



**United States  
Department  
of  
Agriculture**

**Forest  
Service**

# **Notice of Proposed Action & Opportunity to Comment**

## **Rural Telephone Fiber Optic Line Murphy Hot Springs to Jarbidge**

Ruby Mountains-Jarbidge Ranger District  
Elko County  
Nevada

September 2012

## **Comments Welcome**

The Ruby Mountains-Jarbidge Ranger District of the Humboldt-Toiyabe National Forest welcomes your comments on a proposed fiber optic line project (Project) which is located in Northern Elko County, Nevada and Southern Owyhee County, Idaho.

Rural Telephone Company has applied to both the Bureau of Land Management (BLM) and U.S. Forest Service requesting authorization to construct a telecommunication fiber optic line and appurtenances. If BLM grants a right-of-way and the U.S. Forest Service grants a special use permit, Rural Telephone Company would utilize Rural Utility Service (RUS) STIMULUS funds to complete the Project, which is located between the communities of Murphy Hot Springs in Owyhee County, Idaho and Jarbidge in Elko County, Nevada (Figure 1).

The BLM, Jarbidge Field Office, located in Twin Falls, Idaho, is the lead agency for the Project affecting BLM administered lands. The U.S. Forest Service, Humboldt-Toiyabe National Forest, Ruby Mountains-Jarbidge Ranger District, located in Wells, Nevada, is the lead agency for the Project affecting U.S. Forest Service administered lands.

The new fiber optic facilities would upgrade the existing telecommunications with broadband capabilities, including high speed internet and enhanced capacities for voice and data transmission, and provide improved service to residents and businesses in Owyhee County, Idaho and Elko County, Nevada.

The proposed fiber optic line route was selected based on project objectives, existing land uses, and construction constraints. The proposed location was selected to be adjacent to an existing buried telephone line (for a portion of the route), an aerial power line, and roadway. The only lands that met these criteria include public lands under jurisdiction of the BLM, Jarbidge Field Office and USFS, Ruby Mountains-Jarbidge Ranger District.

## **Existing Condition**

There is limited and outdated telecommunication service in the project area currently. An existing buried copper telephone line (BLM # N-38899[NV-943.2], Right-of-Way I-20316, US Forest Service #OMB 0596-0082) between Murphy Hot Springs and Jarbidge was installed in 1983; however, it does not have the band-width capacity necessary to support modern data and internet communication requirements. With telecommunication requirements increasing exponentially, an upgrade to fiber optic cable is essential. The Project would upgrade, expand, and enhance the existing telecommunications service in this rural area, providing modern telecommunication technology.

## **Purpose and Need for Action**

The purpose of the new fiber optic facilities is to upgrade the existing telecommunications with broadband capabilities, including high speed internet and enhanced capacities for voice and data transmission, and provide improved service to residents and businesses in Owyhee County, Idaho and Elko County, Nevada. The Project would provide a fiber optic line that would secure continuous telecommunications and provide improved and reliable telecommunications service to current and future subscribers.

## Project location

State	Township Range	Section	Quarter Sections	Land Management/ Ownership
Idaho	T. 16 S., R. 9 E.	23	SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	BLM
		24	W <sup>1</sup> / <sub>2</sub> NW <sup>1</sup> / <sub>4</sub>	Private
		26	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	BLM
		35	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> ;	BLM
Nevada	T. 47 N., R. 58 E.	1	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> ;	BLM
		11	SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	Private
		12	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> ;	BLM
		14	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	Private
		23	NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	Private
		26	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	Private
		27	NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	Private
		34	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub>	Private
	34	SW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> :	BLM	
	T. 46 N., R. 58 E.	3	NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	Forest Service
		9	NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> , NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub>	Forest Service
		10	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	Forest Service
		16	NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> , SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub>	Private

## **Proposed Action**

The proposed fiber optic line route would begin at Murphy Hot Springs in Owyhee County, Idaho. It would then travel southerly, generally parallel to the existing copper line and existing dirt roads in the area, and cross the Idaho-Nevada border to a location where it would intersect with an existing power pole line. At this point the telecommunication line would be attached aerially to the existing power poles. The route would end in the small community of Jarbidge, Nevada.

