavating tie in points for the plow conduits, excavating bore pits for the drills, and installing underground hand holes.

During project construction, materials would be stored at predetermined sites on private property or approved state ROW. Once established, the contractor would provide the locations of the material and equipment staging areas. Equipment not in use daily would be stored at designated material sites or on approved Idaho Transportation Department ROW sites. Only equipment actively in use on BLM property may be occasionally parked overnight or over a weekend within the BLM ROW area.

The plow scar would be compacted and stabilized with the dozer upon completion of the conduit installation. Trench material from the rock saw operation would be used as backfill over the HDPE conduits. Any backhoe trenches or bore pits would be backfilled to the original ground level. Upon completion and cleanup of the plow or trench scar, an approved seed mixture would be broadcast over the disturbed areas as directed by the BLM. Syringa Networks on-site inspector would provide documentation that disturbed areas are backfilled and seeded properly. The seeding of the disturbed area would be repeated if a satisfactory stand, as evaluated by the authorized officer, is not obtained. The seeded area would be evaluated after the first full growing season. Syringa Networks would also be responsible for noxious weed control on the disturbed areas within the right-of-way for the term of the right-of-way grant. Prior to completing weed control Syringa Networks would consult with the authorized officer on acceptable weed control methods.

Project Location

The project area encompasses approximately 3,500 feet of proposed fiber optic line northwest of the city of Bliss Idaho (Attachment 1). The proposed ROW focuses on lands managed by the BLM, Shoshone Field Office. The ROW contains about 0.8 acres, more or less, and affects the portion of the public land identified as:

Boise Meridian

T. 6 S., R. 12 E,
sec. 1, lot 4 and SW ¼ NW ¼;
sec. 2, lots 1 and 2.

(See Attachment 1: Project Location Map)

Plan Conformance

The project location falls under the management direction of the 1976 Bennett-Hills –Timmerman Hills Management Framework Plan (MFP). Objective L4 of the MFP states: “Utility Systems/Utility Corridors – Eliminate haphazard and scattered development and installation of major utility systems throughout the planning units.”

Categorical Exclusion Reference

The proposed action is excluded from further documentation under NEPA in accordance with 516 DM 11.9 E(12), which states: “(g)rants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.” The proposed ROW would allow Syringa Networks, LLC to construct and maintain a fiber optic cable within ROW boundaries granted for access to communication sites and for public roadways.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply. The extraordinary circumstances reviewed for the proposed action are documented below.

Extraordinary Circumstances

1. The proposed project would not have any significant impacts on public health or safety as the proposed action would occur outside of the existing roadway prism within the existing ROW and all applicable roadway safety mitigation (i.e., signage and traffic control measures) would be implemented as needed during installation of the fiber optic line. Stipulation 15 in Appendix A also outlines that “the holder (Syringa Networks, LLC) shall permit free and unrestricted public access to and upon the ROW for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.” Stipulation 16 “The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.” Stipulation 22 states: “The Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.” Stipulation 1 of the right-of-way grant states: “The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant which has been issued 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.”

2. The proposed action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. A cultural resource survey was conducted in the February 2012, with no sites being recorded within the extents of the proposed fiber optic route. There have been 16 surveys completed within a one-mile radius of the project area since 1989. These surveys identified four sites, none of which are directly adjacent or within the proposed fiber optic route. Concurrence on these findings was received from the State Historical Preservation Office (SHPO) on July 6, 2012.

Impacts to resources such as migratory birds and the presence of other bird species which occur within the project area are anticipated to be negligible. The existing roads which parallel the proposed fiber optic route have caused habitat fragmentation and have resulted in the degradation of suitable nesting habitats. The routine maintenance of the ROW has also removed the majority of the shrub species which limits perch and resting sites.

The following resources are not present within portions of the project area associated with public lands and the proposed action would not have any impact on these resources:

- park,
- recreation or refuge lands;
- wilderness areas;
- wild or scenic rivers;
- national natural landmarks;
- sole or principal drinking water aquifers;
- wetlands;
- floodplains;
- national monuments;
- ecologically significant or critical areas .

