Environmental Assessment

Windstream Communication's Proposed Fiber-Optic Cable Installation Project in Sandoval County, New Mexico

Bureau of Land Management – Rio Puerco Field Office

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Parametrix

ENVIRONMENTAL ASSESSMENT

Windstream Communications Fiber-Optic Cable Installation Project in Sandoval County, New Mexico

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U.S. Department of the Interior
The Bureau of Land Management
Rio Puerco Field Office
435 Montano Rd NE
Albuquerque, NM 87107

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LIST OF ABBREVIATIONS

AQB	Air Quality Bureau, New Mexico Environment Department
ACEC	Area of Critical Environmental Concern
AOI	Area of Interest
ARMS	Archaeological Records Management Section
ASTM	American Society for Testing and Materials
APE	area of potential effects
BA	Biological Assessment
BACM	best available control measures
BFO	buried fiber optic
BLM	U.S. Bureau of Land Management
BMP's	Best Management Practices
BOP	beginning of project
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CO	Central Office
CWA	Clean Water Act
DVECO	Degree of Vulnerability Economic Status
DVMAV	Degree of Vulnerability Minority Status
EA	Environmental Assessment
ECHO	Enforcement & Compliance On-line
EID	Environmental Information Document
EJ	Environmental Justice
EO	Executive Order
EOP	end of project
EPA	Environmental Protection Agency
GIS	Geographic Information System
HPD	New Mexico Historic Preservation Division
HW	Highway
IM	Isolated manifestations
MBTA	Migratory Bird Treaty Act
MP	Milepost
NAAQS	National Ambient Air Quality Standard
NAD	North American Datum
NEPA	National Environmental Policy Act
NM	New Mexico or New Mexico State Highway

NMAC	New Mexico Administrative Code
NMCRIS	New Mexico Cultural Resources Information System
NMGC	New Mexico Gas Company
NMDGF	New Mexico Department of Game and Fish
NMDH	New Mexico Department of Health
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environmental Department
NMEMNRD	New Mexico Energy, Minerals, and Natural Resources Department
NMNHP	New Mexico Natural Heritage Program
NMOSE	New Mexico Office of the State Engineer
NMPM	New Mexico Prime Meridian
NMRPTC	New Mexico Rare Plant Technical Council
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PCBs	Polychlorinated biphenyls
PNM	Public Service Company of New Mexico
PSTB	Petroleum Storage Tank Bureau
RCRA	Resource Conservation & Recovery Act
RMP	Resource Management Plan
SHPO	State Historic Preservation Office
SLO	New Mexico State Land Office
SWPPP	Storm water pollution prevention plan
U.S.	United States
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USDI	United States Department of the Interior
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UTM	Universal Transverse Mercator
VRM	Visual Resource Management
WRCC	Western Regional Climate Center

CHAPTER 1 — INTRODUCTION

1.1 IDENTIFYING INFORMATION

Windstream Communications (Windstream) is proposing the installation of approximately 21.2 miles (mi) of buried fiber-optic line in Sandoval County, New Mexico. The fiber-optic line would link the Cuba exchange in the northeast with an existing fiber-optic line in the southwest (Figure 1). The proposed undertaking would upgrade the communication system for this part of northern New Mexico.

The proposed fiber-optic line would be installed primarily within New Mexico Department of Transportation (NMDOT) right-of-way along New Mexico State Highway 197 (NM197). Of the total 21.2 mi of proposed line, approximately 12.5 mi are located on land administered by the Bureau of Land Management (BLM) Rio Puerco Field Office (RPFO), 7.0 miles are New Mexico Department of Transportation (NMDOT) land acquired from private sources, 1.2 miles is private land, and 0.5 mile is land administered by the New Mexico State Land Office (NMSLO). A 15-ft-wide easement for line installation would result in the use of approximately 22.7 acres of BLM land. The proposed project is located on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangle maps.

This environmental assessment (EA) considers potential impacts to the entire 21.2-mi project corridor. It describes the existing conditions and assesses the impacts of the proposed action and no-action alternatives. Direct and indirect site specific effects of the proposed fiber-optic installation project are assessed. The impacts are analyzed for long-term and short-term consequences and cumulative impacts.

1.2 PURPOSE AND NEED FOR ACTION

The BLM RPFO has received a utility easement application from Windstream to install fiber-optic cable along 12.5 miles of BLM land (BLM Standard Form 299, *Application for Transportation and Utility Systems and Facilities on Federal Lands*). Windstream has identified a need to upgrade the existing telecommunications system in northern New Mexico in order to make the system more reliable. The communities of San Ysidro, Jemez Pueblo, Cañon, Jemez Springs, La Cueva, Ponderosa, Cañones, Seven Springs, and Sierra de los Pinos, as well as northern New Mexico more generally, would benefit from the installation of a fiber-optic route from Cuba to San Ysidro, to supplement the current Medium Wave radio transmission in these areas. The proposed action would help complete a regional fiber-optic loop that would provide an alternate route of service to major communities, thereby ensuring consistent reliable service in the event of any malfunctions, cuts or breaks along any point of the line.

The purpose of the proposed action is to address the need identified by Windstream, in conformance with the objectives of the Rio Puerco Resource Management Plan (RMP), November 1986 as maintained and reprinted, October 1992. Under Section 2801.2 of BLM right-of-way regulations, it is BLM's objective to grant right-of-way to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
b) Prevents unnecessary or undue degradation to public lands;
c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and
d) Coordinates, the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

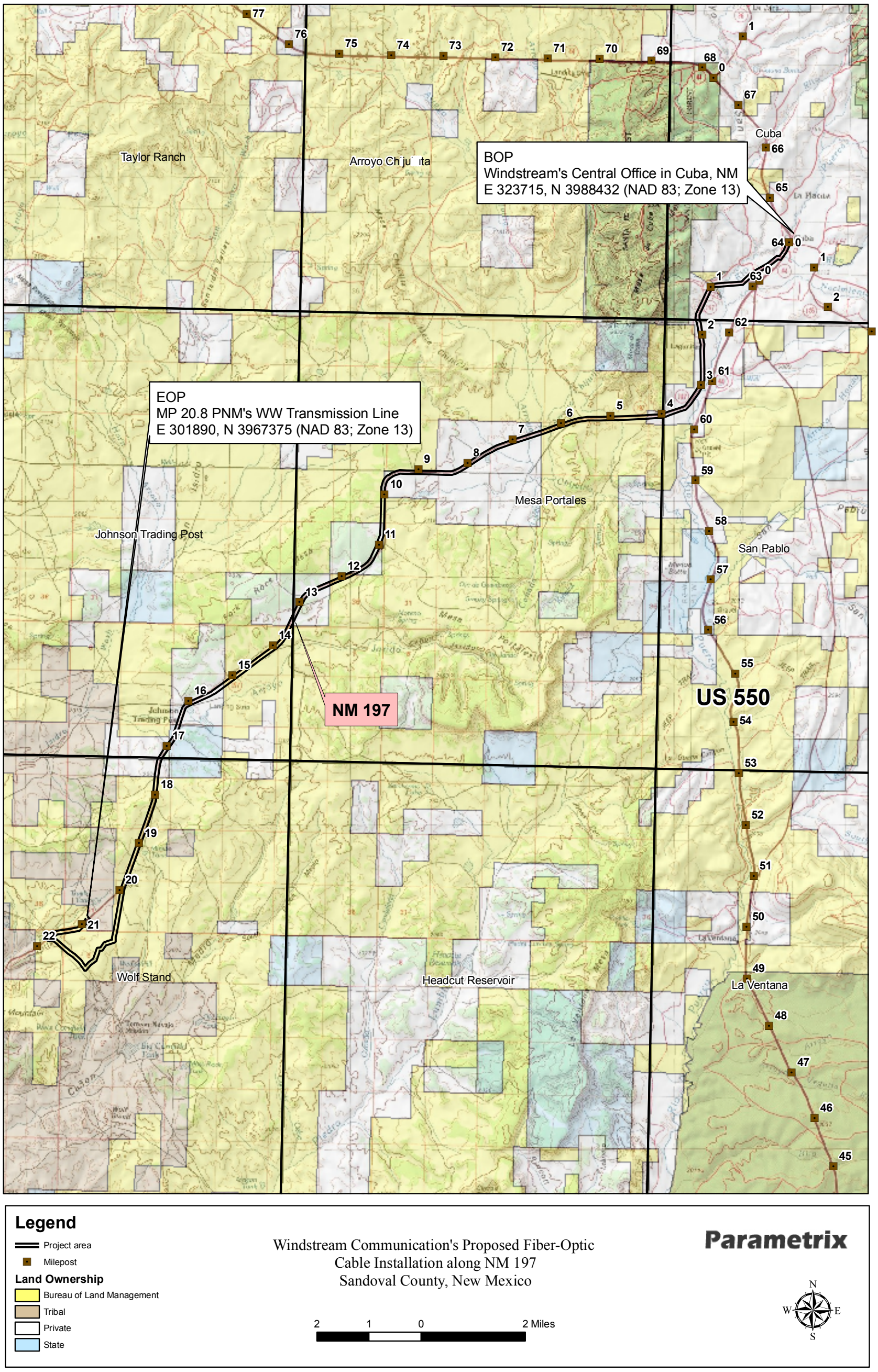

Figure 1: Project Area Map

1.3 EXTERNALLY GENERATED ACTION

The proposed action would provide Windstream with a 15-ft-wide utility easement on BLM land for the installation of approximately 12.5 miles of fiber-optic cable. This easement would impact approximately 22.7 acres of land administered by the Rio Puerco Field Office of the BLM.

1.4 DECISION TO BE MADE

The BLM will decide whether or not to grant the utility easement, and if so, under what terms and conditions.

1.5 SCOPING AND ISSUES

Scoping letters were first sent to agencies on June 30, 2009, and then again on July 10, 2009, and on August 27, 2009, seeking comments on the proposal to install fiber-optic cable and associated equipment in Sandoval County. The first letter outlined the proposed route along NM 197. The second letter was sent after discussions with the BLM RPFO to treat the NM 197 section as part of a larger project that also includes the installation of fiber-optic cable along US 550 and Cabezon Rd. south and west of San Ysidro. Further study team discussions with the BLM RPFO have resulted in the final decision that the NM 197 section and the Cabezon Road section should be treated as separate, stand-alone projects instead of one project. The Cabezon Road project is discussed in more detail within the cumulative impacts section of this document.

In accordance with requirements for agency consultation and coordination of the NEPA process, appropriate agencies and interested parties were contacted regarding the project. A copy of the scoping letters, a list of those contacted, and responses received are included in Appendix A. No significant issues were raised during external scoping.

1.6 CONFORMANCE WITH LAND USE PLANS

This action conforms to provisions of the Rio Puerco RMP, November 1986 as maintained and reprinted, October 1992. Page 10 of the document includes the following statement: "All future resource management authorizations and actions in the Rio Puerco Resource Area (now Rio Puerco Field Office), including budget proposals, will conform or, at least not conflict with the Rio Puerco RMP." This proposal does not conflict with provisions of the plan. The Draft Rio Puerco Resources Management Plan, March 1985, page 2-22 says further, "The RPRA Grants rights-of-way, leases and permits to qualified individuals, businesses, and governmental entities for the use of public lands."

1.7 RELATIONSHIPS TO STATUTES, REGULATIONS, OR OTHER PLANS

The proposed action is in conformance with Sandoval County's Land Development Code. This action is also consistent with other state, regional, and local planning documents and proposed actions.

Implementation of the proposed action will involve a variety of federal, state, and local permits, authorization and approvals, including consultation with federal, state and local government agencies and authorities. The authorizing items have been included in the design features with further discussion in Section 4: Environmental Effects.

CHAPTER 2 — PROPOSED ACTION AND ALTERNATIVES

2.1 DESCRIPTION OF PROPOSED ACTION

The proposed action is the designation of a utility easement for Windstream Communications for the installation of a fiber-optic cable along approximately 12.5 mi of BLM land administered by the RPFO. A 15-ft-wide easement would result in impacts to approximately 22.7 ac of BLM land.

Windstream Communications is proposing a total of 21.2 mi of fiber-optic line (BFO-24) and associated equipment primarily within the NM 197 right-of-way, in Sandoval County, New Mexico. In addition to BLM land, the proposed route traverses approximately 7.0 miles of NMDOT land acquired from private sources; 1.2 miles of private land; and 0.5 mile of land administered by the NMSLO.

The beginning of the project (BOP) is located at Windstream's Central Office in Cuba and the end of project (EOP) is located at the intersection of NM 197 and Public Service Company of New Mexico's (PNM's) WW Transmission Line. Near the EOP, the route departs from NM 197 following existing roads and two-tracks around a small parcel of Navajo land, before rejoining NM197 and returning east to end at the PNM WW Transmission line (see Figure 1). The majority of the proposed fiber-optic line would be buried; however, a total of 20 aerial inserts are proposed to span obstacles and avoid impacts to environmental resources. A detailed description of the route by milepost (MP) is provided in Appendix B. Table 1 shows the proposed line placement at specific resources locations. The remaining aerial inserts not detailed in Table 1 would span small ephemeral drainages and obstacles such as rocky terrain. There is one gas pipeline crossing at MP 21.12 to MP 21.07 that would be avoided using an aerial insert at this location.

The proposed 1-inch fiber-optic cable is sheathed in a 2-inch innerduct for protection. The majority of the line would be buried along the NM 197 right-of-way fence using a vibratory plow. Trenches averaging approximately 8 inches wide and 36 inches deep would be required for cable installation. After the innerduct and cable were placed in the trench, a tractor would compact the disturbed area. Rocky areas would either be avoided by installing aerial inserts or would be sawed approximately 4 to 6 inches wide and 36 inches deep with a rock-saw trencher. The innerduct line would be connected to handholes installed every 1.5 mi on the side of the roadway. Handholds would measure 36 inches by 60 inches by 30 inches, have traffic control lids, and would avoid low-lying areas. Open trenches—measuring 2 ft wide, 3 ft deep and 6 to 10 ft long—would be excavated to connect innerducts to handholes. Compaction tests would be completed by a Windstream contractor.

To avoid archaeological sites, wetlands, arroyos, rocky terrain and other obstacles, the line would be shifted from one side of the road to the other, be installed in the bar ditch parallel to the road edge, or be installed on aerial inserts. Culvert crossings and deep drainages would either be bored with a directional boring machine or the line would go aerial at these locations. Where the route crosses the road, existing pavement would be cut and repaved after installation. Heavy equipment such as backhoes, "ditch witches," and rock-saw trenchers would be used for plowing/knifing of the trench line.

Detailed information about the design of the proposed route, by MP number, is provided in Appendix B. Table 1, *Design Features Developed to Avoid Resources*, lists the proposed line location in relation to identified resources, including wetlands, arroyos, and archaeological sites. These design features have been incorporated into the proposed action.

Table 1. Design Features Developed to Avoid Resources

(Shaded cells denote resources located on BLM land)

Resource	Location	Fiber-Optic Placement
Archaeological Site LA 85119	Confidential	Plowed into the bar ditch outside the site boundary. Monitoring by qualified archaeologist during construction in area of site.
Archaeological Site LA 85120	Confidential	Already planned for the other side of NM 197
Archaeological Site LA 85121	Confidential	Already planned for the other side of NM 197
Archaeological Site LA 85122	Confidential	Aerial insert would span large arroyo adjacent to site and would be extended to avoid the site. Monitoring by qualified archaeologist during construction in area of site.
Archaeological Site LA 132198	Confidential	Already planned for other side of NM 197. Monitoring by qualified archaeologist during construction in area of site.
Wetland 1	South of Cubita and Miera Rds intersection	Aerial insert with poles placed 248 ft south and 489 ft south of the Cubita and Miera intersection
Wetland 2	MP 5.38 to MP 5.56	Line would be bored beneath existing culverts on the north side of NM197 between MP 5.38 and MP 5.39; Line would then be plowed in the bar ditch on the north side of NM197 to avoid the wetland.
Wetland 3	MP 7.28 to MP 7.38	Aerial insert with poles placed at MP 7.28 and MP 7.38
Rio Puerco	MP 0.41 to MP 0.73	Aerial insert with poles placed at MP 0.41 and MP 0.73
Arroyo 1	MP 3.22 to MP 3.28	Aerial insert with poles placed at MP 3.22 and MP 3.28
Arroyo Chijuilito/ NM 197 Crossing 1	MP 6.23	Line will be bored from the north side of NM 197 to the south side
Arroyo Lucero	MP 6.75 to MP 6.77	Aerial insert with poles placed at MP 6.75 and MP 6.77
Arroyo 2	MP 15.33 to MP 15.34	Aerial insert with poles placed at MP 15.33 and MP 15.34
Arroyo Jarido	MP 15.97 to MP 16.0	Aerial insert with poles placed at MP 15.97 and MP 16.0
Arroyo 3	MP 20.93 to MP 20.96	Aerial insert with poles placed at MP 20.93 and MP 20.96
NM 197 Crossing 2	MP 21.12	Line will be bored from the south side of NM 197 to the north side
Gas Lines	MP 21.12 to MP 21.07	Aerial insert to avoid gas lines

Other Stipulations Incorporated into the Proposed Action

Efforts would be made to contain the loose soil during installation activities to avoid soil loss and adverse effects to water and air quality in the proposed project area. Immediately upon completion, loose soil would be backfilled, compacted, and graded into trenches or appropriate areas at the action site. Contractors would follow BLM stipulations regarding vegetative reseeding and avoidance of the spread of noxious weeds. Windstream would adhere to BLM visual resources management (VRM) objectives for Class IV, which is the least restrictive category and encompasses the entire project area. Compaction and grading of the trench would ensure minimal visual impacts.