The length of the project is approximately 11.5 miles with about 3.9 miles crossing Federal lands administered by the BLM, 2.6 miles across Federal lands administered by the USFS, and 5.0 miles across privately-owned property. After an initial span across the East Fork of the Jarbidge River utilizing existing poles, the northern portion of the fiber optic line would be buried along the existing telephone line route, immediately adjacent to the existing dirt road for about 3.35 miles. At this point the fiber would be hung from existing power poles continuing aerially for 8.15 miles. As the fiber optic line exits the National Forest on the south, it will again be buried as it extends into the community of Jarbidge and be bored under the Jarbidge River. The proposed route was selected to follow existing and previously disturbed utility rights-of-way and existing private easements, in order to minimize disturbance to the land and provide the most accessible route. An agreement between RTC and Raft River Rural Electric has already been approved.

The District has determined that this proposed activity will be analyzed and documented in an environmental assessment. The Forest Service is applying notice, comment, and appeal regulations found at 36 CFR 215 (specific to EAs) to this project.

This document provides notice of the 30-day comment period pursuant to Forest Service regulations at 36 CFR 215. The purpose of this comment period is to provide an opportunity for the public to provide meaningful input on the proposed action prior to a decision by the Responsible Official.

## **Environmental Protection Measures**

Environmental protection measures are proposed to avoid or minimize potential negative effects to resources surrounding and within the Project area. Issues identified through internal scoping include:

- Bruneau/Jarbidge River Area of Critical Environmental Concern – a fiber optic line could visually and/or physically impact the relevant and important criteria (i.e., resources) that led to the Area of Critical Environmental Concern designation.
- Cultural Resources – If present, construction activities could impact cultural resource sites.
- Special Status Plant Species – If present, construction activities could impact Threatened, Endangered, Candidate, and/or sensitive plant species.
- Special Status Wildlife Species – Bull trout is listed as Threatened under the Endangered Species Act; bull trout spawning habitat is present in Jack and Jenny Creeks and designated critical habitat for bull trout is present in the Jarbidge River. BLM sensitive species redband trout are also present in these streams. Other BLM and Forest Service sensitive species could be impacted.

- Potential Golden Eagle nesting – If present, construction activities could impact golden eagle nesting activities.
- Crucial big game winter range is present.
- Existing right-of-ways – two buried water pipe lines are present along the route.

### **Decision to be Made**

The BLM will decide whether to grant a right-of-way to Rural Telephone Company, and if so, under what terms and conditions. The official responsible for deciding whether to grant the right-of-way is the BLM Jarbidge Field Office Manager.

Likewise, the U.S. Forest Service will decide whether to grant a special use permit to Rural Telephone Company; the official responsible for deciding whether to grant the special use permit Forest Supervisor for the Humboldt-Toiyabe National Forest.

The BLM right-of-way and the U.S. Forest Service special use permit area, combined with the private land easements, make up the Project Area.

Implementing the Proposed Action would require authorizations from other federal, state, and local agencies with jurisdiction over certain aspects of the proposed project. The BLM right-of-way and U.S. Forest Service’s special use permit would be subject to Rural Telephone Company applying for and acquiring the following permits and authorizations, as applicable, for the proposed telecommunications line.

- Section 10 of the Rivers & Harbors Act of 1899 and Section 404 of the Clean Water Act for East Fork Jarbidge River Crossing (Idaho), Army Corps of Engineers Regulatory Branch, Walla Walla District – Rural Telephone Company has already obtained this authorization.
- Section 10 of the Rivers & Harbors Act of 1899 and Section 404 of the Clean Water Act for Jarbidge River Crossing (Nevada), Army Corps of Engineers Regulatory Branch, Sacramento District – Rural Telephone Company has already obtained this authorization.
- Stream Protection Act (Title 42, Chapter 38, Idaho Code), Idaho Department of Water Resources
- Occupancy or Encroachment Permit, Elko County Highway District – Rural Telephone Company has already obtained this authorization.
- Co-location authorization, Raft River Rural Electric Cooperative

### **Environmental Analysis Process**

The BLM and USFS have determined that the preparation of an Environmental Assessment (EA) is required prior to making a decision on the project. The following information in this section is taken from the EA that is currently being prepared.

