

EVALUATION AND ADOPTION OF LEAD FEDERAL AGENCY'S ENVIRONMENTAL ASSESEMENT AND SEPARATE FINDING OF NO SIGNIFICANT IMPACT

ZAYO EASTERN WASHINGTON/OREGON FIBER OPTIC LINE PROJECT

Pasco and Kennewick, Washington and Umatilla, Oregon

I. Introduction/Proposed Action

The U.S. Army Corps of Engineers, Walla Walla District (Corps) proposes to issue an easement to the Zayo Group (Zayo) for the construction, operation, and maintenance of a fiber optic line that would be located on Corps-managed federal land on both sides of the Columbia River in Benton and Franklin Counties, Washington and Umatilla County, Oregon. Zayo, a company that provides bandwidth infrastructure services, proposes to install approximately 200 miles of fiber optic line from Ellensburg, Washington in eastern Washington and extending to Umatilla, Oregon. The Bureau of Reclamation (BoR) is serving as the lead federal agency for the project. The BoR would issue a Consent to Use Permit to Zayo so that they may cross federal land managed by BoR while installing the line. The Corps is acting as a cooperating agency.

II. Background Information

The BoR prepared the *Consent to Use Permit – Fiber Optic Project Environmental Assessment* (EA) in February 2016. The analysis in the EA indicated that there would not be a significant impact, individually or cumulatively, on the quality of the human environment should Zayo install, operate and maintain approximately 200 miles of fiber optic cable. Consequently, a Finding of No Significant Impact (FONSI) was signed by the BoR on February 26, 2016. In accordance with 40 C.F.R. 1506.3, the Corps is authorized to adopt another federal agency's EA provided the document adequately meets the standards/requirements set forth in 40 C.F.R. Part 1500-1508 (Regulations for Implementing the National Environmental Policy Act (NEPA)). 33 C.F.R. Part 230 is the Corps Civil Works Program's implementing procedures for NEPA. In accordance with 33 C.F.R. 230.21, the Corps is authorized to adopt another Federal agency's EA if it is determined, after independent review, to be

adequate. The Corps performed an independent review of the document subsequent to its completion and the signing of BoR's FONSI. The EA is incorporated (in its entirety) herein by reference and made a part hereof, unless otherwise supplemented or explained below.

III. Statement of Purpose and Need

The Corps' proposed action is issuance of an easement to Zayo to construct, operate, and maintain the fiber optic line in Benton and Franklin Counties, Washington and Umatilla County, Oregon. The purpose of the fiber optic line project is to provide broadband and enhanced high-speed internet service to communities in the Columbia Basin area. The action is needed in order to provide these communities with greater options for internet speed and service.

IV. Project Alternatives

The following alternatives were identified and considered for this project:

Alternative 1 (No Action Alternative): For this alternative, the Corps would not issue an easement to Zayo. While the "no action" alternative does not meet the project purpose and need, under Council on Environmental Quality guidelines it serves as the project baseline for environmental conditions and therefore was carried forward for analysis.

Alternative 2 (Proposed Action): For this alternative, the Corps would issue an easement to Zayo. Both easement locations on Corps-managed land cross the Columbia River on existing bridges. Fiber optic cables would be run through conduit on the bridges. There would be no in-water work associated with these crossings. The installation of the fiber optic line is scheduled to be installed in 2016 after permission from the Corps is granted.

V. Environmental Effects/Compliance

The following environmental resources/components were identified as being relevant to the project – Biological Resources, Hazardous and Toxic Materials, Cultural Resources, Indian Trust Assets, Socioeconomics, Soils, Water Quality, and Wetlands. Environmental analysis and consequences (i.e. effects) of the proposed action and "no action" alternative are detailed in the project EA. The EA analysis concluded there would be no significant impacts (either individually or cumulatively) to the environment resulting from implementation of the proposed action.

