

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

**Categorical Exclusion
for
CenturyTel of Eagle, Inc. Renewal of COC002579 as well
as addition of buried fiber optic cable**

Grand Junction Field Office
and
Dominguez-Escalante National Conservation Area
2815 H Road
Grand Junction, Colorado 81506

DOI-BLM-CO-N030-2015-0015-CX

NOVEMBER 2015



INTRODUCTION:

The Proposed Action is necessary in order to install a new fiber optic line and to allow for continued access across federal lands managed by the Bureau of Land Management (BLM) for renewal of an existing line.

LEGAL DESCRIPTION:

Ute Principal Meridian, Mesa County, Colorado

T. 2 S., R. 1 E.,

Section 13, NE¹/₄NE¹/₄;

Section 24, S¹/₂NE¹/₄, E¹/₂SE¹/₄;

T. 2 S., R. 2 E.,

Section 8, NE¹/₄SE¹/₄, SE¹/₄SW¹/₄, S¹/₂SE¹/₄;

Section 9, SE¹/₄NE¹/₄;

Section 10, SW¹/₄NW¹/₄;

Section 19, Lot 4, SE¹/₄SE¹/₄;

Section 30, Lot 1, NE¹/₄NE¹/₄, SE¹/₄NW¹/₄, E¹/₂SW¹/₄, SW¹/₄SE¹/₄;

Section 31, N¹/₂NE¹/₄;

Section 32, NW¹/₄NE¹/₄, NW¹/₄NW¹/₄;

Section 33, NE¹/₄SW¹/₄, NW¹/₄SE¹/₄;

T. 3 S., R. 2 E.,

Section 8, SE¹/₄SE¹/₄;

Section 15, SW¹/₄SW¹/₄;

Section 16, NW¹/₄NW¹/₄, SE¹/₄NW¹/₄, NW¹/₄SE¹/₄;

Section 22, SW¹/₄NE¹/₄, NE¹/₄SE¹/₄;

Section 25, SE¹/₄SW¹/₄;

Section 26, NW¹/₄NW¹/₄, SE¹/₄SW¹/₄;

Section 33, Lots 6-8;

Section 34, S¹/₂NE¹/₄, N¹/₂SW¹/₄, N¹/₂SE¹/₄;

Section 35, N¹/₂NE¹/₄, NE¹/₄NW¹/₄, S¹/₂NW¹/₄, SE¹/₄NE¹/₄;

Section 36, SW¹/₄NW¹/₄, W¹/₂SW¹/₄;

Sixth Principal Meridian, Mesa County, Colorado

T. 14 S., R. 98 W.,

Section 8, Lot 5.

