



# United States Department of the Interior Bureau of Land Management

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**Environmental Assessment**  
DOI-BLM-AZ-C010-2013-0052-EA

**September 9, 2013**

**Mount Perkins Communications Site - BLM**

U.S. Department of the Interior  
Bureau of Land Management  
Kingman Field Office  
2755 Mission Blvd  
Kingman, AZ 86401  
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## **I. Introduction**

### **A. Background**

An application for a communications facility on Mount Perkins was received July 15, 2013 to be used primarily for Law Enforcement, Fire, and Resource personnel mobile radio services. The site is necessary for the safety of Bureau of Land Management Law Enforcement, Fire, and Resources personnel while performing their duties in remote areas of public lands. Mount Perkins is one of the eleven mountaintops designated for communications sites in the Resource Management Plan. The Mount Perkins site is on public land administered by the Kingman Field Office and is located 36 miles northwest of Kingman, Arizona, west of Highway 93. The right-of-way would be within the W½SE¼NE¼ of Section 10, T. 25 N., R. 21 W., G&SRM at approximately 35° 34' 10" North Latitude and 114° 30' 25" West Longitude. The elevation at the site is approximately 5,456 feet above mean sea level.

### **B. Purpose and Need**

The purpose of the action is to respond to BLM's request to construct, operate, maintain and terminate a communications facility on Mount Perkins. The need for the action is established by the BLM's responsibility to authorize communications uses on Public Land (administered by the BLM) is granted by the Federal Land Policy and Management Act of 1976, 90 Stat. 2776 (43 U.S. C. 1761-1771) and is reflected in Title 43, Code of Federal Regulations (CFR), Sections 2801- 2803 and WO IB 98-23.

### **C. Conformance with BLM Land Use Plan(s)**

The proposed action is in conformance with the Kingman Resource Area Resource Management Plan approved March 7, 1995 (Kingman RMP).

*LR14/B3 – Commercial mountaintop development for communication sites are restricted to the eleven described on page 67 (and Appendix 18, page 508). Mount Perkins: New developments would be restricted to government entities using helicopter access and solar power only, subject to existing users and compliance with the National Environmental Policy Act.*

Discussion: The BLM's communications facilities are being upgraded and upon application to modify the BLM's facility that provides radio coverage for the area which the facility described in the Proposed Action Alternative in this Environmental Assessment would cover, it was discovered that the existing facility's location, known as the "Mohave Mine" is not designated as a mountain top communication site. Therefore, to authorize the modifications would not be in conformance with the Kingman RMP. The BLM communications specialists analyzed the coverage that would be provided from the Mount Perkins Communication Site and the radio coverage from that site would be as good or better than at the Mohave Mine site.

*LR16/B3 – Tower heights will be limited to a height that will not require lighting by the [FAA]. The antennas that would be used would be attached to a mast attached to the shelter. The mast would extend 15 feet above ground level, therefore it would not require lighting by the FAA.*

*LR18/C1 – Primary users are required to notify other users of new frequencies at least 30 days prior to use of new frequencies. The National Park Service (NPS) and Mohave County, which hold communications rights-of-way at Mt. Perkins, were notified of the proposed frequencies and had no objection.*

## **D. Relationship to Statutes, Regulations, or other Plans**

If issued, the lease would require the holder to possess a valid Federal Communications Commission (FCC) or Director of Telecommunications Management/Interdepartmental Radio Advisory Committee (DTM/IRAC) authorization (if required) in accordance with regulations governing the operation of communications facilities under the jurisdiction of the FCC and/or DTM/IRAC

This proposed use is in conformance with the Black Mountains Ecosystem Management Plan which guides management of public land to preserve and enhance habitat for bighorn sheep, wild burros, livestock, and other wildlife species and provides for continued use of the Mount Perkins communication “Communication sites, hosting a variety of telecommunications equipment, occupy four Black Mountain peaks” (page 18). Mount Perkins Communications Site Plan prepared in March, 2006 also provides for the proposed use.

If issued, the lease would require the holder to join the Kingman Area Users Association (KAUA) if, in the future, and remain in good standing. The lease would be subject to the KAUA’s Constitution and Bylaws. The initial part of Article IV, Section 1, Item 2 of the KAUA’s Bylaws requires the following: “All users are required to complete a BLM data sheet for each transmitter prior to its installation. Installation may not begin until 30 days following distribution of the data sheet to all members by the secretary.”

## **E. Identification of Issues**

Visual Resource Management – The proposed facility is within Visual Resource Management (VRM) Class IV. The objective for this class allows for developments that dominate the viewshed. Discussion: Due to the location of mountain top communications facilities these can be highly visible and therefore facilities proposed generally must include measures such as color selections based on surrounding terrain and special considerations to lessen “sky-lining” effects.

Wildlife – The proposed facility is within the Black Mountains Area of Critical Environmental Concern (ACEC). This area has been identified as one of the outstanding desert bighorn sheep habitats in Arizona. The proposed project is within medium value sheep habitat and adjacent to lambing ground.

## **II. DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **A. Introduction**

In order to meet the purpose and need, the BLM has developed a range of action alternatives. The alternatives were developed based on whether they would meet the purpose and need and any unresolved conflicts concerning alternative uses of available resources.

### **B. Alternative 1 - Proposed Action**

The Proposed Action is to issue a communications use lease for the construction, operation, maintenance, and termination of a communications facility on Mount Perkins in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 10, T. 25 N., R. 21 W., G&SRM. (Figure 1). The facility would be a small (4’W X 5’L X 15’ H (mast height)) solar powered communication shelter that will be painted “Carob Brown” per BLM Standard Environmental Color Chart to blend in with the surrounding environment. No tower would be constructed as the antennas would be attached to a mast attached to the shelter. The proposed right-of-way would be granted in perpetuity.

The construction site would be prepared by leveling an area of approximately 8 foot X 8 foot, using jack hammers and hand tools. The shelter would be tied down with four rock anchors attached with epoxy. The shelter and solar panels would be delivered by helicopter. A temporary staging area for the helicopter is proposed on public land in the Kemple Camp area (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW of section 30, T. 26 N., R. 20 W.) within an area that has been leveled from past mining activities and is devoid of perennial vegetation. The use of the staging area is anticipated to be for two days.

Figure 1



After construction, access for compliance and maintenance would be by foot or helicopter from the access road for the North Mt. Perkins Communication Site in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 3, T. 25 N., R. 21 W., G&SRM. The BLM has reserved a right-of-way (serial # AZA 33467) for the operation and maintenance of that road.

Lighting of the facility would only be done when work is to be performed.

The current BLM communication facility at Mohave Mine (NW¼NE¼SW¼ of section 4, T. 26 N., R. 21 W.) would be removed after the construction of the proposed facility. The area impacted by the Mohave Mine facility would be reclaimed.

**C. No Action Alternative**

Under the No Action alternative the lease would be denied.

**III. AFFECTED ENVIRONMENT/ ENVIRONMENTAL IMPACTS:**

The affected environment was considered and analyzed by an interdisciplinary team as documented in the KFO Project Scoping Form. Resources of concern that are either not present in the project area or would not be impacted to a degree that requires detailed analysis will not be discussed here. Resources which could be impacted by the proposed action or alternatives are discussed below.

This section describes the existing conditions of the environment and expected impacts. The table below summarizes the resources reviewed for this project. Resources not present within the project study area, as well as those present and not affected, are not discussed. Those resources that have been identified by an interdisciplinary team as present and potentially affected are discussed further below.

