

**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT**

**NOANET WASHINGTON RURAL ACCESS PROJECT
ENVIRONMENTAL ASSESSMENT**

**USDA Forest Service
Colville National Forest
Sullivan Lake, Newport, Three Rivers and Republic Ranger Districts
Pend Oreille, Stevens, and Ferry Counties, Washington**

**Okanogan-Wenatchee National Forest Service
Tonasket Ranger District
Okanogan County, Washington**

I have decided to implement the proposed action described in the NoaNet Washington Rural Access Project Environmental Assessment (EA). This EA documents the site-specific analysis conducted by an interdisciplinary team to determine the potential environmental effects connected to a proposal for fiber optic cable installation across National Forest System (NFS) land.

INTRODUCTION

The NoaNet Washington Rural Access Project EA discusses the purpose and need for action per 36 CFR §220.7(b)(1). The purpose is to respond to a request submitted by Northwest Open Access Network (NoaNet) for special use permit authorizing construction, use and maintenance of fiber optic cable across National Forest System (NFS) lands administered by the Sullivan Lake, Newport, Three Rivers, and Republic Ranger Districts of the Colville National Forest and the Tonasket Ranger District of the Okanogan-Wenatchee National Forest.

THE DECISION

Based on the analysis described in the Environmental Assessment, and comments received from the public during the 30-day comment period, it is my decision to authorize the issuance of a special use permit to Northwest Open Access Network for construction, use, and maintenance of approximately 29 miles of fiber optic cable to be located on the Colville National Forest and 1.4 miles of fiber optic cable to be located on the Okanogan-Wenatchee National Forest. Where utility poles currently exist, NoaNet will install the cable aerially. Where no utility poles are available, they will plow in the cable within existing road Right-Of-Way (R-O-W) clearings. NoaNet has stated that they will use directional boring, as required, to avoid and protect areas of environmental or cultural significance and especially at stream crossings.

The permit area would be a corridor 40 feet wide (20 feet on either side of centerline) for overhead lines and 20 feet wide (10 feet on either side of centerline) for buried cable for a total area under permit of approximately 77 acres.

There will be no new road construction needed to install or access the fiber optic cable. Access will be via existing roads (mainly Washington State Highways 20 and 31) or trails currently used to access existing overhead utility lines.

The legal description of the permit area is:

Sections 21, 27 & 28, T. 37 N., R. 31 E., W.M.
Sections 26, T. 36 N., R. 33 E., W.M.
Sections 12, 16, 22-24, 26 & 27, T. 36 N., R. 34 E., W.M.
Sections 8, 14, 15, 17-19, 23 & 24, T. 36 N., R. 35 E., W.M.
Sections 25, 28-30, & 33-36, T. 36 N., R. 36 E., W.M.
Sections 3, 8 & 19, T. 36 N., R. 42 E., W.M.
Sections 25, 26, 34 & 35, T. 37 N., R. 42 E., W.M.

The following mitigation measures will be implemented to reduce the environmental impacts associated with this project:

A. Protection of Habitat for Threatened and Endangered Species

1. If sensitive plant species are found in the project area while project activities are occurring, the Forest Botanist, or their designee, will be consulted as to measures required to protect the species and its essential habitat.
2. All sensitive plant sites will be flagged and excluded from the project. When staking the cable location, a botanist would be consulted and the sensitive plant GIS layer reviewed.
3. Soil disturbed by project activities will be revegetated. The goal is to provide long-term soil cover and reduce the risk of weed infestation. Native plant materials are the first choice in revegetation, but non-native, non-invasive plant species may also be used.

B. Protection of Water Quality and Soils

1. To prevent storm water from accumulating and draining across and/or onto roadways, grassy roadside ditches discharge to surface waters will be maintained.
2. Ditches and culverts will be maintained to ensure that plugging and flooding across the roadbed, with resulting overflow erosion, does not occur
3. If necessary, water bars will be constructed diagonally across a road or right-of-way to divert storm water runoff from the road surface, wheel tracks, or a shallow road ditch.
4. No vegetation removal will occur within 100-year floodplains.