COC002579

Renewal

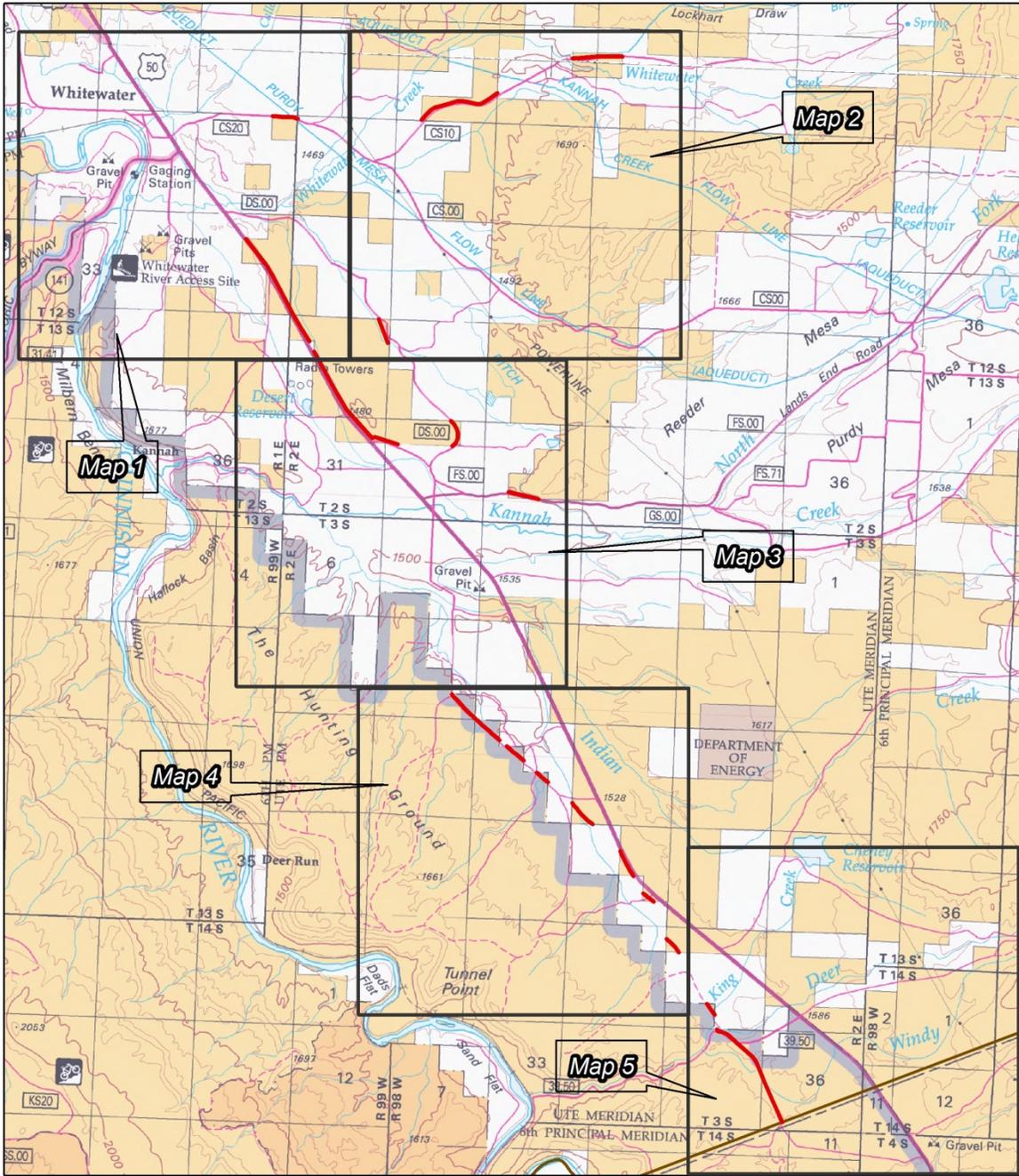
T. 3 S., R. 2 E.,

Section 22, S¹/₂NE¹/₄, NE¹/₄SE;

Section 26, NW¹/₄NW¹/₄.