PROJECT RESOURCE REVIEW			
Resources Considered	Not Present	Present and Not Affected	Present and/or Potentially Affected
Air Quality*	✓		
Areas of Critical Environmental Concern*		✓	
Cultural and Historic*	✓		
Environmental Justice* / Socioeconomics	✓		
Floodplains*	✓		
Grazing		✓	
Hazardous or Solid Waste*	✓		
Invasive and Non-native Species*	✓		
Land Use		✓	
Migratory Birds*			✓
Native American Religious Concerns*			
Prime and Unique Farmland*	✓		

PROJECT RESOURCE REVIEW			
Resources Considered	Not Present	Present and Not Affected	Present and/or Potentially Affected
Threatened and Endangered Species*	✓		
Vegetation	✓		
Visual Resources			✓
Water Quality*	✓		
Wetland or Riparian Zones*	✓		
Wild and Scenic Rivers*	✓		
Wilderness*	✓		
Wildlife			✓
* Consideration Required By Law or Executive Order			

Expected impacts from the Proposed Action include the following:

### **Visual Resources**

#### **Proposed Action**

Mount Perkins Communication Site is within Visual Resource Management (VRM) Class IV. VRM Class IV includes areas where changes may subordinate the original composition and character of the landscape, therefore the Proposed Action Alternative is compatible with the VRM Classification of this area.

Although the objectives of VRM would be met regardless of the color of the proposed facility, a component of the Proposed Action would be that the shelter would be painted “Carob Brown,” one of the BLM’s standard environmental colors, which was chosen to mitigate the visual contrast with the surrounding environment.

#### **No Action Alternative**

The No Action alternative would not impact the current view shed of the location.

### **Wildlife**

#### **Proposed Action**

The proposed action is adjacent to sheep lambing grounds. A term and condition of the Proposed Action would be that construction of the facility would not occur during lambing season (February through June). Maintenance activities of the facility would increase human activities in the area over the current levels, but these would be incidental and would not be anticipated to affect wildlife use of the area.

#### **No Action Alternative**

There would be no increase in the activities associated with operation and maintenance at the site.

## **Upland and Migratory Birds**

### **Proposed Action**

Migratory birds are likely to use this area for foraging and possibly nesting. Maintenance activities of the facility would increase human activities in the area over the current levels, but these would be incidental and would not normally affect foraging and nesting activities. Construction would occur outside of the breeding season therefore no take of nesting migratory birds.

### **No Action Alternative**

There would be no increase in the activities associated with operation and maintenance at the site and therefore no impacts to upland and migratory birds would result from the No Action Alternative.

## **Threatened and Endangered Species**

### **Proposed Action**

There would be no effect to T&E Species or habitat as none is present in the project or action area.

### **No Action Alternative**

There would be no effect to T&E Species or habitat as none is present in the project or action area.

## **IV. CUMULATIVE IMPACTS**

### **Proposed Action**

The granting of the right-of-way described in the Proposed Action Alternative section above would be an action in addition to the other communications facilities currently authorized on Mount Perkins. There is a right-of-way reserved by the Lake Mead National Recreation Area (LMNRA) for a communication facility at the Mount Perkins Communications Site. The Mohave County Sheriff's Office operates equipment housed in LMNRA's facility. Authorizing another facility at this site would increase human activities due to the need for its periodic maintenance. As noted above in the Land Use Plan Conformance section, new developments at the Mount Perkins Communication Site would be restricted to government entities using helicopter access and solar power only. Although it is reasonable to assume that future communications facilities would be authorized at this site, with the above noted conditions required in the Kingman RMP it is anticipated that these would not cumulatively affect the environment substantially.

### **No Action Alternative**

Current levels of activity would not be increased.

## **V. DESCRIPTION OF RESIDUAL IMPACTS:**

### **Proposed Action**

The residual impacts from the Proposed Action Alternative would be the elimination of vegetation within the 10 foot by 10 foot area in which the shelter would be located through the term of the right-of-way.

### **No Action Alternative**

Residual impacts would not result from the No Action Alternative.

## **VI. DESCRIPTION OF MITIGATION MEASURES:**

Mitigation measures of the proposed action alternative are covered under the Terms and Conditions of the right-of-way.

## **CONSULTATION, COOPERATION, AND COORDINATION**

This proposal was presented at the BLM/ bi-monthly project coordination meetings held August 6, 2013. Persons expressing an interest in reviewing the proposal are listed on the KFO Scoping Form, and below. These meetings are held to discuss new and ongoing projects and proposals in an interdisciplinary forum. The public is invited to attend, and the following disciplines are typically represented: management, environmental planning, wildlife biology, cultural resources, recreation, wilderness, soil water and air, range management, minerals, and realty. The meetings are an open forum and the following representatives typically attend these meetings: Arizona Department of Game and Fish and Mohave County Public Works.

Letters relating the proposed project were sent to the National Park Service and the Mohave County Sheriff's Office as current users of the Mount Perkins Communication Site.

### **PERSONS/AGENCIES CONSULTED:**

- Bill Tynan, National Park Service
- Greg Smith, Mohave County Sherriff's Office
- Andy Whitefield, KFO Realty Specialist
- Rebecca Peck, KFO Wildlife Biologist
- Len Marceau, KFO Outdoor Recreation Planner/Visual Resource Management
- Tim Watkins, KFO Archaeologist
- Ramone McCoy, KFO Environmental Coordinator

**Preparer(s):** Andy Whitefield, Realty Specialist, Kingman Field Office

**Environmental Coordinator:** Ramone McCoy, Kingman Field Office



Bureau of Land Management, Kingman Field Office  
FINDING OF NO SIGNIFICANT IMPACT

**NEPA Document Number:** DOI-BLM-AZ-C010-2013-0052-EA

Finding of No Significant Impact: Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

/s/ Leonard A. Marceau  
Assistant Field Manager, Non-Renewable  
Resources, Kingman

09/16/2013  
Date

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DECISION RECORD

**NEPA Document Number:** DOI-BLM-AZ-C010-2013-0052-EA.

Decision: It is my decision to grant the right-of-way as described in the Proposed Action Alternative in Environmental Assessment DOI-BLM-AZ-C010-0052-EA.

Rationale for Decision: The BLM's existing radio repeater at the Mohave Mine Site for coverage in the northwestern region of the BLM administered public lands in the Kingman Field Office's jurisdiction had been approved in a location that was not in conformance with Kingman's Resource Management Plan (RMP). By authorizing the facility at the Mount Perkins' Communication Site, which is designated in the Land Use Plan for government operated communications facilities, and removing the facility at its current location would bring the BLM into compliance with Kingman's RMP while allowing for the same radio coverage.

Stipulations:

See the attached right-of-way grant.

/s/ Leonard A. Marceau  
Assistant Field Manager, Non-Renewable  
Resources, Kingman

09/16/2013  
Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 036382

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1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and any current or future amendment.
  2. Nature of Interest:
    - a. By this instrument, the holder:

The United States of America, acting by and through the Bureau of Land Management, U.S. Department of the Interior  
One North Central Avenue, Suite 800  
Phoenix, Arizona 85004-4427

receives a right to construct, operate, maintain, and terminate communication facility on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 21 W.,  
sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .
    - b. The right-of-way or permit area granted herein is 10 feet wide, 10 feet long, and contains 0.002 acres, more or less.
    - c. This instrument is issued in perpetuity unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
    - d. This instrument may be renewed per 43 Code of Federal Regulations 2807.22 (a). If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

This grant is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Right-of-Way Grant Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, C, D, E, and F, dated September 10, 2013 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.

- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

\_\_\_\_\_  
(Signature of Authorized  
Officer)

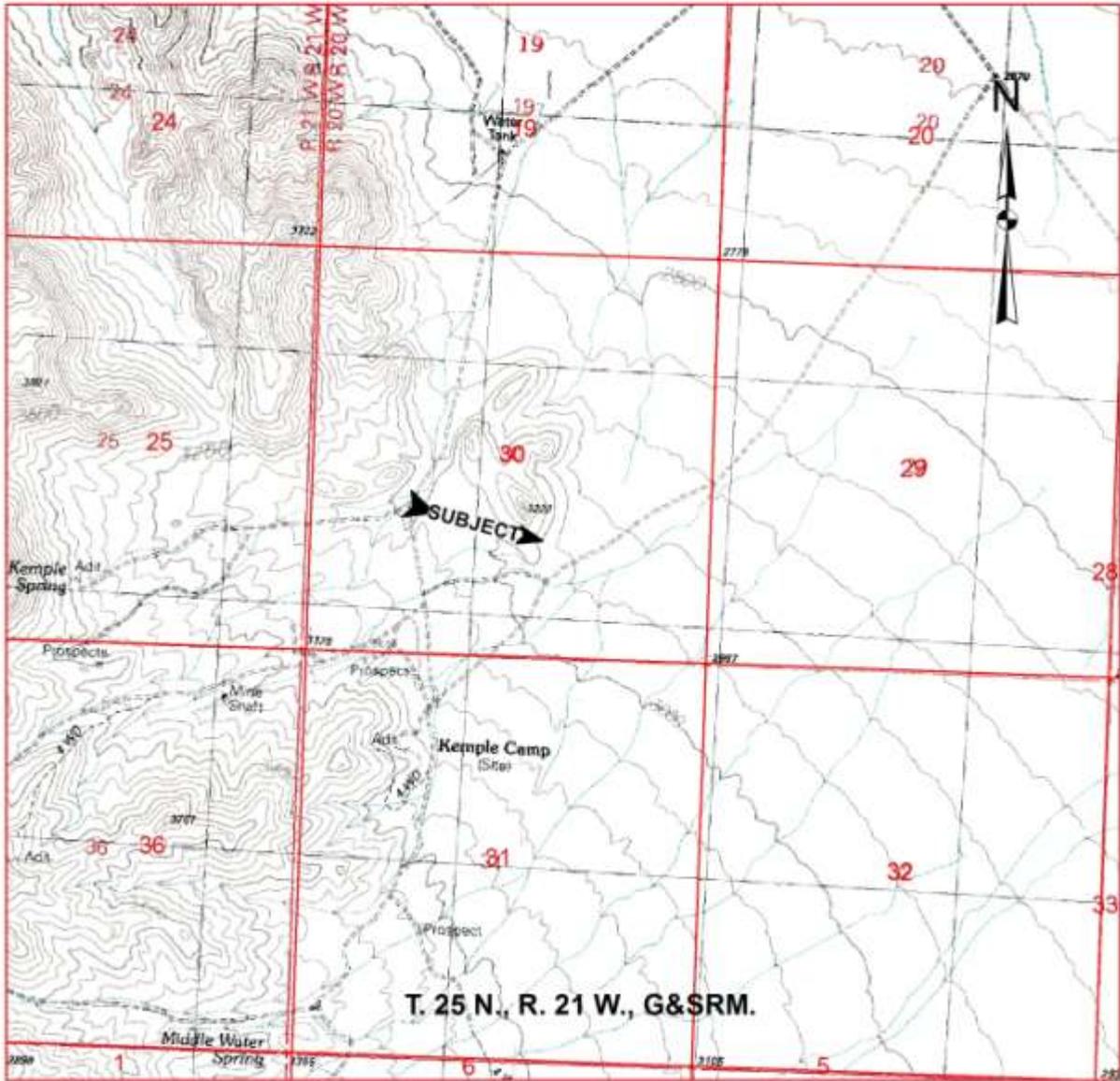
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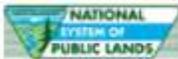
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(Effective Date of Grant)

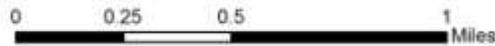
AZA 036382  
EXHIBIT A  
September 10, 2013



T. 25 N., R. 21 W., G&SRM.

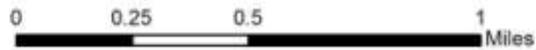
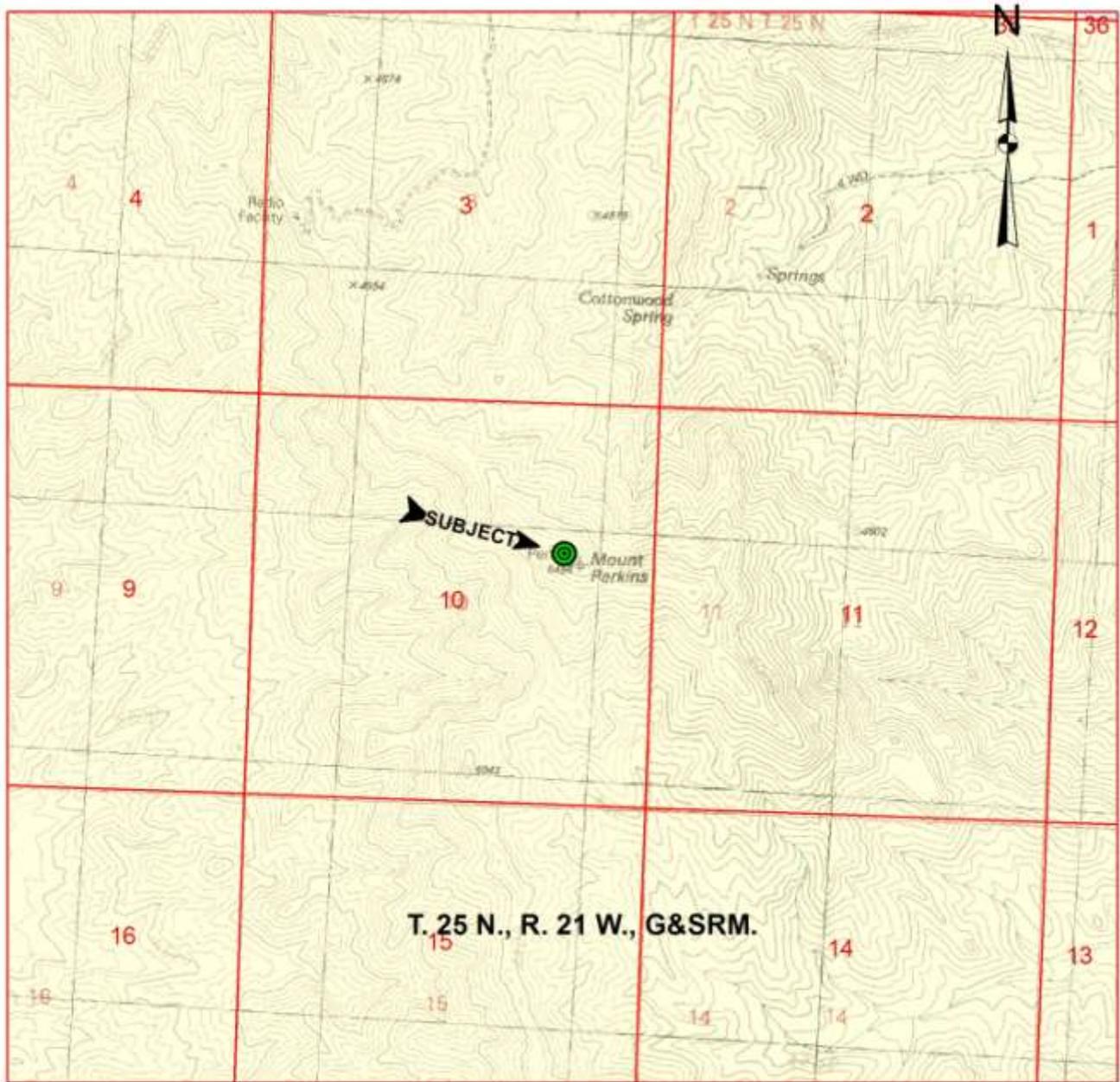


No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.



**LEGEND**

- Subject Right-of-Way
- LAND OWNERSHIP/ADMINISTRATION
  - Bureau of Land Management
  - Private
  - State Trust



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

LEGEND	
	Subject Right-of-Way

**AZA 036382**  
**Exhibit B**  
**September 10, 2013**

**A. CONSTRUCTION, OPERATION, AND MAINTENANCE**

1. The Holder will re-construct the communication facility strict conformity with the approved plan of development, as made part of Right-of-Way AZA 036382 as Exhibit C of this right-of-way. Any relocation, additional construction, or use that is not in accord with the approved plan of development will not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, as amended, including all stipulations, will be kept on site during construction activities authorized under this right-of-way. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. No construction or reclamation activities will be allowed during the Desert Bighorn Sheep breeding and lambing season (February through June).
3. The facility authorized herein replaces the facility at Mohave Mine (serial no. AZA 25315). The Holder will remove the shelter, tower (including the foundations), cables, grounding rods, and miscellaneous items at Mohave Mine.
4. For constructing the facility the Holder is authorized to use the area known as "Kemple Camp" located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 30, T. 26 N., R. 20 W., G&SRM. (Lat. 35.605255 Long./-114.464478) for transporting the communications shelter and related items via helicopter to the communication site. No surface disturbing activities at Kemple Camp are permitted under this right-of-way.
5. The Holder will not initiate any construction or other surface disturbing activities within the right-of-way without a notice to proceed issued by the Authorized Officer. The Holder will be required to furnish the Authorized Officer with the specific location of the proposed shelter location for BLM's review. If that location is approved the Authorized Officer would issue a notice to proceed.
6. The Holder will paint the communication shelter "Carob Brown" as shown on Exhibit D, attached. Non-glare, non-reflective, non-chalking paint will be used. If fading occurs, repainting the shelter will be required by the Holder at the discretion of the authorized officer.
7. This right-of-way is subject to prior rights.