5. Straw wattles are temporary erosion and sediment control barriers which consist of straw that is wrapped in biodegradable tubular plastic or similar encasing material. Wattles may be placed in shallow trenches and staked along the contour of disturbed slopes.
6. Temporary and Permanent Seeding:
 - a. Seeding will be used throughout the project on disturbed areas.
 - b. If channels are disturbed, the vegetated areas will be hydroseeded with a Bonded Fiber Matrix. Mulch will be used at all times to protect the seeds from heat, moisture loss, and transport due to runoff.
 - c. All disturbed areas will be reviewed prior to the beginning of the optimum seeding windows.
 - d. At final site stabilization, all disturbed areas not otherwise vegetated or stabilized will be seeded and mulched.
7. Mulching:
 - a. Mulch will be used as a temporary cover for disturbed areas that require cover for less than 30 days.
 - b. Mulch will be used as a cover for seed during the wet season and during the hot summer months.
 - c. Mulch will be used during the wet seasons on slopes steeper than 3H:1V and with more than 10 feet of vertical relief.
 - d. Mulch will be refreshed periodically.
 - e. All mulch and seed used for erosion control or revegetation shall be certified as "Prohibited and Restricted Noxious Weed Free for the State of Washington."
8. The Contractor will designate at least one person to be responsible for erosion and spill control. This person, the Contractor Erosion and Spill Control Lead (CESL), will be responsible for ensuring compliance with all local, State, and Federal erosion and sediment control requirements.

C. Protection of Heritage Resources

1. Although there are no known heritage resources within the project area, it is recognized that such resources may be discovered during project implementation. The permit holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this authorization, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the permit holder.

D. Management of Competing or Unwanted Vegetation

1. Noxious weeds that occur within the project area and on Forest Service routes used to access the project area will be treated prior to any ground disturbing activities.
2. Equipment and vehicles used for project work and/or continued fiber optic cable maintenance are to be cleaned of soil and plant parts and seeds and are to be inspected by a designated Forest Service representative prior to being brought onto NFS lands. The purpose of this measure is to reduce the risk of introducing noxious weed plant parts or seeds to the disturbed area.
3. Project areas that have had ground disturbing activities occur within them would be inspected by the permit holder for noxious weeds annually for the first three years following completion of road construction. The permit holder would be responsible for management of New Invader species of noxious weeds discovered on the site during post-rehabilitation surveys. Methods of weed management must be approved by the Forest Service prior to implementation.

RATIONALE FOR THE DECISION

Reasons for the decision and how considerations were weighed and balanced in arriving at the decision are listed below (36 CFR §220.7(c)). The Proposed Action, with mitigation measures identified on EA pages 4-3 through 4-9 and pages 11 through 27 of Appendix F-2 of the EA, was selected because it:

Addresses the management needs for threatened, endangered, and sensitive species. The determination of the Biological Evaluation (BE) prepared for this project was that there were no threatened or endangered species of plants located within the project area (EA Appendix F, page F-6). The Proposed Action has been modified, through the inclusion of mitigation measures, to offset the potential impacts to plant species listed as sensitive by the Regional Forester (See EA pages 4-6 through 4-9, and Appendix F-2, pages 11 through 27).

The determination of the Biological Evaluation (BE) prepared for this project was that the project would have “no effect” on any threatened or endangered species of terrestrial wildlife or fish (EA Appendix F, pages F-1 through F-6), and would have “No Impact” on any species of terrestrial wildlife or fish listed as sensitive by the Regional Forester (See EA Appendix F, pages F-1 through F-6).

Addresses the potential impacts to water quality and fisheries habitat. The Proposed Action has been modified, through the inclusion of Best Management Practices, to offset the potential impacts to water quality and fisheries habitat (See EA pages 4-6 through 4-9, and Appendix F-2, pages 11 through 27).

It was determined that the project, as proposed, would have no effect on flood plains, wetlands or municipal watersheds. The project would have no effect on fish or their habitat (See EA Appendix F-1, pages F-1 through F-6) and would therefore be consistent with standards and guidelines provided by the Inland Native Fish Strategy (INFISH).