COC77052 Fiber Optic Line

COC 02579 Centurytel of Eagle Telephone Line



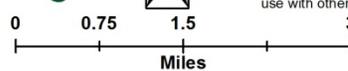
ROW Legend 1:82,875

BLM Field Office Area

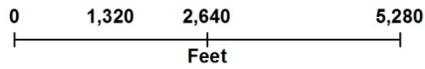
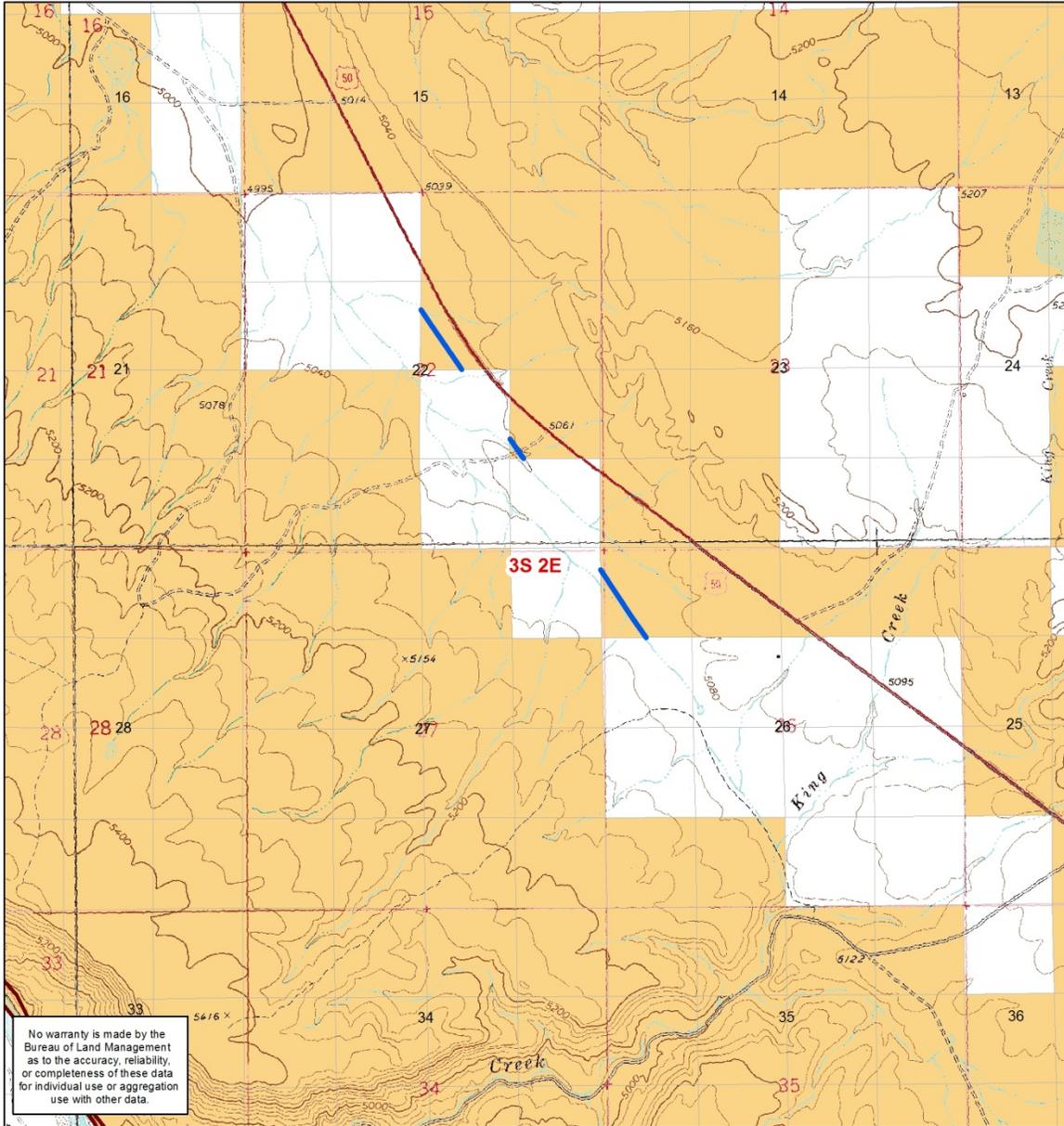
Telephone Line COC 02579



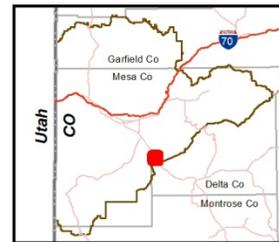
No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data.



CenturyTel Fiber Optic Line COC77052



- Bureau of Land Management
- Private



This map was produced by the BLM Grand Junction Field Office August, 2015

Location of the Project in the Grand Junction Field Office

APPLICANT:

CenturyTel of Eagle, Inc.

DESCRIPTION OF PROPOSED ACTION:

CenturyTel of Eagle, Inc. (CenturyTel) requests the addition of a new buried fiber optic cable within their existing 16 foot right-of-way (ROW) that is serialized as COC002579. This new case serialized as COC77052 provides for the addition of a buried cable in Ute P.M., T. 3 S., R. 2 E., Sec. 22, SWNE (1,167 feet) and NESE (642 feet) and Sec. 26, NWNW (1,141 feet). The cable would be installed by direct plow within 5 feet of the existing cable. The equipment is a crawler type tractor with a cable chute mounted on the rear. The cable feeds directly down the chute and is buried in a slot of approximately 3-inches at a depth of 36-inches – 40-inches. The slot is then packed down by the tractor track. There are no dirt piles and no additional work space is needed as the equipment is 8 feet in width. The new fiber cable is required to feed an existing Sprint cell site located on private property in section 26. The fiber optic line extends from an electronic cabinet located on private property in section 22, south, to the cell tower. The existing ROW (COC002579) expired on December 31, 2013 and would be renewed for a 30 year term.