8. At least 30 days prior to using new frequencies the Holder is responsible for notifying potentially affected communications users of the proposed frequencies. The Holder will at all times operate its radio-electronic equipment in such a manner so as not to cause interference with radio-electronic operations of existing users in vicinity. If such interference results from Holder's operations, Holder will promptly, at its own expense, modify the equipment and operations, or shut down if necessary to eliminate or reduce the interference to the satisfaction of the Federal Communications Commission and/or the Authorized Officer (AO).

9. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.

10. Any maintenance of the access road on BLM administered public land must be in accordance with the terms, conditions, and stipulations contained in Right-of-Way Reservation AZA 33467, attached as Exhibit E of this right-of-way grant.

11. **DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING:** If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

12. Microwave dishes and dish covers must be gray.

13. This right-of-way is subject to the Kingman Area Users Association Constitution and Bylaws (Exhibit F of this grant). Failure of the Holder to join the Users Association and remain a member in good standing will constitute sufficient grounds for termination of this right-of-way.

14. In the event a communication site plan is approved for the Mount Perkins Communication Site, any new uses, equipment, facilities, or other relevant changes or additions initiated by the Holder will be required to be in conformance with this plan. In the event this occurs, a copy of the Plan will be kept on site at all times.

15. By October 15<sup>th</sup> of each year the holder will submit to the BLM a certified statement listing the communications uses of the facility occurring on September 30<sup>th</sup> of the same year.

16. The right-of-way serial number, AZA 36382, will be stenciled in two-inch letters on the door of the facility.

17. All-night lighting is not permitted. Lights are to be turned on only as needed when work is performed.

18. The holder will keep the site free and clean of trash, debris, parts, etc.

19. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. Holder will maintain the right-of-way area in a safe, usable condition, as directed by the authorized officer. Porta-potty areas will be kept in a sanitary condition and cleaning and maintenance must be in conformance with standard waste company procedures.

20. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

21. Use of pesticides will comply with the applicable Federal and state laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder will obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pests(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.

22. The Holder will remove only the minimum amount of vegetation necessary for the construction and maintenance of the communication facility.

23. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 US Code § 9601, et seq., or the Resource Conservation and Recovery Act, 42 US Code § 6901, et seq.) will be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder will immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

#### B. TERMINATION

1. Ninety days prior to termination of the right-of-way, Holder will contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.

**AZA 036382**  
**Exhibit C**  
**September 10, 2013**  
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**PERKINS COMMUNICATIONS SITE DEVELOPMENT PLAN**

**Purpose and Need of the facility-**

The site is necessary for the safety of Bureau of Land Management Law Enforcement, Fire, and Resource personnel while performing their duties in remote areas of public lands.

**Right-of-Way Location-**

Site will be approximately 8' X 8'. Access will be a footpath approximately one mile long from Mt Perkins North communication site or via Helicopter. See attached maps for location.

**Facility Design Factors-**

The site will be a small (4' X 5') solar powered communication shelter that will be painted "Carob Brown" per BLM Standard Environmental Color Chart CC-001 to blend in with the surrounding environment. No tower would be constructed as the antennas would be attached to a mast attached to the shelter.

There will be two temporary staging areas at the Kemple Camp area that are proposed by the Kingman Field Office Right of Way staff. This area has been leveled from past mining activities and is devoid of perennial vegetation, so no physical alteration of this area would be necessary.

See attached drawings and maps.

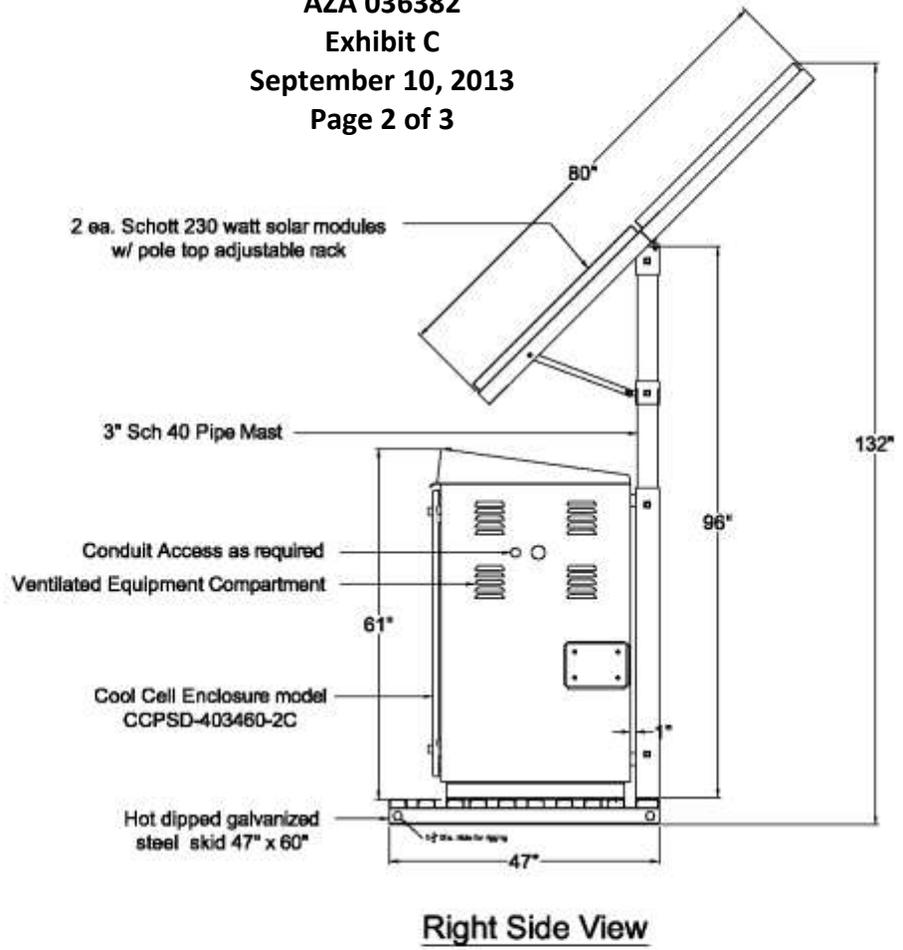
**Government agencies Involved-**

A radio frequencies request for the site will be requested through NTIA.

**Construction of the Facilities-**

1. Site will be prepared by leveling an area of approx.. 8 ft. X 8 ft. for the shelter using jack hammers and hand tools.
2. Shelter and solar panels will be delivered by helicopter. See attached map for flight route.
3. Four rock anchors with epoxy will be used to tie down shelter.
4. Remove all construction debris from site.

