

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Billings Field Office
5001 Southgate Drive
Billings, MT 59101

CATEGORICAL EXCLUSION REVIEW AND APPROVAL

BACKGROUND

BLM Office: Billings Field Office

NEPA Number: DOI-BLM-MT-0010-2015-0040-CX
(eplanning # DOI-BLM-MT-A010-2016-0001-CX)

Project Name: Qwest Corporation dba CenturyLink QC, MTM 58004, Right-of-Way Renewal

Scoping Date: 9/30/2015

Project Location (including county):

Principal Meridian, Montana
T. 7 S., R. 23 E.,
sec. 5, lot 2.

Containing .093 acres in Carbon County.,

Please refer to attached Exhibits A and B.

DESCRIPTION OF THE PROPOSED ACTION: The Qwest Corporation, also known as CenturyLink QC, applied for a 30 year renewal of right-of-way MTM 58004 on August 31, 2015. The original grant was authorized May 20, 1983, for a buried telephone cable line for the local area. The line is a 20' right-of-way, 201.54' in length. The right-of-way contains .093 acres of BLM managed public land in Carbon County.

The purpose of the project is to supply people in the local area with telecommunication services. The need continues. The buried line is in place. There is no scheduled maintenance for this line and maintenance would occur only if there is a problem i.e. landslide, earthquake, etc. Should maintenance be necessary, the repair would occur within the requested right-of-way. There are no plans for removal of the buried line. .

LAND USE PLAN CONFORMANCE:

Land Use Plan Name: 2015 Billings Resource Management Plan and Rocky Mountain Record of Decision

Date Approved/Amended: September 2015

The proposed action has been reviewed for conformance with the RMP (43 CFR 1610.5, BLM MS 1617.3) and it is in conformance with the 2015 Billings Resource Management Plan and Rocky Mountain Record of Decision.

Goal R/RLP 1: Manage public lands to meet transportation and rights-of-way (ROW) needs while protecting resources.

MD R/RLP-1: Analyze requests for land use authorizations and apply mitigation measures as appropriate (Appendix H).

COMPLIANCE WITH NEPA

The proposed action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have significant effect on the human environment. The applicable Categorical Exclusion reference is Chapter 11 of the Department of Interior’s Manual Part 516, Appendix 1 E, Realty (9) which states:

Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.

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, as documented below, none of the extraordinary circumstances described in 43 CFR 46.215 apply.

Extraordinary Circumstances		
The project would:		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: There would be no significant impacts on public health or safety along the buried telephone line right-of-way and there have been none during the previous 30 year term.
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 (EO 11990); floodplains (E O 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		

Yes	No X	Rationale: There are no significant impacts on natural resources and unique geographic characteristics. The proposal is only a continuation of an existing use authorization, which is a buried cable line within compliance standards at this time. There is no proposed maintenance necessary.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: There would be no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources, nor have there been any during the previous 30 year term.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: There would be no highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: The proposed action is an on-going use and would not be connected to another action that would have potentially significant environmental effects.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: The proposed action is limited in scope and would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places (NRHP) as determined by either the Bureau or office.		
Yes	No X	Rationale: The right-of-way renewal would not have significant impacts on historic properties. One unevaluated cultural resource has been recorded approximately 30 meters east of the project location. Right-of-way renewals are not ground disturbing so would not impact the site or any unrecorded paleontological localities.
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.		

Yes	No X	Rationale: There are no known T & E species or their habitat in this area. There is sage grouse habitat in this area, although it is outside of Priority Protection Habitat (PPH). Natural habitat has recovered from original disturbance and no new reclamation or disturbance is required.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	Rationale: The proposed action would not violate Federal Law, or a State, local or tribal law requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).		
Yes	No X	Rationale: There are no low income or minority populations that are present that would receive disproportionately high and adverse human health or environmental effects. Health and environmental statutes would not be compromised.
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 (EO 13007).		
Yes	No X	Rationale: The proposed project would not limit access to or ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.
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 EO 13112).		
Yes	No X	Rationale: The ROW authorization would contain stipulations instructing the right-of-way holder of how weed control shall be conducted during the term of the authorization. Given that no new surface disturbance is anticipated from this action, the project is not expected to contribute to the spread or introduction of new noxious species.