PLAN CONFORMANCE REVIEW:

The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Grand Junction Field Office (GJFO) Approved Resource Management Plan (RMP)

Date Approved: August, 2015

Decision Number/Page: Page 169

Decision Language: The objective (L&R-OBJ-01) of the GJFO RMP under Public Utilities Management is to “Provide for the development and operation of transportation systems, pipelines, transmission lines, communication sites, renewable energy resources, and other land use authorizations in an environmentally responsible and timely manner”.

The Proposed Action is subject to and has been reviewed for conformance within the Dominguez-Escalante National Conservation Area with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Grand Junction Resource Management Plan

Date Approved: January, 1987

Decision Number/Page: Page 2-29

Decision Language: The objective of the GJFO RMP under Public Utilities Management is “to respond in a timely manner, to requests for utility authorizations on public land while considering environmental, social, economic, and interagency concerns.”

CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under 516 Department Manual 11.9 E 12: “Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way” and E9: “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations”.

EXTRAORDINARY CIRCUMSTANCES

There are no extraordinary circumstances having effects, which may significantly affect the environment. I considered the following resource conditions in determining whether extraordinary circumstances related to the proposed action warranted further analysis and documentation in an EA or EIS (516 DM 2, Appendix 2):

1. Have significant adverse effects on public health and safety.

The proposed action is not expected to impact public health and safety.

2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.

Historic and Cultural Resources: Class III inventory of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by Colorado BLM permitted cultural resource contracting firm Alpine Archaeological Consultants (Alpine) under BLM GJFO CRIR 8315-02/ OAHP Doc. No. ME.LM.R904. Conditions of the existing cultural environment are incorporated by this reference. Two cultural resources have been located within the APE, 5ME18277.5 (a segment of the Northern Branch of the Old Spanish Trail/ Salt Lake Wagon Road) and 5ME21404.1 (a segment of a historic telephone line). Both sites are evaluated as eligible for listing on the NRHP under Criterion A; 5ME18277.5 is evaluated as supporting of the eligibility, and 5ME21404.1 is non-supporting. No further work is necessary for protection or mitigation of 5ME21404.1.

CenturyLink’s current ROW, as well as the proposed fiber optic line, cut through or are adjacent to three visible parts of 5ME18277.5 (segments J, O, and Q). A description of these segments, as well as the non-visible segments in the proposed project area are as follows:

- Segment J: 463-foot-long segment, partially on private and partially on BLM, which represents an intact portion of the Salt Lake Wagon Road (SLWR). The southeastern end of segment J has previously been disturbed by mechanical blading during installation of the 1990s fiber optic line. The proposed new fiber optic line runs along the west edge of the segment in private land, and then crossed the segment on BLM.
- Segment O: 189-foot-long segment of the SLWR (overlying the Old Spanish Trail (OSP)) on private land. This segment is visible as an eight-foot-wide, six-inch-deep swale and is demarcated with heavy greasewood growth within the swale. The proposed fiber optic line is adjacent to the segment to the west.
- Segment Q: 161-foot-long segment on private land. This segment is still visible as an eight-foot-wide, two-inch-deep swale. Alpine did not note any disturbances to this segment. The proposed fiber optic line is adjacent to the segment to the west.

Easements on private land make it difficult to re-route the proposed fiber optic line in these areas. Therefore, the BLM is requiring flagging along segments J, O, and Q during trenching and burying of the fiber optic line and is requiring the presence of an archaeological monitor during the duration of trenching and burying. In addition, the BLM is requesting rerouting of the line where possible on BLM-managed land to avoid segment J. If rerouting is not feasible, the BLM will require flagging and the presence of an archaeological monitor, and will require that all work remain within previously-disturbed areas. The BLM believes that if the new proposed disturbance stays within previous areas of disturbance and the above stipulations are met, no new adverse effects will occur.

