

**U.S. Department of the Interior
Bureau of Reclamation
Power Office
Salt Lake City, Utah**

PO-FONSI-17-001

FINDING OF NO SIGNIFICANT IMPACT

**Environmental Assessment STRATA Fiber Optic Cable Project, Daggett and Uintah
Counties, Utah**

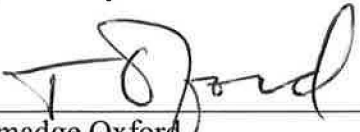
Recommended by:



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09/13/2017
Date

Approved by:



Talmadge Oxford
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9/15/2017
Date

Introduction

In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the US Forest Service, Flaming Gorge/Vernal Ranger District (USFS) has completed an Environmental Assessment (EA) for a Proposed Action to authorize UBTA-UBET Communications, Inc., DBA Strata Networks (Strata) to install fiber optic conduit and cable along US-191 and US-44 from Vernal to Manila and Dutch John in Daggett and Uintah Counties, Utah. These actions are proposed to be implemented on the Vernal Ranger District of the Ashley National Forest and also on small sections of Bureau of Land Management (BLM) and Bureau of Reclamation (Reclamation) administered lands and facilities, as well as the Utah State Institutional Trust Land Administration and the Utah Department of Transportation (UDOT). The USFS is the lead federal agency due to the majority of the project area being on UFSF-administered lands, and Reclamation has accepted cooperating agency status.

The USFS prepared an EA pursuant to NEPA. This EA was completed, and a Decision Notice (DN) and Finding of No Significant Impact (FONSI) were signed by the USFS on June 16, 2017.

Reclamation must also fulfill its NEPA compliance responsibilities pertaining to its proposed Federal action of whether to enter into an agreement with Strata Networks to allow them to cross the Flaming Gorge Dam and Reclamation land with a Fiber Optic Cable. Rather than complete a separate and duplicative NEPA compliance document for this proposed action, Reclamation has determined that it is appropriate to adopt the USFS's EA.

Adoption of Environmental Assessment

The Department of the Interior's regulations for implementing the NEPA at 43 CFR 46.320 state that an EA prepared by another agency may be adopted if, upon independent review by the responsible official, it is found to comply with the Department's regulations for EA's (Subpart D, 43 CFR 46.300 to 315) and relevant provisions of the Council on Environmental Quality NEPA implementing regulations, 40 CFR 1500-1508.

The EA, published by the USFS for public review and comment on April 25, 2017 stated on page 8 that Reclamation would develop its own decision document for its proposed action of whether to enter into an agreement with Strata Networks to allow them to cross the Flaming Gorge Dam and Reclamation land with a fiber optic cable. Reclamation has reviewed the EA, comments received on the EA, and the USFS's DN and FONSI and have determined that the EA fully meets the purpose and need of Reclamation's proposed action, is substantively complete, and comments received on the EA were fully considered by the USFS in preparing their final decision. Accordingly, Reclamation has adopted the USFS's EA and is issuing this FONSI based upon the information in that EA.

Alternatives

The EA analyzed the No Action Alternative and the proposed action of authorizing Strata to install fiber optic conduit and cable along US-191 and US-44 from Vernal to Manila and Dutch John.

Environmental Commitments

Reclamation has reviewed the design criteria listed below and contained in the USFS's DN and FONSI. Reclamation believes that so long as the design criteria are followed in accordance with the USFS special use permit, no additional environmental commitments are required.

Design Criteria

Wildlife:

1. There are three (3) goshawk nest territory sites associated with the project, which are all located in close association to Highway 191. No staging areas or stationary work concentration areas should be located in the following areas to protect potential active nests between March and September 30:
 - East McKee goshawk nest territory #211 is located approximately 0.2 miles east of US-191 nearly opposite of Forest Road 047. If this nest site is active during the construction phase, approximately ½ mile along US-191 on either side of the junction with FR047 should be avoided for equipment or work staging sites.
 - Skull Creek goshawk nest territory #109 is located on the South side of US-191 approximately 0.25 miles east of the Skull Creek Campground entrance road junction. Placement of equipment and work staging sites should be avoided for approximately 0.5 miles east of the Skull Creek Campground road junction along US-191 to avoid nest disturbances.
 - Meadow Park goshawk nest territory #118 is located near Cub Creek and Meadow Park on the south side of US-191. Placement of equipment and work staging areas should be avoided from Cub Creek Easterly for approximately 0.75 miles to avoid nest disturbances.

Hydrology:

2. Strata will use silt fences, wattles and other sediment control devices to prevent sedimentation of waterways.
3. If construction occurs in the bottom of a bar ditch or near the bottom at grades above 3 percent, wattles will be installed to prevent erosion and sediment from entering the riparian areas.
4. To prevent erosion and sedimentation, areas will be compacted post construction (if possible).
5. Wetlands and Riparian areas where boring will take place will be flagged prior to construction.
6. No heavy equipment will be allowed in wetland or riparian areas.
7. Refueling and maintenance of equipment shall take place away from hydrologic resources.
8. A spill kit shall be on site when construction around hydrologic resources is taking place.