AZA 036382  
 Exhibit C  
 September 10, 2013  
 Page 2 of 3



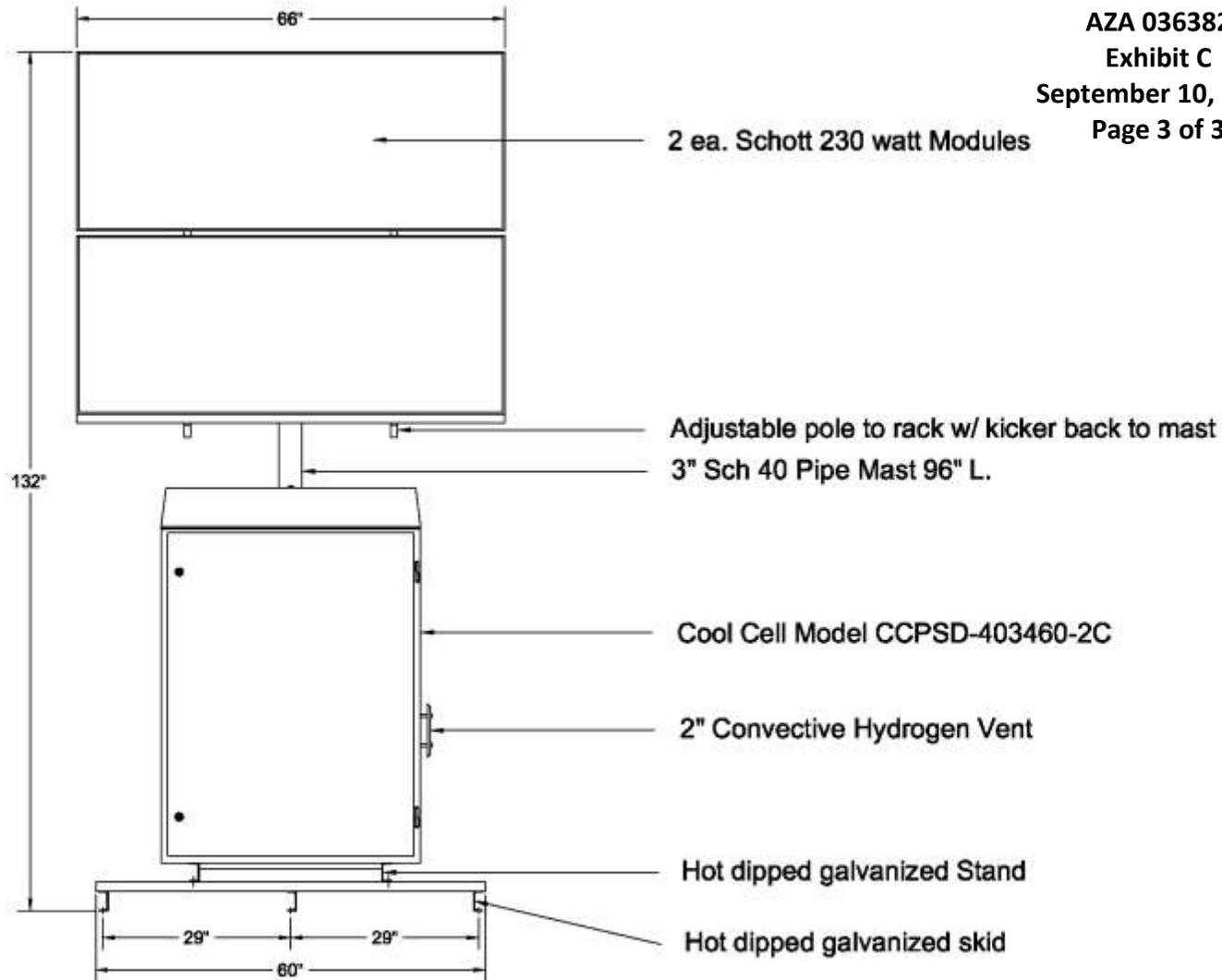
Right Side View

TITLE: COOL CELL CCPSD-403460-2C RIGHT SIDE VIEW W/ SKID & MODULES	
REFERENCE: COOL CELL	SCALE: NTS      DRAWN BY: DCH
DWG: CCPSD-403460-2C.DWG	DATE: 04-18-12      PAGE: 1 of 2



**ZOMEWORKS**  
 CORPORATION  
 1011-A SAWMILL ROAD NW  
 ALBUQUERQUE, NEW MEXICO 87104  
 PHONE: (505) 242-5354 FAX: (505) 243-5187

AZA 036382  
 Exhibit C  
 September 10, 2013  
 Page 3 of 3



TITLE: COOL CELL MODEL CCPSD-403460-2C FRONT VIEW w/ SKID & MODULES

REFERENCE: COOL CELL

SCALE: NTS

DRAWN BY: DCH

DWG: CCPSD-403460-2C .DWG

DATE: 04-18-12

PAGE: 1 of 2



**ZOMEWORKS**  
 CORPORATION

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 ALBUQUERQUE, NEW MEXICO 87104  
 PHONE: (505) 242-5354 FAX: (505) 243-5187

**AZA 036382**  
**Exhibit D**  
**September 10, 2013**



Carob Brown

**Carob Brown**

**AZA 036382**  
**EXHIBIT E**  
**September 10, 2013**

AZA-33467

**RIGHT-OF-WAY RESERVATION**

**KNOW ALL MEN BY THESE PRESENTS**, That in accordance with Section 507 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2781, 43 U.S.C. 1767) that the United States of America, acting by and through the Bureau of Land Management, U. S. Department of the Interior, does hereby issue and reserve to the Bureau of Land Management and its assigns a right-of-way to locate, construct, use, control, maintain, improve and repair an access road on real property situated in the County of Mohave, State of Arizona, within:

T. 26 N., R. 20 W.,  
    Sec. 6, Lots 5, 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
T. 26 N., R. 21 W.,  
    Sec. 1, S $\frac{1}{2}$ ,  
    Sec. 2, SE $\frac{1}{4}$ ,  
    Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
    Sec. 11, W $\frac{1}{2}$ NE $\frac{1}{4}$ ,W $\frac{1}{2}$ ,  
    Sec. 15, E $\frac{1}{2}$ E $\frac{1}{2}$ ,  
    Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
    Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ ,  
    Sec. 34, E $\frac{1}{2}$ ,  
T. 25 N., R. 21 W.,  
    Sec. 3, Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,S $\frac{1}{2}$ NW $\frac{1}{4}$ ,N $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Gila and Salt River Meridian.

The parcel of land, more specifically shown on the map attached hereto as Exhibit A and made a part hereof, contains 29.80 acres, more or less.

The right-of-way herein granted and reserved is for the full use of the above described property as an access road by the Bureau of Land Management, its licensees, permittees, agents and contractors subject to reasonable rules and regulations of the Secretary of the Interior and the proposed action described below:

The BLM would maintain or allow maintenance of the existing 4WD road on 8.2 miles on public land within a 30' width (Exhibit A). The roadway would remain a 4WD road and be approximately 12-15' wide. The last approximately  $\frac{1}{4}$  mile to the site is within lambing grounds, and maintenance would be conducted only from June 1 through November 30. Drainage ditches, turnouts and waterbars would be used to remove water from the road where necessary. Maintenance would be conducted on an as needed basis. Maintenance would include grading and ditching and may include applying water,

AZA

installation of and cleaning culverts if necessary, adding rock products, gravel and processed materials to the base of the road.

Maintenance would be conducted using standard earthmoving equipment such as a motor-grader, bulldozer, front-end loader, etc. operated by either a BLM crew or by a contracted construction firm. Equipment would be washed to prevent the spread of noxious weeds. A dust palliative such as water would be applied to open soils and affected roadway areas based upon need due to low rainfall or dry, dusty conditions.

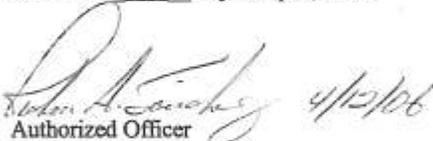
There is a defunct metal pipeline along most of the road that was originally buried but over time soil has been eroded away and in some spots the pipeline is exposed. Portions of the protruding or exposed metal pipeline would be cut out and removed.

Maintenance on the State land section will not be performed unless or until permission is obtained from the State Land Department.

Funding for maintenance could be shared by the communication site users, recreation, and minerals, but for 2006 maintenance work, the majority will be provided by the Federal Government, BLM from the Repair of Damaged Land funds.

