

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT
MONTANA OPTICOM FIBER OPTIC LINE
PROJECT

U.S. FOREST SERVICE

GALLATIN CANYON

BOZEMAN RANGER DISTRICT

GALLATIN COUNTY

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Introduction

This Decision Notice documents my decision and “finding of no significant impact” for the **Montana Opticom Fiber Optic Line Project** on the Gallatin National Forest.

The Forest Service prepared an **Environmental Assessment** (“EA”) for the proposed fiber optic line installation, and requested public comment on the EA. A legal notice was published in the Bozeman Daily Chronicle (newspaper of record) on March 12, 2013. The Forest Service issued a news release regarding the EA and sent letters with information on how to obtain a copy of the EA to interested and affected parties.

After consideration of the impacts of the alternatives disclosed in the EA, and consideration of the public comments, I have selected **Alternative 2 – the Proposed Action** for implementation.

Background

Montana Opticom LLC (Montana Opticom) was awarded an ARRA (American Recovery and Reinvestment Act) grant by Department of Agriculture, Rural Utility Service (RUS) to provide internet broadband services to the under-served customers in the Belgrade and Four Corners areas. For Montana Opticom to provide broadband services to the Belgrade and Four Corners area, Montana Opticom would need to install a fiber optic cable from their service location in Big Sky, MT to Belgrade and Four Corners area.

Montana Opticom filed a Special Use Permit (SUP) application (SF-299) (Project Record, Item 2) in November 2010, which included the need for the Proposed Action to provide broadband services. The Forest Service accepted the application and Proposed Action in December of 2011, initiating this EA process.

Purpose

The purpose of the Proposed Action is to provide more broadband services to the public in the Belgrade and Four Corners area.

Proposed Action

Montana Opticom has proposed to install a buried fiber optic line on National Forest System (NFS) land from Big Sky, Montana north toward Four Corners, Montana (Figure 1). The proposed fiber optic line would follow along and within the disturbed right-of-way (ROW) of State Highway 64 (Highway 64) and U.S. Highway 191 (Highway 191). For this analysis, the disturbed highway ROW is considered to extend from the edge of the roadway asphalt out 20 feet. Approximately 27 acres of NFS lands would be directly affected (approximately 15 miles long and up to 15 feet wide) by the proposed action. The only exception would be along a Forest Service road running parallel to Highway 191 north of Deer Creek (Section 23 Township 6

South Range 4 East) for approximately 180 feet to avoid a wetland located in Highway 191's disturbed ROW. Installation on this section of roadway would be on the east side of this road.

The proposed fiber line would be located on the opposite side of the roadways than the West Fork of the Gallatin and Gallatin River. There would only be one exception where installation on NFS land would be on the Gallatin River side of Highway 191 (Section 15 Township 5 South Range 4 East) within highway pullout near the Lava Lake Trailhead for a distance of approximately 180 feet. The installation in that section would be over 60 feet east of the Gallatin River and would not be located within any mapped wetlands or floodplains.

Construction of the new line would consist of burying fiber optic cable by plowing, trenching, or boring to a minimum depth of 42 inches below grade (Montana Department of Transportation standards) and would be encased in an orange plastic conduit throughout the route. Plowing would utilize a tracked, Caterpillar®-type vehicle that contains a friction-type plow tooth/blade on the back that knifes the conduit into the ground. Direct soil disturbance associated with the plowing would be approximately 46 inches deep and six inches wide. The width of the installation vehicle would be approximately 15 feet wide. Additional soil disturbance along some portions of the fiber optic line corridor would likely be due to tracked vehicle use. This method would be used along approximately 65 percent of the entire project.

The trenching method would encompass approximately 30 percent of the installation and would typically utilize a standard backhoe. Direct soil disturbance would be approximately 46 inches deep and 36 to 48 inches wide. The backhoe disturbance would be approximately 15 feet wide. Secondary disturbances include temporary piling of soil along the installation route and trafficking by the backhoe. The backhoe could also use rock-saw and jack-hammers for tough rock areas.

The boring method would be used along approximately five percent of the total fiber line installation corridor. Boring would be used to cross under all culverts for streams and roadways. It utilizes a bore machine that burrows a hole underneath the ground with minimal surface impact. The soil disturbance would typically be a six by six foot area at the beginning and end of the bore, while the installation equipment impact would affect approximately a 10-foot-wide corridor.

Above grade facilities located on NFS land would include warning signs, handholes for pulling cable, and pedestals for splicing boxes. Warning signs would be located every 500 feet along the fiber installation route. Approximately 48 warning signs would be located on NFS land and would consist of an orange sign approximately three inches wide and four inches tall. These would be located on posts approximately 48 inches high.

Locations for both pedestals and handholes are based on needed splice points, access points for future locating purposes, pull points for cable installation, and future capability of moving the fiber facilities if needed due to road construction or other unknown issues. Some additional, temporary disturbance would occur during installation of these structures.

