

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

CATEGORICAL EXCLUSION

Rio Blanco County Fiber Optic for Lobo Mountain DOI-BLM-CO-N05-2016-0050-CX

Identifying Information

Project Title: Rio Blanco County Fiber Optic for Lobo Mountain

Legal Description: Sixth Principal Meridian, Colorado
T. 1 N., R. 94 W.,
sec. 21, SE¼NE¼.

Applicant: Rio Blanco County

Casefile: COC77469

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values." (page 2-49)

Proposed Action

Project Components and General Schedule

Rio Blanco County (RBC) proposes to install buried conduit containing fiber optic cable and up to two hand hole vaults from the existing equipment building at White River Electric Association's communications site (authorized in COC040170) to the existing equipment building on the west side of RBC's Lobo Mountain communications site (authorized in COC48517). The two hand holes would be at each end of the conduit run and would be approximately 3 ft by 2 ft by 3 ft deep. The conduit would be 2 inches or smaller in diameter.

The conduit would be buried 36 inches or deeper. Conduit would be installed using trench and horizontal drilling. All utilities would be called into 811 and all utility crossings would be potholed prior to construction. If a backhoe surface trench is used, fill would be compacted and the surface would be returned to a pre-construction condition including any necessary seeding. The right-of-way would be 474 ft long, 14 ft wide, and contain approximately 0.15 acres. RBC requests a 30 year renewable term for the ROW.

The conduit would be buried along existing BLM road right-of-way (ROW) COC17566. All work would be within the existing ROW width of 40 ft, and the conduit could be installed on either side of the roadway. Construction of the fiber optic cable for Lobo Mountain would begin in November 2015, weather permitting, would take one or two days to complete, and would be connected and operational by January 1, 2016.

The fiber to the home (FTTH) solution in Meeker and Rangely and a licensed high bandwidth fixed wireless backhaul system across a countywide tower network for the delivery of modern high speed broadband, cellular, and emergency services is expected within the next three years.

BLM Required Terms and Conditions to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and 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), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator’s instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator’s instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E12: “Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way”.

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) 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; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts 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.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X

Extraordinary Circumstance	YES	NO
1) 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.		X

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 11/10/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	11/10/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	11/10/2015
Matt Dupire	Ecologist	Special Status Plant Species	11/10/2015
Stacey Burke	Realty Specialist	Project Lead	11/10/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	11/16/2015

Cultural Resources: Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations found at 36 C.F.R. Part 800, requires Federal agencies to take into account the effects their actions would have on cultural resources for any endeavor that involves Federal monies, Federal permitting or certification, or Federal lands. The BLM WRFO archaeologist completed a file search of the project area and Area of Potential Effect (APE) as defined in 36 CFR 800.16(d) for the Proposed Action. The results of the file search indicated that the project area was previously surveyed for cultural resources at the Class III intensity level multiple times yielding zero identified cultural resources because of these inventories. Since the existing survey data is sufficient to indicate that the project area did not support human occupation or use to a degree that would make additional inventory information useful or meaningful, no further archaeological work is warranted in accordance with BLM inventory waiver policies (BLM Manual 8110.23(B)(4)). There is no known potential for impacts to any known cultural resources in the vicinity and there will be no anticipated increase in cumulative impacts to cultural resources in the Field Office area.

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The project area is located in mule deer severe winter range, a specialized component of winter range that supports virtually an entire herd during the most severe winters (extreme cold, heavy snowfall).

Golden eagle and peregrine falcon, both BLM sensitive species, have been documented nesting along the rock outcrops in the vicinity of the project area. However, impacts to either species would not be expected as construction activities will take place outside of the reproductive period for both species.

Threatened and Endangered Plant Species: There are no special status plants or plant habitat in the vicinity of the proposed project. There will be no direct or indirect impacts to special status plants as a result of the Proposed Action.