Wilderness Characteristics: The project area is outside designated wilderness areas and wilderness study areas. The project area is not in an area determined to be lands with wilderness characteristics.

National Conservation Areas: Part of the project area is within the Dominguez-Escalante National Conservation Area. Impacts to the purposes of the NCA are discussed under other resource sections including cultural, archeological, historical, natural, and wildlife.

Migratory Birds: Construction is not expected to occur between February 15 and August 15, therefore impacts to breeding birds and nesting raptors (including burrowing owls) are not anticipated for the construction phase. Any work (including maintenance work) conducted between February 15 and August 15 annually would require further coordination with the Grand Junction Field Office Wildlife Biologist. Additional survey work may be required and appropriate timing limitations may be applied based on survey results to minimize impacts.

Special Status Wildlife: Construction is not expected to occur between February 15 and August 15, this will limit impacts to BLM sensitive white-tailed prairie dogs by avoiding the pupping season. Any work (including maintenance work) conducted between February 15 and August 15 annually would require further coordination with

the Grand Junction Field Office Wildlife Biologist. Additional survey work may be required and appropriate timing limitations may be applied based on survey results.

Riparian Zones & Wetlands: While several ephemeral drainages are present in the project area, no intermittent or perennial drainages, seeps/springs, or wetlands are known to occur in the action area. The proposed project is not anticipated to impact any riparian or wetlands as none are known to be present.

Soils and Water: As with any ground disturbing activities, there is potential for loss of soil productivity and disruption of soil properties. This can lead to excessive erosion and potential water quality degradation. The stream flow in this watershed is ephemeral, and provides the same hydrologic functions as perennial systems by moving water, nutrients, and sediment through the watershed to the Gunnison River. Soils in the ROW have high salt content and as such the project needs to be completed to minimize potential impacts to water quality.

Air: Air quality concerns are with fugitive dust, but the impacts should only be temporary.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

The impacts from installing a fiber optic cable and renewing a right-of-way are negligible in the overall area.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Installing a fiber optic cable poses no unique or unknown risks to the environment.

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

This decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions.

6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

This is a stand-alone project. There are no projects with significant environmental impacts known to BLM that would result directly or indirectly from implementation of this project.

7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.

Two cultural resources have been located within the APE, 5ME18277.5 (a segment of the Northern Branch of the Old Spanish Trail/Salt Lake Wagon Road) and 5ME21404.1 (a segment of an historic telephone line). Both sites are evaluated as

eligible for listing on the NRHP under Criterion A; 5ME18277.5 is evaluated as supporting of the eligibility, and 5ME21404.1 is non-supporting. No further work is necessary for protection or mitigation of 5ME21404.1.

CenturyLink's current ROW, as well as the proposed fiber optic line, cut through or are adjacent to three visible parts of 5ME18277.5 (segments J, O, and Q). A description of these segments, as well as the non-visible segments in the proposed project area, follows:

- Segment J: 463-foot-long segment, partially on private and partially on BLM, which represents an intact portion of the SLWR. The southeastern end of segment J has previously been disturbed by mechanical blading during installation of the 1990s fiber optic line. The proposed new fiber optic line runs along the west edge of the segment in private land, and then crossed the segment on BLM.
- Segment O: 189-foot-long segment of the SLWR (overlying the OST) on private land. This segment is visible as an eight-foot-wide, six-inch-deep swale and is demarcated with heavy greasewood growth within the swale. The proposed fiber optic line is adjacent to the segment to the west.
- Segment Q: 161-foot-long segment on private land. This segment is still visible as an eight-foot-wide, two-inch-deep swale. Alpine did not note any disturbances to this segment. The proposed fiber optic line is adjacent to the segment to the west.