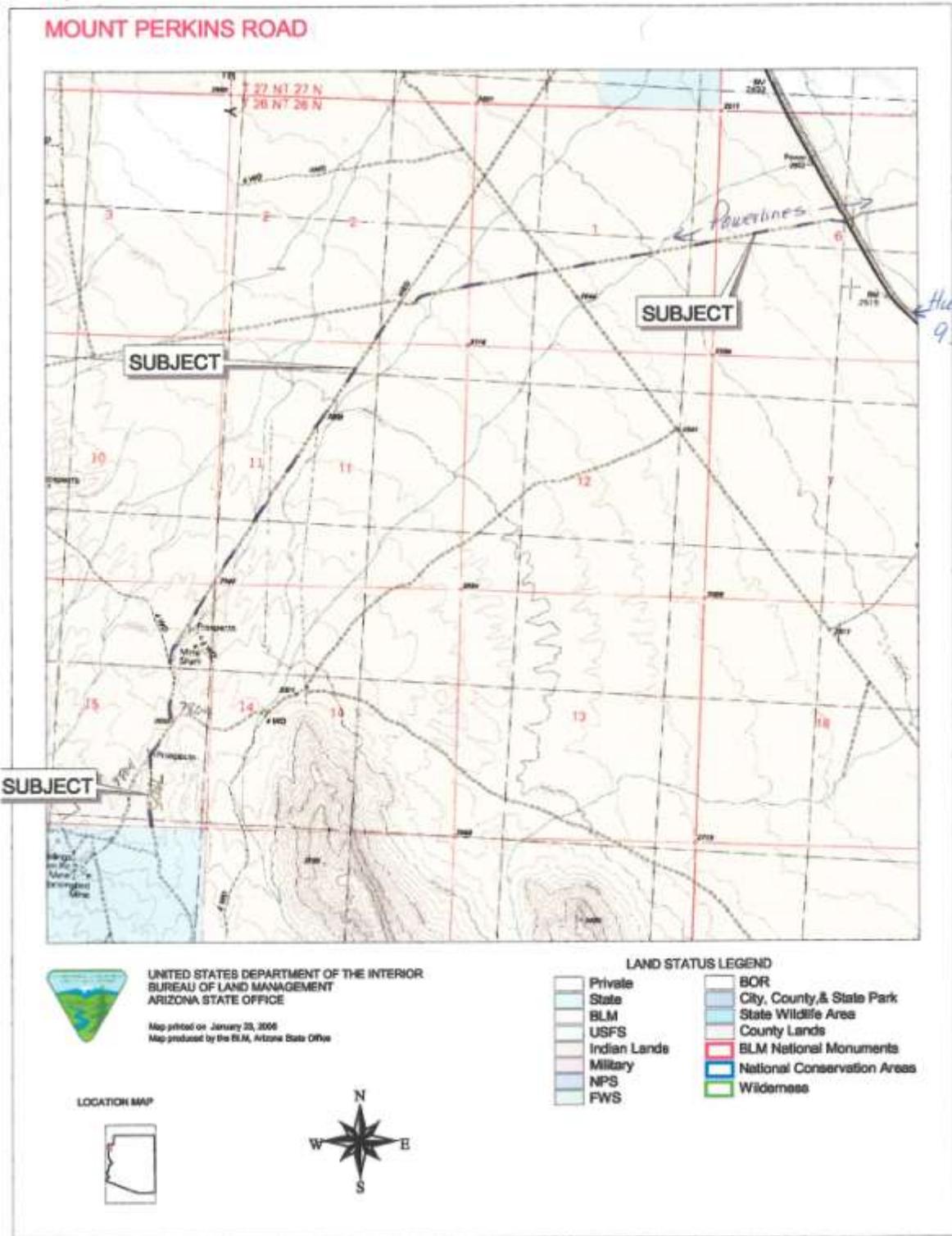
This reservation shall remain in effect in perpetuity.

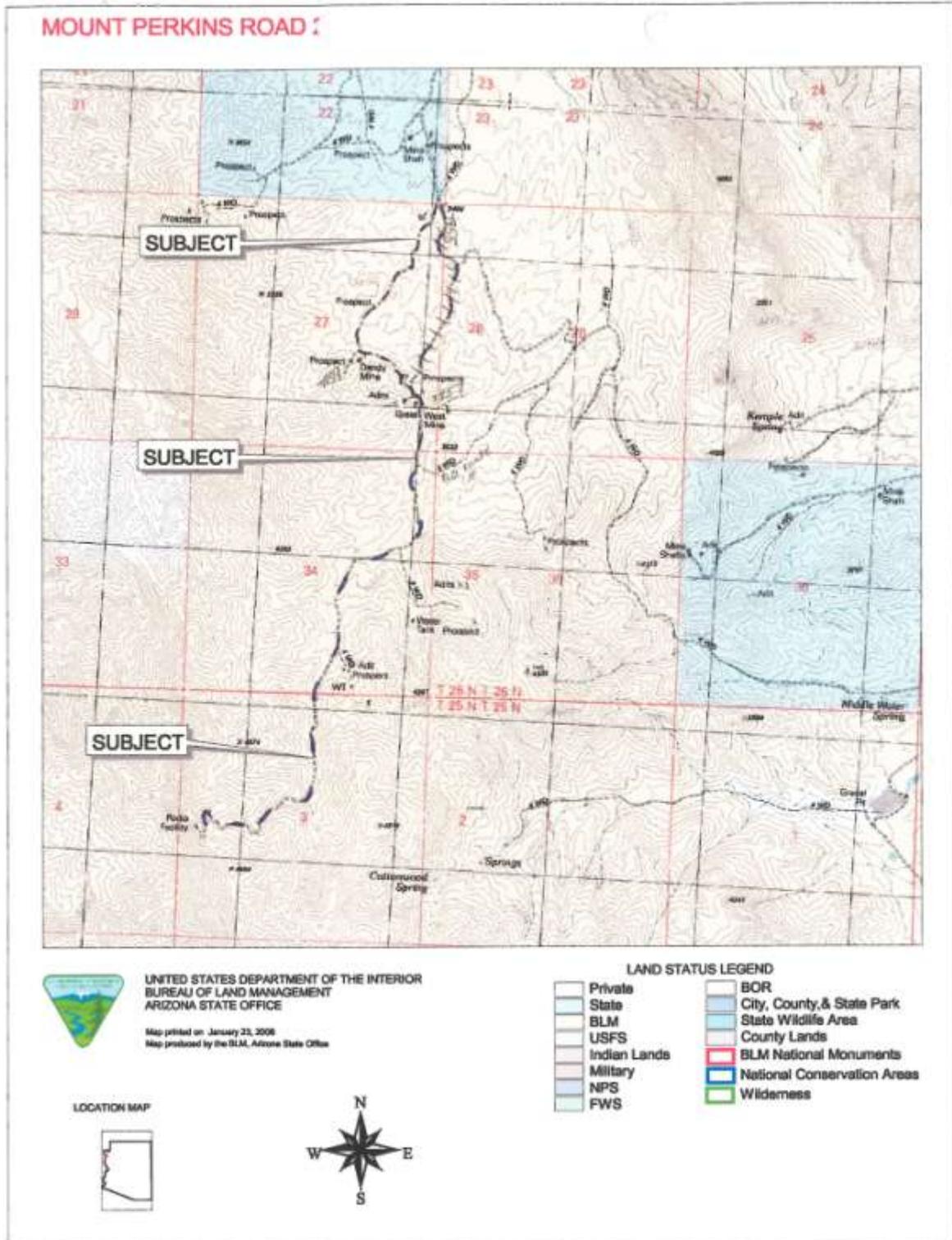
Dated this 12th day of April, 2006.

 4/12/06  
Authorized Officer

**KINGMAN FIELD MANAGER**

Title  
*Assistant Field Mgr.*





**AZA 036382**  
**Exhibit F**  
**September 10, 2013**

KINGMAN AREA USERS ASSOCIATION

CONSTITUTION

AND

BYLAWS

KINGMAN AREA USERS ASSOCIATION

CONSTITUTION

ARTICLE I

SECTION 1: Identification

This organization shall be called the Kingman Area Users Association, hereinafter referred to as “the Association”.