Addresses the potential impacts to the visual resource. The project area is visible in the immediate foreground along a primary concern (sensitivity) level travel way, Washington State Highway 20. A portion of Highway 20 has been designated as a Scenic Byway where it crosses over Sherman Pass. The direct effect of the fiber optic cable installation on NFS land is that it would be evident to travelers during actual installation due to the presence of equipment, but would not be noticeable once work has been completed and equipment has been removed (EA page 4-34). It was determined that the proposed action would be consistent with direction provided by the LRMP in meeting standards for visual resource management.

Addresses potential impacts to other identified natural resources in a balanced manner (EA pages 4-1 through 4-41). This project proposes to authorize construction, use, and maintenance of fiber optic cable across NFS lands by way of the issuance of a special use permit (See EA Appendix F-1, page 3, Scoping Notice [Purpose & Need for Action]).

Other Alternatives Considered In Detail Were:

Alternative A (No Action). Under the No Action alternative, fiber optic cable would not be installed across NFS lands.

Alternatives Considered and Eliminated from Detailed Study:

Three alternatives were considered, but eliminated from detailed study:

- All aerial installation of fiber optic cable on utility poles;
- All underground installation of fiber optic cable; and
- An all wireless solution.

Due to the lack of existing utility poles in some regions of the project, it was determined that an all aerial installation could not be accomplished within the time or budget constraints of the project proponent's grant. Additional reasons for eliminating an all aerial alternative are discussed on pages 2-13 and 2-14 of the EA.

A similar rationale, regarding time and budget constraints, led to a determination that an all underground alternative was also infeasible. Additional reasons for eliminating an all underground alternative are discussed on page 2-14 of the EA.

It was determined that an all wireless solution, using microwave technology, would not be feasible due to limited bandwidth capacity of microwave systems in comparison to fiber systems (page 2-14 of the EA).

PUBLIC INVOLVEMENT

Public involvement was initiated when the NoaNet Fiber Optic Permit Issuance project was first identified in the Colville National Forest Schedule of Proposed Actions (SOPA) beginning with *Projects '11, Volume Nineteen, Number Three, Spring Issue*, and the Okanogan-Wenatchee SOPA beginning with the *April, May, June 2011* issue. Analysis of this project included public participation. Public input was solicited by letters sent to all individuals, groups, adjacent landowners, and State and Federal agencies known to be interested in projects of this type (36 CFR §220.7(b)). No comments were received and no issues were identified as a result of the scoping efforts.

Thirty-day Comment Period

A formal comment period was initiated on September 14, 2011 with publication of a legal notice in the *Colville Statesman-Examiner* newspaper. No comments were received during the 30-day comment period.

Consultation

Separate government-to-government consultation was conducted with the Kalispel Tribe of Indians, the Confederated Tribes of the Colville Indian Reservation, the Spokane Tribe and the Yakama Nation. Letters were mailed to all four governments on March 8, 2011. None of the tribes responded to the request for consultation.

FOREST PLAN CONSISTENCY

The actions of the Proposed Action comply with the Colville National Forest and Okanogan-Wenatchee National Forest Land and Resource Management Plans (LRMPs), including amendments. The following are my reasons for this finding:

1. The actions are consistent with the MA 6, Scenic/winter range objectives prescribed in Chapter 4 (pages 4-97 to 4-100) of the Colville National Forest LRMP and Prescription 5 (page 4-79) of the Okanogan-Wenatchee National Forest LRMP (EA page 4-34).