Mitigation

1. At least 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. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and 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.
2. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
3. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
4. The holder will be responsible for monitoring the right-of-way for occurrence of noxious weeds for the life of the project and appropriately treating weeds present. The holder will implement an integrated weed management plan according to BLM Manual 9015-Integrated Weed Management (BLM 1992). The weed management plan will include the submission of a Pesticide Use Proposal (PUP) to the BLM for the use of herbicides appropriate for control/eradication of the known noxious and invasive species along the proposed ROW including the species listed above. The PUP shall be filed in a timely manner such that weed treatment can begin in the first growing season after construction. Each fall the holder must submit a Pesticide Application Report (PAR) listing all weed treatments that occurred in association with this project.
5. In order to protect public land health standards for soils, erosion features such as rilling, gullyng, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.
6. The holder shall be responsible for achieving a reclamation success rate equal to a minimum cover and composition of 80 percent of the Desired Plant Community (as defined by the ecological site, in an early-seral state) or in relation to the seed mix applied within three growing seasons after the application of seed. This community must be capable of persisting on the site

without intervention and allow for successional processes consistent with achieving the seral stage on the site prior to surface disturbance.

7. Reclamation achievement will be evaluated using the Public Land Health Standards that include Indicators of Rangeland Health. If BLM determines that reclamation success is below an acceptable level, reclamation efforts must be repeated at the holder's expense until vegetation is successfully established.

8. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

9. No construction activities will be allowed from December 1 – April 30 to avoid impacts to mule deer during the critical winter period.

10. The WRFO recommends the following seed mix for reclamation following installation of the fiber-optic cable.

Seed Mix Recommendations for Lobo Mountain Fiber Optic Project			
Variety	Common Name	Scientific Name	Application Rate (lbs PLS/acre)
Rosana	Western Wheatgrass	<i>Pascopyrum smithii</i>	4
Whitmar	Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>inermis</i>	3.5
Rimrock	Indian Ricegrass	<i>Achnatherum hymenoides</i>	3
	Needle and Thread Grass	<i>Hesperostipa comata</i> ssp. <i>comata</i>	2.5
Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E12. 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 43 CFR 46.215 apply.