Additional best management practices would be employed to reduce impacts to surface water resources from the proposed action including: controlling vehicles and equipment to restrict off-road use to the utility easement, preventing destruction of vegetation immediately adjacent to work areas, and preventing releases of materials from the construction area, such as plant material, trash, and oil or fuel from equipment. Because the proposed action would impact more that 1 acre of soil, a Stormwater Pollution Prevention Plan (SWPPP) would be required for the project under the National Pollution Discharge Elimination System (NPDES) Storm Water Permit Program administered by the New Mexico Environment Department (NMED) Surface Water Quality Bureau. The contractor would adhere to the SWPPP and its stipulations, including water and erosion control measures and post-construction controls in order to ensure protection of surface water resources.

All jurisdictional waters and wetlands regulated by the United States Army Corps of Engineers (USACE) would be avoided by all project activities. There would be no dredging or depositing of fill materials within jurisdictional waters.

To minimize and eliminate potential impacts to wildlife from trenching activities, contractors would adhere to recommendations made by the New Mexico Department of Game and Fish (NMDGF) (included in Appendix A): trenching would occur during the cooler month; trenches would be refilled immediately after cable installation and would not be left open overnight; and heavy equipment travel would be limited to the immediate construction right-of-way.

During construction, the contractor would employ the following traffic control practices: strategically placed signs, lights, barrels, barricades, cones, flags, and speed limit reductions. Windstream would coordinate with emergency service providers in order to allow full access for emergencies during construction. Temporary closures would occur for boring activities. These temporary closures would follow Windstream standard protocol for a two-lane road closure including the use of two flagmen and signage posted 1,500-2,000 ft from the proposed work area.

In the event that environmental contamination is encountered during excavation at the proposed action location (e.g. any unusual odors, liquids, materials, or stained soils), appropriate response procedures would need to be available, including a plan for work area controls, notification instructions, and subsequent investigations. If contaminated soil or water is encountered during construction, all monitoring, handling and disposal requirements must be met in order to protect workers, the public, and the environment, from contaminants.

Right-of-way Acquisition

New right-of-way is required for the project. Windstream has applied for a 15-ft-wide utility easement for the portion of the fiber-optic line that would cross federal lands administered by BLM. No additional permanent access road requirements are required.

Windstream has applied for an easement from the NMDOT along NM 197 and US 550 that does not cross BLM or NMSLO land. The NMSLO has granted Windstream a 10-ft easement for the portion of the fiber-optic line that would cross State Trust land.

2.2 NO ACTION ALTERNATIVE

Under the no-action alternative, the BLM RPFO would deny Windstream's utility easement application, and the proposed action of installing fiber-optic cable on public land would not be initiated.

The no-action alternative is considered as a part of BLM's NEPA process and provides a comparative impact base for other alternatives. It could be selected by BLM if warranted by the findings of the environmental analysis. It is not, however, a viable action alternative because it would not meet the purpose and need identified in the proposed action.

2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

One alternative considered early in the process was connecting from Cuba to San Ysidro and then Albuquerque via US 550. However, because there is existing cable along the PNM WW Transmission Line that heads north from Albuquerque, it became apparent that connecting to the PNM line was preferable to creating a new line. Connecting to the existing line from Cuba along NM 197 and from San Ysidro along Cabezon Road would have the benefit of creating a fiber-optic loop network in this region; however each project alone also has separate utility due to its own complete connection to Albuquerque. Because attaching to the existing cable reduced the overall scope and impact of the project, the alternative of a new cable route to Albuquerque via US 550 was omitted early in the planning process.

Another alternative that was considered was continuing straight through a small parcel of Navajo Nation land on NM 197 at the far western end of the project area to reach the PNM WW Transmission Line. Windstream began initial consultations with the Navajo Nation about this alternative. However, difficulties with gaining a new easement on Navajo land led Windstream to seek an alternate route. An alternate route was identified that utilized existing roads outside the boundaries of the Navajo Nation land, and this route became part of the proposed action. The route through Navajo Nation land was eliminated and not analyzed in detail as a viable option.

CHAPTER 3 — AFFECTED ENVIRONMENT

Environmental conditions and resources evaluated in this document include: climate; topography, geology and soils; land use; farmland; floodplains; wetlands; surface and ground water; biotic communities, including threatened and endangered species; cultural and historic properties; public health and safety; transportation; and visual impacts.

3.2 GENERAL ENVIRONMENT

3.2.1 Climate

The climate of the proposed project route is semiarid. Rainfall for the area is heaviest in July, August, and September. The mean annual precipitation for the NM 197 section is 10.26 in and the average annual snowfall for this section is 20.2 in, with snowfall heaviest in December and January (Western Regional Climate Center [WRCC] 2007). The average minimum temperature is 34.6 degrees Fahrenheit (F) and the average maximum temperature is 66.0 degrees F.

3.2.2 Topography, Geology, and Soils

The project area is located near the junction of three physiographic provinces: the Southern Rocky Mountain Province, the Lower Basin and Range Province, and the Colorado Plateau physiographic province (Dick-Peddie 1993; Hawley 1986). Sedimentary rocks, namely sandstones and shales, are dominant and form hogbacks, canyons, and mesas in the area (Cather 1992). Rock outcrops in the project area are Jurassic age sandstones mainly of the Saido and Zia complexes (NCRS 2008). Soils in the project area are mostly derived from these bedrock formations via aeolian processes, creating low dunes and sand sheets (Hacker 1997).

Within the project route, the Rio Puerco is the major waterway in the general vicinity and its tributaries are a semi-perennial water source. The eastern end of the NM 197 route is near the Rio Puerco, Mesa de Cuba, and Mesa Portales. The proposed route also crosses Arroyo Chijuillita and Arroyo Jarido near Fork Rock Mesa. The western end is adjacent to San Ysidro Wash and Torreon Wash. Elevation across the project area ranges from 6,920 ft in Cuba at the BOP, to 6,585 ft at the EOP. Sedimentary rocks, namely sandstones and shales, are dominant and form hogbacks, canyons, and mesas in the area.

Soils of the NM 197 route can be classified into the general categories of Aridisols and Entisols (Maker and Daugherty 1986). Both of these soil types are found in arid areas and are poorly developed and easily eroded. They also often have secondary accumulations of either calcium carbonate or gypsum. Soil types that are encountered most often along the proposed route include the Penistaja series, Fruitland series, Berent series, and Las Lunas series. Also present along NM 197 are areas of clay badlands and alkali alluvial lands, along with rocky soils and talus slopes near bedrock outcroppings (NRCS 2007). BLM paleontologists have not identified any important fossil areas in the proposed project area.

3.2.3 Land Use

The project area exhibits numerous indications of pre-existing and ongoing disturbances resulting from regional development. Impacts to the immediate project area include road and utility-line construction along with road maintenance, and fuel harvesting activities. Land use along the proposed action route is predominantly rural. The rural setting is characterized by grazing allotments and very few and scattered residences.

3.2.4 Farmland

The soil type classified for the project area is San Mateo loam. In general, this soil type is used for livestock grazing, rangeland, wildlife habitat, and occasionally for irrigated cropland. There are no soil types within the project area that are described by the NRCS as prime farmland, farmland of local importance, farmland of statewide importance, or unique farmland (NRCS 2009).

3.2.5 Wetlands

Wetlands include permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Jurisdictional wetlands, those protected under Section 404 of the Clean Water Act (CWA) and Executive Order 11990, and classified as Waters of the United States by the USACE, have three essential characteristics:

- Dominance by hydrophytic vegetation;
- Hydric soils; and
- Wetland hydrology.

Hydrophytic vegetation requires inundated or saturated soils. Hydric soils are ponded or flooded for a sufficient time during the growing season to develop anaerobic conditions. Wetland hydrology is the availability of surface water or groundwater to create a wetland environment (USACE 1987).

There were three wetlands identified within the project area. One is located approximately 489 ft south of the Cubita and Miera intersection; the other two are located at MP 5.40 and MP 7.28 along NM 197. Only the wetland at MP 5.40 is located on BLM land. At this location, the cable would be bored beneath a buried culvert on the north side of NM 197 between MP 5.38 and 5.39. The line would then be plowed in the bar ditch on the north side of the road to avoid the wetland. The other two wetlands would be avoided using aerial inserts (see Table 1). The USACE had been consulted and has provided a determination that due to avoidance of these jurisdictional wetlands, no authorizations or permits are required from the USACE for this project (Appendix A)

3.2.6 Surface Water

The NMED Surface Water Quality Bureau and the USACE were both consulted during the production of this EA for the proposed action. These agencies were provided with a description of the project to give them an opportunity to respond with any concerns or issues they may have in regards to potential impacts to surface water features in the region (Appendix A).

Based on this information, it was determined that surface water resources exist in the proposed project area. None of these features are perennial. The Rio Puerco is the major waterway in the general vicinity and its tributaries are a semi-perennial water source. The eastern end of the project area is near the Rio Puerco, Mesa de Cuba, and Mesa Portales.

The project corridor crosses a number of arroyos, including four large named arroyos, three large unnamed arroyos, and numerous smaller drainages (see Table 1). Of the seven large drainages, two are on BLM land: Arroyo Chijuilito (MP 6.23) and an unnamed arroyo at MP 20.95 (Arroyo 3 in Table 1). Arroyo Chijuilito will be avoided by boring beneath the arroyo from the north side of NM 197 to the south side. All other large and small drainages in the project corridor will be avoided by installing aerial inserts at these locations.

3.2.7 Biological Resources

The following paragraphs in this EA are based upon observations made by Parametrix personnel during the course of the field surveys and the evaluation of available data. A field survey for the NM 197 section was conducted on August 5-6, 2008.

Vegetation

The main biotic communities along the project route include the Coniferous Woodland, Great Basin Grassland, and the Great Basin Shrub (Martin 1986). The Coniferous Woodland is dominated by two trees: pine and juniper. The pine species are generally of the small stature and short needle variety, generically referred to as piñon pine (Dick-Peddie 1993). Often stands of these trees are dominated by a single species of piñon, while several species of juniper can be found in the same stand (Dick-Peddie 1993:87). Other plants often found in association with the Coniferous Woodland include Gambel oak (*Quercus gambelii*), big sagebrush (*Artemesia tridentata*), fourwing saltbrush (*Atriplex canescens*), rabbitbrush (*Chrysothamnus sp.*), snakeweed (*Gutierrezia sarothrae*), and various grasses (Dick-Peddie 1993:95).

The Great Basin Grassland biotic community is locally dominated by Indian ricegrass (*Oryzopis hymenoides*) and galleta (*Pleuraphis jamesii*). Other grasses found in this region are blue grama (*Bouteloua gracilis*), sand dropseed (*Sporobolus cryptandrus*), various three awns (*Aristida* sp.), and occasionally sideoats grama (*Bouteloua curtipendula*). Other plants present in this biotic community include big sagebrush, Mormon tea (*Ephedra torreyana*), snakeweed, and some scattered juniper (Martin 1986).

The Great Basin Shrub biotic community is usually dominated by either big sagebrush or saltbush, but in this area of Sandoval County the big sagebrush dominant community is the most common (Martin 1986). In more open areas, common grasses include sand dropseed (*Sporobulus cryptandrus*), blue grama (*Bouteloua gracilis*), alkali sacaton (*Sporobulus airoides*), galleta (*Pleuraphis jamesii*), and western wheatgrass (*Agropyron smithii*) (Martin 1986:70).

The vegetative community along the NM 197 project route includes predominantly shrubland and grassland with some weedy species. During the field survey, 58 plants were observed, the most common being sand sagebrush (*Artemisia filifolia*), blue grama (*Bouteloua gracilis*), fourwing saltbush (*Atriplex canescens*), one-seed juniper (*Juniperus monosperma*), and alkali sacaton (*Sporobolus airoides*).

Rangeland

The proposed route goes through the following BLM grazing allotments: No. 12 Grazing Allotment, Lagunitas Community (2,831 ac), No. 18 Grazing Allotment, Forty Four (4,733 ac), No. 11 Grazing Allotment, Dos Valles (22,246 ac), No. 16 Grazing Allotment, Fork Rock Mesa (2, 392 ac), and No. 23 Grazing Allotment, Eagle Mesa (15,697 acres ac) (BLM GIS Data 2009).

Noxious Weeds

Three species of state listed class C noxious weeds, salt cedar (*Tamarix* spp.), Russian olive (*Elaeagnus angustifolia*), and field bindweed (*Convolvulus arvensis*) were observed during the field survey. These plants may be controlled according to the discretion of the local agencies. One state listed class B weed, Russian knapweed (*Centaurea repens*), was observed in the project area (NAD 83 UTM 13N 316505m Easting and 3982516m Northing).

Wildlife

Few vertebrate fauna are strongly associated with the Coniferous Woodland. These include mice, rats, Rocky Mountain elk (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), and a variety of birds (Brown

1982:56). Fauna in the area include those species found in the Coniferous Woodland community. Other species commonly associated with the Great Basin and Chihuahuan Grassland communities include coyote (*Canis latrans*), pronghorn (*Antilocapra americana*), jackrabbit (*Lepus californicus*), and assorted small mammals as well as various species of birds and reptiles (USDA-Soil Conservation Service 1977).

Fauna of the coniferous woodland can include Townsend's ground squirrel (*Spermophilus townsendi*), dark kangaroo mouse (*Microdipodops megacephalus*), and sagebrush vole (*Lagurus curtatus*). Larger influent mammals may include coyote (*Canis latrans*), black-tailed jackrabbit (*Lepus californicus*), and pronghorn (*Antilocapra Americana*). A variety of birds and reptiles are also found in this biotic community (Brown 1982:155).

Eighteen species of animals and/or their signs were observed during the field survey, none of which are designated as special status species. The closest USFWS Designated Critical Habitat is habitat for the Mexican spotted owl (*Strix occidentalis*), which is located approximately 15 miles east of the NM 197 project area.

Migratory Birds

The Migratory Bird Treaty Act (MBTA) protects against the taking of migratory birds, their nests, and eggs except as permitted. There were no nests observed during the survey for the NM 197 project route.

3.2.8 Threatened and Endangered Species

Target Plants

Target species are endangered, threatened or sensitive species that could potentially occur in the proposed action area. To determine these target species, federal, state and local agency lists for threatened, endangered, sensitive and special-status species were consulted. The Inventory of Rare and Endangered Plants of New Mexico (Sivinski and Lightfoot 1995) and the New Mexico Rare Plant Technical Council (NMRPTC) web site were reviewed for plant species. To determine target sensitive and endangered wildlife within the proposed project area, lists from the NMDGF, the USFWS, the USFS and the BLM were consulted. The New Mexico Natural Heritage Program (NMNHP) database was also consulted. The NMNHP plant status determinations are made by the New Mexico Energy, Minerals, and Natural Resources Department (NMEMNRD).

Thirteen species of plants are listed in Sandoval County by the NMRPTC, five of which were deemed to have habitats occurring in the project area for the NM 197 project route. None of the five species were observed during field surveys. Species with potential habitats along NM 197 are described in more detail below.

Santa Fe milkvetch (*Astragalus feensis*)

Santa Fe milkvetch is a perennial plant with short stems and pink-purple flowers that bloom from April to June. It can be found on sandy benches and gravelly hillsides in piñon-juniper woodlands or in plains-mesa grasslands. It was not observed during the field survey.

La Jolla prairie clover (*Dalea scariosa*)

The La Jolla prairie clover is a small perennial that sprouts from a stout taproot. It occurs in open sandy clay banks and bluffs, often along roadsides. It was not observed during the field survey.