INTERDISCIPLINARY ANALYSIS:

BLM team members conducting or participating in the preparation of this CX are listed on the cover sheet.

Environmental Coordinator: Carolyn Shewe Bybee Date: 10/30/2015

Approval and Decision

I have decided to implement the decision to renew right-of-way grant MTM 58004 based upon review of the project and field office staff recommendations. The project is in conformance with the land use plan and is categorically excluded from further environmental analysis.

The grant is renewed as depicted on the attached Exhibits A and B, and with the following Special Stipulations. The buried telephone line right-of-way is 20 feet wide and 201.54 feet long and encumbers 0.09 acres of public land. The term of the grant will be 30 years with an option to relinquish or renew if the right-of-way is needed for a longer or shorter time. The project provides telecommunications service in the rural areas of Carbon County, Montana.

Rationale for the Decision:

The existing project is in compliance with all of the original stipulations and the continued operation of the telecommunications line is needed.

Special Stipulations:

1. Fences and gates on public land that are damaged during maintenance and repair efforts will be repaired to Bureau standards.
2. Large rocks and boulders brought to the surface during maintenance and repair efforts will be moved at least five feet off of the road surface. The road surface will then be recontoured to the condition existing prior to maintenance or repair.
3. 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.

4. 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, 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 each use.

5. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.

6. 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).

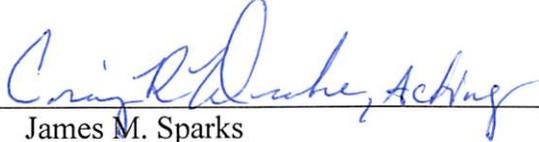
7. The holder of right-of-way MTM 58004 shall indemnify or hold harmless the United States against any liability from damages to life, person, or property arising from the authorized occupancy or use of the right-of-way.

8. The right-of-way shall be maintained in a sanitary condition at all times; waste materials 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, and refuse.

In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required under the National Environmental Policy Act (as documented in the attached CX, NEPA Compliance [Section C]).

Implementation Date

This action will become effective upon the date that the applicants sign the grant offer and it is accepted by the Authorized Officer.

Authorized Officer:  Date: 10/30/15
James M. Sparks
Field Manager, Billings Field Office