### **Scoping, Public Involvement, and Issues**

This project has been listed on the Idaho BLM NEPA Register since June 21, 2011 and it has been listed on the Forest Service Schedule of Proposed Actions since September of 2012. The scoping information packet was mailed to adjacent private landowners and other interested

parties on June 24, 2011 on behalf of both the BLM and U.S. Forest Service; the scoping period was extended to July 29, 2011. One comment letter was received by the BLM from the Elko County Board of Commissioners. The Elko County Board of Commissioners expressed support for the project. The U.S. Forest Service did not receive any comment letters regarding the project.

Resource issues and concerns (i.e. cultural resources and sensitive plant/animal species) were identified through the interdisciplinary planning process. BLM and U.S. Forest Service resource specialists identified resources to be analyzed in this Environmental Assessment. Site visits were conducted and specific field surveys were completed. These surveys included a cultural resources inventory, special status plant surveys, a general wildlife evaluation, a fisheries biological assessment, and a noxious weed evaluation. Issues identified through internal scoping include:

- Bruneau/Jarbidge River Area of Critical Environmental Concern – a fiber optic line could visually and/or physically impact the relevant and important criteria (i.e., resources) that led to the Area of Critical Environmental Concern designation.
- Cultural Resources – If present, construction activities could impact cultural resource sites.
- Special Status Plant Species – If present, construction activities could impact Threatened, Endangered, Candidate, and/or sensitive plant species.
- Special Status Wildlife Species – Bull trout is listed as Threatened under the Endangered Species Act; bull trout spawning habitat is present in Jack and Jenny Creeks and designated critical habitat for bull trout is present in the Jarbidge River. BLM sensitive species redband trout are also present in these streams. Other BLM and Forest Service sensitive species could be impacted.
- Potential Golden Eagle nesting – If present, construction activities could impact golden eagle nesting activities.
- Crucial big game winter range is present.
- Existing right-of-ways – two buried water pipe lines are present along the route.

## **Project Setting**

The Project Area is located in a transitional physiographic zone that straddles the boundary between the Great Basin, which is a part of the Basin and Range physiographic province, and the Snake River Plain, which is a part of the Columbia Plateau (Fenneman and Johnson 1946). It is at the northern limit of the Jarbidge Mountains, which stand at the boundary between the two physiographic provinces. Streams on the north slopes of the Jarbidge Mountains, including the Jarbidge River and its tributaries, drain ultimately into the Columbia River system, while streams on the south slopes of the Jarbidge Mountains drain into the Great Basin.

Apart from the Jarbidge Mountains, which rise immediately south of the town of Jarbidge, the major topographic features in the Project Area are the deeply incised canyons of the Jarbidge River and its East Fork, perennial streams that run generally southeast to northwest through the area. The East Fork of the Jarbidge River runs immediately east of the north end of the Project Area and meets the main channel of the Jarbidge River about two miles downstream from Murphy Hot Springs. On either side of both rivers, the steep slopes of the canyon rise 600 to 700 feet to meet the edges of extensive, gently rolling plateaus that are a sharp contrast to the

exposed rock faces and talus slopes of the adjacent river canyons. The Project Area crosses a large plateau, known locally as the Big Island (or Wilkins Island), which is bordered on the north by the East Fork of the Jarbidge River, on the west by the Jarbidge River proper, on the east by a short tributary of the East Fork known as Dave Creek, and on the south by a short tributary of the Jarbidge River known as Jack Creek. The canyons of Dave Creek and Jack Creek are similarly rugged and deeply incised. All of these streams drain generally northward from the Jarbidge Mountains.