SECTION 2: Purpose

The purpose of this organization shall be threefold:

To provide a cooperative forum for all users to resolve existing and possible future electromagnetic interference problems;

To provide coordination of funds and labor for maintenance and snow removal on the portion of the site access roads which must be maintained by and for the existing users;  
and

To provide recommendations on behalf of all users to the Site Manager, the United States Bureau of Land Management (“Bureau”), regarding compatibility of proposed equipment additions or modifications, and any other matter relating to the users’ use and occupancy of all communication sites required to be members of this association by the BLM Kingman Field Office.

SECTION 3: Scope

This Association shall include all of the Primary Users of communication sites that the BLM Kingman Field Office requires to be members of a Users Association.

ARTICLE II

SECTION 1: Membership Qualifications

All primary users of all those sites shall be members in good standing of the Association, as required in the Bureau’s Right of Way Agreement.

SECTION 2: Definition of “Good Standing”

Members shall be in good standing when all Association fees and assessments are paid, and when they are in compliance with the Association’s Constitution and By-laws.

SECTION 3: Definition of “Primary User”.

A Primary User is the site owner of a single-user site or the manager of a multiple-user site. The Primary user is ultimately responsible for site maintenance, payment of fees, assuring compliance of all secondary users, and making proper advance notification to the Association of new facilities contemplated.

KINGMAN AREA USERS ASSOCIATION  
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ARTICLE III

SECTION 1: Association Offices

The Association shall be coordinated and guided by a panel of Officers consisting of President, Vice President, and Secretary/Treasurer. Each office shall be assigned to the elected organization. The member organization shall be responsible for reassigning the Association Officership within itself when its representative changes employment or duties.

SECTION 3: Elections

Officers shall be elected by majority vote at the annual meeting, and shall hold office until the next annual meeting. The outgoing officers shall conduct the annual meeting, brief the new officers, relinquish all pertinent documentation, and then transfer control to the New Officers.

ARTICLE IV

SECTION 1: Voting

Each member or member organization in good standing who is also a Primary user shall have one vote per Right-of-Way.

SECTION 2: Amendments

Amendments to the Constitution may be made at the annual meeting only. Proposed changes must be distributed to all Primary Users and any other directly affected parties at least 30 days before the meeting.

An amendment must be passed by a two-thirds majority of all votes cast. Votes may be cast in person, by written proxy carried by an attending member, or by pre-written decision. If there are any votes cast by pre-written decision, however, and those votes are part of the two-thirds majority, the amendment must be passed exactly as it was written in the advance notice.

This Constitution is as amended by vote of the membership at the annual meeting held March 8, 2005.

KINGMAN AREA USERS ASSOCIATION

BYLAWS

ARTICLE I

SECTION 1: President's Duties

1. Arrange for and preside at the annual meeting of the Association.
2. Represent the Association in public meetings and meetings with the Bureau of Land Management
3. Supervise the work of the other officers to assure coordination of efforts and on-time completion.
4. Approves and signs all Association expenditures greater than \$100.00.

SECTION 2: Vice-President's Duties

1. Assume any or all duties of the President's given appropriate notice, if the President is not able to fulfill them.
2. Monitor site inspections to assure fair and impartial results.
3. Coordinate and direct committee work.
4. Promote cooperation among users.

SECTION 3: Secretary-Treasurer's Duties

1. Prepare outgoing Association correspondence and present to President for approval and distribution.
2. Disseminate incoming correspondence to directly affected users.
3. Record minutes at annual meeting, and keep members apprised of meetings and planned activities which affect the Association, including annual and public meetings.
4. Maintain all files, records, and accounts, keeping them current and accurate. All Association documents shall be open for inspection by any member.
5. Pay all routine and ordinary expenses such as office supplies and postage that are less than \$100.00. Prepare all checks for payments greater than \$100.00 and present to the President for Approval and signature. Record all transactions, including date, amount received or disbursed, from or to whom, and for what purpose.

KINGMAN AREA USERS ASSOCIATION  
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ARTICLE II

SECTION 1: Financial Committee

1. The Financial Committee shall be an ad hoc committee, appointed by the President, which shall audit the Treasurer's financial records just prior to the annual meeting, and present a report of its findings at that meeting.

SECTION 2: Technical Committee

1. The Technical Committee shall be a standing committee which prepares and maintains the technical guidelines with which all users must ultimately conform. It shall consist of members of the Association, one representing a Primary User. A Primary User may provide only one member of the committee. The committee shall select a chairman, who shall represent the Association in technical matters. The committee shall also help the Bureau conduct annual site inspections and prepare a report of the results, to be presented at the following annual meeting. It shall perform other duties of a technical nature, like evaluating the compatibility of proposed additions or modifications and recommending acceptance or rejection to the Bureau.

SECTION 3: Road Committee

1. A Road Committee shall be established as a standing committee which monitors the condition of those roads that have established a road fund. These committees shall prepare a report for each annual meeting. It shall consist of members appointed from the Association who are users of the subject road. When the Association decides that conditions warrant repair or snow removal, the committee shall research the work, exploring all costs, complexity, and contracting options. This committee shall be responsible for providing not less than 120 days notice of work to the Bureau and the Bureau will be responsible for obtaining approval from the Department of Fish and Wildlife if necessary. The Road Committee shall present its findings to the Association and implement the approved plan of action. In emergencies, the Vice-President may evaluate the immediate need and with the President's approval implement appropriate action.
2. The users of each site location shall determine by a simple majority vote if they desire to establish a fund for maintenance of the road.

ARTICLE III

SECTION 1: Assessments

1. An annual assessment shall be made upon all Primary Users to provide funds for operational expenses. Special assessments may be made and apportioned as approved by the membership.

KINGMAN AREA USERS ASSOCIATION  
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SECTION 2: Maximum and Actual Assessment

1. The total annual assessment, comprised of all Primary User assessments, shall not exceed \$20,000.00 for each road. Setting a maximum simplifies fiscal planning for all members. The actual annual assessment shall be based on recommendations made by the Treasurer and Road Committee chairman at the annual meeting, and shall be approved by a simple majority of the members present with sites accessed by the subject road.
2. The treasurer shall account for receipts and expenses separately for each road.

SECTION 3: Formula

1. Administrative expense

The administrative expenses that exceed the revenue generated by data sheet filing fees shall be divided equally among all Primary Users.

2. Road Maintenance expense

The road maintenance expenses for each road shall be divided among all Primary Users of the subject road according to the following formula unless users of a specific road establish a different formula. Fifty percent (50%) of the total shall be divided evenly among the Primary Users. This amount is the site charge. The remaining Fifty percent (50%) shall be divided by the total number of transmitters and the resulting quotient is the cost per transmitter. This cost will therefore consist of two parts: the site charge and the cost per transmitter multiplied by the user's total number of transmitters.

3. Total Assessment

Each Primary Users annual assessment will therefore consist of their portion of the administrative expenses any road maintenance assessments that apply to the location of their site.

SECTION 4: Proration, late penalties, enforcement, collection

1. Assessments for new members shall be prorated to reflect the number of months that their sites were under construction or in use during the assessment period.
2. Assessments shall be due 30 days after the invoice date. After 30 days, a late fee of 1½ percent (1.5%) per month shall be added to the amount due. This penalty shall not reflect in the maximum assessment figure as stated in Section 2 above.

KINGMAN AREA USERS ASSOCIATION  
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PAGE 4

3. Enforcement and collection action will be with the cooperation of the Bureau. As a member that has not paid the assessments is considered as a member “not in good standing” and is therefore in violation of the BLM Right-of-Way Agreement. The member will be reported by the Treasurer to the Bureau after six (6) months delinquency. Upon receiving this report, the Bureau is requested to begin action to terminate the members Right-of-Way Agreement.

ARTICLE IV

SECTION 1: Technical Standards

1. Adherence to these standards will minimize physical damage and interference, thus providing for improved electromagnetic compatibility for all users.
2. Installation Data Sheets

All users are required to complete a BLM data sheet for each transmitter prior to it's installation. The data sheet shall be submitted to the Secretary with payment of the proper processing fee. Installation may not begin until 30 days following distribution of the data sheet to all members by the secretary. Any objections to the new installation must be filed with the Technical Committee Chairman during this period.

