

SECTION 1.0 - INTRODUCTION

The environmental staff of the California State Lands Commission (CSLC) and the Bureau of Land Management (BLM) have prepared this draft Environmental Assessment/Mitigated Negative Declaration (EA/MND) to assess the environmental impacts associated with the replacement of three segments of AT&T Corp.'s (AT&T) existing fiber optic cable. The BLM is amending a Right-of-Way (ROW) Grant for the project, while the CSLC is amending their lease to allow these activities. Because the Proposed Project has the potential to impact sensitive resources, including threatened and endangered species, it is subject to review under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This document has been prepared in accordance with these regulations.

1.1 PROJECT OVERVIEW

AT&T proposes to replace deteriorating portions of its approximately 190-mile fiber optic cable extending from Las Vegas, Nevada, to Victorville, California. The activities required to ensure the function and capacity of the overall system include replacement of portions of the direct bury cable, as well as replacement of portions of the cable within existing conduit. Constructed in 1988–89 pursuant in part to the BLM ROW Grant CA-21604/NV-48572 and CSLC Lease No. PRC 7264.2, this cable route contains a 0.5-inch diameter fiber optic cable that is either “directly buried” in the ground or otherwise enclosed within existing buried conduit. Ancillary facilities along the route consist of eight regeneration stations, several short segments of electrical distribution line, splice boxes, marker poles, marker ribbon, and access vaults.

For the purpose of this EA/MND, the Proposed Project involves the replacement of specified segments of the existing AT&T fiber optic cable located between the California-Nevada State Line and Victorville, California.

The original construction of this fiber optic cable system was analyzed under the NEPA in 1988 as part of the US Sprint Communications Company installation of approximately 230 miles of buried fiber optic cable extending from Rialto, California, to Las Vegas, Nevada. The 1988 EA was accepted in February 1988 by Gerald E. Hillier, District Manager, BLM, California Desert District 1695. The 1988 EA analyzed the affected environment, determined impacts, and prescribed measures to mitigate the impacts of the fiber optic cable construction. It was also analyzed under the CEQA in 1988 in a Negative Declaration adopted by the CSLC pursuant to the preparation of the Initial Study for the AT&T Fiber Optic Cable Right-of-Way Project, Las Vegas, Nevada, to San Bernardino, California, Document No. 0550-055.

This EA/MND analyzes the AT&T proposal to replace three segments of the existing cable system. All activities would take place in existing ROW, consisting of county roads, previously disturbed access roads, or previously disturbed areas. With the exception of the laydown areas, the Proposed Project's zone of disturbance is within the maximum zone of disturbance assessed for the installation of the 1988 fiber optic line; therefore, the Proposed Project would not disturb any new areas outside of those already addressed under the 1988 NEPA and CEQA documents.

1.1.1 Project Location and Environmental Setting

The Proposed Project involves the replacement of three segments of the AT&T fiber optic cable located between the California-Nevada State Line and the Victorville Central Office near Sixth and Union Street in the City of Victorville, County of San Bernardino, California. The existing fiber optic cable alignment follows a generally linear path through the Victorville, Apple Valley North, Turtle Valley, Stoddard Well, Solomons Knob, Valley Wells, Mescal Range, Mineral Hill, and Ivanpah Lake California U.S. Geological Survey 7.5-minute quadrangles. Figure 1-1: General Project Location Map depicts the general location of the Proposed Project.

A total of approximately 43.39 non-contiguous miles of the existing fiber optic cable, divided into three segments, would be replaced within its existing ROW. Approximately 10.83 miles of fiber optic cable

would be replaced and installed in existing, buried conduit while approximately 32.56 miles of cable would require the installation of new conduit (New Build). The general start and end points of these segments are defined as follows:

- Segment 1: California-Nevada State Line to Nipton Road
- Segment 2: Cima Road to Halloran Summit
- Segment 3: Slash X Regeneration Station to the Victorville Central Office

Table 1-1: AT&T Fiber Optic Cable Segments summarizes the total length of each segment and provides the portion of cable that would require new conduit to be installed.