Handholes are metal covers encasing holes in the ground to allow for fiber line access points for pulling cable. Approximately 36 handholes would be installed. Each handhold would be approximately 36 inches by 36 inches and would be placed so the top would be flush with the existing grade and light beige in color.

Pedestals, located above grade, would provide access to fiber splice locations and would be light green in color. Pedestals are metal boxes approximately 36 inches wide, 24 inches tall and eight inches deep. Approximately 22 pedestals would be installed on NFS land.

The timing of the project would occur during the non-winter months and installation would occur over approximately 45 to 60 days. The average rate of installation would be approximately 1500 feet per day.

MDT standards and guidelines for installation and safety precautions would be applied. Construction would be limited to one lane of highway traffic for three to five miles at one time and traffic delays would be limited to ten to twenty minutes at one time.

Construction staging areas on NFS land would be located along the proposed route. The final locations would be determined by the Forest Engineer prior to installation to accommodate all construction activities within the project area.

Upon completion of the project the new fiber optic line would be operated and maintained in accordance with all applicable laws and regulations.

Decision Criteria

In order to meet the purpose and need of the Montana Opticom project while considering the issues raised and existing laws, regulations and policy, I focused on the following criteria:

Whether to issue an SUP for the installation of a fiber optic line on NFS land from Big Sky, Montana (Section 32, Township 6 South, Range 4 East) north toward the Belgrade and Four Corners area (Section 20, Township 4 South, Range 4 East), and if so, what mitigation or design measures must be implemented.

Decision

Based upon my review of the Montana Opticom Fiber Optic Line Project Environmental Assessment (EA), I have decided to implement Alternative 1 (detailed in the Proposed Action section), which includes installing a buried fiber optic line on National Forest System (NFS) land from Big Sky (Section 32, Township 6 South, Range 4 East) north toward the Four Corners and Belgrade area (Section 20, Township 4 South, Range 4 East). The fiber optic line will be installed underground within the disturbed right-of-way (ROW) of State Highway 64 and U.S. Highway 191. The disturbed ROW is defined as 20 feet out from the existing edge of the highway asphalt. The majority of the fiber optic line will be installed within the disturbed highway ROW on the non-river-side of the highways.

The Proposed Action was selected to meet the purpose and need of the project, which is to allow Montana Opticom to provide broadband services to the Belgrade and Four Corners area. The Montana Opticom Fiber Optic Line Project EA documents the environmental analysis and conclusions upon which this decision is based.

The mitigation or project design features are included in my decision, which provide for consistency with Forest Plan and other guidance or they minimize potential impacts.

Rationale for the Decision

The following is my rationale for making the decision to approve an SUP for Montana Opticom to install a fiber optic line between Big Sky and Four Corners area.

Alternative 2, Proposed Action, meets the purpose and need for the project and does the best job of minimizing impacts to multiple resources by following the outlined mitigation measures. My reasons for selecting this alternative is that it meets the purpose and need and will help satisfy the demand for broadband services in the Four Corners and Belgrade communities.

Montana Opticom's existing services are currently only offered in the Big Sky area. A fiber optic line between Big Sky and the Four Corners and Belgrade area would provide the needed service to these communities.

One other alternative was analyzed in detail, the No Action Alternative, which includes the following: The No Action Alternative consists of the existing management of the right-of-ways (ROWs) of State Highway 64 (Highway 64) and U.S. Highway 191 (Highway 191). This includes existing and possible future utilities permitted along the corridor, access to private and NFS land, continued snow removal, current and ongoing Montana Department of Transportation (MDT) maintenance and improvement projects, and ongoing spraying of weeds by the MDT and Forest Service. No permit would be authorized to the utility company to bury fiber optic line on NFS land.

The No Action Alternative will not meet the purpose and need because it will not allow Montana Opticom to install a fiber optic line that would provide further broadband services to the Four Corner and Belgrade area. Therefore, this alternative was not selected.

Alternatives Not Studied in Detail

One alternative was explored during the planning of this proposed action, which included hanging the fiber cable line on the NorthWestern Energy transmission line upgrade project also planned in the Gallatin Canyon along U.S. Highway 191. This alternative was not fully developed for analysis because Montana Opticom felt the reliability of broadband services hanging from a transmission line would be questionable. Also, due to the timing of the two projects, Montana Opticom felt their project would need to be installed prior to the transmission line installation. The nature of the terrain and geographic features within the Gallatin Canyon, and the location of wilderness and roadless areas on NFS land also limited the alternatives to the location in the proposed action.