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

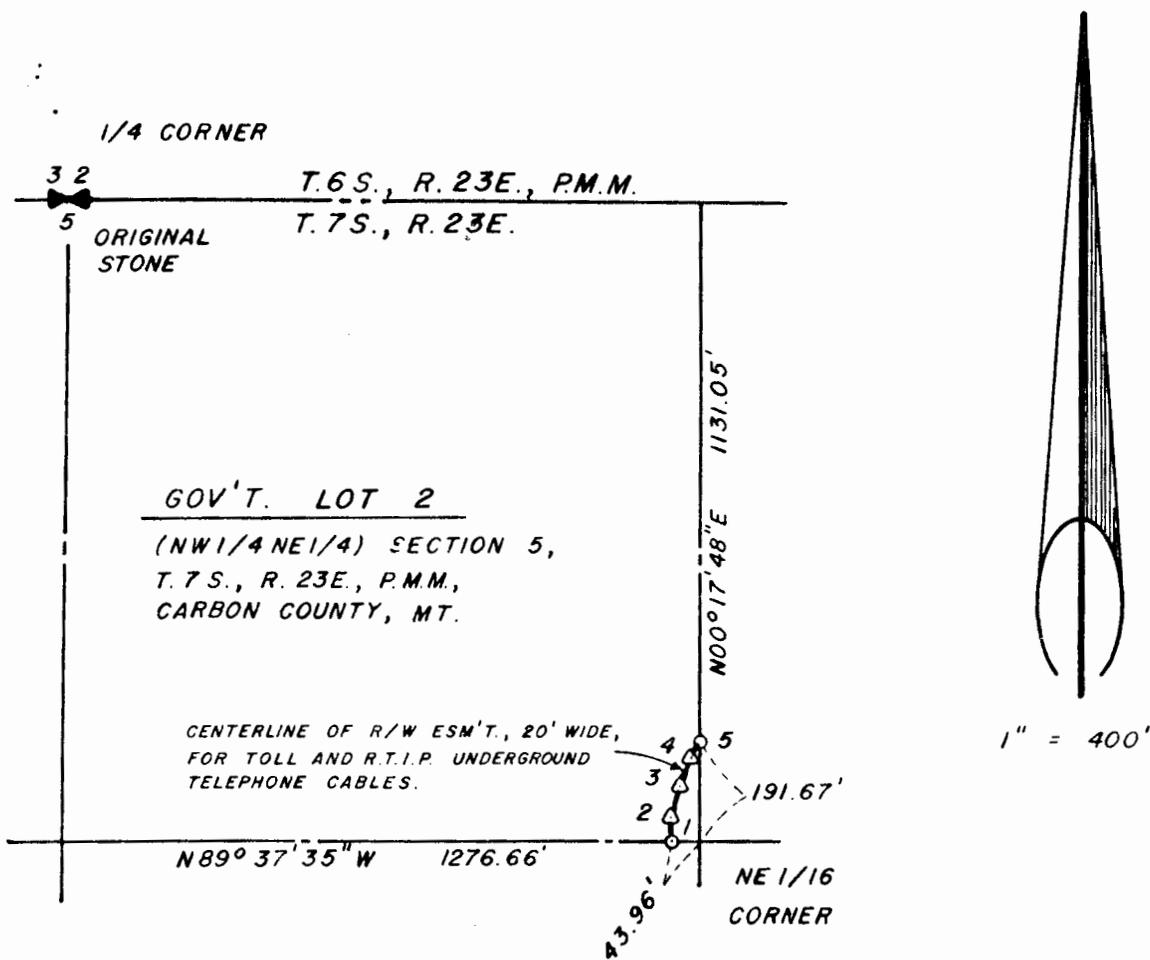
A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 2021 4th Avenue North, Suite 112, Billings, Montana 59101, not later than 15 days after filing the document with the authorized officer and/or IBLA.

Contact Person

For additional information concerning this decision, please contact Craig Drake, Assistant Field Manager, at 406-896-5349.

EXHIBIT "A"

