

**Bureau of Land Management
Winnemucca District Office
HRFO (W010)**

Categorical Exclusion

CX#: DOI-BLM-NV-W010-2012- 0049-CX

Date: 6/13/2012

Lease / Case File / Serial #: N-62624

Regulatory Authority (CFR or Law): 2860

BLM Manual: 2800

Subject Function Code: 2860

Is the project located within a Preliminary Priority Habitat? Yes No

Is the project located within a Preliminary General Priority Habitat? Yes No

Is the project located within a National Landscape Conservation System feature (NCA, Wilderness, WSA, ISA, Scenic or Historic Trails)? Yes No

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Julie McKinnon

3. Project Title: WWC License, LLC N-62624 Amendment

4. Applicant: WWC License, LLC

5. Project Description: (briefly describe who, what, when, where, why, how)

WWC License, LLC is the Holder of an existing communication site lease on Golconda Summit. The existing facility contains a 10'x20' radio equipment shelter and existing 100' lattice tower within a 40'x40' site. They have submitted an application to amend their authorization to include a 500 gallon propane tank and a 60KW propane generator to serve as back-up power system within the existing 40'x40' site. The propane tank would be placed on 5'x12' concrete pad and the propane generator would be placed on a 5'x10' concrete pad, both pads are proposed to be 12" thick. A 3' wide utility easement is also proposed, this would go from the generator to the shelter; also a gas line from the propane tank to the generator. These new features would be within the existing authorized footprint. This proposal would allow WWC to continue to provide service in the event of a power outage, natural disaster or other emergency.

There is an existing access road to the site.

Construction/installation is proposed to take approximately 30 days.

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Project dimensions (length, width, height, depth): within 40'x40' area

Total Acres: .0042

BLM Acres: .0042

Will the project result in new surface disturbance? Yes No

Has the project area been previously disturbed? Yes No N/A

If yes, what percent of the project area has been disturbed? 100% . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 35 N., R. 41 E., sec. 6, NE 1/4 SE 1/4

USGS 24k Quad name: Iron Point

100k map name: Winnemucca

Land Status: BLM Private Other_____.

Part I: Plan Conformance Review

The Proposed Action is subject to the:

- Paradise-Denio Management Framework Plan
- Sonoma-Gerlach Management Framework Plan
- Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

The proposed action is in conformance with the applicable Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

L 6.0: Provide public lands for communication site development.

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)
- 516 DM 11.9, (BLM) E. Realty: 13. Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Could the proposed action result in “take” under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (<i>Scientific</i>) Name	May Be Affected?	Mitigation for BLM Sensitive Species (<i>Attach ESA Section 7 Compliance to Form</i>)
<input type="checkbox"/>	<input type="checkbox"/>	none	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None. Proposed project is within the existing project footprint, already 100% disturbed.
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Recommended Mitigation
none	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None. Proposed project is within the existing project footprint, already 100% disturbed.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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Mitigation Measures/Remarks: If the ID team identifies mitigation, include here and copy into any applicable standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit. State "See Attached" and attach a copy to the CX. If there are none, **DELETE** this text.)

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).