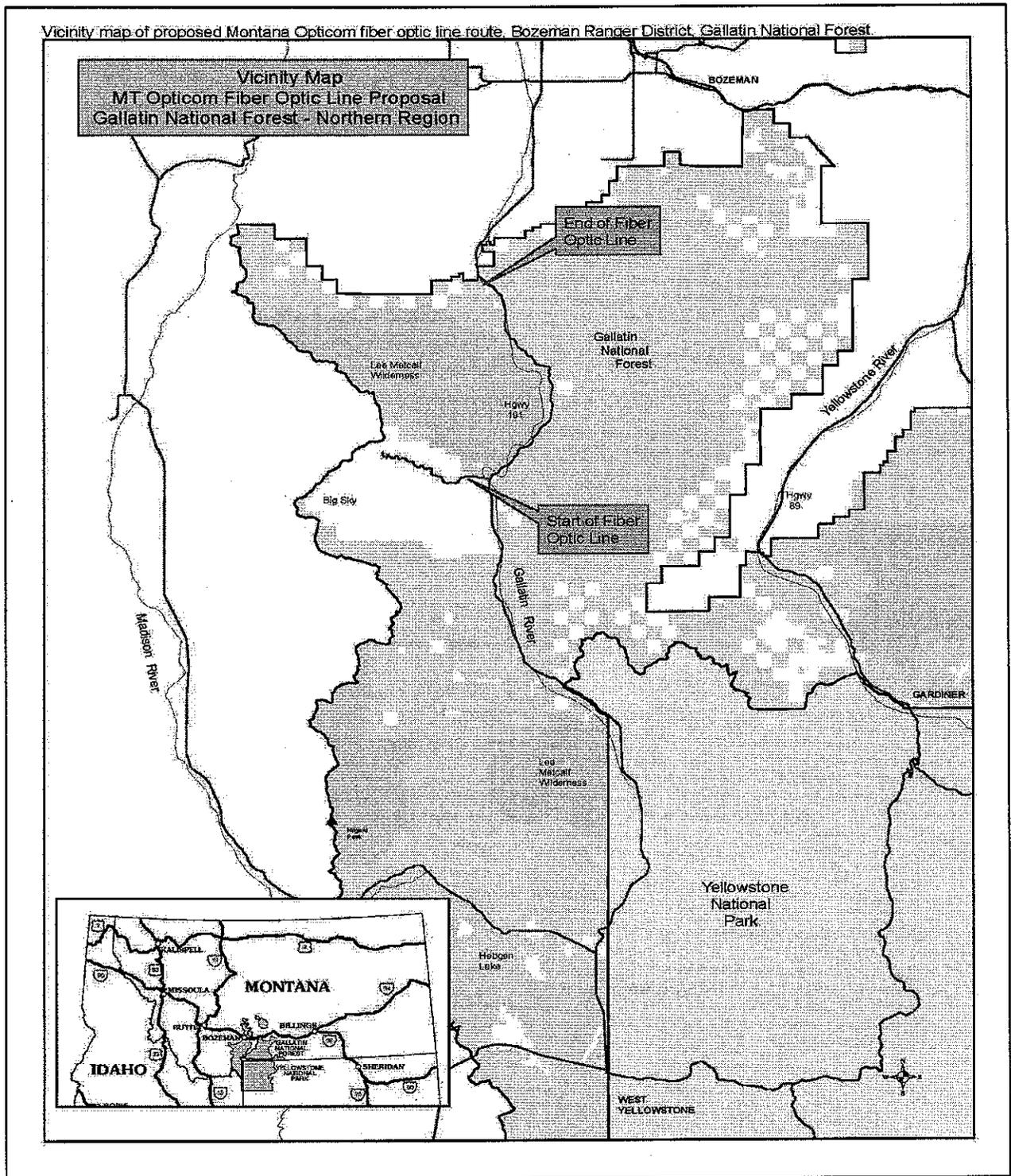


Figure 1. Vicinity map of proposed Montana Opticom fiber optic line route, Bozeman Ranger District, Gallatin National Forest.

Table 1. Comparison of alternatives by resource area.

RESOURCE	NO ACTION	PROPOSED ACTION
SOIL	No impacts	Temporary, minor increase in sediment to the Gallatin watershed. Overall cumulative effects to soil resources will be minimal.
WATER RESOURCES	No impacts	Temporary, minor increase in sediment to the Gallatin watershed. No measurable impacts are expected on water quality, floodplains, or wetlands.
INVASIVE PLANTS	No impacts	In combination with the invasive plants mitigation measures, the project is predicted to have no direct or indirect effect on invasive weeds. It actually could help reduce the weeds caused from other activities due to the increased weed control measures specified as part of this project.
SENSITIVE PLANTS	No impacts	No sensitive plants were found within the project area. Therefore the project will not have effects to sensitive plants.
WILDLIFE	No impacts	<p><i>May affect, not likely to adversely affect the threatened grizzly bear and Canada lynx.</i></p> <p><i>Not likely to jeopardize the continued existence of North American wolverine.</i></p> <p>May impact individuals or habitat of certain Forest Service, Region 1, sensitive species, but not likely to contribute to a trend toward Federal listing.</p> <p>For management indicator species, no effect on population trend and no impact on population.</p>
AQUATIC SPECIES	No impacts	Temporary, minor increase in sediment delivery to Gallatin watershed. No anticipated measureable impacts to aquatics.

RESOURCE	NO ACTION	PROPOSED ACTION
RECREATION	No impacts	Some minor traffic delays and interference with recreational access in the highway corridor.
SCENERY	No impacts	Temporary, minor impacts to scenery within the project area. Above ground facilities (warning signs and splicing boxes) contribute minor long-term impacts to scenery in the project area.
HERITAGE RESOURCES	No impacts	No historic properties and no tribal/cultural resources affected.