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. Throughout the environmental process the proposal to install, operate, and maintain the proposed fiber optic line was not highly controversial, nor are the effects expected to generate future controversy.

Parties with adjacent ROW or interests and County and city governments were notified via letter to interested parties. No input from these parties has been received concerning the granting of the proposed ROW grant.

4. The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. The effects of installing, operating, and maintaining a buried fiber optic line on public lands are straightforward and do not pose uncertainties. The environmental process has not identified any effects that may involve highly unique or unknown risks. To limit the risk of any unforeseen impacts and provide environmental protections, general and special stipulations have been attached to this project.

5. The proposed action does not establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. The proposed action is not connected to another action that would require further environmental analysis and it would not set a precedent for future actions that would normally require environmental analysis. The decision to grant a ROW to Syringa Networks LLC to construct and maintain a fiber optic line across public lands as described would only allow that action to occur. Any proposed future projects must be evaluated on their own merits and effects.

6. The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action is requesting authorization for the installation, operation, and maintenance of the proposed fiber optic line within areas of a compatible ROW that currently has developed roadways.

7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. A cultural resource survey was conducted for the proposed action in the February 2012, which revealed no sites being found within the bounds of the project area; therefore, the proposed installation of the proposed fiber optic line would have no impact on cultural resources. Additionally, Stipulation 6 provides protection to any cultural or paleontological resources found within the project areas during installation or maintenance activities. It states "Any cultural and/or paleontological resource (historic or prehistoric site 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."

8. The proposed action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. A Special Status Animal Species Assessment was completed by Scott Webster of North Wind Resource Consulting, LLC and reviewed and approved by the BLM Shoshone Field Office Wildlife Biologist. The assessment determined that the planned soil excavation actions with associated habitat alterations expected to result from placement of the proposed fiber optic line on public lands would not result in permanent adverse impacts to any special status animal species or their habitat. A special recommendation was added to the project stipulation list to aid in protection of nesting bird species which states "It is recommended that construction activities occur before mid- March or after mid-July, to aid in protection of nesting bird species. Nesting activities within the habitat types present within the project area is typically completed by mid-July." A Special Status Plant Species Assessment was also completed by Scott Webster of North Wind Resource Consulting, LLC and reviewed and approved by Danelle Nance, BLM Natural Resource Specialist, with a finding that no special status, including endangered or threatened, plants occur within the project area. However, suitable habitat for Picabo milkvetch (*Astragalus oniciformis*) does occur within the project area, based on it occurring within sandy soils

which dominate the soils along the proposed fiber optic route (NRCS 2012). No individuals were observed during field surveys conducted along the route of the proposed fiber optic line.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. Stipulations would be attached to the ROW grant that specify that all applicable Federal, State and local laws be adhered to. Furthermore, under Stipulation 1 of the right-of-way grant “The authorized officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in their 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.” There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898) because there are no low income or minority populations located along the proposed fiber optic line route. As mentioned above Stipulation 15 of the ROW grant states: “The Holder (Syringa Networks LLC) shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.”

11. The proposed action would not limit access to any ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). There were no known or identified ceremonial uses of Indian sacred sites on Federal lands by Indian religious practitioners within close proximity of the proposed fiber optic line route. Granting a ROW to install, operate and maintain the proposed fiber optic route would not alter access to public lands in the area. Stipulation 15 of the ROW grant states: “The Holder (Syringa Networks LLC) shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.”

12. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). Installation of the proposed fiber optic line would not contribute to a significant increase in the populations of noxious weeds that are already known to occur in the project area. Any ground disturbing activity such as this is likely to contribute to invasive species being allowed a foothold; however, this project is unlikely to cause a noticeable increase in an already disturbed and degraded plant community. There would be stipulations attached to the ROW that would require Syringa Networks, LLC to be responsible for weed control within the limits of the ROW that result from the installation, operation and maintenance of the buried fiber optic line within the ROW. Stipulation 13 of the ROW grant states: “The holder (Syringa Networks, LLC) shall be responsible for noxious and invasive weed control on disturbed areas 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).