Table 1-1: AT&T Fiber Optic Cable Segments

Segment	Length (miles)	Existing Conduit (miles)	New Build (miles)
Segment 1	10.79	1.71	9.08
Segment 2	7.0	0.0	7.0
Segment 3	25.6	9.12	16.48
Total	43.39	10.83	32.56

The Proposed Project involves the use of approximately 51.2 acres¹ of existing ROW and previously disturbed areas for all activities, including equipment access, maneuvering, staging/laydown areas, and installation of marker posts.² The temporary soil disturbance within the ROW is inventoried further in Table 2-3: Temporary Disturbance.

The environmental setting in the vicinity of the cable route includes mountain ranges and alluvial fans, terraces, plains, playas, and basins. The cable route crosses a portion of Ivanpah Dry Lake, a dry lakebed located near the California-Nevada border, and its associated ephemeral tributaries. Soils along the cable route are primarily recent deposits containing little organic matter. These soils support sparse typical desert scrub vegetation, including creosote bush, saltbush, and Joshua trees. Wildlife in the vicinity of the cable route include desert tortoise (*Gopherus agassizii*), Great Basin whiptail (*Cnemidophorus tigris tigris*), Mojave sidewinder (*Crotalus cerastes cerastes*), Gambel's quail (*Callipepla californica*), common raven (*Corvus corax*), black-throated sparrow (*Amphispiza bilineata*), black-tailed jackrabbit (*Lepus californicus*), desert woodrat (*Neotoma lepida*), American badger (*Taxidea taxus*), and wild burro (*Equus asinus*). A comprehensive discussion of the wildlife in the Proposed Project area has been included in Section 4.4 Wildlife and Appendix A - Biological Evaluation. Although they have not been observed in the specific Proposed Project area, suitable habitat for the Mohave ground squirrel (*Spermophilus mohavensis*) is present in Segment 3 of the Proposed Project area. Further discussion of the Mohave ground squirrel has been included in Appendix B - Mohave Ground Squirrel Habitat Assessment.

¹ This calculation assumes that the entire 10-foot-wide, 32.6-mile-long permanent ROW would be graded and represents a worst-case-scenario.

² Assumes use of the entire 20-foot ROW for all segments (10 feet existing ROW grant and an additional 10 feet temporary construction ROW grant).

Figure 1-1: General Project Location Map

Figure 1-1: General Project Location Map has been omitted from this document and is included separately as Fig1-1.pdf.

1.1.2 Purpose and Need

The Las Vegas-Victorville cable route is an integral part of AT&T's nationwide and global network of cable communication links and carries voice, data, and streaming video that is critical to uses ranging from household personal computers to businesses, universities, hospitals, emergency responders, and government institutions. The cable route segments targeted by the Proposed Project need to be replaced as soon as possible because AT&T lab technicians have determined that these particular segments are near the end of their useful life and service degradation is imminent. Those segments identified in the Proposed Project are at risk at this time; the remaining segments along the Las Vegas-Victorville route are not threatened by existing conditions. Thus, the purpose of the Proposed Project is to maintain the functionality of the system by replacing certain segments that are rapidly nearing the end of their useful life. The overall fiber optic telecommunication transmission capacity of this cable from Las Vegas to Victorville would not be changed.

1.2 DISCRETIONARY ACTIONS AND REGULATORY PERMITS

Table 1-2: Discretionary Actions and Regulatory Permits lists the known federal, state, and local agency approvals, reviews, and permitting requirements associated with the Proposed Project.