Mitigation Measures and Monitoring Requirements

The following mitigation measures and monitoring requirements are also included in the Proposed Action.

Soil Resources

Mitigation Measures

- The top one foot of soil will be stock piled separately (subject to stoniness and/or noxious weed constraints) in all areas where any one of the following conditions occur: 1) areas where trenching will be used for cable installation, 2) handhold or pedestal installation sites, and/or 3) areas where the fiber optic line will run through mature stands of conifers or deciduous trees.
- The topsoil should be replaced as the top layer of fill when backfilling.
- Any waste rock, excess subsoil, or excess substrate material that remains after backfilling will be removed from the site. However, large boulders excavated during construction should be stockpiled at a location to be determined by the Forest Service.
- Backfilled sites should be mounded slightly at the completion of backfilling to accommodate for future settling.
- Any detrimentally compacted or rutted in areas outside the borrow ditch due to activities associated with fiber optic line installation will be ripped to depth of six to eight inches upon completion of ground disturbing actions.
- Off-road vehicle use should be limited during wet soil conditions, especially in soil management units 1D, 4B, and 6E.

Water Resources

Mitigation Measures

- All State of Montana Department of Environmental Quality (DEQ) water quality standards for beneficial uses will be met and all required permits will be obtained and associated requirements implemented.
- The handling, storage, application, or disposal of machinery fluids and materials will be in a manner that prevents pollution to streams, lakes or wetlands or that may cause damage or injury to humans, land, animals or plants. No fluids related to installation will be drained onto the ground or into streams or drainage areas.
- A spill prevention, containment, and countermeasure (SPCC) plan will be prepared. This plan will detail the measures required of all construction, operation, and maintenance personnel for transport, storage, use, spill response/containment, and disposal of machinery fluids, waste, and debris.
- Spill containment/cleanup kits of appropriate type and capacity, for all types and volumes of machinery fluids and waste used or stored on site, will be maintained on the work site at all times.
- Field personnel will be trained in machinery fluid spill prevention, control, and countermeasure procedures.
- The permittee shall install required and/or applicable DEQ permit BMPs, Soil BMPs, and project mitigation measures prior to beginning construction activities in the affected area.
- Erosion and storm water controls will be inspected and maintained as necessary to ensure proper and effective functioning.
- Excavated areas will be backfilled to the approximate final surface grade (mounded slightly) and condition as soon as possible.
- Backfilled areas and the plow rip path will be partially compacted during backfilling to minimize any future settling.
- To capture and retain sediment, a series of at least three check dams made of certified weed-free straw wattles will be installed wherever roadside ditches connect to cross-drain culverts or natural channels. Check dams will be installed per manufacturer's recommendations, spaced a minimum of five feet apart, and set in locations and in a manner that does not significantly impair the conveyance capacity of the ditch.
- Backfilling, compaction, and straw wattle installation must be complete in all areas within 50 yards of road drainage culverts or natural channels before crews leave the job site for an extended period (weekend, holiday, etc.).
- To the extent possible the conduit will be plowed in.
- All construction and maintenance activities will be conducted in a manner that will minimize disturbance to drainage channels, and stream banks. Appropriate Federal, State and local permits will be secured for locations where disturbance to stream bed or banks is unavoidable, and in any other situations for which permits are required.
- Water will not be pumped into or out of streams.
- There will be no in-stream crossing of stream channels.
- Work will be halted when wet conditions will lead to excessive damage to soils and vegetation in work areas.
- Temporary stockpiling of excavated materials will be managed in the following manner:
 - Stockpile on non-vegetated surfaces whenever possible

- Minimize “footprint” area of material piles
- Stockpile on road side of trench whenever possible
- Avoid driving on stockpiled materials
- The permittee shall be responsible for any cleanup resulting from spills or accidents involving hazardous, toxic or industrial wastes. Cleanup shall be conducted in accordance with all applicable federal and state laws.

Monitoring Requirements

- A Forest Service representative will inspect and ensure that all cleanup/rehab requirements have been met, if a need for cleanup exists.

Invasive Plants

Mitigation Measures

- All off-road equipment will be cleaned (remove all mud, dirt and plant parts) before moving into the project area to reduce new invasive plant infestations. Cleaning must occur off NFS land.
- To reduce further existing infestations, all equipment will be washed immediately after working within a project area that contains leafy spurge, St. Johnswort, orange hawkweed and yellow toadflax. There are three known sites within the project area (see maps in the Invasive Weeds Report) but newly discovered sites will require the same mitigation. The equipment washing will occur on site and does not have to be self-contained. However, the equipment must be inspected by Forest Service staff before moving out of a known site. All known, existing weeds should be effectively treated prior to fiber installation to reduce the amount of live weeds in the project area.
- Revegetation will begin as soon as excavated sites have been backfilled or for other disturbed sites, the surface has been re-graded. See Soil Mitigation Measures listed previously, re: topsoil salvaging and use of existing plant propagules in the soil to speed up re-vegetation. All disturbed sites will be seeded after backfilling with suitable native grass as specified by the Forest Service. Seeds need to be certified Noxious Weed Free seeds.
- Any project areas of activity related bare soil where suitable plant propagules are not present in the existing topsoil will be reseeded as soon as possible after disturbance with a weed free, native grass seed mix approved by the Forest Service. In addition, any sites where vegetation has not been successfully established within two years as determined by the Forest Service, will be re-seeded with native grass seed and the seed incorporated into the soil by Montana Opticom. This operation or some variation thereof will be repeated until the site has been re-vegetated with desirable vegetation, and the weeds are eliminated.