Easements on private land make it difficult to re-route the proposed fiber optic line in these areas. Therefore, the BLM is requiring flagging along segments J, O, and Q during trenching and burying of the fiber optic line and is requiring the presence of an archaeological monitor during the duration of trenching and burying. In addition, the BLM is requesting rerouting of the line where possible on BLM-managed land to avoid segment J. If rerouting is not feasible, the BLM will require flagging and the presence of an archaeological monitor, and will require that all work remain within previously-disturbed areas. The BLM believes that if the new proposed disturbance stays within previous areas of disturbance and the above stipulations are met, no new adverse effects will occur.

8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.

A biologic survey was completed in July, 2015 for the proposed project. The Federally listed (T) Colorado hookless cactus has potential to occur in the action area. No special status plant species or significant plant communities were recorded in the survey area and the survey area does not appear to provide suitable habitat for either. Thus, the proposed project will have no effect on the Colorado hookless cactus. Additionally, no impacts would occur to critical habitat, as critical habitat has not been designated for this species. There are no listed or proposed fish or wildlife species or critical habitat impacted by this project.

9. Have the potential to violate a Federal law, or a State, local or tribal law or

requirement imposed for the protection of the environment.

This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment.

10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.

The minority and low-income populations of the county are small relative to state-wide averages and such populations are dispersed throughout the county. The majority of the project is also located away from population centers and private residences. Therefore, no minority or low-income populations would suffer disproportionately high and adverse effects as a result of the Proposed Action.

11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.

Project consultation has been conducted with tribes who traditionally used the GJFO area, the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and Ute Indian Tribe of the Uintah & Ouray Reservation for this project. No traditional cultural properties, natural resources, or properties of a type previously identified as being of interest to local tribes, were found during the cultural resources inventory of the project area or identified by consultation. There is no known evidence that suggests the project area holds special significance for Native Americans, or is actively used to maintain any traditional practices. The project would not alter or limit any access if there were traditional uses that are not known to the agency.

12. Significantly, 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.

This project is designed to minimize disturbance and therefore minimize the chance of new weed invasion, or spread of existing weeds. A significant portion of the general area is already well-established cheatgrass and other annual weeds. Contribution from this project from a weed perspective is negligible.

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Natalie Clark	Archaeologist	Cultural Resources, Native American Religious Concerns
Anna Lincoln	Ecologist	Special Status Species, Riparian

Heidi Plank

Wildlife Biologist

Wildlife, Fisheries,
Special Status Species

Kevin Hyatt

Hydrologist

Soil, Air and Water

Janet Doll

Realty Specialist

Project Lead, Right-of-Way

Table 1– Potentially Impacted Resources

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation Necessary ?	BLM Evaluator Initial & Date	Comments
PHYSICAL RESOURCES						
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	PLB 3/11/15	
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	PLB 3/11/15	
Soils	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	PLB 3/11/15	
Geological/Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 2/13/15	
BIOLOGICAL RESOURCES						
Special Status Plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ARL 10/22/15	
Special Status Wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	HLP 3-6-15	Mitigation will be based on survey results
Migratory Birds	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	HLP 3/6/15	
Other Important Wildlife Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	HLP 3/6/15	
Vegetation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JAM 3/4/15	
Forestry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JAM 3/4/15	
Invasive, Non-native Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	MT 3/24/15	Assuming trencher is clean before project
Riparian Zones/ Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ARL 10/22/15	
HERITAGE RESOURCES AND HUMAN ENV.						
Cultural or Historical	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	NFC 10/29/15	If mitigation measures are followed,

Table 1– Potentially Impacted Resources

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation Necessary ?	BLM Evaluator Initial & Date	Comments
						there should be no impacts to cultural resources.
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 2/13/15	
Tribal & American Indian Religious Concerns	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	NFC 10/29/15	
Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/20/15	
Social/Economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	CS 3/20/15	
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/20/15	
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AK 2/26/15	
LAND RESOURCES						
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/20/15	
Special Designations (ACEC, SMAs, WSR)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/20/15	ROW may be aligned with OST resources (trail traces).
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AW 2/20/15	
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JAM 3/4/15	
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JRD 3/4/15	
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JD3/20/15	
Fire/Fuels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	2/23/15	