Consultation and Preparation

The affected environment of the project area was discussed with Kasey Prestwich (BLM Realty Specialist) and other resource specialists at the BLM Shoshone Field Office prior to the initiation of the field assessments of the project area. Following these discussions North Wind Resource Consulting, LLC personnel completed field surveys of the proposed fiber optic route and compiled specialist reports which were reviewed and approved by BLM specialists. Following approval of the specialist reports, North Wind Resource Consulting, LLC proceeded to draft this Categorical Exclusion document for BLM specialist review and approval. A copy of the approved specialist reports is located in the project file.

Approval

Based on my review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. I have decided to approve the action as proposed. Syringa Networks, LLC application for a right-of-way, IDI-37337, will be approved and a right-of-way grant will be offered to them to install, operate, and maintain a fiber optic line across public land. The right-of-way area will be for a width of about 10 feet and approximately 3,500 feet long, encompassing about 0.8 acres.

For more information contact Kasey Prestwich, Realty Specialist, at (208) 732-7204 or via email at kprestwich@blm.gov

/s/ Jim Tharp

7/30/2012

Jim Tharp, Acting Field Manager

Date

Attachments

1. Project Location Map
2. Project Stipulations

Attachment 1-Project Location Map

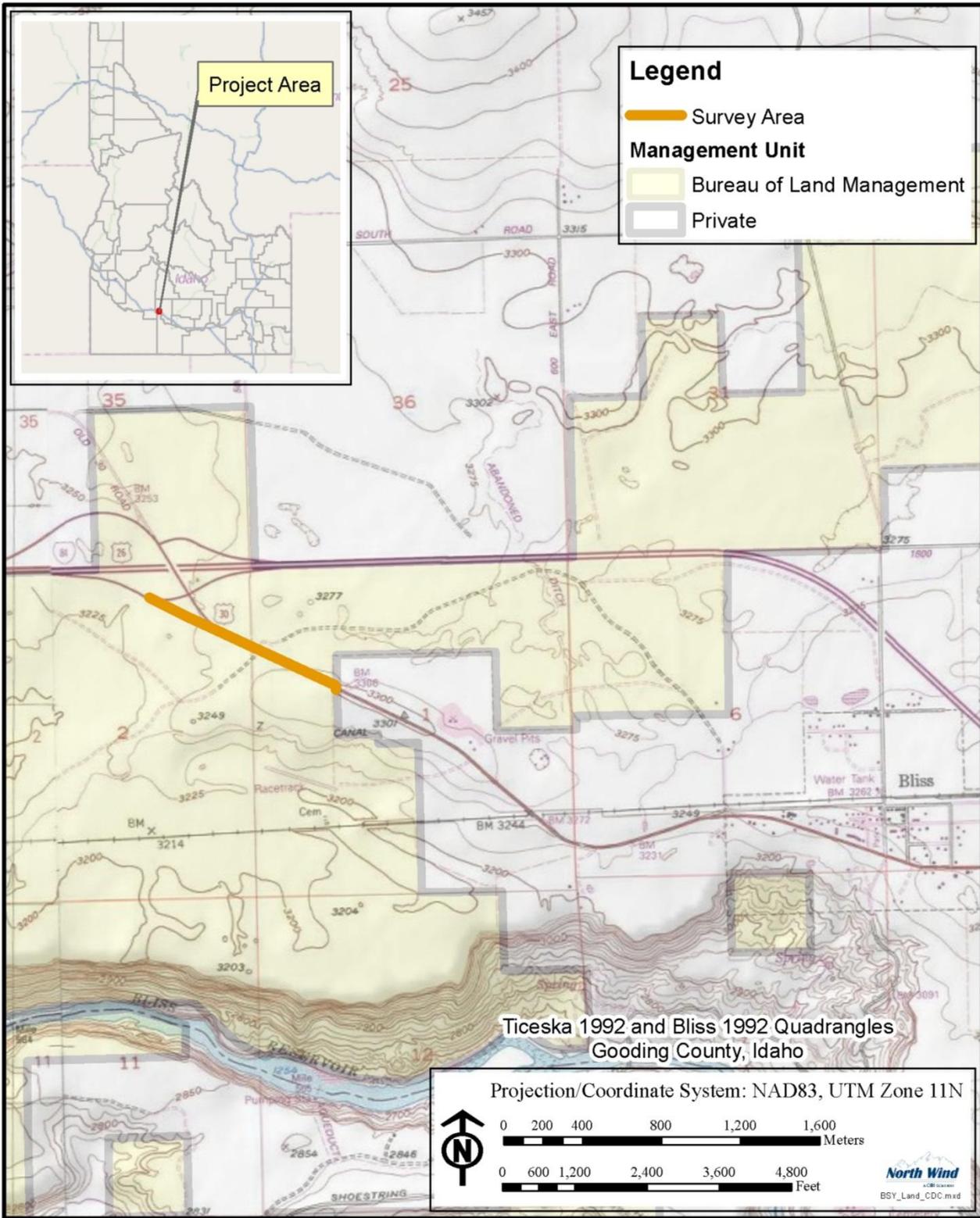


Figure 1- Map of the Right-of-Way location.

Attachment 2
Standard Stipulations

1. The authorized officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in their 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.
2. The holder shall contact the authorized officer at least seven days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a pre-construction 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 including the plan(s) of development.
3. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction of use only as therein expressly stated and only for the particular location or use therein described.
4. The holder shall designate a representative(s) who shall have the authority to act upon and implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
5. The holder shall comply with the construction practices and mitigation measures established by 33 CFR 323.4 which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit for the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
6. Any cultural and/or paleontological resource (historic or prehistoric site 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.
7. 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 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment
8. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land

Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land survey or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

9. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. Any relocation, additional construction, or use that is not in accord with this authorization shall not be initiated without the prior written approval of the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or to the environment.
10. Excess excavated, unsuitable, or slide materials should be disposed of as directed by the authorized officer.
11. Holder shall remove the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation where applicable.