Monitoring Requirements

- The Forest Service Weed Specialist will monitor the project area to ensure that weed treatment and re-vegetation treatments are implemented and effective. The monitoring will occur annually until the site has recovered.

Wildlife

Mitigation Measures

Grizzly Bears

- To minimize the risk of negative encounters between grizzly bears and humans, the Gallatin National Forest Food Storage Order will be implemented and enforced during the life of the project.
- Land disturbed during construction will be reclaimed with an approved Forest Service seed mix (see Invasive Plants Mitigation Measures) that will not use palatable species that could be an attractant to grizzly bears in areas of higher human use (e.g., trailheads, campgrounds, and residences).

Recreation Resources

Mitigation Measures

- The permittee will provide information to the public, recreation residence holder, and other applicable permittees about traffic delays and construction activities.
- Construction activities should not delay or close access to NFS land access points during weekends or holidays.
- Construction activities should not cause a temporary delay or closure at more than one high use Forest Service System Road or recreation site at a time. (The recreation sites include the boat launches and trailheads at NW ¼ of Section 15, T5S, R4E, NE ¼ of Section 4, T5S, R4E, SW ¼ of Section 28, T4S, R4E and NW ¼ of Section 33, T4S, R4E, NE ¼ of Section 1, T6S, R4E, and NW ¼ of Section 23, T6S, R4E. The roads include Forest Service System Road 481 (Section 25, T5S, R4E), 984 (NW ¼ of Section 13, T6S, R4E), 479 (SE ¼ of Section 36, T5S, R4E), and 2502 (NW ¼ of Section 33, T6S, R4E). The campgrounds include: Greek Creek (SW ¼ of Section 24, T5S, R4E) and Moose Creek Flat (SE ¼ of Section 36, T5S, R4E).)
- The permittee will coordinate with Forest Service to update recreation residence permit holders and other permittees regarding anticipated delays on associated driveways and roads.

Visual Resources

Monitoring Requirements

- Monitor trenches over a three year period for settling and possible cracks showing evidence of disturbance from proposed activities.
- Monitor project area over the life of special use permit for evidence of resurfacing orange conduit.
- Monitor project area over a year period to ensure reseeding does not appear unnatural, linear in nature, or as a single species.

Public Involvement

This action was originally listed as a proposal on the Gallatin National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review

and comment on the proposal through a news release, legal notice, letter, and the EA lists agencies and people consulted on page 74.

The Forest offered the public two opportunities to comment on the proposed project activities, the first during scoping in March 2012. A legal notice was published in the Bozeman Chronicle on March 12, 2012, in the Belgrade News on March 16, 2012, and in the Big Sky newspaper, Lone Peak Lookout, on March 15, 2012. Thirty-nine comments were received by 23 commenters during the scoping period.

A legal notice was published in the Bozeman Daily Chronicle on March 12, 2013 allowing the public a second opportunity to comment during the 30-day comment period. Four commenters submitted 14 comments.

All public comments were taken under consideration in analyzing the effects of the proposal.

Responsiveness to Environmental Issues and Public Comments

In making my decision, I considered internally generated issues, public issues, comments submitted during the scoping phase of this analysis (Project File), and those comments submitted during the EA comment period (Decision Notice, Appendix B). The Interdisciplinary Team thoroughly studied the resource issues and considered a range of alternatives and mitigation measures that addressed the most critical issues (EA, Chapter 2). I reviewed the relevant resource issues outlined in Table 1 and compared the implications of each alternative.

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the direct, indirect and cumulative effects of the proposed activities and alternatives documented in the EA for the Montana Opticom Fiber Optic Line Project and determined that these actions will not have significant impacts on the quality of the human environment. Thus, an Environmental Impact Statement (EIS) will not be prepared. The implementing regulations for NEPA at 40 CFR 1508.27 provide criteria for determining the significance of effects. This provision requires consideration of both the **context and intensity** of predicted effects in determining significance. I based my finding on the following:

Context

I have determined that the appropriate context for weighing the significance of impacts is within the general vicinity of the project area, including the disturbed ROW of Highway 64 and 191 between Big Sky, MT and Belgrade and Four Corners area, thereby directly affecting NFS, state, and privately owned land along this route along. I came to this conclusion because the potential environmental, social and economic effects are not significant and are limited to the project area and the immediately adjacent areas (*See EA, pages 23-75*).

