

## CATEGORICAL EXCLUSION

Project Name/ Applicant: Cable One Inc. Overhead fiber optic line on Howard Mountain to serve the Howard Mountain Communication Site.

Project/Case File Number: IDI-037404

Project Lead: Danny Miller

CE Number: DOI-BLM-ID-I020-2013-0003-CX

Date of Preparation: October 17, 2012

### PROPOSED ACTION:

On September 4, 2012, Cable One Inc., submitted an application (SF-299) requesting to install a fiber optic line on an existing overhead power right-of-way (ROW), terminating at an existing Communication Use Lease site within the on Howard Mountain communication Site. The proposed overhead fiber optic line is located in Boise Meridian, Power County & Bannock County, Idaho, T. 6 S., R. 33 E., section 19 SE¼SE¼, T. 6 S., R. 34 E., section 20 SW¼SW¼, T. 6 S., R 34 E., section 29 W½, T. 6 S., R 34 E., section 32 NE¼NW¼.

### CONSULTATION AND COORDINATION:

On October 15, 2012, this project was brought in front of an Interdisciplinary Team of Bureau of Land Management (BLM) specialists and reviewed. A description of the proposed action was posted to the e-planning register.

### FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 11.9, Appendix 5.4 E (12) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way" may be excluded from further environmental review.

I recommend that the right-of-way authorization, IDI-037404 be granted for approximately 20 years, expiring on December 31, 2032. The grant would be issued with the right to renew, subject to current terms and conditions and the attached stipulations (Exhibit B). The right-of-way would be granted under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2800. Rent would be collected as required in 43 CFR 2806.10.

### DECISION AND RATIONALE FOR THE DECISION:



## Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion # DOI-BLM-ID-I010-2013-0003-CX (IDI-037404) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

### DM#    Extraordinary Circumstance

- 2.1    Have significant impacts on public health or safety
- 2.2    Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3    Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4    Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5    Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6    Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7    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.
- 2.8    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.
- 2.9    Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10    Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11    Limit access to and 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).
- 2.12    Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

## Stipulations- Exhibit B

### IDI-037404

#### Operation and Maintenance Stipulations

1. 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.
2. No 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.
3. Right-of-way 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.
4. The holder shall be responsible for 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).
5. The holder of right-of-way No. IDI-037404 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 right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's 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.
6. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
7. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

## **Stipulations- Exhibit B**

**IDI-037404**

### **Cultural Stipulations**

8. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
9. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.
10. The holder shall notify the Authorized Officer at least 90 days prior to any non-emergency activities that would cause surface disturbance in the right-of-way. The Authorized Officer will determine if a cultural resource inventory, treatment or mitigation is required for the activity. The holder will be responsible for the cost of inventory, avoidance, treatment or mitigation; including any maintenance-caused damage. The Authorized Officer will determine avoidance, treatment and mitigation measures that are necessary after consulting with the holder and under Section 106 of the National Historic Preservation Act.

### **Avian Stipulations**

11. Unless otherwise agreed to by the authorized officer in writing, power lines shall be constructed in accordance to standards outlined by the Avian Power Line Interaction Committee (APLIC), 2006. Suggested Practices for Avian Protection on Power lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy

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Commission Washington, D.C. and Sacramento, CA. The holder shall assume the burden and expense of proving that pole designs not shown in the above publication are 'eagle safe.' Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.

#### **Fire Stipulations**

12. The Right-of-Way Holder is required to provide and maintain vegetation clearance for a distance of 4 feet in radius around the base of power poles located on distribution lines. This will mitigate most fires caused by birds and provide some protection to the poles themselves from being involved in wildfires which impact them.
13. In areas where there are known problems with bird related fires, the Holder will be required to install plastic or rubber wildlife protection boots over transformer bushings or provide other means of mitigating the risks of bird related fire ignitions.
14. The Right-of-Way Holder will adhere to all industry accepted construction, maintenance and accident reporting standards as identified the National Electrical Safety Code, Company Maintenance Inspection and Safety Standards and standards required by the Idaho Public Utility Commission.
15. The Right-of-Way Holder will provide BLM with a copy of its internal maintenance, inspection and safety standard operating procedures.
16. The Right-of-Way Holder will cooperate with the BLM in the performance of fire investigations and not collect, remove, destroy or otherwise engage in the spoliation of evidence relating to fire cause.
17. The Right-of-Way Holder will immediately take fire suppression action with their personnel and equipment on any fires which they cause to ignite and immediately report fires.