Elevations in the Jarbidge Mountains range from about 5,500 to 10,839 feet above mean sea level (amsl), the highest point being Matterhorn Peak in Nevada. The Jarbidge River is the main stream on the north side of the mountains and the principal water source in the area. The river flows north to the Bruneau River, which empties into the Snake River, which then drains into the Columbia River. The Jarbidge and Bruneau Rivers system are known for their remoteness, scenery and challenging whitewater during a float season that generally runs from April to mid-June. The Jarbidge River put-in at the confluence of the West Fork and East Fork of the Jarbidge River, is located about two miles north of Murphy Hot Springs. The small settlement of Murphy Hot Springs, Idaho was settled in the 1880s as a ranch but the naturally occurring hot springs were later developed and in the early 1900s a resort was built (Swint 2000).

The town of Jarbidge, Nevada was founded in 1909 after a gold strike (Nevadaweb.com 2012). The population peaked at about 1,500 residents in 1910 and then began a decline until about 1932 when the mines closed (Western Mining History 2010). Other than these two small settlements, there are few scattered houses and ranches in the vicinity.

Historic activities in the vicinity of the Project Area have included limited construction of roads, power lines, and other utilities, grazing, wildfire suppression, burned area rehabilitation activities, and salable and locatable mineral exploration and development activities. There are County and Forest Service Roads that access the area, as well as dirt “two-tracks” on public and private lands.

## **Environmental Consequences**

Below is a summary of the preliminary environmental consequences that have been identified through the ongoing analysis.

### **Bruneau/Jarbidge River Area of Critical Environmental Concern**

A portion of the project is located within the Bruneau/Jarbidge River Area of Critical Environmental Concern (ACEC). In summary, impacts to the values that lead to the ACEC designation would be none to negligible, therefore there would be no impacts to the Bruneau/Jarbidge River ACEC.

### **Cultural and Historical Resources**

Of the 11 sites identified in the Project Area, 3 are recommended as eligible for the NRHP (Table 6). The proposed fiber optic line, constructed as presented in the Proposed Action, would not impact the NRHP-eligible site HM-02514, as the fiber optic line would be aerial in that location, spanning the site by utilizing existing power poles. The power pole anchor to be installed at pole #117 in the vicinity of HM-02514 would also avoid the site. The Proposed Action could impact the two NRHP-eligible historic roads (WSA 4

and WSA 5) directly as the result of damage incurred by construction activities. Because the portion of the proposed fiber optic line adjacent to WSA 4 would consist of a buried line paralleling one edge of the road and would not directly impact it, impacts would be negligible. A portion of the proposed fiber optic line in Idaho would necessarily cross through WSA 5 near the point where two roads (WSA 4 and WSA 5) intersect. Although this would be a direct impact to a portion of WSA 5, the scope of the impact would be small and probably unnoticeable once the fiber optic line is in place and the road restored to a serviceable condition. During installation of the fiber optic line, the construction crew would keep impacts to WSA 5 to the minimum necessary and to limit all impacts to the area adjacent to WSA 4 in order to avoid impacting the road itself.

This project would have No Adverse Effect to Historic Properties.

### **Noxious weeds and non-native, invasive Plants**

The Proposed Action would create about 6.4 acres of disturbance on BLM-administered lands, 0.0012 acres of disturbance on U.S. Forest Service-administered lands, and 1.7 acres of disturbance on private lands, a total of about 8.1 acres. Vegetation removal and soil disturbance during construction of the proposed fiber optic line would result in a temporary narrow corridor of bare soil which may provide conditions that are conducive to the establishment of noxious weeds and invasive non-native plants. Rural Telephone Company has incorporated measures in the Proposed Action to control and monitor noxious weeds. These measures would be employed until BLM and U.S. Forest Service have verified successful reclamation of the Project Area to ensure establishment of desirable species in disturbed areas. Implementation of environmental protection measures as identified in Section 2.1.5 would minimize potential establishment and/or spread of noxious weeds and overall impacts would be limited and localized.

### **Special Status Plant Species - Whitebark Pine –**

No whitebark pine individuals were found within the Project Area (JBR 2011) and the portion of fiber optic line in the vicinity of whitebark pines would be aerial, installed on existing power poles. Individuals of this species would be avoided during this project. The project may impact individuals but is not likely to cause a trend to federal listing or loss of viability for populations of whitebark pine. Further, the project is not likely to jeopardize continued existence of the species or adversely modify habitat.