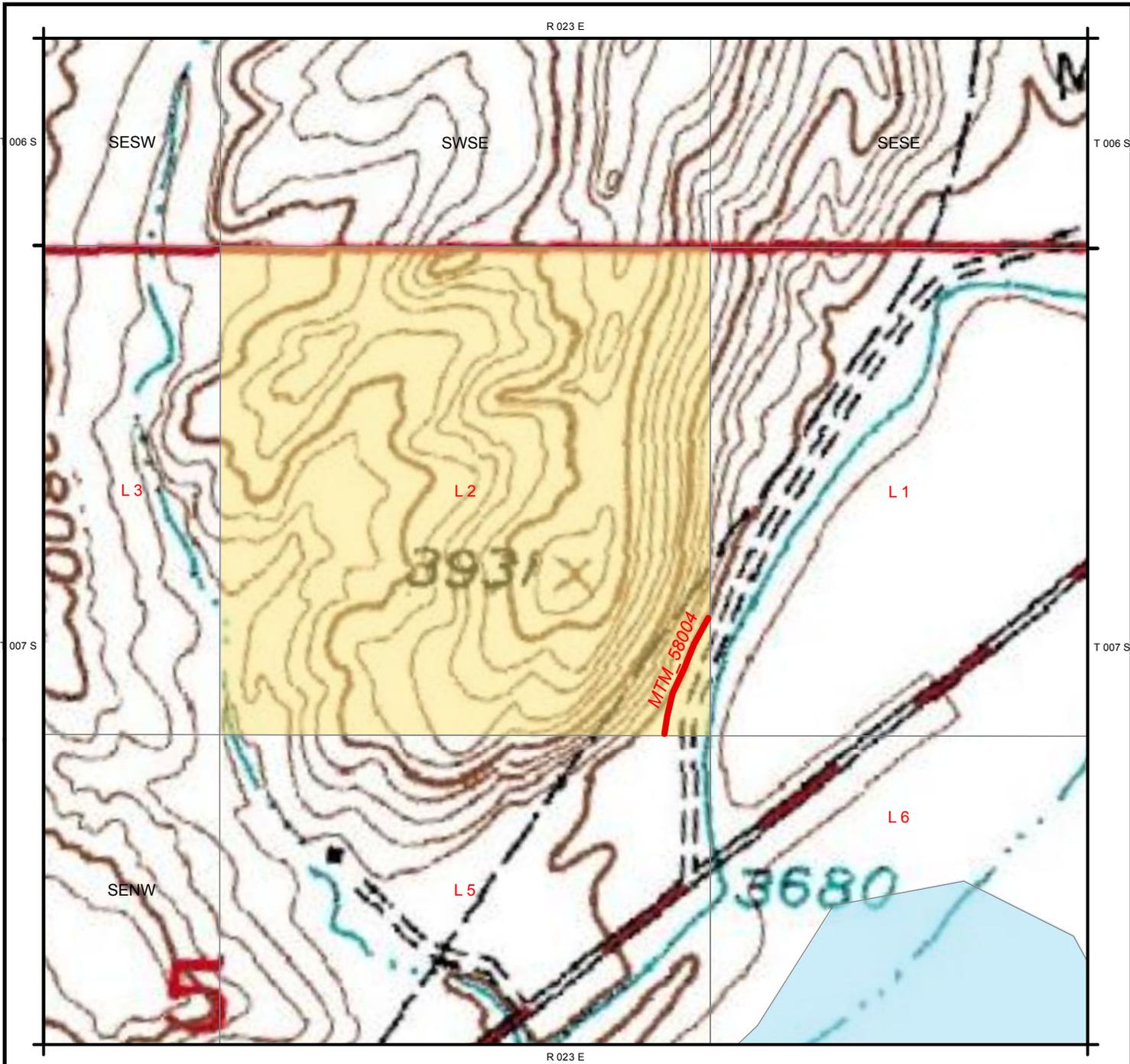
M.S.T. & T. R/W NO. 12472.3



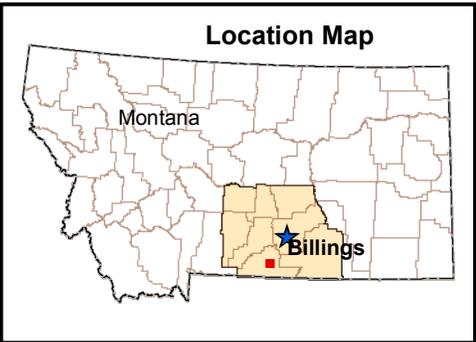
LINE TABLE

COURSE	BEARING	DISTANCE	STATIONING
1 TO 2	N07°23'08"W	49.28	0+49.28
2 TO 3	N13°01'13"E	65.37	1+14.65
3 TO 4	N25°25'47"E	63.99	1+78.64
4 TO 5	N23°21'01"E	22.90	2+01.54

Prepared by: DELTA SURVEYS
1111 Main St.
Billings, Mt.
59105

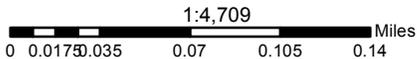


Right-of-Way MTM_58004 Renewal



DOI-BLM-MT-0010-2015-0040-CX
 ePlanning#: DOI-BLM-MT-A010-2016-0001-CX

- MTM_58004
- WATER
- GCDB
- BLM



No warranty is made by the BLM as to the accuracy, reliability, or completeness of this data for individual use or aggregate use with other data.

Date: 9/30/2015