Springer's blazing star (*Mentzelia springeri*)

Springer's blazing star is a perennial herb with solitary yellow flowers that open in the late afternoon and bloom from July to August. It can be found in volcanic pumice and unconsolidated pyroclastic ash in woodlands. It was not observed during the field survey.

Tough muhly (*Muhlenbergia arsenei*)
Tough muhly is a tufted perennial with a spreading base. The leaf blades are 1-5 cm in length. This plant can be found on limestone outcrops in piñon-juniper woodlands. It was not observed during the field survey.

Parish's alkali grass (*Puccinellia parishii*)
Parish's alkali grass is a dwarf annual that is typically found in alkaline springs, seeps, and wetlands. There are locations within the project area that could support this species, but no individuals were observed.

Target Wildlife
Fifty-seven species of animals are listed as sensitive in Sandoval County by the USFWS and NMDGF. Of these, eighteen were deemed as having potential to occur within the project area (Table 6). The bald eagle and Gunnison's prairie dog were observed during the field survey. Northern leopard frog tadpoles may have been observed but the identification was not conclusive.

Northern leopard frog (*Rana pipiens*)
The northern leopard frog is typically found in riparian and wetland habitats, but can be found relatively far from open water. Tadpoles with leopard frog characteristics were observed within the project area and may be northern leopard frog tadpoles, but the areas where they were found would be avoided by trenching on the opposite side of the highway.

Gray catbird (*Dumetella carolinensis*)
The gray catbird is a medium sized bird that breeds in semi-open habitat with low, dense growth and can be found across most of North America. They can occur in semi-residential habitats as well. Gray catbirds forage for berries and insects among leaf litter. None were observed during the field survey.

Bald eagle (*Haliaeetus leucocephalus*)
The bald eagle is a large raptor that can weigh up to 15 pounds with a wingspan of 96 in. It feeds mainly on fish, but is an opportunistic hunter. A pair of bald eagles was observed during the field survey, but the project area lacks nesting habitat and is marginal as a hunting ground for bald eagles.

Yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
The yellow-billed cuckoo is a medium-sized bird that is found in a variety of habitats, but prefers riparian areas or deciduous woodlands. It could use the area around Rio Salado for nesting and foraging, but it was not observed.

Snowy egret (*Egretta thula brewsteri*)
The snowy egret is a white wading bird with a black bill that can be found along rivers and waterways like the Rio Salado. It could use the habitat within the project area for foraging and for nesting, but it was not observed.

Loggerhead shrike (*Lanius ludovicianus excubitorides*)
The loggerhead shrike is a medium sized passerine bird that breeds and forages in semi-open habitats and shrublands throughout the western states. It could use the habitat within the project area for foraging and for nesting, but was not observed.

Baird's sparrow (*Ammodramus bairdii*)
The Baird's sparrow is a small migratory bird that can be found in tall grass prairies. It forages on insects in the summer and seeds in the winter. They nest in colonies of up to 20 birds and build an open cup nest that is hidden on the ground. It was not observed during the field survey.

Gray vireo (*Vireo vicinor*)
The gray vireo is a small passerine bird that can be found throughout the southwestern United States. It prefers dry brush including juniper woodlands. It was not observed during the field survey.

Gunnison's prairie dog (*Cynomys gunnisoni gunnisoni*)
Gunnison's prairie dog is a small mammal that lives in large groups in grassland areas. There were many active prairie dog burrows found along the south end of the project area during the field survey. It is classified as a species of concern by the USFWS. The USFWS is interested in information about this animal for planning purposes only.

Zone-tailed hawk (*Buteo albonotatus*)
The zone-tailed hawk is a medium-sized hawk with a wingspan of 4 feet that prefers the warm arid west. It can be found in the semi-open juniper woodlands, open grasslands and open canyons. The zone-tailed hawk could use the habitat within the project area for foraging and for nesting, but was not observed.

Ferruginous hawk (*Buteo regalis*)
The ferruginous hawk is a large hawk that feeds and nests in open grasslands, deserts and open shrub habitat. The ferruginous hawk could use the habitat within the project area for foraging and for nesting, but was not observed.

Swainson's hawk (*Buteo swainsoni*)
The Swainson's hawk is a large hawk that can be found in prairie and dry grasslands throughout western North America. Swainson's hawk could use the habitat within the project area for foraging and for nesting, but was not observed.

Burrowing owl (*Athene cunicularia*)
The burrowing owl is a small, ground-dwelling owl that lives in abandoned prairie dog burrows. The burrowing owl could use the habitat within the project area for foraging and for nesting, but was not observed.

Red fox (*Vulpes vulpes fulva*)
The red fox is one of the smallest members of the Canid family. The red fox could use the habitat within the project area for hunting and for breeding. It was not observed during the field survey.

Mountain plover (*Charadrius montanus*)
The mountain plover is a medium sized ground bird that prefers dry, open, shortgrass prairies. The mountain plover could use the habitat within the project area for foraging and for nesting, but was not observed.

Yuma myotis bat (*Myotis yumanensis yumanensis*)
The Yuma myotis bat is a small bat that prefers lowland habitats throughout the western United States. This bat could use the habitat within the project area for foraging and for breeding, but was not observed.

Spotted bat (*Euderma maculatum*)
The spotted bat is found in deciduous and coniferous forests, agricultural fields, deserts, marshes and riparian areas. It was not observed during the field survey.

Little brown bat (*Myotix lucifugus*)
The little brown bat is one of the most common bats in North America. It could use the habitat within the project area for foraging and for breeding, but was not observed.

3.2.9 Cultural Resources

Between July 21, 2008 and March 6, 2009 Parametrix archaeologists conducted a cultural resource survey of the project's area of potential effect (APE). Portions of the APE that had been previously surveyed within the last 10 years were not re-surveyed, following consultation with the various stakeholders. However, any cultural resources previously identified in these areas were revisited, updated, and considered in terms of potential effects from the proposed project. As a result of this investigation, five previously recorded archaeological sites (LA 85119, LA 85120, LA 85121, LA 85122, and LA 132198), seven historic buildings (Historic Buildings [HB] 1–7), and 33 isolated manifestations (IMs) were documented and evaluated.

All five of the archaeological sites are located within NMDOT right-of-way, with three of these (LA 85120, LA 85121, and LA 85122) extending beyond the right-of-way on to private land. All seven of the historic buildings are on private land. A single isolated manifestation (IM 1) is located on SLO property, with the remainder occurring within NMDOT right-of-way and on BLM land.

A total of five of the IMs (IM 1, IM 8, IM 24, IM 25, and IM 26) documented during the current survey are *descansos*. These resources are considered special IMs. *Descansos* are road-side memorials that are erected at the general location where someone has died as the result of a highway accident. Despite the fact that these occurrences are nearly always less than 50 years old, they were recorded as IMs, to aid the project proponent in avoidance, due to their sensitive nature and possible cultural importance.

All five of the previously documented archaeological sites updated during the project were previously recommended as *eligible* to the NRHP under Criterion D for their information potential. These sites appear to have retained their integrity since initially recorded and remain in relatively good condition. As such, the sites are likely to yield information that could better our understanding of regional historic subsistence, trade, and social strategies.

Two of the historic buildings are recommended as *undetermined* for inclusion to the NRHP under Criterion C, due to extremely poor visibility from the right-of-way. The remaining five buildings are recommended ineligible for inclusion to the NRHP for lack of distinction. While they maintain varying levels of integrity, they are not good examples of particular architectural styles or distinctive or notable types, periods, or methods of construction. Further, there is no evidence that they are associated with events or persons significant to local or national history.

The cultural resources report (Parametrix 2009) was reviewed and approved by NMDOT and NMSLO for resources within their areas of jurisdiction in the project corridor. The survey was performed under New Mexico State Survey Permit Numbers NM-08/09-121-S and BLM Cultural Resource Use Permit No. 194-2920-05-L, and was assigned New Mexico Cultural Resource Information System (NMCRIS) Activity Number 112186.

3.2.10 Public Health and Safety / Environmental Inspection

Online database searches and a 2008 field inspection were conducted to investigate the possible presence of hazardous materials, otherwise known as recognized environmental conditions, in the project area. The following agencies and records were consulted to obtain pertinent information for the project route along NM 197:

- NMED, Petroleum Storage Tank Bureau (PSTB), Santa Fe NM.
- USEPA, Enviromapper, online searchable database of state and federal records including EPA regulated facilities
- U.S. Department of Agriculture, Natural Resources Conservation Service, Soilmapper, online searchable database of soil survey mapping

There are no PSTB or EPA-regulated facilities in the project area footprint. The closest PSTB site is located 0.3 mi from the BOP in Cuba, New Mexico.

3.2.11 Transportation

Transportation routes along the project alignment include Reed Road, Cubita Road, and Miera Road in Cuba, Torreon Mission Road, and NM 197.

3.2.12 Visual Resources

All lands administered by the BLM are managed to achieve some level of visual or scenic quality. The BLM uses a visual resource management (VRM) system to identify and manage scenic values on federal lands administered by that agency. The VRM system includes a visual resource inventory, which classifies visual resources on BLM land into one of four categories (Class I, II, III, or IV), and sets management objectives through the RMP process. The manner in which the four visual resource inventory classifications are determined is explained in BLM Handbook H-8410-1, *Visual Resource Inventory* and Handbook H-8431-1, *Visual Resource Contrast Rating* (USDI BLM 2004). The RPFO has classified the project area as VRM Class IV, which is the least restrictive VRM category (USDI BLM GIS Data 2009).

CHAPTER 4 — ENVIRONMENTAL EFFECTS

4.1 PROPOSED ACTION

4.1.1 Climate

No impacts to climate are anticipated. Construction activities would contribute a negligible amount of pollution and carbon dioxide to contribute to greenhouse gases affecting climate change.

4.1.2 Topography, Geology, and Soils

The proposed project route consists of some sections with steep topography, with soils exhibiting slopes on average between 0-30 percent. Potential environmental consequences include moderate soil loss from erosion, with subsequent changes in slope and topography within the project area. Best management practices for erosion control, as included in the design features of the proposed action, are expected to result in no adverse, direct, or indirect impacts to topography, geology, and soils. These practices include containment of loose soil during installation activities to avoid soil loss. Immediately upon completion, loose soil would be backfilled, compacted, and graded into trenches or appropriate areas at the action site. These measures in the project design would ensure that any impacts to area soils and erosion would be minimal.

4.1.3 Land Use

The project area is located on undeveloped land administered by the BLM, and the proposed action would directly affect approximately 21 ac along the proposed installation route. The proposed action is in compliance with the BLM RMP for the surrounding region, and no special management areas occur at the project area.

4.1.4 Farmland

There are no soil types within the project area that are described by the NRCS as prime farmland, farmland of local importance, farmland of statewide importance, or unique farmland (NRCS 2009). No farmland would be impacted directly of indirectly from the proposed action

4.1.5 Wetlands

All wetlands will be avoided by project activities and no direct or indirect impacts to wetlands are anticipated from the proposed action. The USACE has provided a determination that due to the avoidance of all jurisdictional wetlands in the project area, no authorizations or permits are required from the USACE for this project (Appendix A)

4.1.6 Surface Water

No direct or indirect impacts to surface waterways are anticipated from the proposed action. All arroyos would be avoided as outlined in the design features of the proposed action. The proposed action also includes the stipulation that the contractor would apply for and adhere to the conditions of a SWPPP, as administered by the NMED Surface Water Quality Bureau. The USACE has provided a determination that due to the avoidance of all jurisdictional waters in the project area, no authorizations or permits are required from the USACE for this project (Appendix A)

4.1.7 Biological Resources

Vegetation

Impacts to vegetation would be minimal due to restriction of activities to the 15-ft wide utility easement. The total easement would encompass approximately 38.5 acres of vegetation, and 22.7 acres of BLM land. The impact of construction disturbance on vegetation would be significantly smaller than the size of the easement, as the trench would be only 8 inches wide. The trench would be compacted and revegetated according to BLM stipulations after installation of the cable.

Rangeland

The proposed action would entail a minimal amount of BLM acreage being taken out of the BLM grazing allotments located along the project routes. Due to the limited area of disturbance and its location in an existing road right-of-way, however, the proposed action is not expected to adversely affect the capacity or use of grazing allotments in the area.

Noxious Weeds

Russian knapweed (*Centaurea repens*) was observed along the proposed fiber-optic route. The proposed project may contribute to the spread of this noxious weed if not properly managed. Because of the large amount of seeds produced by Russian knapweed and the ability of the plant to reproduce from pieces of roots, it may require a combination of several eradication methods. These methods would be developed according to BLM stipulations. Adherence to these stipulations would minimize spread of noxious weeds in the project corridor, and any impacts would be minor.

Wildlife

In general, the proposed project is not expected to negatively affect wildlife populations. In order to minimize harm to animals during construction, the NMDGF has developed guidelines for projects that involve trenching. These guidelines have been incorporated into the design features section of the proposed action. Adherence to these guidelines would ensure that any unforeseen impacts to wildlife would be negligible and temporary.

Migratory Birds

No birds nests were identified during the biological survey. The use of aerial inserts to cross Waters of the United States would have a minimal impact on migratory birds. Birds could possibly fly into the suspended cables which may cause injury or death. The potential for this occurring is low and the potential impact is negligible.

4.1.8 Threatened and Endangered Species

No threatened or endangered species or their habitat would be impacted by the proposed project. There are no anticipated negative effects to special status target plants in Sandoval County from project activities. The Gunnison's prairie dog (*Cynomys gunnisoni gunnisoni*), USFWS species of concern, may be negatively impacted from activities associated with this project, but these impacts would be temporary and negligible in relation to the overall prairie dog colony.

4.1.9 Cultural Resources

Due to avoidance measures identified in the proposed action, the project would have no effect on any cultural resources that are listed, or are eligible for listing, on the national register.

The five *descansos* would be avoided by all project activities during construction. For the four *descansos* on NMDOT land, if movement of the line is not feasible at these locations, then the *descansos* would be temporarily relocated beyond the construction footprint and then moved back to their original location

after the project has been completed, per stipulation of the NMDOT. For the *descanso* on SLO land, the resource is fastened to a gate and the proposed action would have no impact on this resource.
Two of the historic buildings, HB 2 and HB 3, are recommended as *undetermined* for inclusion in the NRHP under Criterion C. Both buildings are located well beyond the construction footprint and, therefore, would be avoided by all project-related activities. Due to the distance between these buildings and the project corridor, and based on the type of equipment that would be utilized during construction, the proposed undertaking would not result in any vibratory effects to these resources. In addition, the fiber-optic cable would be installed below the surface in proximity to these buildings and, as a result, the proposed undertaking would not alter the existing viewshed that surrounds them.

All five of the archaeological sites (LA 85119, LA 85120, LA 85121, LA 85122, and LA 132198) are *eligible* to the NRHP under Criterion D for their information potential, and all are located, at least partially, on NMDOT land within the NM 197 right-of-way. Specific avoidance measures at these sites are incorporated into the proposed action.

Following Windstream's project plans, LA 85120 and LA 85121 would be avoided by confining all construction activities to the opposite side of the highway right-of-way, which is a distance of over 50 ft from their boundaries.

At LA 85119, all installation activities would be confined to the previously disturbed bar ditch area immediately adjacent to NM 197. Due to the proximity of its boundary to the proposed disturbance corridor, a qualified archaeologist would monitor cable installation in the vicinity of the site.

At LA 85122, an aerial insert will be placed in order to avoid the site and the arroyo situated on its south side. A qualified archaeologist would monitor cable installation in the vicinity of the site.

LA 132198 would be avoided by the proposed action by confining all construction activities to the opposite side of the highway right-of-way. However, due to the proximity of the site boundary to the proposed disturbance corridor, a qualified archaeologist would monitor cable installation in the vicinity of LA 132198.

4.1.10 Public Health and Safety / Environmental Inspection

There are no known recognized environmental conditions attributed to facilities or past land uses in the proposed project area. It is unlikely that any environmental conditions involving hazardous materials would be encountered during construction within the proposed project area since the majority of the project route has been relatively undisturbed except for grazing activities. Safety measures during construction would be followed and work would cease if hazardous materials were encountered, as outlined in the proposed action. No adverse impacts to public health and safety are anticipated.

The installation of the proposed fiber-optic cable line would improve the reliability of the regional telecommunications system. As such, the proposed action would have a beneficial long-term impact on public health and safety. Approximately 1,491 Windstream customers in the communities of San Ysidro, Jemez Pueblo, Cañon, Jemez Springs, La Cueva, Ponderosa, Cañones, Seven Springs, and Sierra de los Pinos, as well as northern New Mexico more generally, would benefit from the installation of the proposed fiber-optic route. Supplementing the current Medium Wave radio transmission in these areas would ensure reliable transmission of emergency information both into and out of this region.