2. The actions are consistent with the MA 1, Old Grown Dependent Species Habitat objectives prescribed in Chapter 4 (page 4-71) of the Colville National Forest LRMP (EA pages 4-12 through 4-25).
3. The actions are consistent with MA 3A, Recreation objectives prescribed in Chapter 4 (pages 4-77 and 4-79) of the Colville National Forest LRMP and with Prescriptions 5 and 17 (page 4-98) of the Okanogan-Wenatchee National Forest LRMP (EA pages 4-34 and Analysis File, memo from Pace Engineers dated 3/15/2012)).
4. The actions are consistent with INFISH direction (EA Appendix F, pages F-1 through F-6).
5. The actions are consistent with the *Colville National Forest Noxious Weed Prevention Guidelines* and the Regional Forester's October 11, 2005 amendment to forest plans in Region 6, *Preventing and Managing Invasive Plants*, (Preventing and Managing Invasive Plants Record of Decision, appendix 1-1). This management direction includes invasive plant prevention and treatment/restoration standards intended to help achieve stated desired future conditions, goals and objectives (EA page 4-7 [mitigation measures for protection from and prevention of noxious weeds]);
6. The actions in the Proposed Action are consistent with the LRMPS because mitigation measures which address potential impacts have been fully applied in the planned actions (EA pages 4-13, 4-4, 4-6 through 4-9, and 4-15 through 4-25 [mitigation measures]). The project is feasible and reasonable, and it results in applying management practices that meet the LRMPS' overall direction of protecting the environment while providing for management of utility corridors (EA pages 4-12 through 4-25 [wildlife and vegetation, and threatened and endangered species]; pages 4-2 through 4-4 [geology and soils]; page 4-34 [aesthetic and visual resources]; pages 4-4 through 4-11 [water resources], pages 4-27 through 4-33 [historic and cultural resources and Native American religious sites]; pages 4-1 and 4-2 [air quality]; page 4-1 [noise]; pages 4-36 and 4-37 [socioeconomic resources]; and pages 4-37 through 4-39 [human health and safety]; and 4-39 [climate, greenhouse gasses, and global warming]).

FINDING OF NO SIGNIFICANT IMPACT

I have determined through the Stimson Road Authorization – Little Anderson Lake Environmental Assessment that this is not a major Federal action individually or cumulatively that would significantly affect the quality of the human environment (36 CFR §1508.27); therefore, an environmental impact statement will not be prepared. This determination is based on the following factors:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. [40 CFR §1508.27(b)(1)]

The proposed project context was reviewed, and the intensity of the negative impacts as a result of implementing the NoaNet Washington Rural Access Project is minor.

With implementation of mitigation measures, the Proposed Action will result in few impacts to wildlife. The determination of the Biological Evaluation (BE) prepared for this project was that the project would have “no effect” on any threatened, endangered, or sensitive species, including nonvascular plants (EA pages 4-13 through 4-25 and EA Appendix F-2).

It was determined that the project, as proposed, would have no effect on flood plains, wetlands or municipal watersheds. The project would have no effect on fish or their habitat and would be consistent with standards and guidelines provided by the Inland Native Fish Strategy (INFISH) (EA Appendix F-1, pages F-1 through F-6).

2. The degree to which the proposed action affects public health or safety. [40 CFR §1508.27(b)(2)]

I find that implementation of the project as proposed would have no effect on human health and safety (EA pages 4-37 through 4-39).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. [40 CFR §1508.27(b)(3)]

The project area was surveyed for heritage resources and none were identified, therefore, there would be no effect (direct, indirect or cumulative) on archaeological sites or heritage resources that are eligible, or potentially eligible, for listing on the National Register of Historic Places. It was determined that implementation of the project, as proposed, would not affect historic or cultural resources (EA pages 4-27 through 4-33).

The project area does not lie within or immediately adjacent to any areas which are considered for roadless status under the LRMP, areas designated or proposed as wilderness or other unique areas such as wild and scenic rivers (EA page 4-11).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. [40 CFR §1508.27(b)(4)]

The effects on the quality of the human environment are not likely to be highly controversial. There was no demonstrated public interest in the project; no comments were received as a result of public scoping or review of the Environmental Assessment.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. [40 CFR §1508.27(b)(5)]

This decision will not have effects that are highly uncertain or involve unknown risks. Activities included in this decision have been implemented numerous times on similar terrain and forest conditions. While any action carries some degree of risk, the Proposed Action was designed, and the analysis summarized in the EA was carefully completed, to minimize unique or unknown risks. In addition, the mitigation measures (EA pages 4-3 through 4-9 and pages 11 through 27 of Appendix F-2 of the EA) will ensure that the effects will be similar to those predicted in the EA. There were no highly uncertain, unique, or unknown risks identified in any of the effects analyses conducted for the NoaNet Washington Rural Access Project (EA pages 4-1 through 4-41).

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. [40 CFR §1508.27(b)(6)]

This action is not connected to any future actions, and was analyzed for potential cumulative effects (EA page 4-39 through 4-41).