### **Special Status Plant Species - Bull Trout**

Based on the analysis of effect to bull trout, the Project May Affect and is Not Likely to Adversely Affect bull trout and their designated critical habitat on BLM-administered land on the East Fork Jarbidge River. Short-term impacts include the spanning of occupied critical habitat by the fiber optic line. Direct effects to critical habitat could include increases in turbidity or fine sediment in bull trout habitat, with negligible short-term effects to water quality and substrate.

On National Forest System Lands, the Project May Affect and is Likely to Adversely Affect bull trout in the short term. Short-term impacts include the temporary crossing of UTVs in occupied bull trout habitat as well as spanning of occupied bull trout habitat by the fiber optic line. Direct effects could include bull trout mortality or displacement in



Jack and Jenny creeks during stream crossings, as well as negligible increases in turbidity or fine sediment in bull trout habitat. There would be no long term adverse impacts to bull trout as a result of the Project.

On National Forest System lands, the Project May Affect and is Not Likely to Adversely Affect critical habitat for bull trout. This is due to the potential for effects to water quality and substrate during the crossing of the creeks and boring under the West Fork Jarbidge River. These effects are suspected to be negligible.

Due to the potential for direct impacts on National Forest System Land, the overall determination for the Project is May Affect and is Likely to Adversely Affect bull trout in the short term. The Project May Affect and is Not Likely to Adversely Affect critical habitat for bull trout as any impacts are expected to be negligible.

### **Special Status Plant Species - Greater sage-grouse**

The majority of the fiber optic line would be aerial, placed on existing poles and the project would not increase the number of poles or create any additional perching structures for sage-grouse predators.

The buried portion of the fiber optic line will disturb approximately 8.1 acres, including areas within suitable habitat for greater sage-grouse. As the Project would be constructed during an approximately 1-2 month period outside the breeding season (March 25 – May 15 for high elevations; Idaho Sage-Grouse Advisory Committee 2006), there would be no disturbance to breeding birds. Any sage-grouse foraging in close proximity to Project activities outside the breeding season would likely be disturbed by noise and human activity in the right-of-way. These birds would be displaced into adjacent habitat, but are expected to return once work is completed (work is expected to last 1-2 months; however, activity within any one area would likely be less). The Project would also result in a short-term loss of habitat between construction and the time needed for successful reclamation. Seeding disturbed areas would result in rapid establishment of herbaceous vegetation (within 1 year). Shrubs seeded would take substantially longer (more than 1 year) to attain maturity. However, given the general availability of suitable habitat in the Project Area and the small amount expected to be disturbed, short-term impacts related to habitat are expected to be minor.

On Forest System lands, UTVs would be used to access the Project Area and would only travel on established roads. The right-of-way would be accessed by foot and no vegetation removal would occur. As a result, there would be no loss in habitat as a result of the Project. The fiber optic cable would be placed on existing poles and the Project would not increase the number of poles or create any additional structures for sage-grouse predators. Further, as the Project would be constructed during June or July, direct effects to breeding birds are not expected. Any birds foraging in close proximity to Project activities would likely be disturbed by noise and human activity in the ROW. These birds would displace into adjacent habitat, but would be expected to return once work is completed. As the Project would be constructed during an approximately 2-week period outside the breeding season, the potential impacts would be temporary and minor.

### **Special Status Plant Species - Northern Goshawk**

Individuals could disperse through or be foraging in the area during construction activities. Any northern goshawk in close proximity to project activities would likely be disturbed by noise and human activity in the right-of-way. These birds would disperse into adjacent habitat, but would be expected to return once work is completed. Goshawk nests are not expected within 0.5 miles of project activities. However, if an active nest is discovered within this buffer zone, the appropriate agency would be notified and a 0.5-mile buffer area would be established to prevent nest abandonment until the nesting period is over or young have fledged. Due to the short duration of construction (1-2 months), the impacts to flying or perched goshawks in the area of construction would be temporary and minor and may impact individuals but is not likely to cause a trend to federal listing or loss of viability for populations of northern goshawk.