12. The holder shall seed all disturbed areas, not covered by aggregate, using a seed mix and planting method suitable for the location as specified by the authorizing officer. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.
13. The holder shall be responsible for noxious and invasive weed control on disturbed areas 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).
14. Use of pesticides and herbicides shall comply with the applicable Federal and State law. Pesticides 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, the holder shall obtain from the authorized officer written approval of a plan showing the type and quality 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 authorized officer, prior to such use, shall approve emergency use of pesticides in writing.
15. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

16. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without intervisible turnouts, and attended gates for blasting operations.
17. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the authorized officer.
18. During construction, operation, maintenance, and termination of the right-of-way, during the period from June 1 to November 1, vehicles, gas-powered equipment, and flues shall be equipped with spark arrestors approved by the authorizing officer.
19. 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.
20. The holder of right-of-way 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, etseq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 etseq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holders activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
21. The holder is permitted to sublease space/equipment to additional telecommunication providers without further approval from the BLM. Subleasing includes the subleasing of space to additional telecommunication service providers. These additional telecommunication providers will not be required to obtain a separate grant for their use. No additional rent will be assessed to the ROW holder for the additional sublease owner(s) or telecommunication provider(s) within the project or facility so long as the subleasing involves only fiber optics. The holder is liable and responsible for compliance with all terms/conditions of the grant, including compliance with the terms/conditions by any additional user. Any portion of the facility that is sold to a third party (for example, selling a conduit to another party) requires the purchaser to obtain a separate ROW grant for the sold portion of the facility.
22. The Holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public."

Special Stipulations

1. The holder of the approved right-of-way grant is required to comply with a Federal, State, and County codes and obtain any required permits before and throughout the term of the right-of-way grant. Additionally, the holder shall provide a copy of applicable permits to the BLM on request.
2. Construction activities (i.e. ground disturbance) are not to take place during the migratory bird nesting season from March 1 through July 31 or until occupied nests are no longer active. If construction activities must take place during the migratory bird nesting season an exception request must be submitted to the BLM Authorized Officer in writing requesting a variance to the stipulation. Upon receiving this request an onsite evaluation must be

completed by the BLM resource specialist to determine if implementation of the project activities will avoid causing harm to federally protected migratory birds.