Processing Fee Schedule:

Up to 3 Data Sheets	\$15.00
Each additional sheet	\$ 5.00

3. Licenses

A. License Posting

Each transmitter shall have a copy of the license for that transmitter or a tag indicating the call sign, licensee and licensees address posted. If posted in a common location, each piece of equipment shall be marked in a manner that allows its license to be identified.

B. Amateur Frequency Coordination

Transmitters licensed in the Amateur Radio Service, operating on channels coordinated by the Amateur Radio Council of Arizona frequency coordinators must attach written evidence of coordination to their Data Sheet prior to submission. Radios operating on frequencies that are not subject to coordination must be approved by the Association Technical Committee prior to installation.

4. Transmitters

A. Type Acceptance

KINGMAN AREA USERS ASSOCIATION  
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PAGE 5

All transmitters shall be FCC Type Accepted or meet type acceptance criteria.

B. Protective Devices

All transmitters shall have protective devices, designed-in or externally installed to prevent interference to others:

- 1) Direct radiation of out-of-band emissions (i.e. transmitter wideband noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by using bandpass, low-pass, and/or harmonic filtering. Band-reject filtering may be required in certain applications.
- 2) Re-radiation of signals from a transmitter and its associated antenna system shall be prevented by installing appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25 db.

C. Transmitter Power

- 1) Transmitter Power for Hayden Peak and Potato Patch Sites:

Transmitter power output shall not exceed 120 watts. The Effective Radiated Power (ERP) shall not exceed 1,200 watts. Microwave point-to-point systems shall be exempt from this requirement.

- 2) Transmitter Power for Getz Peak:

Transmitter Power on this site shall comply with their FCC license power and if that power exceeds 120 watts output, the antenna must be of a type with minimal radiation straight down and/or high enough to comply with ANSI Standard C95.1-1994.

- 3) Transmitter Power for Goldroad Crest:

Transmitter Power for the Goldroad Crest radiated at the lower level (4050' AMS) shall not exceed 120 watts. The Effective Radiated Power (ERP) shall not exceed 1,200 watts. Microwave point-to-point systems shall be exempt from this requirement. Transmitter Power at the upper level shall comply with their FCC licensed power and shall not exceed the authorized Effective Radiated Power (ERP) and the antenna must be of a type with minimal radiation straight down and/or be high enough to comply with ANSI Standard C95.1-1994.

5. Receivers

A. FCC Compliance

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PAGE 6

All receivers shall comply with all applicable parts of the FCC rules, including Parts 2 and 15.

B. Selectivity

All receivers shall have sufficient “front-end” pre-selection to prevent receiver spurious response. The use of bandpass or band-reject cavities or crystal filters may be required to prevent receiver produced intermodulation or adjacent channel interference.

6. Antennas, Feedlines, and Support Structures

- A. Antennas and transmission lines, including those not in immediate use, shall be terminated in their characteristic impedance to prevent re-radiation of intercepted signals or noise.
- B. All coaxial transmission lines shall be of double-braided or solid-shielded construction and jacketed.
- C. All steel towers shall meet EIA Standard RS222C, Structural Standards for Steel Antenna Towers.
- D. All tower construction shall meet manufacturers recommended specifications for ice and wind in this area.
- E. All new towers will be Self Supporting (free standing), no guyed towers. Tower plus antenna shall not exceed 199’ AGL. Towers will not be painted or lighted unless authorized by the authorized Bureau officer or directed to by the FAA.
- F. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- G. Anti -climb devices, removable steps, or other means to discourage unauthorized climbing, are highly recommended.
- H. Transmission lines shall enter the building by a means to seal the building against weather and vermin. Cable trays, hangers, and strain reliefs should be installed as needed.

6. Electrical

- A. All electrical facilities, equipment, and the installation thereof, shall conform to the most recent edition of the “National Electrical Code” and local laws and regulations.

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B. All permanent AC wiring shall be installed in UL approved conduit.

7. Buildings

- A. All buildings and structures shall conform to the latest edition of the “Uniform Building Code”, and local laws and regulations at the time they are built.
- B. All metallic materials used in building construction shall be galvanized, plated or coated. Dissimilar metals shall not be placed in such a manner that could create a galvanic junction.
- C. Buildings shall be designed and installed to withstand severe weather conditions.

8. Site and Equipment Grounding

- A. Site grounding must be constructed of copper, with #2 AWG or larger wire or 2” or larger solid copper strap, connected to an adequate site ground electrode system. Guy wires should also be grounded, using manufacturers approved methods to preclude bi-metallic junctions and corrosion. All equipment on the site (buildings, towers, power units, transmitters, receivers, combiners, telephone systems, power cabinets, etc.) must be connected to the site ground. High power operations should use copper strap bonding in accordance with manufacturers specifications. The grounding system shall comply with applicable laws and codes and in accordance with standard engineering practice.

9. Miscellaneous Equipment

- A. Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

10. Housekeeping

- A. Housekeeping has environmental, visual and aesthetic impact. It further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification or other evolution, raises the noise “floor” for all users and gives rise to intermodulation potential which often defies identification. No debris shall be allowed to accumulate.

SECTION 2: Grandfathering and Enforcement

1. Grandfathering

- A. New users, new installations, and changes of equipment shall comply with all Technical Standards at the time of construction or installation of equipment.

KINGMAN AREA USERS ASSOCIATION  
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- B. Existing users and equipment shall comply with the Technical Standards within the time frame specified at the annual inspection, if any noncompliance is found.
- 2. Enforcement: Annual Inspection
  - A. The Technical Committee and the Bureau shall conduct an annual inspection of each Primary User's site. This inspection will verify:
    - a. Compliance with Technical Standards
    - b. Structural integrity
    - c. Electromagnetic compatibility
    - d. General safety
    - e. As-built plan accuracy
  - B. Any non-compliance found shall be recorder by the Bureau. The record will include:
    - a. A description of the offense
    - b. What corrective action is required
    - c. The name and address of the responsible party or organization
    - d. Time frame for completion of corrections
- 3. Copies of non-compliance reports and user's responses shall be forwarded to the Technical Committee Chairman for incorporation into the annual report.
- 4. The Bureau shall provide written notice of the scheduled inspection date at least 30 days in advance and each Primary User shall arrange to have personnel available at the site at the time of inspection.

SECTION 3. When Interference Occurs:

- 1. All users shall cooperate with this Association and the Bureau in identification and correction of any interference related problems.
- 2. Neither this Association nor the Bureau shall recognize complaints from users who are not in good standing.
- 3. New site applicants may be required to furnish an intermodulation study or other interference related data before the application can be evaluated.
- 4. The Technical Committee may request a field test for compatibility at the expense of the applicant before recommending acceptance or rejection of the application.

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ARTICLE V

SECTION 1: Annual Meeting

1. The Association shall conduct an annual meeting in Kingman, Arizona during the first quarter of each calendar year.

SECTION 2: Advanced Notice

1. The annual meeting notice shall be distributed no less than 30 days before the scheduled date. It shall include the date, time, place, and agenda items for the meeting. If any guests are scheduled, that information should also be included.

SECTION 3: ORDER OF BUSINESS

1. Robert's Rules of Order shall be followed in all procedural matters.
2. Meeting Format

Meetings shall have the following general form:

- a. Call to order
- b. Sign-in
- c. Reading of the minutes of last annual meeting
- d. Report of the Financial Committee
- e. Report of the Technical Committee
- f. Report of the Road Committee
- g. Determination of standing of members
- h. Old Business
- i. New Business
- j. Election of Officers
- k. Appointment of Committees
- l. Comments from members
- m. Adjournment

ARTICLE VI

SECTION 1: Amendments to the Bylaws at annual meeting

1. The Bylaws may be amended at the annual meeting by a two thirds majority of all votes cast, including proxy and pre-written votes.

SECTION 2: Amendments to the bylaws by mail

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1. The Bylaws may also be amended by mail. The proposed amendment(s) shall be mailed to all members in good standing with a 30 day response period from date of mailing. A signature sheet shall be circulated among voting members to record their concurrence or non-concurrence. The amendments may be passed if two-thirds of all eligible members concur in writing to the amendments as worded in the mailing.

These Bylaws are as amended by vote of the membership at the annual meeting held March 8,  
2005.