### **Special Status Plant Species - Willow Flycatcher**

Individual flycatchers may be present in the area of construction. These individuals would be disturbed by noise and human activity in the right-of-way. These birds would temporarily disperse into adjacent habitat, but would be expected to return once work is completed. Due to the short duration of construction (1-2 months), this impact would be temporary and minor.

Flycatcher nests would not be disturbed. Although construction would occur during the nesting season, migratory bird nesting surveys would be conducted prior to construction. If an active nest is discovered, the USFWS would be notified and an appropriate buffer area would be established to prevent nest abandonment until the nesting period is over or young have fledged. As a result, the project is unlikely to directly affect nesting birds.

### **Special Status Plant Species - Redband Trout**

Impacts to redband trout would generally be the same as described above for bull trout and would include possible mortality or displacement in Jack and Jenny creeks during stream crossings, as well as negligible increases in turbidity or fine sediment in the East and West Forks. Overall, the impacts are expected to be negligible and short term.

### **Migratory Birds**

Construction of the fiber optic line would temporarily disturb about 8.1 acres of habitat. Construction of the proposed fiber optic line could potentially affect nesting birds, but those impacts are expected to be minimal due to the limited scope and duration of the project and the environmental protection measures in place. Rural Telephone Company has incorporated environmental protection measures (in the Proposed Action) to address potential impacts to migratory birds. These measures include pre-construction nesting surveys. If an active nest is discovered, the USFWS would be notified and an appropriate buffer area would be established to prevent nest abandonment until the nesting period is over or young have fledged. As a result, the project is unlikely to directly affect nesting birds.

Any birds foraging in close proximity to project activities would likely be disturbed by noise and human activity in the right-of-way. These birds would disperse into adjacent habitat, but would be expected to return once work is completed. As construction would

last 1-2 months, this impact would be temporary and minor and would “contribute to a stable trend” in populations of these species.

### **Grazing Management**

There would be negligible impacts to grazing management as a result of the Proposed Action. There would be livestock present during construction activities as season of use and the proposed construction schedule would coincide. The buried portion of the fiber optic line would temporarily disturb about 8.1 acres, almost entirely within the Wilkins Island grazing allotment; this small change would have a negligible impact on forage availability for the allotment. The 12-inch wide trench would be backfilled as the trench is created and cable installed concurrently. There would be no open trench, therefore no safety issues for livestock. The buried portion of the fiber optic line would cross two range improvements, a fence and a livestock water pipeline. The pipeline would be bored under. If necessary, the fence would be opened for construction to pass and repaired immediately in like condition as before construction.

The majority of the fiber optic line would be aerial utilizing the existing power line. The range improvement fence that crosses under this power line would not be impacted by the Proposed Action. However, if damage were to occur, any damage to the fence would be repaired in like condition as before construction. The proposed action would have no measurable impacts to the standards for rangeland health.

### **Socio-Economics**

The Proposed Action would improve the quality of telecommunications in the area providing increased socioeconomic opportunity that is associated with modern technology. The population growth, ethnic makeup, and local economy would continue to depend on factors such as social trends and overall economic conditions.

### **Soils**

The Proposed Action would result in temporary disturbance of approximately 8.1 acres of soils as a result of installation of the buried portion of the fiber optic line. Soils would be disturbed to a depth of 4 feet as a result of conduit installation via trenching. Implementation of EPMS, as identified in Section 2.1.5, would minimize loss of soil from erosion due to wind and water. Impacts (i.e. soil displacement) would be long-term and negligible.

### **Vegetation, excluding Special Status Plant Species**

Clearing of vegetation would be kept to a minimum. The Proposed Action would result in disturbance of approximately 8.1 acres of vegetation in a narrow strip as a result of clearing and installation of the buried portions of the fiber optic line. The main vegetation type affected is the Wyoming big sagebrush/green rabbitbrush shrubland community as it is most prevalent in the buried fiber optic line portion of the Project Area where the nearly all of the disturbance would occur. Overall, the impacts to sagebrush communities and riparian vegetation are minor and short term; impacts to other vegetation types are negligible since they occur in the aerial portion of the Project Area.