4.1.11 Transportation

Environmental consequences to transportation from the proposed action include direct effects to the NM 197 corridor during construction activities, which would be temporary and minor. Increased heavy equipment traffic and potential detours may be expected on NM 197, US 550, Torreon Road, as well as

the local roads in Cuba including Reed, Miera, and Cubita Roads. During construction, NM 197 may experience temporary closures during the construction timeline. US 550 would not be closed during construction. None of the aforementioned roads are BLM roads. There would be no direct or indirect effects to transportation and emergency access as long as measures outlined in the proposed action are followed.

4.1.12 Visual Resources

In the general vicinity of the proposed route, the natural and undisturbed visual environment is dominant, but utility lines, fence lines, and dirt roads are also highly visible elements of the landscape. Once completed, the fiber-optic line would be underground and re-vegetation efforts would ensure that this feature does not impact visual resources in the area. The proposed Windstream installation is an acceptable modification in VRM Class IV and is not anticipated to dominate the visual landscape of the casual observer. These impacts would be minimized through design features included in the proposed action.

4.1.13 Cumulative Impacts

For the proposed action, resources areas identified for potential cumulative impacts with past, present, and reasonable foreseeable projects include soils, land use, vegetation and noxious weeds. These are resource areas that may have some perceptible, though not necessarily significant, impact from the proposed action. Based on the scope of the action, the impacts of the proposed action on these resources are expected to be relatively minor, as described in the previous chapters.

Two reasonably foreseeable projects were identified in the general vicinity of the proposed action. New Mexico Gas Company (NMGC) is proposing to conduct reclamation activities along a nine-mile portion of its Albuquerque Mainline, a 24-inch diameter natural gas pipeline along County Road 279 (Old Torreon Road) within the BLM's Rio Puerco Resource Area. A combination of natural and human induced conditions has led to significant soil erosion in the Rio Puerco drainage around San Luis, New Mexico, including impacts to the Old Torreon Road, which is used for pipeline access. The project would involve construction of erosion control features along the pipeline and adjacent road.

The second reasonably foreseeable project is another Windstream fiber-optic installation project. Windstream is proposing the installation of approximately 15.5 mi of fiber-optic cable within the right-of-way of US 550 and Cabezon Road north of the town of San Ysidro. From the beginning of the proposed project, the line would run south and southwest along US 550 for approximately 2.6 mi to the intersection with Cabezon Road, south of San Ysidro. The project would continue along Cabezon Road for approximately 13 mi to the end of the project where PNM Transmission Line WW intersects Cabezon Road. The undertaking would traverse NMDOT lands acquired from private sources, state trust lands, Zia Pueblo land, and BLM land in the Rio Puerco Resource Area. In regard to obtaining the necessary permits to construction the project within the Cabezon Road right-of-way, consultation with Zia pueblo, BLM, and Sandoval County will be required. As discussed in Section 1.5, Scoping and Issues, this Windstream project is considered by the BLM to be a stand-alone project that would require separate BLM environmental documentation.

Past and present projects in the area include ranching and livestock grazing activities, and rural infrastructure projects such as the construction and ongoing maintenance of county and state roads, utility lines, the PNM Transmission lines, NMGC gas pipelines. The cumulative impacts of these projects in addition to the current proposed action are discussed in each resource area below.

Soils

The NMGC erosion control project identified a number of natural and human causes for erosion in the Rio Puerco area. Many of the surface soils in the region are characterized by very high to moderate potential for water erosion, and exhibit moderate to sever soil rutting hazard. The NMGC project would stabilize soil erosion along their main pipeline and access road. In comparison, soils in the proposed action area have moderate erodibility factors and a moderate wind erodibility index. The fiber-optic line projects may contribute to regional erosion, but impacts would be temporary and minor. The trenches required for cable installation are small, averaging 8 inches wide and 36 inches deep. The vibratory plow would burrow into to the soil, minimizing loose soil during installation. The trenches would be compacted and reseeded, according to BLM stipulations, further reducing the amount of increased erosion associated with the project. Cumulatively, the proposed action would not result in major impacts to regional soil erosion problems, such as those identified by the NMGC EA.

Land Use

Infrastructure projects in the vicinity include road and utility-line construction along with maintenance activities, and ranching/livestock grazing activities. Most of these past and current projects and activities are conducted in response to environmental factors and moderate population increases in the area, and are not anticipated to attract new settlement. Cumulatively, small-scale impacts to land use due to continuing rural infrastructure development can contribute to large-scale land-use changes. However, the installation of a fiber-optic route within an existing road right-of-way would not result in significant cumulative impacts to a large amount of important land or prompt a change in land-use patterns in the area or in the larger region.

Vegetation and Noxious Weeds

The natural vegetation of the project area is a combination of shrubland and grassland. Weedy species, including some noxious weeds, are also common in the project vicinity due to overgrazing and soil disturbance from sparse rural infrastructure, such as roads and utility lines. The proposed Windstream fiber-optic installation on Cabezon Road would result in similar impacts to vegetation as the proposed action. Both projects are anticipated to have minimal impacts to vegetation within the utility easements required for cable installation. Compaction and reseeding of trenches, taking precautions to avoid the spread of noxious weeds, as prescribed by BLM stipulations, would ensure minimal impacts. When added to past, present, and reasonably foreseeable activities that may also impact vegetation, the proposed action is not expected to result in substantial cumulative impacts to vegetation and the spread of noxious weeds.

4.2 NO-ACTION ALTERNATIVE

4.2.1 Introduction

Under the no-action alternative, the BLM RPFO would not grant Windstream's utility easement application, and the proposed action of installing fiber-optic cable on public land would not be initiated. Windstream would not be able to connect their system in this region to Albuquerque, nor would they be able to provide an alternate route for their customer base in the case of radio interference or a major fiber cut. The region's need for a reliable telecommunication system would not be met with the no-action alternative.

There would be no impacts to the following resource areas from the no-action alternative:

- Climate
- Topography, geology, and soils
- Land use
- Farmland
- Biological resources
- Threatened and endangered species
- Cultural resources
- Hazardous Materials

- Floodplains/Wetlands
- Surface water
- Groundwater
- Transportation
- Visual impacts
- Noise

4.2.2 Public Health and Safety

The no-action alternative would have a long-term negative impact on public health and safety in the region. There are approximately 1,491 Windstream customers being served between San Ysidro, Seven Springs, and Sierra de los Pinos. These customers include the local fire and police departments, emergency services, the Santa Fe National Forest offices, Fenton Lake State Park, the NMDOT, Jemez Pueblo, and the governments of Jemez Springs and San Ysidro.

Currently, telecommunications in this area are channeled via Medium Wave radio transmission between Windstream receivers. This system is susceptible to interference problems and there is no alternative form of communication should the system fail. The unreliability of this system is a public safety issue because in the case of a local emergency, residents may not be able to call out for emergency services, and in the case of a national emergency, critical information may not reach this region.

CHAPTER 5 — MITIGATION AND MONITORING MEASURES

5.1 TOPOGRAPHY, GEOLOGY, AND SOIL

Erosion control measures outlined in the proposed action include best management practices and additional measures identified in the SWPPP. Measures incorporated into the proposed action include avoiding accumulation of loose soil at the construction site, compaction of soil in trenches after cable installation, and reseeding of disturbance areas, which would be conducted according to BLM stipulations. The SWPPP includes monitoring measures after completion of construction activities.

Additionally, if any fossils or other paleontological materials are discovered at any point during project activities, all work would cease, and the BLM RPFO Paleontologist would be notified in order to assess the importance of the resources.

5.2 CULTURAL RESOURCES

The proposed action would have no effect on cultural resources deemed eligible for inclusion in the national register. The *descansos* would also be avoided. The proposed action details avoidance measures at each of the five archaeological sites (see Table 1 and Section 4.1.9).

Construction activities near LA 85119, LA 85122 and LA 132198 would be monitored by a qualified archaeologist. If significant cultural materials that cannot be preserved are discovered within the project limits during monitoring, a data recovery plan would be prepared to minimize and mitigate adverse effects per NMAC 4.10.8 and to the standards within NMAC 4.10.16.

Should intact cultural materials be exposed during construction, all work would cease immediately and the appropriate stakeholder (i.e. BLM, NMDOT, SLO) and the State Historic Preservation Officer would be contacted.

5.3 MONITORING

Monitoring would be required during and after construction of the proposed action for soil runoff and erosion impacts and controls provided in the SWPPP.

An archaeological monitor is required at LA 85119, LA 85122, and LA 132198 to ensure avoidance of sites during construction activities per NMAC 4.10.17.10.

A monitoring plan for reseeding and control of noxious weeds would be developed according to BLM stipulations.

CHAPTER 6 — CONSULTATION AND COORDINATION

6.1 DISTRIBUTION

The preparation of the EA was conducted in consultation with numerous federal, state, and local agencies.

6.2 LIST OF PREPARERS

Bureau of Land Management, Rio Puerco Field Office
Wildlife Biologist

NEPA Specialist
435 Montano Rd NE
Albuquerque, NM 87107

Parametrix
Sarah Gilstrap, Environmental Planner

Chris Parrish, Archaeologist

Jesse Shuck, Biologist

Berenika Byszewski, Environmental Planner
8901 Adams Street, NE, Suite D
Albuquerque, NM 87113

CHAPTER 7 — REFERENCES

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APPENDIX A

Agency Correspondence

Windstream Mailing List

Company	Department	Courtesy C	First Name	Last Name	Title	Address 1	City	State	Zip
New Mexico Office of Cultural Affairs	Historic Preservation Division	Ms.	Jan	Biella	Deputy SHPO	407 Galisteo Street, Suite 236	Santa Fe	NM	87501
NM Department of Game and Fish	Conservation Services Division	Mr.	Matthew	Wunder	Chief	PO Box 25112	Santa Fe	NM	87504
NM Energy, Minerals, and Natural Resources Department	Forestry Division	Mr.	Bob	Sivinski	State Botanist	1220 St. Francis Drive	Santa Fe	NM	87505
US Department of the Interior, National Park Service	Intermountain Region	Ms.	Roxanne	Runkel		12795 Alameda Pkwy	Denver	CO	80225
US Environmental Protection Agency, Region 6	Air Planning Section	Ms.	Peggy	Wade		1445 Ross Avenue, Suite 1200	Dallas	TX	75202-278
US Environmental Protection Agency, Region 6	Office of Planning and Coordination, Compliance Assu	Ms.	Cathy	Gilmore		Mail Code 6EN-XP, 1445 Ross A	Dallas	TX	75202
NM Environment Department	Environment Impact Review	Ms.	Georgia	Cleverly		1190 St. Francis Drive, Suite N40	Santa Fe	NM	87502
US Army Corps of Engineers, Albuquerque District	Regulatory Branch	Mr.	Donald	Borda	Chief	4101 Jefferson Plaza NE	Albuquerqu	NM	87109
US Fish and Wildlife Service	NM Ecological Services Office	Mr.	Wally	Murphy	Field Supervisor	2105 Osuna Road NE	Albuquerqu	NM	87113
US Department of Agriculture	NRCS State Office	Mr.	Dennis	Alexander	State Conservat	6200 Jefferson NE, Room 305	Albuquerqu	NM	87109
US Department of Agriculture	NRCS - Northwest Area Office	Ms.	Mary	Podoll	Area Conservat	6200 Jefferson NE, Room 345	Albuquerqu	NM	87109
Federal Emergency Management Agency, Region VI		Ms.	Dolores	LeVinus	Natural Hazards	800 N. Loop 288	Denton	TX	76209
NM Office of the State Engineer		Mr.	John	D'Antonio	State Engineer	PO Box 25102	Santa Fe	NM	87504
New Mexico Department of Transportation	Environmental Section	Ms.	Genevieve	Head	Utilities	1120 Cerrillos, Room 213	Santa Fe	NM	87504
New Mexico State Land Office		Commissio	Patrick	Lyons		PO Box 1148	Santa Fe	NM	87504
Sandoval County	Public Works	Mr.	Phil	Rios	Director	711 Camino del Pueblo	Bernalillo	NM	87004
Sandoval County		Mr.	Juan	Vigil	County Manage	711 Camino del Pueblo	Bernalillo	NM	87004
Sandoval County	County Commission	Mr.	Darryl	Madalena	District 5 Comm	711 Camino del Pueblo	Bernalillo	NM	87004
Sandoval County	Floodplain Manager	Ms.	Kelly	Romero	CFM	711 Camino del Pueblo	Bernalillo	NM	87004
Sandoval County	Floodplain Manager	Mr.	Bradley	Stebleton	CFM	711 Camino del Pueblo	Bernalillo	NM	87004

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8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

June 30, 2009

SAMPLE

RE: Windstream Fiber-Optic Cable Installation along NM 197 Southwest of Cuba, Sandoval County, New Mexico

Dear X

Windstream is proposing to install buried fiber-optic line and associated equipment primarily within the existing New Mexico Department of Transportation (NMDOT) right-of-way of NM 197 in Sandoval County, New Mexico. The fiber-optic line will link the Cuba exchange with the Public Service Company of New Mexico (PNM) WW transmission line located to the southwest of Cuba, New Mexico (Figure 1). This entails the placement of approximately 22 miles (mi) of buried fiber-optic line. The vast majority of the proposed line will be buried; however, Windstream will either install aerial inserts or bore in order to avoid any potential impacts to the wetlands and arroyo crossings located along the project corridor. The undertaking will upgrade the communication system for this part of northern New Mexico. The project corridor totals 644.42 acres (ac) and includes 290.69 ac of NMDOT right-of-way, 8.48 ac of State Land Office (SLO) land, and 345.25 ac of Bureau of Land Management (BLM) land. The area of disturbance from trenching activities will be approximately less than 16 acres and the temporary disturbance from vehicle and equipment use is approximately one acre, which is located on the two-track road section of the project corridor. The BLM will be acting as the lead agency and the project will be funded by Windstream. All project related activities will be restricted to the NMDOT easement on BLM and SLO land.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of project (BOP) is located at milepost (MP) 0 of NM 197 (North American Datum [NAD] 27; Zone 13; Easting [E] 322665, Northing [N] 3986741); the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line (NAD 27; Zone 13; E 300791, N 3966458).

The proposed project corridor passes through Sections 31 and 32 of Township 21 North (N), Range 1 West (W), Sections 10, 11, 12, 15, 16, 17, 18, and 19 of Township 20 N, Range 2 W, Sections 24, 25, 35, and 36 of Township 20 N, Range 3 W, Sections 2, 3, 9, 10, 16, 17, 20, 29, 31, and 32 of Township 19 N, Range 3 W, Section 36 of Township 19 N, Range 4 W, Sections 5 and 6 of Township 18 N, Range 3 W, and Section 1 of Township 18 N, Range 4 W. Approximately 1.49 mi near the BOP are unplatted.

The proposed installation will primarily be restricted to the NM 197 right-of-way, which measures approximately 75 feet (ft) on either side of the NM 197 centerline or 150 ft from right-of-way fence to fence. However, the line does diverge from the highway right-of-way at the Torreon Mission road near the western end of the project corridor. The line runs along the east side of Torreon Mission Road for approximately 1 mi to a two-track road on its west side and just past (south) its intersection with PNM's WW Transmission Line. From this intersection the proposed route runs westward along the north side of the two-track for approximately 0.8 mi to its intersection with an improved surface road locally referred to as Pipeline Road. Then the line heads northwest along Pipeline Road back to NM 197—a distance of approximately 1 mi. At the intersection of Pipeline Road and NM 197 the proposed route heads northeast to the EOP, which is where the PNM WW Transmission Line crosses the highway.

The preferred placement of the fiber-optic line when the route is co-located with NM 197 and Torreon Mission Road is adjacent to the fence line delineating the right-of-way. When the line is co-located with the two-track and Pipeline Road the preferred placement is within 30 ft from the edge of the roadway. Regardless of these preferences, the line will cross under the road in various locations to avoid cultural sites, and other resources such as wetlands. In addition, the line will be moved to the disturbed bar ditch adjacent to the road surface in cases where constraints such as rock outcrops do not allow moving the line to the opposite side of the road to avoid a site.

The installation of the line will require the excavation of trenches averaging approximately 24 inches wide and 36 inches in depth. If necessary, existing pavement will be cut and repaved after installation. Heavy equipment such as backhoes, "ditch witches," and rock-saw trenchers may be used for plowing/knifing of the trench line.