Archaeology:

9. The fiber optic route will be shifted as necessary within the road corridor to avoid cultural resource sites. In areas where cultural resource sites are within the road corridor, the fiber optic line will be placed within the highway road bed.

10. Strata will ensure that equipment, vehicles, and staging areas are not placed within cultural resources sites. An archaeologist will monitor construction activities in areas where National Register eligible cultural resource sites are within the road corridor. Cultural resource avoidance areas may be temporarily flagged when deemed necessary by the USFS Archaeologist.

11. If archaeological or cultural resources are encountered or exposed during project activities, construction activities will cease within 100 feet of the discovery and the proponent and their contractors will contact the USFS Archaeologist and will follow the stipulations of the Forest Cultural Resource Inadvertent Discovery Plan.

Paleontology

12. If significant paleontological resources are encountered, whether or not a paleontological monitor is present, construction activities will be halted within 50 feet of the discovery area, and the USFS will be notified. Ground disturbing operations within the area of the discovery would not resume until authorization to proceed has been received from either the USFS or the permitted Paleontologist for this project.

13. A permitted paleontologist will periodically spot-check excavation areas, to watch for and properly salvage any significant paleontological resources that are encountered within the following areas:

- T2S R22E Sections 5, 6, 7, 8, and 18;
- T1S R22E Sections 17, 19, 20, 30, and 31; and
- T2N R20E Sections 8, 16, 17, 19, and 20.

14. A permitted paleontologist will be present during excavation activities, to watch for and properly recover any significant paleontological resources that are encountered within T2N R20E Sections 5, 6, and 7.

Engineering:

15. All construction equipment shall be pressure washed before entering National Forest System lands. The removal of mud and debris from treads, tracks and undercarriage, with emphasis on axles, frame, cross-members, motor mounts, and underneath steps, running boards, and front bumper/brushguard assemblies will be required. The purpose is to reduce or eliminate the transportation of noxious weeds, which is required by Federal and State regulations.

16. No work that endangers, interferes, or conflicts with traffic or access to work sites shall be performed until a plan for satisfactory warning and handling of traffic has been submitted by the contractor and approved by the USFS and UDOT. Construction signing for traffic control shall conform to the Manual of Uniform Traffic Control Devices (MUTCD).

17. Areas for staging operations and storage of materials shall be approved by the USFS.

Related NEPA Documents

Environmental Impact Statements or Environmental Assessments that are related to, but not part of the scope of this EA, include the 2006 Operation of Flaming Gorge Dam Final Environmental Impact Statement and Record of Decision.

Intensity

The following discussion is organized around the 10 significance criteria described in 40 CFR 1508.27. The intensity of effects was considered in terms of the following:

1. Impacts may be both beneficial and adverse. The proposed action would impact resources as described in the EA. Environmental commitments to reduce impacts to cultural resources, paleontological resources, and biological resources were incorporated into the design of the proposed action. Taking into consideration the effects disclosed in the EA (pgs. 9-48) as well as the project record, there would be no significant beneficial or adverse impacts to the environment from implementing the proposed action.

2. The degree to which the selected alternative will affect public health or safety or a minority or low-income population. The proposed action would have no significant impacts on public health or safety. However, in order to further minimize any risks to public safety, design criteria (16) above has been added to ensure traffic safety will be addressed and promoted.

No minority or low income community would be disproportionately affected by the proposed action.

3. Unique characteristics of the geographic area. There are no designated park lands, prime farmlands (pg. 9 of the EA), or wild and scenic rivers (pg. 35 of the EA) in the project area.

Executive Order 11990-Protection of Wetlands and Executive Order 11988-Floodplain Management provide specific language for the protection of wetlands and floodplains, respectively. There are wetlands or other surface water features (springs, stream channels, lakes, ponds, or floodplains) along the planned route for the cable installation (pg. 37 in the EA). However, impacts to wetlands are not expected to occur because the route for the fiber optic cable has been designed to avoid these areas.

With respect to floodplains, there are floodplains associated with the creeks and streams in the project footprint. However, the fiber optic cable will be installed by boring underneath any streams, rivers, and other water resources, thereby avoiding effects to floodplains and water resources (pg. 40 of the EA).