Table 1-2: Discretionary Actions and Regulatory Permits

Regulatory Agency	Authorizing Action/ Permits
United States (U.S.) Army Corps of Engineers	Section 404 of the Clean Water Act (Nationwide Permit 12)
BLM – Needles Office	ROW Grant Amendment
	NEPA Compliance
U.S. Fish and Wildlife Service	Formal Section 7 Consultation pursuant to the Endangered Species Act
California Department of Fish and Game (CDFG)	1602 Streambed Alteration Agreement
	Incidental Take Authorization (Fish and Game Code Section 2081)
California Regional Water Quality Control Board (Lahontan)	Section 401 Certification / Waste Discharge Report
	Compliance with Water Quality Order No. 2004-0004-DWQ
California State Water Resources Control Board (SWRCB)	Compliance with SWRCB's General Construction Stormwater Permit (General Permit No. 99-08-DWQ)
CSLC	Lease Amendment
	CEQA Compliance
County of San Bernardino	Excavation Permit
Town of Apple Valley	Encroachment Permit
City of Victorville	Encroachment Permit

1.2.1 Relationship to NEPA Guidelines

The Proposed Project is subject to the NEPA because it is proposed on federal land managed by the BLM. Therefore, this document has been prepared in compliance with the NEPA and its implementing regulations issued by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] Section 1500) and 40 CFR Part 1506.2(a) and (b) addressing joint documents. It also complies with the following:

- Federal Land Policy and Management Act and planning guidance at 43 CFR Section 1600 and in the BLM Planning Manual (1600 Series)
- BLM Environmental Handbook (H-1790)
- Clean Water Act (Sections 401 and 404)
- National Historic Preservation Act (Section 106)
- American Indian Religious Freedom Act
- Safe Drinking Water Act
- Wild and Scenic Rivers Act
- Wilderness Act
- Endangered Species Act (Section 7)
- Executive Order 13007 on Sacred Sites
- Executive Order 11988 on Floodplains
- Executive Order 1199-0 on Wetlands and Riparian Zones
- Executive Order 13045 on Protection of Children from Environmental Health and Safety Risks
- Executive Order 12898 addressing Environmental Justice.

The preparation, review, and certification process for the NEPA EA will involve the procedural steps discussed below.

1.2.1.1 Environmental Assessment

This document constitutes the EA and contains a description of the Proposed Project, description of the existing environment, identification of environmental consequences or impacts, and applicant-proposed measures.

1.2.1.2 Public Review

This document will be circulated for public review, including review by applicable federal, state, and local agencies, for a maximum of 30 days in conjunction with CEQA and NEPA requirements.

1.2.1.3 Response to Comments/Final EA

Following the public review period, a Final EA/MND will be prepared. The BLM and CSLC will respond to written comments received during the public review period.

1.2.1.4 Adoption of the EA/Project Consideration

The BLM will review and consider all information contained in the Draft and Final EA/MND. If the BLM finds that the Final EA/MND is “adequate and complete,” the BLM will “adopt” the EA/MND. The rule of adequacy generally holds that the EA/MND can be adopted if: 1) it shows a good faith effort at full disclosure of environmental information and 2) it provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EA/MND, the BLM may take action to approve, revise, or reject the Project. A decision to approve the Proposed Project will be accompanied by written findings in accordance with 40 CFR 1503.4.

1.2.1.5 Finding of No Significant Impact

The primary purpose of conducting an EA is to determine whether or not a proposed action would have a significant impact on the human environment and, therefore, require the preparation of an Environmental Impact Statement. As defined in 40 CFR 1508.13, the Finding of No Significant Impact is a document that briefly presents the reasons why an action would not have a significant effect on the human environment. The regulations further define the term “significantly” in 40 CFR 1508.27 and require that the context and intensity of impacts be considered in analyzing significance, as the following describes further:

- Context. This means that the significance of an action must be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
- Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect would be beneficial.
 - The degree to which the proposed action affects public health or safety.
 - Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
 - The degree to which the effects on the quality of the human environment are likely to be highly controversial.
 - The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 - The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 - Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
 - The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
 - The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
 - Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.” (40 CFR 1508.27)

1.2.1.6 Land Use Plan Conformance

The Proposed Project is subject to and in conformance with the California Desert Conservation Area Plan of 1980 (as amended) in accordance with 43 CFR 1610.5-3. The plan’s General Guidelines section provides that laws and regulations governing the issuance of permits and/or authorizations for uses of the public lands can be found in 30, 36, and 43 CFR.