NAME OF PREPARER: Janet Doll

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 11/20/15

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE
and
DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA
DECISION DOCUMENT**

**CenturyTel of Eagle, Inc. Renewal of COC002579 as well as addition of
buried fiber optic cable**

DOI-BLM-CO-N030-2015-0015-CX

DECISION:

I have reviewed this document and it is my decision to authorize the Proposed Action, as mitigated in DOI-BLM-CO-N030-2015-0015-CX, authorizing the renewal of telephone line (COC002579) and the addition of a fiber optic line (COC77052). This project is categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement under 516 Department Manual 11.9 E 12: "Grants of right-of-way (ROW) wholly within the boundaries of other compatibly developed rights-of-way", and E 9: "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations".

RATIONALE:

This action is listed in the Department Handbook H-1790-1 as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that no extraordinary circumstances exist.

CenturyTel of Eagle is adding fiber optic cable in order to service an existing Sprint cell site and extending south to the cell tower. The existing ROW is being renewed.

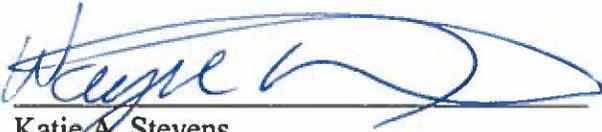
PUBLIC INVOLVEMENT:

Public scoping was conducted by posting the project information on the Grand Junction Field Office website, this was the primary mechanism used by the Bureau of Land Management (BLM) to initially identify issues from the public. Internal scoping for the project included presentation and discussion of the project at BLM interdisciplinary team meetings.

ADMINISTRATIVE REMEDIES:

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 Code of Federal Regulations Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written

arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.)

fn


Katie A. Stevens
Field Manager
Grand Junction Field Office

11-20-15
Date

ATTACHMENTS: Exhibit A and B: Project Map.
Exhibit C: Stipulations

EXHIBIT C STIPULATIONS

1. 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.
2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
3. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials and immediately contact the Administrative Officer. Within five working days, the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in-place preservation is not necessary).
4. The holder shall notify the AO at least 60 days prior to non-emergency activities that would cause surface disturbance in the ROW or TUP. BLM will determine whether any special resource (cultural, plants, animal, etc.) inventories, treatments, or mitigation are required. The authorized officer may require the completion of a special status species surveys by a third party contractor at the expense of the holder, or the BLM may choose to complete the survey. The BLM may take actions or make recommendations to protect any special status plant populations identified near or on the right-of-way.
5. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" should be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.
6. On the Right-of-Way, the holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State

laws. 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 quantity of material to be used, the 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

7. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601 et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (see 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. Easements on private land make it difficult to re-route the proposed fiber optic line in these areas. Therefore, the BLM is requiring flagging along segments J, O, and Q during trenching and burying of the fiber optic line and is requiring the presence of an archaeological monitor during the duration of trenching and burying. In addition, the BLM is requesting rerouting of the line where possible on BLM-managed land to avoid segment J. If rerouting is not feasible, the BLM will require flagging and the presence of an archaeological monitor, and will require that all work remain within previously-disturbed areas. The BLM believes that if the new proposed disturbance stays within previous areas of disturbance and the above stipulations are met, no new adverse effects will occur.
11. Migratory Birds: Ground disturbance and vegetation removal will not occur between February 15 and August 15 annually, therefore impacts to breeding birds and nesting raptors (including burrowing owls) are not anticipated. Any work conducted between February 15 and August 15 annually would require further coordination with the Grand Junction Field Office Wildlife Biologist (Heidi Plank, hplank@blm.gov, 970-244-3012).

Additional survey work may be required and appropriate timing limitations may be applied based on survey results.

12. Special Status Wildlife: Ground disturbance will not occur between February 15 and August 15 annually, this will limit impacts to BLM sensitive white-tailed prairie dogs by avoiding the pupping season. Any work conducted between February 15 and August 15 annually would require further coordination with the Grand Junction Field Office Wildlife Biologist (Heidi Plank, hplank@blm.gov, 970-244-3012). Additional survey work may be required and appropriate timing limitations may be applied based on survey results.