Therefore, due to the nature and location of the project, as well as the design criteria (2-8 above) that are required, the impacts to unique features within the project area would not be significant.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. Reclamation contacted representatives of other federal agencies, state and local governments, Indian tribes, public and private organization, and individuals regarding the proposed action and its effects on resources. Based on the responses received, the effects from the proposed action on the quality of the human environment are not highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. When uncertainty about impacts to the human environment was identified in the EA, design criteria and monitoring measures were identified to alleviate those concerns. There are no predicted effects on the human environment that are considered highly uncertain or that involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. The proposed action would not establish a precedent for future actions with significant effects. The proposed action is similar in nature to other crossings and agreements that Reclamation has previously approved.

7. Whether the action is related to other actions which are individually insignificant but cumulatively significant. The cumulative effects of past and present actions, combined with the current proposal, and reasonably foreseeable future actions for each resource are discussed on pages 18, 20-21, 23, 29, 32, 40, 44, 46, and 48 of the EA. The analysis conducted for the EA revealed that there would be no significant cumulative effects from this project. These analyses were reviewed and determinations were made in accordance with 40 CFR 1508.7 which defines cumulative impacts. Therefore, the effects of the proposed action, when considered in conjunction with other past, ongoing and reasonably foreseeable activities are not expected to lead to significant cumulative effects due to timeframes of implementation, and protective measures developed in the selected design criteria.

8. The degree to which the action may adversely affect sites, districts, buildings, structures, and objects listed in or eligible for listing in the National Register of Historic Places. The USFS has identified 15 sites that are eligible for the National Register of Historic Places. This project is designed to avoid 12 of these sites. The remaining three sites are located within and to each side of the existing highway, so it is not possible to avoid these sites; however, the alignment of the fiber optic cable will be placed in such a way that it is installed in disturbed fill material, immediately adjacent to the road pavement. As a result of the measures that will be taken to avoid and minimize impacts to these sites, the USFS has determined that a finding of “No Historic Properties Affected”, is appropriate for the 12 avoided sites, and for the those three sites that are located through the existing roadway, a determination has been made of “No Adverse Effect” (pgs. 27-28 of the EA). The Utah State Historic Preservation Office concurred with these determinations of eligibility and effect in a letter sent to USFS dated April 17, 2017.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Terrestrial Species: As required by the Endangered Species Act (ESA), a Biological Assessment (BA) was prepared addressing the potential effects to endangered, threatened, proposed, or candidate species (see the Terrestrial Wildlife BA in the project record). When the BA was prepared, there were four species that had potential for presence or habitat in the action area. Those species include the black-footed ferret, Canada lynx, yellow-billed cuckoo, and Mexican

spotted owl. No evidence of any of these species has been documented in the action area, and as such a determination was made that there would be “No Effect” the black-footed ferret, Canada lynx, yellow-billed cuckoo, and the Mexican spotted owl (page 16 of the EA).

Fish and Aquatic Species: There are four species of endangered fish located downstream of the project area: Razorback sucker; Colorado pikeminnow; Bonytail; and Humpback chub. There would not be any direct or indirect effects to these species due to implementation of the proposed action because these species do not exist within the action area, there is no suitable habitat within or near the action area, and the project would not impact critical habitat downstream of the project area. Moreover, there would be no water depletion from this project to affect these downstream species. Therefore, this project would have “No Effect” on these species (pgs. 16-17 of the EA).

Botanical species: The only Threatened and Endangered plant identified to possibly occur in the Ashley National Forest is Ute-Ladies’-tress. All other Threatened and Endangered plant species are well removed from the National Forest in distance and/or their habitat is not found in the National Forest. No suitable habitat for ULTs was identified within the action area. The action area is located within the Vernal and Flaming Gorge National Recreation Area Administrative Units, with elevations ranging from 7,000 to 12,000 feet. The action area exceeds the 6,500 foot elevation level at which Ute Ladies’-tresses surveys are required. The portion of this project that would require ground disturbance is located within the roadway prism, which has previously been disturbed and does not include appropriate hydrology, soils, or vegetation. Therefore, the Strata Fiber Optic Cable Project will have “No Effect” on Ute-Ladies’-tress plants or populations (page 17 of the EA).

Based upon the information contained within the specialist reports, and the Biological Assessments prepared for this project, I have determined that there would be no adverse impacts from the proposed action on any endangered, threatened, proposed, or candidate species

10. Whether the action threatens a violation of Federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment. The project would not violate any federal, state, local, or tribal law, regulation, or policy imposed for the protection of the environment. In addition, this project is consistent with applicable land management plans, policies, and programs.

Finding of No Significant Impact

Based upon a review of the EA and supporting documents, Reclamation has determined that implementing the proposed action would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance in context or intensity as defined at 40 CFR 1508.27. Therefore, an environmental impact statement is not required for this proposed action. This finding is based on consideration of the context and intensity as summarized here from the EA.

Decision

Reclamation has decided to implement the proposed action and enter into an agreement with Strata Networks to allow them to cross the Flaming Gorge Dam and Reclamation land with a Fiber Optic Cable.