1.2.1.7 Decisions to be Made

Decisions to be made at this phase of the Proposed Project involve BLM approval of a ROW Grant Amendment for the replacement of portions of an existing fiber optic cable system.

1.2.2 Relationship to CEQA Guidelines

The Proposed Project is also subject to the requirements of the CEQA because it requires the discretionary approval by the CSLC of the application to amend an existing lease, and the issuance of discretionary authorizations by the CDFG to work in stream and lakebed areas as well as incidental take authorization for species listed as endangered in California. The CSLC is the designated Lead Agency for CEQA review purposes. The Lead Agency also has authority to prepare and adopt a MND and mitigation monitoring program prepared in accordance with the CEQA. For this Proposed Project, the CDFG acts as a Responsible Agency, as defined under the CEQA, because it has the responsibility for approving a portion of the Proposed Project relating to the affected stream and lakebed areas as well as incidental take authorization.

1.2.2.1 Intended Uses of the Mitigated Negative Declaration

The preparation, review, and adoption process for the MND will involve the following procedural steps:

Proposed Mitigated Negative Declaration

This document constitutes the Proposed MND for the Proposed Project and contains a description of the Project, description of the environmental setting, identification of Project impacts, and applicant-initiated environmental construction measures to reduce potentially significant impacts to a less than significant level. Other mitigation measures have also been identified as a result of being found necessary through the environmental analysis. This document contains a completed Environmental Checklist Form as Attachment A - CEQA Checklist, as required by the CEQA. The public notice and review period for this document is up to 30 days, but may be shortened to 20 days as authorized by Section 15205(d) of the CEQA Guidelines and Public Resources Code, Section 21091(e). Upon completion of the public notice and review period for this document, the CSLC will meet to consider whether to adopt this Proposed MND after consideration of all comments received from the public and commenting agencies.

Public Notice/Public Review

The BLM and CSLC will provide public notice of the availability of the Proposed EA/MND for public review and invite comment from the general public, agencies, organizations, and other interested parties. Public comment on the Proposed EA/MND will be accepted in written form.

Following the public review period, the CSLC will meet to review and consider the proposed EA/MND, together with any comments received during the public review process. If the CSLC finds on the basis of the whole record that there is no substantial evidence that the Proposed Project would have a significant effect on the environment, and that the Proposed EA/MND reflects CSLC's independent judgment and analysis, the CSLC may adopt the Proposed EA/MND.

Upon adoption of the EA/MND, the CSLC may take action to approve, revise, or reject the Proposed Project.

1.2.2.2 Incorporation by Reference

Pertinent documents related to this joint EA/MND have been cited and incorporated by reference, in accordance with Section 15150 of the CEQA Guidelines, as a means of reducing the redundancy and length of environmental reports. The following documents are available for review at the BLM Needles Field Office and/or on the BLM web page at <http://www.blm.gov/ca/st/en/prog/planning.htm> and are hereby incorporated by reference into this joint EA/MND:

- 1988 EA, prepared for Gerald E. Hillier, District Manager Bureau of Land Management, California Desert District 1695 (February 1988).
- 1988 Negative Declaration, adopted by the CLSC pursuant to the preparation of the "Initial Study for the AT&T Fiber Optic Cable Right-of-Way Project, Las Vegas, Nevada to San Bernardino, California," Document No. 0550-055 (September 1988).

- BLM California Desert Conservation Area Plan (CDCA) and Final Environmental Impact Statement, 1980. The CDCA Plan involved a 25-million acre federal planning effort in Southern California designated by Congress in 1976 to promote the concepts of multiple use, sustained yield, and maintenance of environmental quality. Congress directed the BLM to prepare and implement a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the CDCA. Approximately 10 million acres were administered by the BLM from 1980 to 2002.

1.2.2.3 Mitigation Monitoring

Pursuant to Section 21081.6(a)(1) of the California Public Resources Code, the Lead Agency shall “adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.” A mitigation monitoring program has been incorporated into this document as Section 6.0 - Mitigation Monitoring, Compliance, and Reporting Program.