Samuel P. Brown

Field Manager ACTING

11/19/2015
Date

Appendix A. Figures

RBC Fiber Optic For Lobo Mountain T1N, R94W, sec. 21

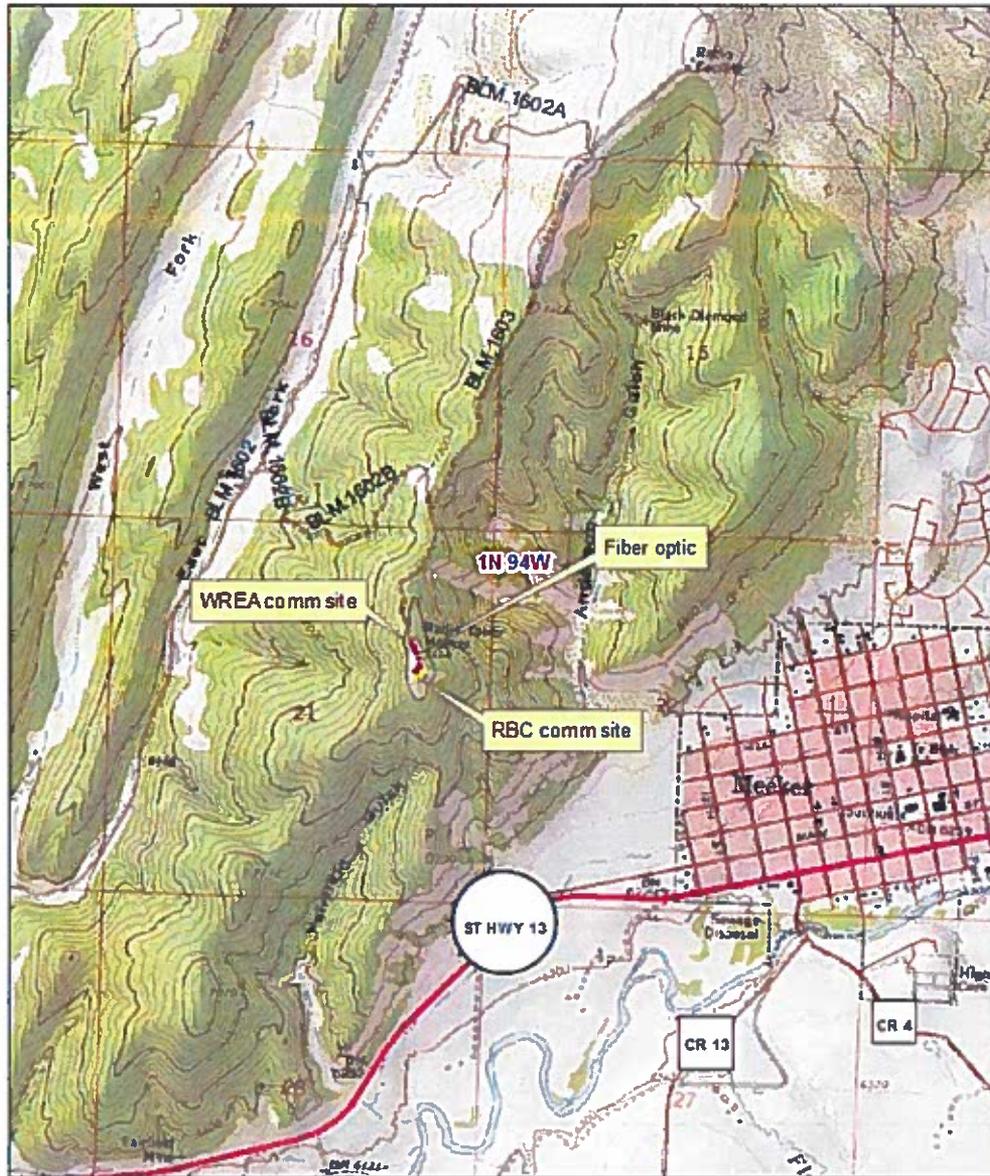


Exhibit A

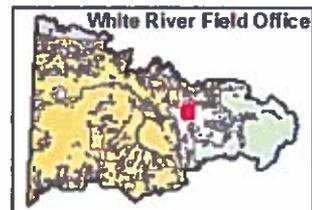


Legend

- COC48517FiberOptic
- COC48517Lobo
- Township & Range
- State
- County
- BLM
- Other



NOTE TO MAP USERS
 No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked for current status on any specific tract of land.



Date: 11/9/2015

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

DECISION RECORD

Rio Blanco County Fiber Optic for Lobo Mountain
DOI-BLM-CO-N05-2016-0050-CX

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0050-CX, authorizing the construction, operation, and maintenance of a fiber optic cable along an existing road on Lobo Mountain.

Terms and Conditions

1. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
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10. In order to protect public land health standards for soils, erosion features such as rilling, gullying, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

11. The holder shall be responsible for achieving a reclamation success rate equal to a minimum

cover and composition of 80 percent of the Desired Plant Community (as defined by the ecological site, in an early-seral state) or in relation to the seed mix applied within three growing seasons after the application of seed. This community must be capable of persisting on the site without intervention and allow for successional processes consistent with achieving the seral stage on the site prior to surface disturbance.

12. Reclamation achievement will be evaluated using the Public Land Health Standards that include Indicators of Rangeland Health. If BLM determines that reclamation success is below an acceptable level, reclamation efforts must be repeated at the holder's expense until vegetation is successfully established.

13. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

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15. The WRFO recommends the following seed mix for reclamation following installation of the fiber-optic cable.

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Maple Grove	Lewis Flax	<i>Linum lewisii</i>	1
	Sulphur Flower Buckwheat	<i>Eriogonum umbellatum</i>	1.5

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Public Involvement

This project will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E12. 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 43 CFR 46.215 apply.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official


Field Manager ACTING

11/19/2015
Date