

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
Dillon Field Office - Montana

CATEGORICAL EXCLUSION
REVIEW AND APPROVAL

NEPA Number: DOI-BLM-MT-B050-2016-0003-CX Serial No.: MTM-96025

Project Name: 3 Rivers Telephone Cooperative Right-of-Way Renewal - MTM-96025

Project Location: Burma Road **County:** Madison

Principal Meridian, Montana

T. 4 S., R. 8 W., Section: 28: SW¹/₄SW¹/₄,

Section: 29: NW¹/₄NW¹/₄, E¹/₂SE¹/₄, SW¹/₄NE¹/₄, SE¹/₄NW¹/₄,

Section: 33: NE¹/₄NW¹/₄.

BLM Office: Dillon Field Office **Phone:** (406) 683-8000

Applicant: 3 Rivers Telephone Cooperative, Inc.
P.O. Box 429, Fairfield, Montana 59436

Description of Proposed Action:

The proposed action is to issue a renewal of an existing right-of-way grant to 3 Rivers Telephone Cooperative, Inc. Renewal of the right-of-way would continue the authorization of an underground copper cable and a fiber optic cable. The location of the cables varies from approximately 3 feet to 18 feet either side of the Burma Road, which is a County road. See map, Exhibit A.

The segment through BLM totals approximately 5,860 feet, 20 feet wide and encumbers approximately 2.69 acres of public land. The right-of-way would be renewed under FLPMA for 30 years with the right of renewal. Authorizing this right-of-way will not convey any additional rights. No surface disturbance is anticipated to occur on the right-of-way, other than routine or necessary maintenance over time. The grant will be subject to the attached stipulations, see Exhibit B.

Land Use Plan Conformance:

Land Use Plan Name: Dillon Resource Management Plan

Date Approved: February 2006

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): The proposal is consistent with guidance in the “Land Use Authorization” portion of the plan on pages 36 to 38.

Goal 1 – Meet public needs for use authorizations such as rights-of-way, leases, and permits while minimizing adverse impacts to other resource values.

Action (2) – Analyze requests for land use authorizations on a case-by-case basis and apply mitigation measures as necessary in compliance with the NEPA process.

NEPA Review:

The Proposed Action qualifies as a categorical exclusion under Department Manual 516 DM 11.9 as follows:

- “Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations. (E-9)

The proposed action will not create adverse environmental effects or trigger an exception, unless as noted.

Extraordinary Circumstances:

The project would:		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: The action involves the renewal of an existing right-of-way and would not have an impact on public health or safety.
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.		
Yes	No X	Rationale: No significant impact on any resources.
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: The renewal/amendment of an existing right-of-way grant is not highly controversial and is customary and routine.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The effects of renewing and amending an existing right-of-way are not uncertain or unknown as these are existing facilities.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: No precedence is being established by renewing an existing right-of-way. Renewing of existing rights-of-way is customary and routine procedure.

The project would:		
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: Renewal of an existing right-of-way will not have any cumulative environmental effects.
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.		
Yes	No X	Rationale: Right-of-way renewal will not impact any NHRP properties.
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: No known T&E or Bureau Sensitive plant species are expected to be impacted from this action.
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: This action does not violate any law.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No X	Rationale: This action will not affect low income or minority populations.
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).		
Yes	No X	Rationale: Access to sacred sites will not be affected by this renewal action.
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).		
Yes	No X	Rationale: A stipulation is already in place within the existing right-of-way grant requiring the Holder be responsible for weed control on the disturbed areas within the limits of the right-of-way area.

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Angela Brown	Realty Specialist	Lands and Realty
Cornie Hudson	Field Manager	Decision Maker
Emily Guiberson	Forester	Forestry
Eric Broeder	Rangeland Mgt. Spec.	Livestock Grazing
Jason Strahl	Archaeologist	Cultural and Native American Concerns
Katie Benzel	Wildlife Biologist	Wildlife, T/E/S Wildlife, Migratory Birds
Keith Johnson	Asst. Field Manager	NEPA Review
Kelly Savage	Rangeland Mgt. Spec	Spec. Status Plant Clearances