At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

Enclosure: Figure 1, Project location map

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8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

July 10, 2009

SAMPLE

RE: Windstream Communication Proposed Fiber-Optic Cable Installation Project
Sandoval County, New Mexico

Dear X

Windstream Communication (Windstream) is proposing to install approximately 36 miles (mi) of BFO-24 fiber-optic cable and associated equipment in Sandoval County, which will upgrade the communication system for this part of northern New Mexico. A previous agency scoping letter about a segment of this project was sent on June 30, 2009. However, it has come to our attention that the proposed route along State Highway 197 (NM 197) is in fact part of a larger project that includes the installation of fiber-optic cable along United States Highway (US 550) and Cabezon Road south and west of San Ysidro, New Mexico. As such, please disregard the previous scoping letter and address your comments to the following described action. The proposed project will include the Bureau of Land Management (BLM) acting as the lead agency and the project will be funded by Windstream.

The portion of the project corridor where cable installation activities are proposed is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), *Wolf Stand, NM* (1989), *Sky Village NW, NM* (1960), and *San Ysidro, NM* (1978) 7.5-minute United States Geological Survey (USGS) quadrangles (see Project Area Map). Additionally, this portion totals 1048.52 acres (ac) and includes NMDOT right-of-way acquired from private sources, property managed by the Rio Puerco Office of the BLM land, State Land Office (SLO) property, and Zia Reservation land. The vast majority of the proposed line will be buried; however, some aerial inserts may be necessary to avoid arroyo crossings.

The installation of the 36 mile long fiber-optic line will require the excavation of trenches averaging approximately 2 feet (ft) wide and 3 ft in depth. If necessary, existing pavement will be cut and repaved after installation. Heavy equipment such as backhoes, “ditch witches,” and rock-saw trenchers may be used for plowing/knifing of the trench line. The area of disturbance from trenching activities will be approximately 8.7 acres.

The first section of the proposed fiber-optic cable installation will link Windstream’s Cuba exchange with the Public Service Company of New Mexico (PNM) WW Transmission Line at its intersection with NM 197 approximately 21 miles to the southwest of Cuba, New Mexico (see Project Area Map). The other section of the proposed fiber-optic cable installation will link the San Ysidro exchange with the same PNM transmission line where it intersects with Cabezon Road, approximately 15 miles to the west-southwest. There is existing fiber-optic cable co-located with the PNM transmission line that connects the end of the NM 197 portion of the proposed project and the end of the US 550 and Cabezon Road portion.

At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. The environmental and cultural investigations were conducted for each aforementioned section and are being evaluated and analyzed within separate biological and cultural resource reports; the Environmental Assessment will encompass both sections. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

Enclosure: Project area map

Parametrix ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

August 25, 2009

SAMPLE

RE: Windstream Communication's Proposed Fiber-Optic Cable Installation Project in Sandoval County New Mexico

Dear X

Windstream Communications (Windstream) is proposing the installation of approximately 22 miles [mi]) of fiber-optic cable (WW transmission line) within 646.42 acres [ac]) in Sandoval County, New Mexico (NM). The fiber-optic line will link the Cuba exchange with existing fiber co-located with the Public Service Company of New Mexico (PNM) WW transmission situated southwest of Cuba, NM (Figure 1). The undertaking will upgrade the communication system for this part of northern New Mexico.

Two previous scoping letters regarding this project were sent on June 30, 2009 and on July 10, 2009 that described the aforementioned undertaking. It has come to our attention since the July 10th letter that officials at the Bureau of Land Management (BLM) Rio Puerco office have determined that the proposed fiber-optic cable installation linking the Cuba exchange to the PNM WW line is a stand-alone project; and not part of a larger undertaking that includes a proposed fiber-optic line from Windstream's San Ysidro Central Office and the same PNM transmission line—as was described in the July 10th scoping letter. Please disregard the previous scoping letters and address your comments to the following described action. We apologize for any inconvenience that has resulted from the changes in the project scope.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of the project (BOP) is located at Windstream's Central Office in Cuba, NM and the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line. The vast majority of the proposed line will be buried; however, aerial inserts may be necessary in some areas such as arroyo crossings. Land ownership varies throughout the proposed project corridor and includes the following: the BLM, the New Mexico State Land Office (SLO), the New Mexico Department of Transportation, and private easements. The BLM will be acting as the lead agency and the project will be funded by Windstream.

The proposed installation will primarily be restricted to an existing overhead communications line and the NM 197 right-of-way, which measures approximately 75 feet (ft) on either side of the NM 197 centerline or 150 ft from right-of-way fence to fence. However, the line does diverge from the highway right-of-way at the Torreon Mission road near the western end of the project corridor. The line runs along the east side of Torreon Mission Road for approximately 1 mi to a two-track road on its west side and just past (south) its intersection with PNM's WW Transmission Line. From this intersection the proposed route runs westward along the north side of a two-track for approximately 0.8 mi to its intersection with an improved surface road locally referred to as Pipeline Road. Then the line heads northwest along Pipeline Road back to NM 197—a distance of approximately 1 mi. At the intersection of Pipeline Road and NM 197 the proposed route heads northeast to the EOP, which is where the PNM WW Transmission Line crosses the highway.

The installation of the line will require the excavation of trenches averaging approximately 24 inches wide and 36 inches in depth. If necessary, existing pavement will be cut and repaved after installation. Heavy equipment such as backhoes, "ditch witches," and rock-saw trenchers may be used for plowing/knifing of the trench line.

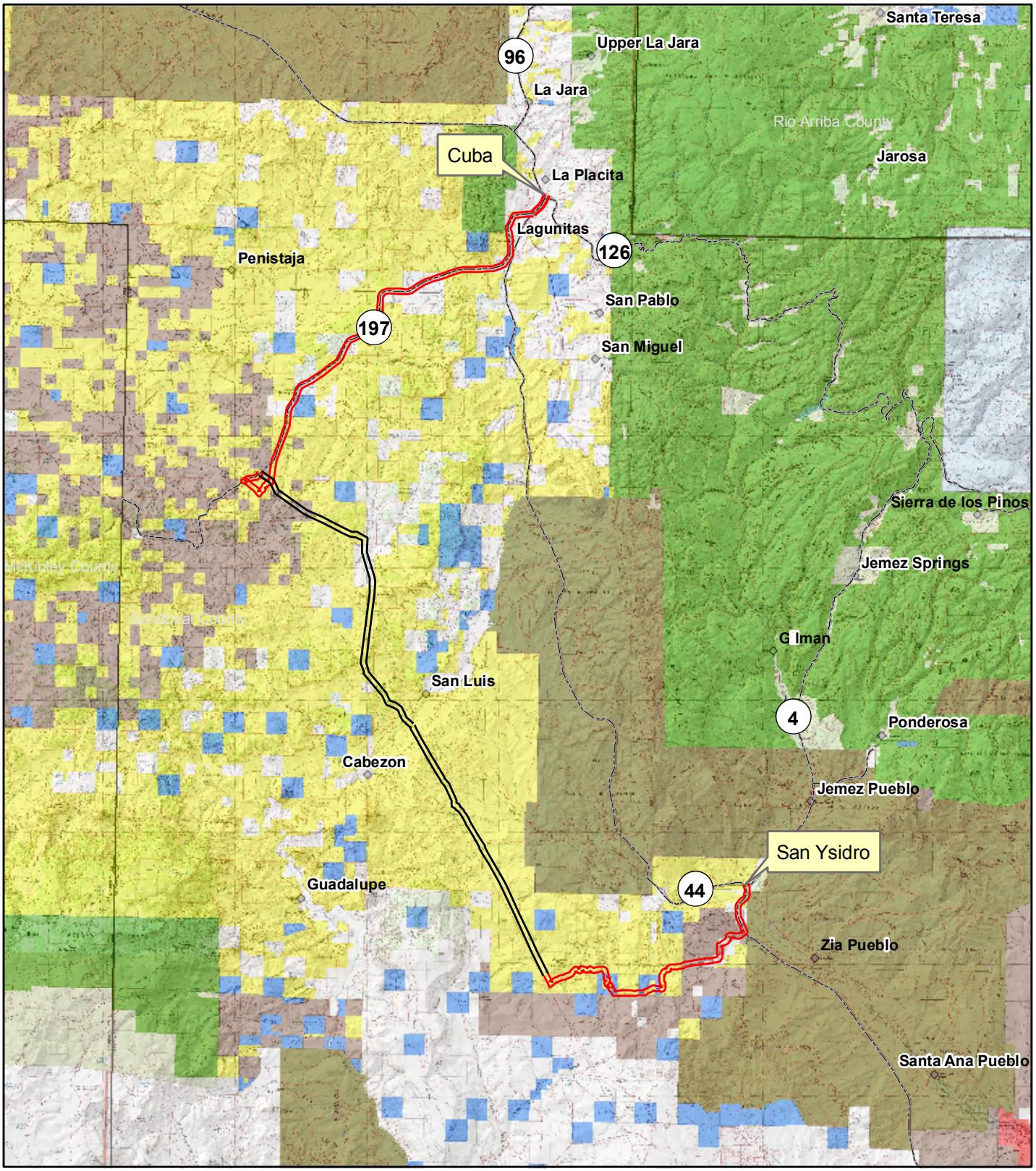
At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

Enclosure: Figure 1, Project location map



Legend

Project corridor

PNM WW Transmission Line and existing fiber-optic line

N W E S

Parametrix

Miles

0 2.5 5 10

Project Area Map

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8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

June 30, 2009

Ms. Roxanne Runkel
US Department of the Interior, National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80225

RE: Windstream Fiber-Optic Cable Installation along NM 197 Southwest of Cuba, Sandoval County, New Mexico

Dear Ms. Runkel:

Windstream is proposing to install buried fiber-optic line and associated equipment primarily within the existing New Mexico Department of Transportation (NMDOT) right-of-way of NM 197 in Sandoval County, New Mexico. The fiber-optic line will link the Cuba exchange with the Public Service Company of New Mexico (PNM) WW transmission line located to the southwest of Cuba, New Mexico (Figure 1). This entails the placement of approximately 22 miles (mi) of buried fiber-optic line. The vast majority of the proposed line will be buried; however, Windstream will either install aerial inserts or bore in order to avoid any potential impacts to the wetlands and arroyo crossings located along the project corridor. The undertaking will upgrade the communication system for this part of northern New Mexico. The project corridor totals 644.42 acres (ac) and includes 290.69 ac of NMDOT right-of-way, 8.48 ac of State Land Office (SLO) land, and 345.25 ac of Bureau of Land Management (BLM) land. The area of disturbance from trenching activities will be approximately less than 16 acres and the temporary disturbance from vehicle and equipment use is approximately one acre, which is located on the two-track road section of the project corridor. The BLM will be acting as the lead agency and the project will be funded by Windstream. All project related activities will be restricted to the NMDOT easement on BLM and SLO land.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of project (BOP) is located at milepost (MP) 0 of NM 197 (North American Datum [NAD] 27; Zone 13; Easting [E] 322665, Northing [N] 3986741); the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line (NAD 27; Zone 13; E 300791, N 3966458).

The proposed project corridor passes through Sections 31 and 32 of Township 21 North (N), Range 1 West (W), Sections 10, 11, 12, 15, 16, 17, 18, and 19 of Township 20 N, Range 2 W, Sections 24, 25, 35, and 36 of Township 20 N, Range 3 W, Sections 2, 3, 9, 10, 16, 17, 20, 29, 31, and 32 of Township 19 N, Range 3 W, Section 36 of Township 19 N, Range 4 W, Sections 5 and 6 of Township 18 N, Range 3 W, and Section 1 of Township 18 N, Range 4 W. Approximately 1.49 mi near the BOP are unplatted.

The proposed installation will primarily be restricted to the NM 197 right-of-way, which measures approximately 75 feet (ft) on either side of the NM 197 centerline or 150 ft from right-of-way fence to fence. However, the line does diverge from the highway right-of-way at the Torreon Mission road near the western end of the project corridor. The line runs along the east side of Torreon Mission Road for approximately 1 mi to a two-track road on its west side and just past (south) its intersection with PNM's WW Transmission Line. From this intersection the proposed route runs westward along the north side of the two-track for approximately 0.8 mi to its intersection with an improved surface road locally referred to as Pipeline Road. Then the line heads northwest along Pipeline Road back to NM 197—a distance of approximately 1 mi. At the intersection of Pipeline Road and NM 197 the proposed route heads northeast to the EOP, which is where the PNM WW Transmission Line crosses the highway.

The preferred placement of the fiber-optic line when the route is co-located with NM 197 and Torreon Mission Road is adjacent to the fence line delineating the right-of-way. When the line is co-located with the two-track and Pipeline Road the preferred placement is within 30 ft from the edge of the roadway. Regardless of these preferences, the line will cross under the road in various locations to avoid cultural sites, and other resources such as wetlands. In addition, the line will be moved to the disturbed bar ditch adjacent to the road surface in cases where constraints such as rock outcrops do not allow moving the line to the opposite side of the road to avoid a site.

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At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: _____ Date: 7/16/09

Enclosure: Figure 1, Project location map

NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

BILL RICHARDSON
Governor

Harold Runnels Building
1190 Saint Francis Drive (87505)
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us

RON CURRY
Secretary
Jon Goldstein
Deputy Secretary

August 6, 2009

Sarah Gilstrap
Parametrix
8901 Adams St. NE, Suite D
Albuquerque, NM 87113

RE: Windstream Fiberoptic Cable Installation along NM 197, Sandoval County

Dear Ms. Gilstrap:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Air Quality Bureau and Surface Water Quality Bureaus and are as follows.

Air Quality Bureau
The proposed Windstream Fiber-Optic Cable Installation along NM 197 Southwest of Cuba, is located in Sandoval County. Sandoval County is currently considered to be in attainment with all New Mexico and National Ambient Air Quality Standards.

To ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed. If none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members. Potential exists for temporary increases in dust and emissions from earthmoving, construction equipment and other vehicles. However, the increases should not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates due to vehicular traffic, construction, drilling procedures and reclamation activities. Areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust.

All asphalt, concrete, quarrying, crushing and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

If air quality permits are required for the proposed action, permits will need to be administered by the New Mexico Environment Department (NMED). The project as proposed should not be anticipated to contribute negatively to air quality on a long-term basis.

Surface Water Quality Bureau

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. Because this project appears to exceed one acre (including staging areas, etc.), it will require appropriate NPDES permit coverage prior to beginning construction.

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 10.C.1.b)

You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP was re-issued effective June 30, 2008. The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at:
http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

I hope this information is helpful to you.

Sincerely,

Georgia Cleverley

Georgia Cleverley
Environmental Impact Review Coordinator
NMED File #2995

GOVERNOR
Bill Richardson

DIRECTOR AND SECRETARY
TO THE COMMISSION
Tod Stevenson

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

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Albuquerque, NM

Alfredo Montoya, Commissioner
Alcalde, NM

Kent A. Salazar, Commissioner
Albuquerque, NM

M.H. "Dutch" Salmon, Commissioner
Silver City, NM

Leo V. Sims, II, Commissioner
Hobbs, NM

August 3, 2009

Sarah M. Gilstrap
8901 Adams Street NE, Suite D
Albuquerque, NM 87113

Re: Windstream Fiber-Optic Installation; NMDGF No. 12816

Dear Ms. Gilstrap,

The Department of Game and Fish (Department) has reviewed your request for information regarding the above-referenced project, and provides the following recommendations to minimize or eliminate impacts to wildlife.

Open trenches and ditches can trap small mammals, amphibians and reptiles and can cause injury to large mammals. Periods of highest activity for many of these species include night time, summer months and wet weather.

- To minimize the amount of open trenches at any given time, keep trenching and back-filling crews close together.
- Trench during the cooler months (October – March). However, there may be exceptions (e.g., critical wintering areas) which need to be assessed on a site-specific basis.
- Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope should be less than 45 degrees (100%). Trenches that have been left open overnight, especially where endangered species occur, should be inspected and animals removed prior to back-filling.

With implementation of these recommendations during construction, the Department believes that this project as proposed is unlikely to adversely affect wildlife or wildlife habitats. For your convenience, we have enclosed a copy of New Mexico Wildlife of Concern for Sandoval County (Biota Information System of New Mexico, BISON-M, New Mexico Dept. of Game and Fish electronic database). Species accounts, habitat associations and county species lists (use the "Database Query" option) can be accessed from the BISON-M database via the World-wide Web at http://www.bison-m.org . The Department recommends that you contact the U.S. Fish and Wildlife Service for current listing of federally listed species.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Ross Morgan at (505) 222-4722 or ross.morgan@state.nm.us.