## **Wildlife (Other than Threatened, Endangered, Sensitive, and Other Special Status Species)**

The project would not impact use of critical winter range for mule deer or elk as construction would take place outside the winter range seasons noted above. The limited duration of construction during the summer months and minimal disturbance would not have any direct effects on mule deer, elk, or bighorn sheep that use the Project Area for movement or foraging. Any mule deer, elk, or bighorn sheep in the vicinity of the right-of-way during construction would be temporarily displaced during construction (1-2 months) into adjacent habitat due to noise and human presence. However, following construction they would return and indirect impacts would be minor and temporary. As a result, actions associated with the project would contribute to a stable trend for mule deer and elk. Bighorn sheep are unlikely to be present, except as occasional transients, and any indirect impacts would be negligible and would contribute to a stable trend for the species.

Impacts to amphibians would be avoided by aerially crossing or boring under all perennial, ephemeral, or intermittent streams. Direct impacts to birds, small mammals, and reptiles would be minimal as most wildlife in the path of disturbance would be able to escape construction equipment. There would be no open holes or trenches during construction; for the buried portion of the fiber optic line, the trench is backfilled as the conduit is installed (Section 2.1.2). Implementation of environmental protection measures and subsequent seeding, as identified in Section 2.1.5, would minimize impacts to wildlife through rapid reclamation and establishment of herbaceous vegetation (within 1 year). Shrubs seeded would take longer (more than 1 year) to attain maturity. However, given the general availability of suitable habitat in the Project Area and the small amount expected to be disturbed, short-term impacts related to habitat are expected to be minor.

## **Comment Process**

The Forest Service is required to provide a 30-day notice and opportunity to comment period under its appeal regulations at 36 CFR 215. We encourage your comments on this Project. Written, facsimile, hand-delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following the publication of the legal notice for this project in the Elko Daily Free Press. It is the responsibility of persons providing comments to submit them by the close of the comment period. Interest expressed or comments provided after the close of the 30-day comment period will be considered, but will not confer eligibility to appeal any Forest Service decision to proceed with the Project.

Mailed comments must be submitted to: District Ranger, Mountain City Ranger District, 2035 Last Chance Road, Elko, Nevada 89801. The fax number is (775) 778-6167. Office business hours for those submitting comments in person are: 7:30 am to 4:30 pm Monday through Friday, excluding federal holidays.

Electronic comments must be submitted in a format such as an email message, pdf, plain text (.txt), rich text format (.rtf), and Word (.doc/.docx) to: comments-intermtn-humboldt-toiyabe-rubymtns-jarbidge @fs.fed.us.

All comments submitted will become part of the project record and may be made available for public review under the Freedom of Information Act if requested.

## **Appeal Eligibility**

Individuals and organizations wishing to be eligible to appeal any Forest Service decision must provide the information identified in 36 CFR 215.6, including : [i] name and address; [ii] title of the proposed action; [iii] specific comments (36 CFR 215.2) on the proposed action, along with supporting reasons that the Responsible Official should consider in reaching a decision; [iv] signature or other verification of identity upon request; identification of the individual or organization who authored the comment(s) is necessary for appeal eligibility; [iv.A] for appeals listing multiple organizations or multiple individuals, a signature or other means of verification must be provided for the individual authorized to represent each organization and for each individual in the case of multiple names, to meet appeal eligibility requirements; [iv. B] those using electronic means may submit a scanned signature. Otherwise another means of verifying the identity of the individual or organizational representative may be necessary for electronically submitted comments or comments received by telephone; [v] individual members of an organization must submit their own comments to meet the requirements of appeal eligibility; comments received on behalf of an organization are considered as those of the organization only.

Comments received in response to this notice, including names and addresses of those who comment, will be considered part of the public record for this project and will be available for public inspection and will be released if requested under the Freedom of Information Act.

## **Contact**

For additional information please contact Tina Gast, Mountain City Ranger District at (775) 623-5025 ext. 111 or email at [mgast@fs.fed.us](mailto:mgast@fs.fed.us).

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.