Intensity

The intensity of effects was considered in terms of the following:

1. **Impacts that may be both beneficial and adverse.**

Implementation of the Proposed Action (Alternative 2) will include installing a fiber optic line along NFS, State, and private land within the disturbed ROW of State Highway 64 and U.S. Highway 191. Alternative 2 and mitigation measures have been developed to reduce the intensity of resource impacts. As discussed in the EA throughout Chapter 3 (Environmental Consequences), there are no anticipated adverse impacts associated with this decision that cannot be acceptably mitigated.

2. **The degree to which the proposed action affects public health or safety.** Public health or safety risks due to the installation of fiber optic line would be limited to traffic safety issues. There will be no significant effects on public health and safety because Montana Opticom will adhere to the traffic safety plan as outlined by the Montana Department of Transportation, which will reduce traffic-related accidents due to construction activities (See Chapter 3 Recreation section)

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because Alternative 2 will be located mainly within the previously disturbed ROW of State Highway 64 and U.S. Highway 191. The other associated installations will be in areas cleared of any historic or cultural resources, park lands, prime farmlands, wetlands, or ecologically critical areas. Alternative 2 will be implemented along U.S. Highway 191 running parallel to the Gallatin River, which meets the eligibility criteria for potential classification as a Recreational River under the Wild and Scenic River (WSR) Act. However, the installation of fiber optic line and associated above ground facilities will not negatively contribute to the Gallatin River's eligibility as a WSR. (See EA Chapter 3 Recreation section)

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of Alternative 2.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Forest Service has previously issued permits for fiber optic line installations and is familiar with the effects. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.

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.** This project does not set a precedent for any future action. Once the fiber optic line is installed and in-service, the objectives have been met. No additional activities are needed to fully meet the purpose and need of this proposal. Any future action must be evaluated through the National Environmental Policy Act process. Any future action must stand on its own regarding a public interest determination, feasibility, and environmental effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative effects of past, present, and reasonably foreseeable future actions were considered for each resource. Based on these discussions, I conclude there will be no significant cumulative impacts. (See EA pages 20-21)
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no heritage resources will be affected by the proposed project. The State Historic Preservation Office (SHPO) has issued a letter of concurrence that the proposed action will not cause loss or destruction of heritage resources as long as the proposed project takes place within the disturbed ROW of Highway 64 and 191.
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.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, because the wildlife analysis concluded the proposed project *may affect, not likely to adversely affect* the threatened grizzly bear and Canada lynx and will *not likely jeopardize the continued existence* of North American wolverine. Forest Sensitive Species for Region 1 may impact individuals or habitat of certain Forest Service, Region 1, sensitive species, but not likely to contribute to a trend toward Federal listing. For management indicator species, no effect on population trend and no impact on population. (See Chapter 3 Wildlife section)
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Chapter 3). The action is consistent with the Gallatin Forest Plan. A review of the proposed action relative to these standards and guidelines concluded that the proposed action is consistent with the Forest Plan and the management emphasis for Management Area 5 and that no amendments to the Plan are necessary prior to implementation of the action. (See EA page 11)

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

Administrative Review (Appeal) Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. Only individuals or organizations that submitted comments or otherwise showed interest in this project may appeal. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Bozeman Daily Chronicle. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in

the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to: USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, P.O. Box 7669, Missoula, MT 59807; or USDA Forest Service, Northern Region, ATTN: Appeal Deciding Officer, 200 East Broadway, Missoula, MT 59802. Office hours: 7:30 a.m. to 4:00 p.m. Fax (406) 329- 3411.

Electronic appeals must be submitted to: <appeals-northern-regional-office@fs.fed.us>. In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why the decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information: The appellant's name and address, with a telephone number, if available; A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal); When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request; The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision; The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C; Any specific change(s) in the decision that the appellant seeks and rationale for those changes; Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement; Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and, How the appellant believes the decision specifically violates law, regulation, or policy.

If no appeal is received, implementation of this decision may occur on, but not before, five business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

When an appeal is received under this rule, the Responsible Official, or designee, must contact the appellant and offer to meet and discuss resolution of the issues raised in the appeal (36 CFR 215.17). If the appellant accepts the offer, the meeting must take place within 15 days after the closing date for filing an appeal (i.e. 45 to 60 days from the publication date of the legal notice of this decision in the Bozeman Daily Chronicle). These meetings, if they take place, are open to the public. For information on if, when and where such a meeting is scheduled, please visit the following web site: www.fs.usda.gov/goto/r1/appeal-meetings.

Contact Information

For additional information concerning this decision, contact: Aaron Mayville, Acting Deputy District Ranger, Bozeman Ranger District, 3710 Fallon, Bozeman, MT 59718, (406) 522-2570 .

Lisa Stoeffler

9/16/13

Lisa Stoeffler

Date

District Ranger

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Appendix A. Response to Comments on EA

Table 2. Commenters on EA.