Sincerely,

Terra Manasco
Assistant Chief, Conservation Services Division
Technical Guidance Section

TLM/rm

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Operations Chief, NMDGF

NEW MEXICO WILDLIFE OF CONCERN
SANDOVAL COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at http://www.fws.gov/ifw2es/NewMexico/SBC.cfm. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to http://nmrareplants.unm.edu/. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

Common Name	±	NMGF	US FWS	critical habitat
Costa's Hummingbird	Calypte costae	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Loggerhead Shrike	Lanius ludovicianus	s		
Gray Vireo	Vireo vicinior	T		
Baird's Sparrow	Ammodramus bairdii	T	SOC	
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	s		
Yuma Myotis Bat	Myotis yumanensis yumanensis	s		
Little Brown Myotis Bat	Myotis lucifugus carissima	s		
Occult Little Brown Myotis Bat	Myotis lucifugus occultus	s		
Long-legged Myotis Bat	Myotis volans interior	s		
Fringed Myotis Bat	Myotis thysanodes thysanodes	s		
Long-eared Myotis Bat	Myotis evotis evotis	s		
Spotted Bat	Euderma maculatum	T		
Pale Townsend's Big-eared Bat	Corynorhinus townsendii pallescens	s	SOC	
Big Free-tailed Bat	Nyctinomops macrotis	s		
Goat Peak Pika	Ochotona princeps nigrescens	s	SOC	
Gunnison's Prairie Dog	Cynomys gunnisoni	s		
New Mexican Jumping Mouse	Zapus hudsonius luteus	E	SOC	
American Marten	Martes americana origenes	T		
Black-footed Ferret	Mustela nigripes		E	
Wrinkled Marshsnail	Stagnicola caperata	E		
Socorro Mountainsnail	Oreohelix neomexicana	s		

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4400 **Fax:** (505) 761-4462
Website: www.nm.nrcs.usda.gov

July 16, 2009

Ms. Sarah Gilstrap, Environmental Planner
Parametrix
8901 Adams Street NE, Suite D
Albuquerque, New Mexico 87113

Dear Ms. Gilstrap:

We have received your request for information on the proposed Windstream Communication Fiber-Optic Cable Installation Project, Sandoval County New Mexico. There are no prime or unique farmlands in the project area. The Natural Resources Conservation Service has no objections to the proposed action.

Thank you for the opportunity to comment.

Sincerely,

DENNIS L. ALEXANDER
State Conservationist

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

AUG 21 2009

Shara Gilstrap
Environmental Planner
Parametrix
8901 Adams St. NE, Suite D
Albuquerque, NM 87113

RE: Windstream Fiber-Optic Cable Installation along NM 197

Dear Ms. Gistrap:

In accordance with Section 309 of the Clean Air Act, the Region 6 Office of the Environmental Protection Agency (EPA) has received and reviewed your Draft Environmental Assessment for the above referenced action. We have no comments to offer.

Thank you for your coordination.

Sincerely yours,

Cathy Gilmore

Cathy Gilmore, Chief
Office of Planning and
Coordination (6EN-XP)

Parametrix ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

July 10, 2009

Ms. Roxanne Runkel
US Department of the Interior, National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80225

RE: Windstream Communication Proposed Fiber-Optic Cable Installation Project
Sandoval County, New Mexico

Dear: Ms. Runkel

Windstream Communication (Windstream) is proposing to install approximately 36 miles (mi) of BFO-24 fiber-optic cable and associated equipment in Sandoval County, which will upgrade the communication system for this part of northern New Mexico. A previous agency scoping letter about a segment of this project was sent on June 30, 2009. However, it has come to our attention that the proposed route along State Highway 197 (NM 197) is in fact part of a larger project that includes the installation of fiber-optic cable along United States Highway (US 550) and Cabezon Road south and west of San Ysidro, New Mexico. As such, please disregard the previous scoping letter and address your comments to the following described action. The proposed project will include the Bureau of Land Management (BLM) acting as the lead agency and the project will be funded by Windstream.

The portion of the project corridor where cable installation activities are proposed is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), *Wolf Stand, NM* (1989), *Sky Village NW, NM* (1960), and *San Ysidro, NM* (1978) 7.5-minute United States Geological Survey (USGS) quadrangles (see Project Area Map). Additionally, this portion totals 1048.52 acres (ac) and includes NMDOT right-of-way acquired from private sources, property managed by the Rio Puerco Office of the BLM land, State Land Office (SLO) property, and Zia Reservation land. The vast majority of the proposed line will be buried; however, some aerial inserts may be necessary to avoid arroyo crossings.

The installation of the 36 mile long fiber-optic line will require the excavation of trenches averaging approximately 2 feet (ft) wide and 3 ft in depth. If necessary, existing pavement will be cut and repaved after installation. Heavy equipment such as backhoes, "ditch witches," and rock-saw trenchers may be used for plowing/knifing of the trench line. The area of disturbance from trenching activities will be approximately 8.7 acres.

The first section of the proposed fiber-optic cable installation will link Windstream's Cuba exchange with the Public Service Company of New Mexico (PNM) WW Transmission Line at its intersection with NM 197 approximately 21 miles to the southwest of Cuba, New Mexico (see Project Area Map). The other

section of the proposed fiber-optic cable installation will link the San Ysidro exchange with the same PNM transmission line where it intersects with Cabezon Road, approximately 15 miles to the west-southwest. There is existing fiber-optic cable co-located with the PNM transmission line that connects the end of the NM 197 portion of the proposed project and the end of the US 550 and Cabezon Road portion.

At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. The environmental and cultural investigations were conducted for each aforementioned section and are being evaluated and analyzed within separate biological and cultural resource reports; the Environmental Assessment will encompass both sections. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

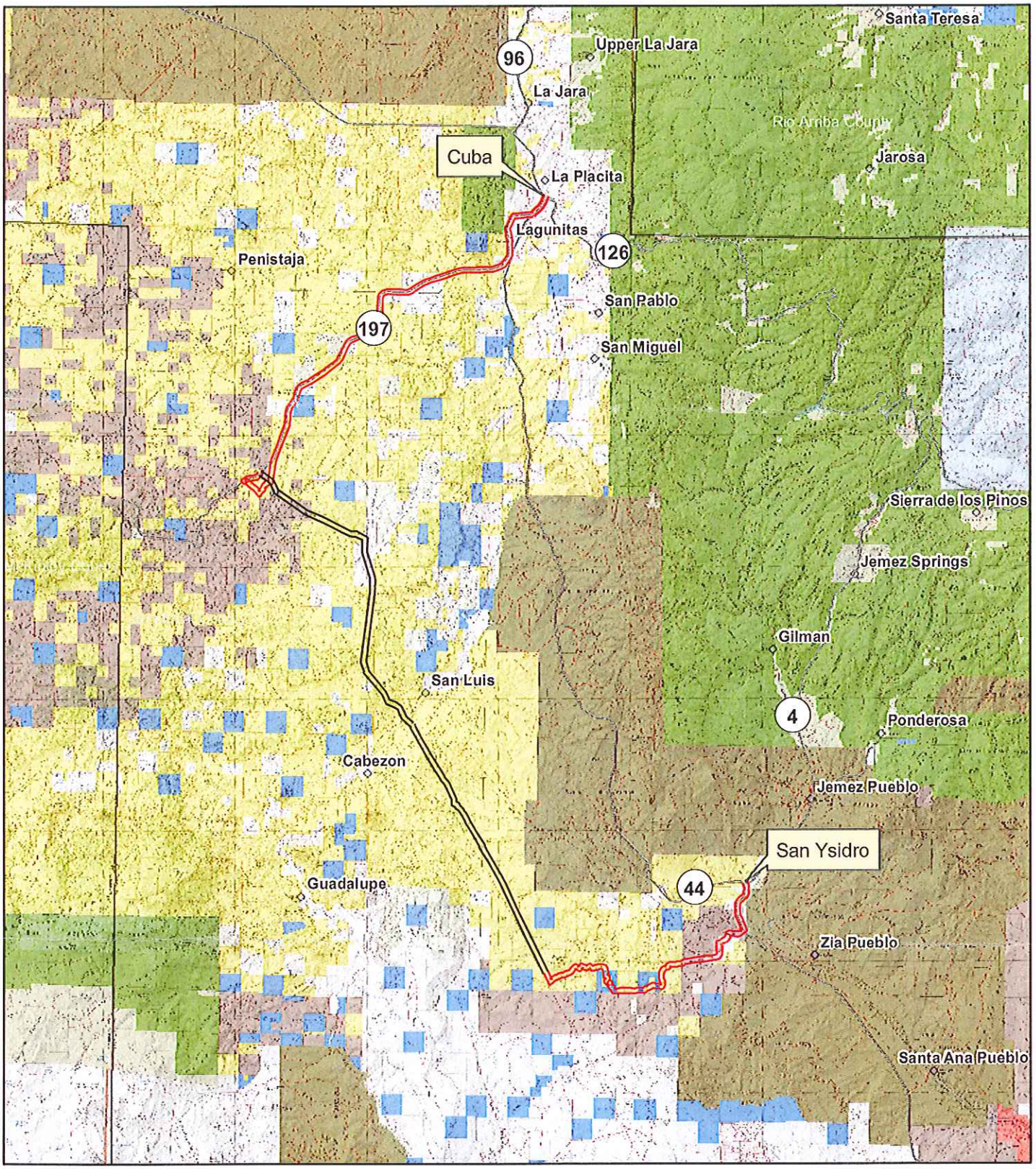
Enclosure: Project area map

NATIONAL PARK SERVICE

The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: _____ Date: 8/17/09

A Proposed Fiber-Optic Cable Installation Project in Sandoval County, New Mexico



Legend

Project corridor

PNM WW Transmission Line and existing fiber-optic line

N W E S

Parametrix

0 2.5 5 10 Miles

Project Area Map

Sarah Gilstrap

From: Head, Genevieve, NMDOT [Genevieve.Head@state.nm.us]
Sent: Monday, August 31, 2009 12:58 PM
To: Sarah Gilstrap
Cc: Christopher Parrish
Subject: Windstream

Ms. Gilstrap,
This is to let you know I have received your scoping letter regarding Windstream's proposed installation along NM 197. I look forward to reviewing the environmental and cultural survey reports and associated documents produced for the project. Please note that an NMDOT Categorical Exclusion checklist may be required.
Thank you for keeping NMDOT Environmental Design in the loop.
Genevieve

Genevieve N. Head
Cultural Resources Bureau
Environmental Design Division
New Mexico Department of Transportation
1120 Cerrillos Road, Room 213
Santa Fe, NM 87505-1149
(505)827- 5513 phone
(505)827-6862 fax
genevieve.head@state.nm.us

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Confidentiality Notice: This e-mail,including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review,use,disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message. -- This email has been scanned by the MessageLabs Email Security System.

Sarah Gilstrap

From: Mumford, Jill - Cuba, NM [Jill.Mumford@nm.usda.gov]
Sent: Tuesday, August 18, 2009 8:18 AM
To: Sarah Gilstrap
Subject: Fiber- optic cable installation project Sandoval County NM

Sara,
You sent this letter to Mary Podoll, she is on assignment in Washington DC for 3 months. I am the district Conservationist in Cuba NM. Mary is my direct supervisor. I see no problems with this project. Sorry for the delay.
Jill Mumford
District Conservationist
Cuba Field Office

GOVERNOR
Bill Richardson

DIRECTOR AND SECRETARY
TO THE COMMISSION
Tod Stevenson

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8124

Visit our website at www.wildlife.state.nm.us
For information call: 505/476-8000
To order free publications call: 1-800-862-9310

STATE GAME COMMISSION

Jim McClintic, Chairman
Albuquerque, NM

Sandy Buffett, Vice-Chairwoman
Santa Fe, NM

Dr. Tom Arvas, Commissioner
Albuquerque, NM

Alfredo Montoya, Commissioner
Alcalde, NM

Kent A. Salazar, Commissioner
Albuquerque, NM

M.H. "Dutch" Salmon, Commissioner
Silver City, NM

Leo V. Sims, II, Commissioner
Hobbs, NM

August 10, 2009

Parametrix
Sarah M. Gilstrap
8901 Adams Street NE
Albuquerque NM 87113

Re: Windstream Communication Fiber-Optic Cable Sandoval County; NMDGF No. 12839

Dear Ms. Gilstrap,

The Department of Game and Fish (Department) has reviewed your request for information regarding the above-referenced project, and provides the following recommendations to minimize or eliminate impacts to wildlife.

Open trenches and ditches can trap small mammals, amphibians and reptiles and can cause injury to large mammals. Periods of highest activity for many of these species include night time, summer months and wet weather.

- To minimize the amount of open trenches at any given time, keep trenching and back-filling crews close together.
- Trench during the cooler months (October – March). However, there may be exceptions (e.g., critical wintering areas) which need to be assessed on a site-specific basis.
- Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches sloping to the surface or wooden planks extending to the surface. The slope should be less than 45 degrees (100%). Trenches that have been left open overnight, especially where endangered species occur, should be inspected and animals removed prior to back-filling.

With implementation of these recommendations during construction, the Department believes that this project as proposed is unlikely to adversely affect wildlife or wildlife habitats. For your convenience, we have enclosed a copy of New Mexico Wildlife of Concern for Sandoval County (Biota Information System of New Mexico, BISON-M, New Mexico Dept. of Game and Fish electronic database). Species accounts, habitat associations and county species lists (use the "Database Query" option) can be accessed from the BISON-M database via the World-wide Web at http://www.bison-m.org . The Department recommends that you contact the U.S. Fish and Wildlife Service for current listing of federally listed species.

Thank you for the opportunity to review and comment on your project. If you have any questions, please contact Brandon Griffith at 505-222-4721 or brandon.griffith@state.nm.us.

Sincerely,

Terra Manasco
Assistant Chief, Conservation Services Division
Technical Guidance Section

TLM/bg

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Operations Chief, NMDGF

NEW MEXICO WILDLIFE OF CONCERN
SANDOVAL COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at http://www.fws.gov/ifw2es/NewMexico/SBC.cfm. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to http://nmrareplants.unm.edu/. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information.

Common Name	+	NMGF	US FWS	critical habitat
Costa's Hummingbird	Calypte costae	T		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Loggerhead Shrike	Lanius ludovicianus	s		
Gray Vireo	Vireo vicinior	T		
Baird's Sparrow	Ammodramus bairdii	T	SOC	
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	s		
Yuma Myotis Bat	Myotis yumanensis yumanensis	s		
Little Brown Myotis Bat	Myotis lucifugus carissima	s		
Occult Little Brown Myotis Bat	Myotis lucifugus occultus	s		
Long-legged Myotis Bat	Myotis volans interior	s		
Fringed Myotis Bat	Myotis thysanodes thysanodes	s		
Long-eared Myotis Bat	Myotis evotis evotis	s		
Spotted Bat	Euderma maculatum	T		
Pale Townsend's Big-eared Bat	Corynorhinus townsendii pallescens	s	SOC	
Big Free-tailed Bat	Nyctinomops macrotis	s		
Goat Peak Pika	Ochotona princeps nigrescens	s	SOC	
Gunnison's Prairie Dog	Cynomys gunnisoni	s		
New Mexican Jumping Mouse	Zapus hudsonius luteus	E	SOC	
American Marten	Martes americana origenes	T		
Black-footed Ferret	Mustela nigripes		E	
Wrinkled Marshsnail	Stagnicola caperata	E		
Socorro Mountainsnail	Oreohelix neomexicana	s		

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JUN 26 2009
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8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

June 23, 2009

Wally Murphy, Field Supervisor
US Fish and Wildlife Service
NM Ecological Services Office
2105 Osuna Road NE
Albuquerque, NM 87113

RE: Sacred Wind Communications Infrastructure Improvement Projects

Dear Mr. Murphy:

Sacred Wind Communications is proposing to install new broadband-loop carrier cabinets, replace existing buried copper cables with new cables, and install overhead fiber-optic cables on existing poles. Proposed upgrades are located on the Navajo Nation, in San Juan and McKinley Counties, New Mexico (overview maps enclosed). The proposed undertakings would occur on six Navajo Nation Chapters: Nageezi, Huerfano, Upper Fruitland, Nenahnezad/San Juan, Thoreau, and Baca.

The new cabinets and cable would allow Sacred Wind Communications to offer digital-subscriber-line (DSL) Internet services and would improve voice telecommunication services for existing and future customers. All cabinet locations fall within existing utility easements. The U.S. Department of Agriculture Rural Development (RD) will be providing funding for the projects. Parametrix has been contracted to conduct the environmental process, including biological and cultural resource investigations. After consulting with the Navajo Nation Historic Preservation Department and the Navajo Nation Department of Fish and Wildlife, Parametrix has begun resource surveys for the project locations.