7. 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. [40 CFR §1508.27(b)(7)]

There are no known significant cumulative effects with the proposed action and other projects implemented or planned, on areas separated from the affected area of this project. The cumulative effects of the alternatives and the past, present, and foreseeable future actions are disclosed on pages 4-39 through 4-41 of the EA. The EA discloses there will be no significant cumulative impacts by implementing the NoaNet Washington Rural Access Project, including foreseeable future actions (Environmental Effects, under each resource section, EA pages 4-39 through 4-41).

8. 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. [40 CFR §1508.27(b)(8)]

It is expected that there will be no adverse impacts to heritage resources (EA pages 4-27 through 4-33). Cultural surveys of the project area were conducted and reviewed by the forest archaeologist for heritage resources. Determination for the project is a “no historic properties present/no effect” undertaking per Section 106 Compliance sheet, dated June 25, 2011 (Okanogan-Wenatchee National Forest) and “Limited potential to affect historic properties” undertaking” per Section 106 Compliance sheet, dated July 3, 2011 (Colville National Forest), and may proceed as planned (Appendix E and Analysis File);

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. [40 CFR §1508.27(b)(9)]

With implementation of mitigation measures, the Proposed Action will result in few impacts to wildlife. The determination of the Biological Evaluation (BE) prepared for this project was that the project would have “no effect” on any threatened, endangered, or sensitive species, including nonvascular plants (EA pages 4-13 through 4-25 and EA Appendix F-2).

10. 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(b)(10)]

The proposed action does not threaten a violation of Federal, State or Local law, or requirements imposed for the protection of the environment (LRMP requirements; EA Appendix F-1, page 3 [purpose and need]; EA pages 4-13, 4-4, 4-6 through 4-9, and 4-15 through 4-25 [mitigation measures]; EA pages 4-13 through 4-25, and EA Appendix F-2 [Endangered Species Act]; EA pages 4-7 and 4-12, and EA Appendix F-2 [noxious weeds]; EA pages 4-1 and 4-2 [Clean Air Act]; EA pages 4-27 through 4-33 [National Historic Preservation Act]; EA pages 4-4 through 4-11 [Clean Water Act]).

OTHER FINDINGS REQUIRED BY LAW

National Forest Management Act of October 22, 1976 (NFMA): Provisions of NFMA applicable to all projects require the following: (a) resource plans and permits, contracts, and other instruments shall be consistent with the land management plan; (b) insure consideration of the economic and environmental aspects of management, to provide for outdoor recreation, range, timber, watershed, wildlife, and fish; and (c) provide for diversity of plant and animal communities. All of these considerations and requirements are addressed in the Decision Notice and the various resource reports in the project Analysis File. Therefore, project actions are consistent with these provisions of NFMA.

The National Environmental Policy Act of 1969, as amended (NEPA): An analysis of potential environmental effects associated with implementation of this project has been completed and is documented in the Environmental Assessment and project Analysis File. Preparation of the Project File Summary and this decision document are consistent with the provisions of NEPA.

EXPECTED IMPLEMENTATION AND APPEAL RIGHTS

In accordance with 36 CFR 215.12(e)(1) this decision is not subject to appeal. No comments were received during the 30-day comment period.

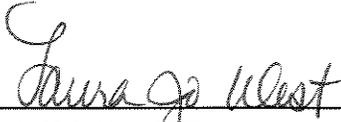
The signatory(ies) or holder(s) of a written authorization to occupy and use National Forest System land covered under 36 CFR. §251.82 (e.g., special use permit) who seeks relief from a written decision related to that authorization may file an appeal pursuant to 36 CFR §251. Any written notice of appeal under this authority must be fully consistent with 36 CFR §251.90, "Content of Notice of Appeal."

This decision may be implemented immediately upon publication in the Colville Statesman Examiner.

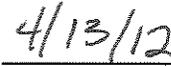
CONTACT PERSON

For further information regarding this project, contact Craig Newman, Forest Engineer, Colville National Forest, 765 South Main Street, Colville, WA 99114, phone (509) 684-7104.

SIGNATURE OF THE RESPONSIBLE OFFICIAL



LAURA JO WEST
Forest Supervisor



Date

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