EXHIBIT A

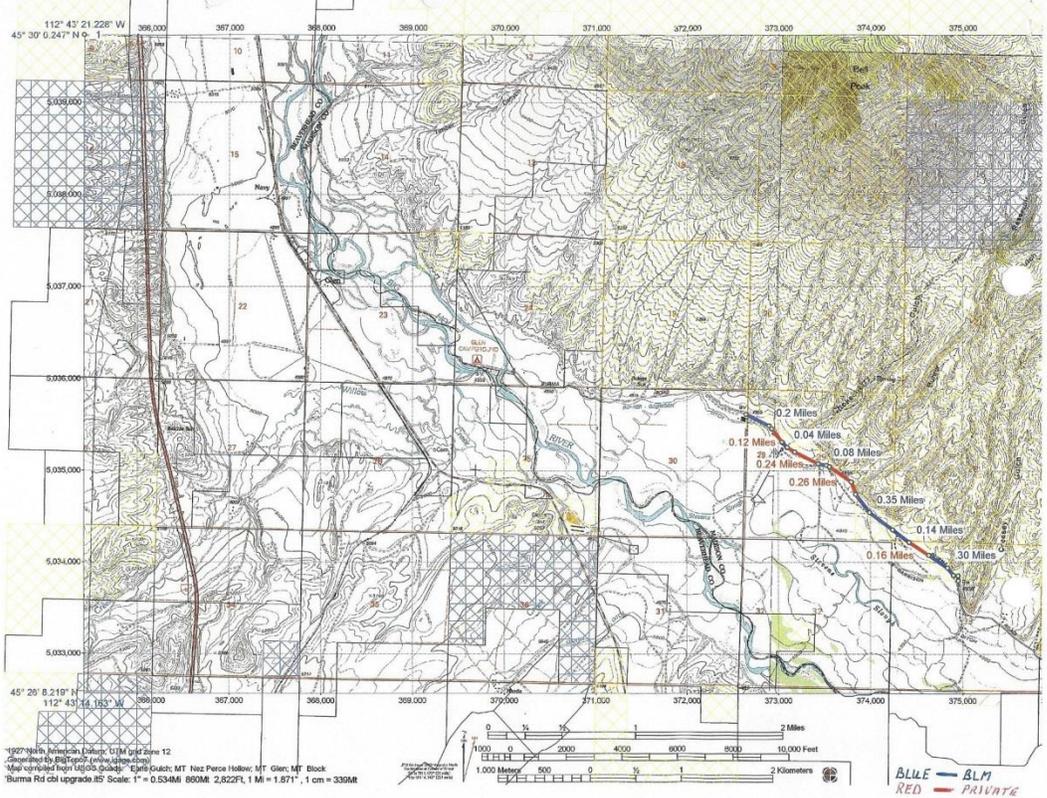


EXHIBIT B

Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer (AO), all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as directed by the AO.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the AO at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the AO.
- d. The staking sheets and map, or designs set forth in Exhibit A and B, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. 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.
- g. The holder hereby certifies that hazardous or toxic substances as defined in the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.), 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.) will not be used, generated, stored or transported on the right-of-way without the authorization of the AO. Holder will notify the BLM in advance of any future desire to use, generate, store or transport such substances on the right-of-way, and will provide a Plan of Development to the AO for advance approval, describing the purpose and methods of use and indemnifying the BLM from liability.
- h. 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.
- i. The holder is responsible for noxious weed control on areas within the limits of the right-of-way. The holder will consult with the AO and/or local authorities for acceptable noxious weed control methods. The use of pesticides shall comply with Federal and state laws governing their proper use, storage and disposal, and any limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder will obtain from the AO written approval of a Plan showing application, location of storage and disposed-of-

containers, and any other information deemed necessary by the AO. The holder will notify the AO prior to treatment of the project area. The hold will provide the AO with an annual report describing areas of treatment. Emergency use of pesticides shall be approved in writing by the AO prior to such use.

All equipment to be used in connection with this project will first be cleaned thoroughly to minimize the introduction of new noxious weed species to the area. Cleaning shall consist of the removal of all dirt, grease, debris, and materials that may harbor noxious weeds and their seeds. Cleaning shall occur off public lands.

- j. 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 shall be immediately reported to the AO and shall leave such discoveries intact until directed to proceed. 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 AO after consulting with the holder.
- k. All operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- l. The holder shall conduct all activities associated with the operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
- m. 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 four (6) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- n. If the holder should decide to add an additional line or upgrade the facility, holder must amend this right-of-way and receive written authorization prior to any modification and/or upgrade.
- q. The holder shall avoid impacts to existing improvements/developments such as roads, fences/gates, cattle guards, and any water facilities. The holder shall be responsible for immediate repair in the event maintenance activities related to this right-of-way impair those improvements/developments/facilities.
- r. At such time as the holders dispose of their interest in the land which is served by this right-of-way, they shall notify the BLM so that assignment of the right-of-way can be made to the new owners. Costs associated with the assignment will be the responsibility of the new owners.