These undertakings have been divided by Chapter, where applicable, to facilitate the environmental review process at the Navajo Nation Environmental Protection Agency and the Bureau of Indian Affairs, Navajo Regional Office. Five separate environmental assessments are being prepared for the undertakings in order to comply with the National Environmental Policy Act and the Navajo Nation Environmental Policy Act. This list is presented below, followed by brief project descriptions (topographic maps enclosed).

1) Two utility cabinets on Nageezi Chapter
2) Two buried cable segments and three utility cabinets on Huerfano Chapter
3) Two cabinets on Upper Fruitland Chapter
4) 11.3 miles of aerial cable on Upper Fruitland and Nenahnezad/San Juan Chapters
5) Three utility cabinets on allotment and private land on Thoreau and Baca Chapters

The utility cabinet installations (Nos. 1, 2, 3, and 5) would include either upgrades to existing cabinets or development of new cabinets within existing utility easements. Construction activities would include the placement of a new 5-by-7-foot concrete pad, the installation of cable from the new cabinet to an existing telephone closure, and the installation of conduit from the new cabinet to an existing power pole. All ground disturbing construction activities would be

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

JUL 17 2009

Thank you for your recent request for information on threatened or endangered species or important wildlife habitats that may occur in your project area. The New Mexico Ecological Services Field Office has posted lists of the endangered, threatened, proposed, candidate and species of concern occurring in all New Mexico Counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: http://www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm. If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find New Mexico Listed and Sensitive Species Lists on the main page and click on the county of interest. Your project area may not necessarily include all or any of these species. This information should assist you in determining which species may or may not occur within your project area.

Under the Endangered Species Act of 1973, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. Similarly, it is their responsibility to determine if a proposed action has no effect to endangered, threatened, or proposed species, or designated critical habitat. On December 16, 2008, we published a final rule concerning clarifications to section 7 consultations under the Act (73 FR 76272). One of the clarifications is that section 7 consultation is not required in those instances when the direct and indirect effects of an action pose no effect to listed species or critical habitat. As a result, we do not provide concurrence with project proponent's "no effect" determinations.

If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,

Wally Murphy
Field Supervisor

SL,

Parametrix ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
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June 30, 2009

Mr. Wally Murphy
Field Supervisor
US Fish and Wildlife Service
NM Ecological Services Office
2105 Osuna Road NE
Albuquerque, NM 87113

RE: Windstream Fiber-Optic Cable Installation along NM 197 Southwest of Cuba, Sandoval County, New Mexico

Dear Mr. Murphy:

Windstream is proposing to install buried fiber-optic line and associated equipment primarily within the existing New Mexico Department of Transportation (NMDOT) right-of-way of NM 197 in Sandoval County, New Mexico. The fiber-optic line will link the Cuba exchange with the Public Service Company of New Mexico (PNM) WW transmission line located to the southwest of Cuba, New Mexico (Figure 1). This entails the placement of approximately 22 miles (mi) of buried fiber-optic line. The vast majority of the proposed line will be buried; however, Windstream will either install aerial inserts or bore in order to avoid any potential impacts to the wetlands and arroyo crossings located along the project corridor. The undertaking will upgrade the communication system for this part of northern New Mexico. The project corridor totals 644.42 acres (ac) and includes 290.69 ac of NMDOT right-of-way, 8.48 ac of State Land Office (SLO) land, and 345.25 ac of Bureau of Land Management (BLM) land. The area of disturbance from trenching activities will be approximately less than 16 acres and the temporary disturbance from vehicle and equipment use is approximately one acre, which is located on the two-track road section of the project corridor. The BLM will be acting as the lead agency and the project will be funded by Windstream. All project related activities will be restricted to the NMDOT easement on BLM and SLO land.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of project (BOP) is located at milepost (MP) 0 of NM 197 (North American Datum [NAD] 27; Zone 13; Easting [E] 322665, Northing [N] 3986741); the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line (NAD 27; Zone 13; E 300791, N 3966458).

The proposed project corridor passes through Sections 31 and 32 of Township 21 North (N), Range 1 West (W), Sections 10, 11, 12, 15, 16, 17, 18, and 19 of Township 20 N, Range 2 W, Sections 24, 25, 35, and 36 of Township 20 N, Range 3 W, Sections 2, 3, 9, 10, 16, 17, 20, 29, 31, and 32 of Township 19 N, Range 3 W, Section 36 of Township 19 N, Range 4 W, Sections 5 and 6 of Township 18 N, Range 3 W, and Section 1 of Township 18 N, Range 4 W. Approximately 1.49 mi near the BOP are unplatted.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

JUL 17 2009

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Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,

Wally Murphy
Field Supervisor

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4400 **Fax:** (505) 761-4462
Website: www.nm.nrcs.usda.gov

July 16, 2009

Ms. Sarah Gilstrap, Environmental Planner
Parametrix
8901 Adams Street NE, Suite D
Albuquerque, New Mexico 87113

Dear Ms. Gilstrap:

We have received your request for information on the proposed Windstream Communication Fiber-Optic Cable Installation Project, Sandoval County New Mexico. There are no prime or unique farmlands in the project area. The Natural Resources Conservation Service has no objections to the proposed action.

Thank you for the opportunity to comment.

Sincerely,

DENNIS L. ALEXANDER
State Conservationist

Sarah Gilstrap

From: Paulsgrove, Ed L SPA [Ed.L.Paulsgrove@usace.army.mil]
Sent: Wednesday, July 15, 2009 7:53 AM
To: Sarah Gilstrap
Cc: Paulsgrove, Ed L SPA
Subject: Response to July 10 letter

Good morning, Sarah;

I've been assigned this project for Section 404 evaluation. As you know, it is likely that line crossings of waters may need permit evaluation. At this time, the information provided is inadequate to make a permit determination. Please provide dimensional and quantity data pertaining to each crossing of waters. At that time I'll provide a preliminary jurisdictional determination for applicant signature and information on the permit process. Please contact me with any questions you may have.

Thank you,

Edward Paulsgrove
Regulatory Project Manager
Albuquerque District
US Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109
ph. 505/342-3279
fax. 505/342-3498
mailto:ed.l.paulsgrove@usace.army.mil
http://www.spa.usace.army.mil/reg/default.asp

"A Person Doesn't Become Old Until His Regrets Take The Place Of His Dreams"

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA NE
ALBUQUERQUE NM 87109-3435

September 14, 2009

Regulatory Division

Ms. Sarah Gilstrap
Parametrix
8901 Adams St. NE, Ste. D
Albuquerque, NM 87501

Dear Ms. Gilstrap:

This replies to your August 25, 2009, letter regarding the Weststream Communication's proposed fiber optic placement near Cuba, Sandoval County, New Mexico. We have assigned Action No. SPA-2009-00400-ABQ to this activity.

We have evaluated the information you provided and studied the project description, other records, and documents available to us. We concur with your findings that waters of the United States are located within the project site. The work does not include any discharges of dredged or fill material into waters of the United States. Therefore, the proposed project is not regulated under the provisions of Section 404 of the Clean Water Act and a Department of the Army permit will not be required.

Our disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, state and local laws may apply to the activities. Therefore, the applicant should also contact other Federal, state and local regulatory authorities to determine whether the activities may require other authorizations or permits.

This determination will be valid for 2 years from the date of this letter unless new information warrants revision of the determination within that time. Please be aware that since no site visit was made, waters of the United States may be present on the project site and a Section 404 permit may be needed for some work.

If you have any questions, please feel free to contact me at (505) 342-3279 or e-mail me at ed.l.paulsgrove@usace.army.mil.

For more information about the regulatory program, please see our web site at www.spa.usace.army.mil/reg.

Sincerely,

Edward Paulsgrove
Project Manager

Parametrix ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

September 11, 2009

Edward Paulsgrove
Regulatory Project Manager
Albuquerque District
US Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109

Re: Windstream Communication's Proposed Fiber-Optic Cable Installation Along NM 197
Sandoval County, New Mexico

Dear Mr. Paulsgrove:

This letter is in response to your request for more information on Windstream Communications (Windstream) proposed fiber-optic installation project located along NM 197 near Cuba, New Mexico (NM) (Figure 1, Project Location Map). Windstream is proposing the installation of approximately 22 miles (mi) of fiber-optic cable (WW transmission line) within 646.42 acres (ac) in Sandoval County, NM. The fiber-optic line will link the Cuba exchange with existing fiber co-located with the Public Service Company of New Mexico (PNM) WW transmission situated southwest of Cuba, NM. The beginning of the project (BOP) is located at Windstream's Central Office in Cuba, NM and the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line. The vast majority of the proposed line will be buried in trenches averaging 2 feet (ft) wide by 3 ft deep; however, aerial inserts and boring will be necessary for wetland and ephemeral arroyo crossings.

It is anticipated that no temporary or permanent fill will be deposited into Waters of the U.S. during or after construction of the proposed installation. Impacts to arroyos and wetlands will be avoided by the following route mitigation which includes going aerial over, boring under, and going around wetlands and ephemeral arroyos. The following route details in bold highlight the areas where mitigation will occur for potential wetlands and arroyos:

- The line begins at Windstream's CO facility on Reed Road in Cuba, NM;
- From the CO facility the line will be installed along the south side of Reed Road for a distance of 560 ft to US 550 at Milepost (MP) 64.54;
- The line will then be bored under US 550 at MP 64.54 for 267 ft to an existing overhead communications line located on the west side of US 550;
- The line will then be attached to the existing overhead communications line until its intersection with Miera Road, which is south of the attachment point;

- The line will then be installed on the north side of Miera Road to its intersection with Cubita Road, which is a total distance of 3221 feet;
- The line will then be bored under Cubita Road from east to west for a distance of 72 ft;
- **A pole will be placed 248 ft south and another 489 ft south of the Cubita and Miera intersection to bring an aerial insert over wetlands back to buried;**
- From here the line will be trenched in on the west side of Cubita Road to its intersection with NM 197, which is at MP 0.38;
- At MP 0.41 of NM 197 the line will be attached to an existing aerial insert;
- At MP 0.73 of NM 197 the line will be brought down from the aerial insert and buried along the north side of the highway right-of-way;
- At MP 0.85 of NM 197 the line will be attached to an existing aerial insert;
- At MP 0.88 of NM 197 the line will be brought down from the existing aerial insert and then the line will buried along the northwest side of the highway right-of-way;
- At MP 2.75 of NM 197 a pole will be placed for an aerial insert over an archaeological site;
- At MP 2.93 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the west side of the highway right-of-way;
- At MP 3.07 of NM 197 a pole will be placed for an aerial insert;
- At MP 3.16 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the west side of the highway right-of-way;
- **At MP 3.22 of NM 197 a pole will be placed for an aerial insert over arroyo;**
- At MP 3.28 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the west and north sides of the highway right-of-way;
- **At MP 5.38 of NM 197 the line will be bored under culverts on the north side of the highway right-of-way to MP 5.39, and then the line will be plowed adjacent to the edge of pavement to avoid wetlands to MP 5.56, then the line will continue to be plowed along the north side of the highway right-of-way;**
- At MP 6.08 of NM 197 a pole will be placed for an aerial insert;
- At MP 6.10 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the north side of the highway right-of-way;
- **At MP 6.23 of NM 197 the line will be bored from the north side of the highway right-of-way to south side to avoid Arroyo Chijuilito;**
- At MP 6.55 of NM 197 a pole will be placed for an aerial insert;
- At MP 6.60 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the south side of the highway right-of-way;
- **At MP 6.75 of NM 197 a pole will be placed for an aerial insert to avoid Arroyo Lucero;**
- At MP 6.77 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;
- **At MP 7.28 of NM 197 a pole will be placed for an aerial insert over a small wetland;**
- At MP 7.38 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;
- At MP 8.02 of NM 197 a pole will be placed for an aerial insert;
- At MP 8.09 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;

- At MP 9.73 of NM 197 the line will be trenched in adjacent to the edge of pavement to avoid an archaeological site;
- At MP 10.00 of NM 197 a pole will be placed for an aerial insert;
- At MP 10.12 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the east side of the highway right-of-way;
- At MP 13.36 of NM 197 a pole will be placed for an aerial insert;
- At MP 13.38 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the east side of the highway right-of-way;
- **At MP 15.33 of NM 197 a pole will be placed for an aerial insert over an arroyo;**
- At MP 15.34 of NM 197 a pole will be placed to bring the line down from the aerial insert and to be buried along the east (or south) side of the highway right-of-way;
- At MP 15.70 of NM 197 a pole will be placed for an aerial insert;
- At MP 15.77 of NM 197 a pole will be placed to bring the line down from the aerial insert to be buried along the east (or south) side of the highway right-of-way;
- **At MP 15.97 of NM 197 a pole will be placed for an aerial insert over Arroyo Jarido;**
- At MP 16.00 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the east (or south) side of the highway right-of-way;
- At MP 18.35 of NM 197 the line follows the east (or south) side of Torreon Mission Road for a total of 6,067 ft;
- At this point the line is bored under Torreon Mission Road to a two-track road situated just south of the intersection of Torreon Mission Road and PNM's WW Transmission Line;
- The line is buried along the west side of this two-track for a distance of 4,060 ft;
- At this point a pole will be placed for an aerial insert over gas lines. A second pole will be placed at a distance of 225 ft to the west to complete the aerial insert;
- From the second pole the line will be brought down and then plowed along the west side of Pipeline Road to its intersection with NM 197, which is a distance of 4,905 ft;
- The line will then be plowed along the south side of NM 197 to the east;
- At MP 21.12 of NM 197 the line will be bored under the highway from south to north, and then a pole will be placed for an aerial insert over gas lines;
- At MP 21.07 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the north side of the highway right-of-way;
- **At MP 20.96 of NM 197 a pole will be placed for an aerial insert over an arroyo**; and
- At MP 20.93 of NM 197 a pole will be placed to bring the line down from the aerial insert and then the line will be buried along the north side of the highway right-of-way to the EOP, which is located at the intersection of NM 197 and PNM's WW Transmission Line at MP 20.28.

The three potential wetland areas that will be avoided along the proposed route are located south of the Cubita and Miera intersection within the town of Cuba, NM, located at approximately NM 197 MP 5.5, and located at approximately NM 197 MP 7.0 (Figure 2). There are two small potential wetland areas located at approximately NM 197 MP 16.5; however these are outside the project limits/right-of-way (Figure 3). The wetlands will be avoided by aerial inserts or by boring. The following Photo 1 and Photo 2 illustrate the wetlands at MP 5.5 and MP 7.0, respectively.

Photo 1: Potential wetland near MP 5.5 that will be avoided.

Photo 2: Potential wetland near MP 7.0 that will be avoided.

During the field surveys conducted by Parametrix Biologist, Jesse Shuck, in August 2008 and in May, 2009, an estimate of over a dozen unnamed ephemeral arroyos crossed the project route; these will be avoided by aerial inserts or boring. An example of an unnamed ephemeral arroyo is illustrated in Photo 3 below.

The named arroyos that the proposed route will cross include Arroyo Chijuilito located at approximately NM 197 MP 6.25, Arroyo Lucero located at approximately NM 197 MP 6.7, and Arroyo Jarido located at approximately NM 197 MP 16.5. The Arroyo Chijuilito will be avoided by boring the line from the north side of the right-of-way to the south side. The Arroyo Lucero and the Arroyo Jarido will be avoided by aerial inserts. The proposed line will be going aerial across the Rio Puerco at approximately NM 197 MP 0.75.

Photo 3: Unnamed ephemeral arroyo located along NM 197.

Due to the aforementioned mitigation to avoid ephemeral arroyos and potential wetlands along the proposed installation route, it is anticipated that there will be no impact to Waters of the U.S. and that there will be no temporary or permanent fill deposited into Waters of the U.S. during or after construction. Based on the proposed mitigation for this project, there does not appear to be any indication that a permit with the USACE will be necessary; however, if you feel that further investigation of the proposed installation project and the proposed mitigation is needed please advise. If you need further information about the biological evaluation and analysis, please contact Jesse Shuck at (505) 821-4700, jshuck@parametrix.com. If you need further information about the proposed project and the environmental documentation, please contact me at (505) 998-5564, sgilstrap@parametrix.com.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

Enclosure

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4400 **Fax:** (505) 761-4462
Website: www.nm.nrcs.usda.gov

September 2, 2009

Ms. Sara M. Gilstrap, Environmental Planner
Parametrix
8901 Adams Street NE, Suite D
Albuquerque, New Mexico 87113

Dear Ms. Gilstrap:

We have received your request for consultation on Windstream Communication's Proposed Fiber Optic Cable Installation Project Sandoval County, New Mexico. There are no prime or unique farmlands in the project area. The Natural Resources Conservation Service has no objection to the proposed action.