Number	Commenter
1	Montana Department of Transportation (MDT)
2	U.S. Army Corps of Engineers (Army Corps)
3	Leroy Pezoldt
4	Linda Keith

Table 3. Forest Service response to comments on EA.

Comment Received	Response to Comments
<p>Commenter: MDT</p> <p>The EA states on page 15: "Montana Opticom was issued a permit by RUS with the assumption that the fiber optic line will only be installed within the disturbed ROW for Highway 64 and 191" and goes on to say "The disturbed ROW is defined as 20 feet out from the existing edge of the highway asphalt." MDT has not seen any detailed plans for the proposed location and cannot at this time agree that the approved location will be within 20' of the pavement.</p>	<p>The proposed action staking sheets were provided in electronic format for MDT prior to the comment period. The staking sheets detail the location of the proposed fiber optic line installation. In most cases, the proposed installation is within approximately six feet of the edge of the asphalt.</p>
<p>Commenter: MDT</p> <p>Also stated on page 15 of the EA: "MDT standards and guidelines for installation and safety precautions will be applied. Construction will be limited to one lane of highway traffic for three to five miles at one time and traffic delays will be limited to ten to twenty minutes at one time." MDT must review and approve a Traffic Control Plan before any work can occur within MDT right-of-way.</p>	<p>The estimate for traffic delays due to construction was used for analysis purposes only. The estimate does not substitute for the MDT traffic safety plan and/or regulations, which Montana Opticom will adhere to during construction activities.</p>

Comment Received**Response to Comments**

Commenter: MDT

It is also noted that although considerable attention is given to disturbance of vegetation, there is no references to removal of trees or tree deaths caused by trenching through their root systems. There are portions of this proposed route where these effects will/may be unavoidable.

Due to the previous disturbance when the highways were installed, there are few trees located within the disturbed highway right-of-ways. The majority of the vegetation located within right-of-ways of Highway 191 and 64 are native grasses and noxious weeds.

Commenter: Army Corps

Text from Letter in Email: We have reviewed the Montana joint application submitted for Department of the Army (DA) authorization for the Broadband Stimulus Fiber Optics project near Gallatin Gateway. The proposed work is located in Gallatin County, Montana. Under the authority of Section 404 of the Clean Water Act, DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis. Based on the information provided that all aquatic areas, including streams, wetlands, and other waters, will be bored and that and no fill material will be placed either temporarily or permanently in a water of the United States including wetlands, no DA permit is required for this project. However, this does not eliminate the requirement to obtain other applicable federal, state, tribal and local permits. Please note that deviations from the reviewed plans and specifications of your project could require authorization from this office. I am forwarding a copy of this letter to Kadmas Lee & Jackson, Griffin Kunz, P.O. Box 1157, Bismarck, North Dakota 58502-1157. Please contact John Short or myself at (406) 441-1375 if you have questions and reference Corps File Number NW0-2010-02220-MTH.

Montana Opticom will be required to obtain all applicable permits prior to installation or any construction activities.

Comment Received**Response to Comments**

Commenter: Leroy Pezoldt

I have no problem with the project. I am in favor of it and the cable. I will like to have television service at my cabin in the future. I hope this provides that service to my cabin.

Comment noted. The property owner should contact Montana Opticom for individual broadband service.

Commenter: Linda Keith

This is a verbal comment against the project.

Comment noted.

Commenter: Linda Keith

How, in good conscience, can you justify trenching down almost 4 feet and out 3-4 feet when the transmission line project uses the "disturbance" as an argument NOT to go underground?

This comment is in reference to the NorthWestern Energy transmission line upgrade project in the same area as the Montana Opticom project. The overall soil disturbance to bury a transmission line versus a fiber optic line will differ in both size and scope. For that project, the alternative to bury the transmission line was considered, among many other alternatives, but due to the construction practices, maintenance requirements, reliability issues, cost, and environmental impacts, burying the transmission line was not considered a viable alternative. The estimate soil disturbance to bury that transmission line will have been a width of 15 to 20 feet wide and a depth of four feet. The Montana Opticom project, in contrast, will mostly use a plowing method to bury fiber optic cable, which will create soil disturbance approximately six inches wide and 46 inches deep. Approximately 30 percent of the installation will utilize the trenching method which will create a soil disturbance of 46 inches deep and 46 inches wide.

The NorthWestern Energy project will have also required drilling under the Gallatin River, which will include boring under the River four to six feet below the River bottom. In contrast, the Montana Opticom project will bore under culverted, perennial streams but use attachments along roadway bridges to cross above the Gallatin River.

Maintenance issues also deterred the NorthWestern Energy project from installing a transmission line underground. In contrast, fiber optic line will be strung through and encased in an orange plastic conduit, which is more accessible for maintenance.

The location of the NorthWestern Energy project would have also been outside the disturbed right-of-way of Highway 191 and 64. The majority of the Montana Opticom project will be located within the disturbed right-of-way of Highway 191 and 64. This area has previously been disturbed when the roadways were built and is used in routine roadway maintenance, including snow removal. The majority of the Montana Opticom project will be

Comment Received**Response to Comments**

located within the disturbed right-of-way of Highway 191 and 64. This area has previously been disturbed when the roadways were built and is used in routine roadway maintenance, such as roadway improvements and snow removal/storage.