In April 2016, the Corps reviewed the list of threatened and endangered species that pertains to the area affected by this action under jurisdiction of the National Marine Fisheries Service (NMFS), as well as the list of species under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS) for Benton and

Franklin counties, Washington and Umatilla County, Oregon. This list of species include: Upper Columbia River spring Chinook salmon, Upper Columbia River steelhead, Middle Columbia River steelhead, Snake River sockeye salmon, Snake River spring/summer Chinook salmon, Snake River fall Chinook salmon, Snake River steelhead, bull trout, gray wolf, and yellow-billed cuckoo. Northern wormwood and Washington ground squirrels are candidates for listing. The Corps has determined there will be no effect to these species or their critical habitats, there will be no adverse effects to Essential Fish Habitat, and the Fish and Wildlife Coordination Act does not apply. There will be no take under the Migratory Bird Treaty Act, and there will be no disturbance or take under the Bald and Golden Eagle Protection Act.

The Corps of Engineers, Seattle Regulatory Office, was contacted regarding the requirements for Section 10 of the Rivers and Harbors Act and determined that construction activities at the Interstate 82 Bridge crossing in Umatilla County, Oregon must be performed in accordance with Terms and Conditions of Nationwide Permit (NWP) 12 (Utility Lines) to ensure compliance. On September 8, 2014, the Corps' Seattle Regulatory Office issued the Nationwide Permit 12 Verification Letter to Zayo, thus authorizing their proposal to install fiber optic lines on the I-82 Bridge above the Columbia River in Umatilla County, Oregon and Benton County, Washington. In addition, the authorized work complies with the Washington State Department of Ecology's (Ecology) Section 401 Water Quality Certification requirements for NWP 12.

Because Zayo would utilize existing conduit that is already in place on the State Route 397 "Cable" Bridge located in the Kennewick and Pasco areas, the Seattle Regulatory Office determined that no Section 10 permit is required under the Rivers and Harbors Act. Therefore, as required, Zayo submitted a brief Joint Aquatic Resources Permit Application (JARPA) with drawings to Seattle Regulatory on June 8, 2016. Zayo received the "No Permit Required" letter from Seattle Regulatory on July 8, 2016, thus meeting the compliance requirements for Section 10 of the Rivers and Harbors Act at the State Route 397 Bridge in Benton County.

BoR engaged in Section 106 Tribal consultation with the Confederated Tribes of the Umatilla Indian Reservation, Yakama, and the Confederated Tribes of the Colville Reservation. The BoR determined that the 73 identified cultural resources that were determined eligible, potentially eligible, or contributing will not be adversely affected by the proposed action. All three Tribal nations provided comments to BoR and concurred with BoR's finding of no adverse effects. If cultural or archaeological resources are inadvertently discovered during ground disturbing activities, there is an inadvertent discovery plan included in the cultural resource survey report (Fortin 2012:255). The State Historic Preservation Offices (SHPO) for the States of Oregon and Washington concurred with the BoR's findings. The Corps has independently determined that

the project, as proposed, has no potential to adversely affect historic properties located on Corps managed lands.

VI. Coordination/Public Involvement

The project has been coordinated with the Bureau of Reclamation, the Environmental Protection Agency, the USFWS, NMFS, Ecology, Washington Department of Fish and Wildlife, Washington State Department of Natural Resources, the Corps of Engineers Seattle District Regulatory Office, the Oregon and Washington SHPO, and the three Tribal nations mentioned above.

The BoR did not make their EA and FONSI available for a public and agency review/comment period. They did, however, post their signed FONSI and EA on their website for viewing at www.usbr.gov/pn/programs/envirodocs.html. Additional public coordination included a 14-day comment period for the Determination of Non-significance issued by Ecology in August 2015 when Zayo applied for a Construction Stormwater General Permit. No comments were received.

The Corps of Engineers' draft FONSI together with BoR's EA were made available to individuals, organizations and agencies for a 14-day review and comment period from June 20, 2016 to July 5, 2016. No comments were received.

VII. Conclusion/Finding

Having reviewed the BoR's EA, FONSI and analyses herein, I find that the documents provide sufficient discussions on the purpose and need for Zayo's fiber optic installation project, consideration of alternatives, and analyses of potential environmental effects. I have taken into consideration the technical aspects of the project and best scientific information available. BoR's EA and supporting documents provide sufficient evidence and analysis to meet the Corps' requirements pursuant to NEPA and are hereby adopted in support of the Corps' proposed action (easement). Additionally, I find that issuance of the easement to Zayo in support of the fiber optic line project would not result in significant impacts on the quality of the human environment and that an environmental impact statement is not required.



for Damon A. Delarosa
Lieutenant Colonel, Corps of Engineers
District Commander

29 JUL 16

Date