Thank you for the opportunity to comment.

Sincerely,

DENNIS L. ALEXANDER
State Conservationist

Parametrix ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

RECEIVED
AUG 28 2009
USFWS-NMESFO

August 25, 2009

Field Supervisor Wally Murphy
US Fish and Wildlife Service
2105 Osuna Road NE
Albuquerque, NM 87113

RE: Windstream Communication's Proposed Fiber-Optic Cable Installation Project Sandoval County, New Mexico

Dear Field Supervisor Murphy:

Windstream Communications (Windstream) is proposing the installation of approximately 22 miles (mi) of fiber-optic cable (WW transmission line) within 646.42 acres (ac) near Cuba, Sandoval County, New Mexico (NM). The fiber-optic line will link the Cuba exchange with existing fiber co-located with the Public Service Company of New Mexico (PNM) WW transmission situated southwest of Cuba, NM (Figure 1). The undertaking will upgrade the communication system for this part of northern New Mexico.

Two previous scoping letters regarding this project were sent on June 30, 2009 and on July 10, 2009 that described the aforementioned undertaking. It has come to our attention since the July 10th letter that officials at the Bureau of Land Management (BLM) Rio Puerco office have determined that the proposed fiber-optic cable installation linking the Cuba exchange to the PNM WW line is a stand-alone project. This project is not part of a larger undertaking that includes a proposed fiber-optic line from Windstream's San Ysidro Central Office and the same PNM transmission line that was described in the July 10th scoping letter. Please disregard the previous scoping letters and address your comments to the following described action. We apologize for any inconvenience that has resulted from the changes in the project scope.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of the project (BOP) is located at Windstream's Central Office in Cuba, NM and the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line. The vast majority of the proposed line will be buried; however, aerial inserts may be necessary in some areas such as arroyo crossings. Land ownership varies throughout the proposed project corridor and includes the following: the BLM, the New Mexico State Land Office (SLO), the New Mexico Department of Transportation, and private easements. The BLM will be acting as the lead agency and the project will be funded by Windstream.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

SEP 11 2009

Thank you for your recent request for information on threatened or endangered species or important wildlife habitats that may occur in your project area. The New Mexico Ecological Services Field Office has posted lists of the endangered, threatened, proposed, candidate and species of concern occurring in all New Mexico Counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: http://www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm. If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find New Mexico Listed and Sensitive Species Lists on the main page and click on the county of interest. Your project area may not necessarily include all or any of these species. This information should assist you in determining which species may or may not occur within your project area.

Under the Endangered Species Act of 1973, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. Similarly, it is their responsibility to determine if a proposed action has no effect to endangered, threatened, or proposed species, or designated critical habitat. On December 16, 2008, we published a final rule concerning clarifications to section 7 consultations under the Act (73 FR 76272). One of the clarifications is that section 7 consultation is not required in those instances when the direct and indirect effects of an action pose no effect to listed species or critical habitat. As a result, we do not provide concurrence with project proponent's "no effect" determinations.

If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,

Wally Murphy
Field Supervisor

Parametrix ENGINEERING • PLANNING • ENVIRONMENTAL SCIENCES

8901 Adams Street NE, Suite D
Albuquerque, NM 87113
T. 505.821.4700 F. 505.821.7131
www.parametrix.com

August 25, 2009

Roxanne Runkel
US Department of the Interior, National Park Service
12795 Alameda Pkwy
Denver, CO 80225

RE: Windstream Communication's Proposed Fiber-Optic Cable Installation Project Sandoval County, New Mexico

Dear Roxanne Runkel:

Windstream Communications (Windstream) is proposing the installation of approximately 22 miles (mi) of fiber-optic cable (WW transmission line) within 646.42 acres (ac) near Cuba, Sandoval County, New Mexico (NM). The fiber-optic line will link the Cuba exchange with existing fiber co-located with the Public Service Company of New Mexico (PNM) WW transmission situated southwest of Cuba, NM (Figure 1). The undertaking will upgrade the communication system for this part of northern New Mexico.

Two previous scoping letters regarding this project were sent on June 30, 2009 and on July 10, 2009 that described the aforementioned undertaking. It has come to our attention since the July 10th letter that officials at the Bureau of Land Management (BLM) Rio Puerco office have determined that the proposed fiber-optic cable installation linking the Cuba exchange to the PNM WW line is a stand-alone project. This project is not part of a larger undertaking that includes a proposed fiber-optic line from Windstream's San Ysidro Central Office and the same PNM transmission line that was described in the July 10th scoping letter. Please disregard the previous scoping letters and address your comments to the following described action. We apologize for any inconvenience that has resulted from the changes in the project scope.

The project area is located in the northwest part of New Mexico and is shown on the *Cuba, NM* (1963), *San Pablo, NM* (1970), *Mesa Portales, NM* (1989), *Johnson Trading Post, NM* (1989), and *Wolf Stand, NM* (1989) 7.5-minute United States Geological Survey (USGS) quadrangles. The beginning of the project (BOP) is located at Windstream's Central Office in Cuba, NM and the end of project (EOP) is located at the intersection of NM 197 and PNM's WW Transmission Line. The vast majority of the proposed line will be buried; however, aerial inserts may be necessary in some areas such as arroyo crossings. Land ownership varies throughout the proposed project corridor and includes the following: the BLM, the New Mexico State Land Office (SLO), the New Mexico Department of Transportation, and private easements. The BLM will be acting as the lead agency and the project will be funded by Windstream.

The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: Julie Sharp Date: 9/8/09

The proposed installation will primarily be restricted to an existing overhead communications line and the NM 197 right-of-way, which measures approximately 75 feet (ft) on either side of the NM 197 centerline or 150 ft from right-of-way fence to fence. However, the line does diverge from the highway right-of-way at the Torreon Mission road near the western end of the project corridor. The line runs along the east side of Torreon Mission Road for approximately 1 mi to a two-track road on its west side and just past (south) its intersection with PNM's WW Transmission Line. From this intersection the proposed route runs westward along the north side of a two-track for approximately 0.8 mi to its intersection with an improved surface road locally referred to as Pipeline Road. Then the line heads northwest along Pipeline Road back to NM 197—a distance of approximately 1 mi. At the intersection of Pipeline Road and NM 197 the proposed route heads northeast to the EOP, which is where the PNM WW Transmission Line crosses the highway.

The installation of the line will require the excavation of trenches averaging approximately 24 inches wide and 36 inches in depth. If necessary, existing pavement will be cut and repaved after installation. Heavy equipment such as backhoes, "ditch witches," and rock-saw trenchers may be used for plowing/knifing of the trench line.

At the request of Windstream, Parametrix will be preparing an environmental document in order to comply with the National Environmental Policy Act. Your input on this project is an important element of the design and environmental review process. Please inform us of any concerns you may have pertaining to the proposed project. You may send written comments to Sarah Gilstrap, Parametrix, 8901 Adams Street NE, Suite D, Albuquerque, NM 87113, via electronic mail at sgilstrap@parametrix.com, or by facsimile at (505) 821-7131.

If you need more information about the project, or if you have additional questions, please contact me at (505) 821-4700. Thank you for your interest in this project.

Sincerely,

Sarah M. Gilstrap
Environmental Planner

Enclosure: Figure 1, Project location map

SANDOVAL COUNTY ADMINISTRATIVE OFFICES

BOARD OF COUNTY COMMISSIONERS

DON E. LEONARD
District 2, Chairman

ORLANDO J. LUCERO
District 1, Vice Chairman

DAVID BENCY
District 3

GLENN WALTERS
District 4

DARRYL F. MADALENA
District 5

JUAN R. VIGIL
County Manager

Parametrix Engineering Planning Environmental Sciences
8901 Adams Street NE, Suite D
Albuquerque, NM 87113
Attn: Sarah M. Gilstrap

RE: Windstream Communication's Proposed Fiber-Optic Cable Installation Project
Sandoval County, New Mexico

Dear Ms. Gilstrap,

Your request for comments has been processed below is a list of concerns.

1. Environmental Clearance needs to be granted.

   A. Environmental Clearance should be granted by NMDOT, State Trust, federal BLM, US Forest Service, or tribal lands depending on who owns the specific portion of Right of Way Land. Each entity has its own environmental department.

   B. Describe the project along with width, length, and depth of ground disturbance.

   C. Provide the milepost for the beginning of the project area (BOP) and the end of the project area (EOP). Indicate BOP and EOP on quadrangle maps as well.

   D. Indicate which side of the road the project will be located using cardinal directions (north, south, east, and west).

   E. Provide legal description of the project area Township, range, and Section(s).

2. A Traffic Impact Analysis (TIA) may need to be preformed contact (NMDOT) New Mexico Department of Transportation.

3. Provide survey if required, if surveys are required, the permitted shall conduct a cultural resources survey and a biological survey. The biological survey is accompanied by a CE (Categorical Exclusion) checklist. Surveys should be conducted by qualified archaeologists and biologists.

4. All required permits must be attained from all Government Agencies Involved.

   A. The permitted shall determine land ownership of the highway right of way. Typically, highway rights of way are owned by the NMDOT when rights of way are adjacent to private land. When highways are adjacent to State Trust, federal (such as BLM and US Forest Service), and tribal lands, rights of way are owned by those entities.

If you have any questions or need further information please contact me at (505) 771-7949.

/SM

Sincerely,

Stephen Martinez
Sandoval County

Parametrix Engineering Planning Environmental Sciences
8901 Adams Street NE, Suite D
Albuquerque, NM 87113
Attn: Sarah M. Gilstrap

RE: Windstream Communication's Proposed Fiber-Optic Cable Installation Project Sandoval County, New Mexico

Dear Ms. Gilstrap,

Your request for comments has been processed below is a list of concerns.

1. Environmental Clearance needs to be granted.

   A. Environmental Clearance should be granted by NMDOT, State Trust, federal BLM, US Forest Service, or tribal lands depending on who owns the specific portion of Right of Way Land. Each entity has its own environmental department.

   B. Describe the project along with width, length, and depth of ground disturbance.

   C. Provide the milepost for the beginning of the project area (BOP) and the end of the project area (EOP). Indicate BOP and EOP on quadrangle maps as well.

   D. Indicate which side of the road the project will be located using cardinal directions (north, south, east, and west).

   E. Provide legal description of the project area Township, range, and Section(s).

2. A Traffic Impact Analysis (TIA) may need to be preformed contact (NMDOT) New Mexico Department of Transportation.

3. Provide survey if required, if surveys are required, the permitted shall conduct a cultural resources survey and a biological survey. The biological survey is accompanied by a CE (Categorical Exclusion) checklist. Surveys should be conducted by qualified archaeologists and biologists.

4. All required permits must be attained from all Government Agencies Involved.

   A. The permitted shall determine land ownership of the highway right of way. Typically, highway rights of way are owned by the NMDOT when rights of way are adjacent to private land. When highways are adjacent to State Trust, federal (such as BLM and US Forest Service), and tribal lands, rights of way are owned by those entities.

If you have any questions or need further information please contact me at (505) 771-7949.

/SM

Sincerely,

Stephen Martinez
Sandoval County

United States Department of Agriculture

NRCS
Natural Resources Conservation Service
6200 Jefferson NE, Room 305
Albuquerque, NM 87109
Phone: (505) 761-4400 **Fax:** (505) 761-4462
Website: www.nm.nrcs.usda.gov

July 13, 2009

Ms. Sarah Gilstrap, Environmental Planner
Parametrix
8901 Adams Street NE, Suite D
Albuquerque, New Mexico 87113

Dear Ms. Gilstrap:

We have received your request for information on the proposed Windstream Fiber-Optic cable installation along NM 197 Southwest of Cuba, Sandoval County, New Mexico. There are no prime or unique farmlands in the project area. The Natural Resources Conservation Service has no objections to the proposed action.

Thank you for the opportunity to comment.

Sincerely,

DENNIS L. ALEXANDER
State Conservationist

APPENDIX B

Windstream Route List

DETAILED NM 197 ROUTE DESCRIPTION

Cultural resource locations are not disclosed on this route list

- The line begins at Windstream's Central Office (CO) facility on Reed Road in Cuba, NM;
- From the CO facility the line would be installed along the south side of Reed Road for a distance of 560 ft to US 550 at MP 64.54;
- The line would then be bored under US 550 at MP 64.54 for 267 ft to an existing overhead communications line located on the west side of US 550;
- The line would then be attached to the existing overhead communications line until its intersection with Miera Road, which is south of the attachment point;
- The line would then be installed on the north side of Miera Road to its intersection with Cubita Road, which is a total distance of 3221 feet;
- The line would then be bored under Cubita Road from east to west for a distance of 72 ft;
- A pole would be placed 248 ft south and another 489 ft south of the Cubita and Miera intersection to bring an aerial insert over wetlands back to buried;
- From here the line would be trenched in on the west side of Cubita Road to its intersection with NM 197, which is at MP 0.38;
- At MP 0.41 of NM 197 the line would be attached to an existing aerial insert;
- At MP 0.73 of NM 197 the line would be brought down from the aerial insert and buried along the north side of the highway right-of-way to avoid the Rio Puerco;
- At MP 0.85 of NM 197 the line would be attached to an existing aerial insert;
- At MP 0.88 of NM 197 the line would be brought down from the existing aerial insert and then the line would buried along the northwest side of the highway right-of-way;
- At MP 2.75 of NM 197 a pole would be placed for an aerial insert;
- At MP 2.93 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the west side of the highway right-of-way;
- At MP 3.07 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 3.16 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the west side of the highway right-of-way;
- At MP 3.22 of NM 197 a pole would be placed for an aerial insert over arroyo;

- At MP 3.28 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the west and north sides of the highway right-of-way;
- At MP 5.38 of NM 197 the line would be bored under culverts on the north side of the highway right-of-way to MP 5.39, and then the line would be plowed in the bar ditch on the north side of NM 197 between 5.39 and 5.56 to avoid a wetland, then the line would continue to be plowed along the north side of the highway right-of-way;
- At MP 6.08 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 6.10 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the north side of the highway right-of-way;
- At MP 6.23 of NM 197 the line would be bored from the north side of the highway right-of-way to south side to avoid the Arroyo Chijuilito;
- At MP 6.55 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 6.60 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the south side of the highway right-of-way;
- At MP 6.75 of NM 197 a pole would be placed for an aerial insert to avoid the Arroyo Lucero;
- At MP 6.77 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;
- At MP 7.28 of NM 197 a pole would be placed for an aerial insert over a small wetland;
- At MP 7.38 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;
- At MP 8.02 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 8.09 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the south side of the highway right-of-way;
- At MP 9.4 of NM 197 the line would be plowed into the bar ditch;
- At MP 10.00 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 10.12 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the east side of the highway right-of-way;
- At MP 13.36 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 13.38 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the east side of the highway right-of-way;

- At MP 15.33 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 15.34 of NM 197 a pole would be placed to bring the line down from the aerial insert and to be buried along the east (or south) side of the highway right-of-way;
- At MP 15.70 of NM 197 a pole would be placed for an aerial insert over arroyo;
- At MP 15.77 of NM 197 a pole would be placed to bring the line down from the aerial insert to be buried along the east (or south) side of the highway right-of-way;
- At MP 15.97 of NM 197 a pole would be placed for an aerial insert over the Arroyo Jarido;
- At MP 16.00 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the east (or south) side of the highway right-of-way;
- At MP 18.35 of NM 197 the line follows the east (or south) side of Torreon Mission Road for a total of 6,067 ft;
- At this point the line is bored under Torreon Mission Road to a two-track road situated just south of the intersection of Torreon Mission Road and PNM's WW Transmission Line;
- The line is buried along the west side of this two-track for a distance of 4,060 ft;
- At this point a pole would be placed for an aerial insert over gas lines. A second pole would be placed at a distance of 225 ft to the west to complete the aerial insert;
- From the second pole the line would be brought down and then plowed along the west side of Pipeline Road to its intersection with NM 197, which is a distance of 4,905 ft;
- The line would then be plowed along the south side of NM 197 to the east;
- At MP 21.12 of NM 197 the line would be bored under the highway from south to north, and then a pole would be placed for an aerial insert over gas lines;
- At MP 21.07 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the north side of the highway right-of-way;
- At MP 20.96 of NM 197 a pole would be placed for an aerial insert over an arroyo; and
- At MP 20.93 of NM 197 a pole would be placed to bring the line down from the aerial insert and then the line would be buried along the north side of the highway right-of-way to the EOP, which is located at the intersection of NM 197 and PNM's WW Transmission Line at MP 20.28.