Commenter: Linda Keith

You have not convinced me that wolverines and peregrine falcons won't be harmed. Have non-biased outsiders examined this and reached the same conclusions you have? Where is the data?

The EA did not conclude that the project will result in no harm to wolverines and peregrine falcons, as stated by the commenter. In contrast, the effects analysis for wolverine and peregrine falcon concluded that project activities do have the potential to affect both of these species. As discussed on pp. 47 of the EA, the proposed action will result in a net increase in the suite of disturbance factors that have the potential to alter travel behavior of wolverines across the Gallatin River Canyon. In addition to the cumulative effects of other past, present, and reasonably foreseeable actions in the project area, it was determined that the project may affect, but is not likely to jeopardize the continued existence of wolverine.

The Wildlife Forest Sensitive Species section on pp. 49 discusses the nature and extent of effects of the project on peregrine falcons. As discussed in that section, it was determined that the project may impact individuals or habitat of peregrine falcons, but due to the reasons discussed, it was determined that those impacts will not lead to a trend toward federal listing.

The NEPA process is designed to inherently incorporate public review and comment through the process of scoping and public comment periods. Outside review is conducted as a part of these processes. The determinations made in the EA document are based on best available science, and all information used to inform the conclusions in the EA are cited in the text. Published scientific journal articles have undergone rigorous peer review prior to their being published. It is through all of these mechanisms that outside review and information are incorporated into the effects analyses, upon which a final decision is made regarding the project.

Comment Received	Response to Comments
<p>Commenter: Linda Keith</p> <p>Please provide more hard data that sedimentation will not impact the fish population in the Gallatin River.</p>	<p>The water resources and fisheries analysis did report some sedimentation due to construction activities but those impacts will be minimal. As discussed on pp. 66 of the EA, the expected effects of the proposed project will be temporary (less than three years), with a minor increase in sediment delivery to the Gallatin River, West Fork Gallatin River, and short terminal segments of their tributaries within the project area. Based on the monitoring results of a previous project (White 2012) and if all BMPs and mitigation measures are followed, it is anticipated that no measureable negative effects from increased sediment delivery to trout spawning habitat, pool rearing habitat, MIS wild trout, and western pearlshell mussels will occur. Also, as discussed on pp. 30 on the EA, the anticipated project effects will be temporary (less than three years) with only a minor increase in sediment delivery to the Gallatin River, West Fork Gallatin River, and short terminal segments of their tributaries within the project area. Based on past fiber optic line installation on Forest (USFS 2009), it is not anticipated that the impacts from the proposed activities to these water bodies will be measureable.</p>
<p>Commenter: Linda Keith</p> <p>I'm already battling weeds on my property. It is alarming to think your project will make it worse. That environmentally friendly weed control measures will you take?</p>	<p>The forest is very concerned about spreading and introducing new invasive weeds as a result of construction projects. Currently the weeds in this project area are being controlled by MDT. The following weed prevention measures were identified on pp. 18 of the EA, all off road equipment will be cleaned before entering National Forest land, plus cleaned after working in areas with weed species that spread via roots (leafy spurge, St. Johnswort, orange hawkweeds and yellow toadflax), and seed all disturbed soil with native grass seed. These activities will help to prevent the introduction and spread of invasive weeds.</p>
<p>Commenter: Linda Keith</p> <p>Safety?</p>	<p>Montana Opticom will be required to follow all MDT traffic safety plan and regulations. These will be followed during construction activities to reduce any traffic safety issues.</p>
<p>Commenter: Linda Keith</p> <p>Cost?</p>	<p>The cost of processing the fiber optic permit has been paid entirely by the project proponent, Montana Opticom, through a Cost Recovery Agreement.</p>
<p>Commenter: Linda Keith</p> <p>What other alternatives have been explored?</p>	<p>Prior to proceeding with the proposed action of burying the line, other alternatives were initially explored. One alternative to hang the line on the NorthWestern Energy transmission line was found to not be feasible due to reliability and timing of the project. Also, the nature of the terrain and geographic features within the Gallatin Canyon, and the location of wilderness and roadless areas limited the alternatives to the proposed action.</p>

Comment Received**Response to Comments**

Commenter: Linda Keith

How many bids were received? Etc etc.

Montana Opticom was awarded an ARRA (American Recovery and Reinvestment Act) grant by Department of Agriculture, Rural Utility Service (RUS) to provide broadband services to the underserved customers in the Belgrade and Four Corners areas. For Montana Opticom to provide broadband services to the Belgrade, Four Corners, and Gallatin Valley areas, Montana Opticom will need to install a fiber optic cable from their service location in Big Sky, MT to the Belgrade, Four Corners, and Gallatin Valley areas. Montana Opticom was issued a permit by RUS for this project prior to bringing this proposal to the Forest Service. Other bids were not obtained because it was not applicable in this situation.

