

**U.S. Department of the Interior  
Bureau of Land Management  
Little Snake Field Office  
455 Emerson Street  
Craig, CO 81625-1129**

## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-N010-2015-0011-CX

CASEFILE/PROJECT NUMBER: COC062977

PROJECT NAME: Amendment to Wilson Creek-Magnetic Mountain Communication Site

LEGAL DESCRIPTION: SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 27, T3N, R94W, 6<sup>th</sup> PM in Rio Blanco County, Colorado

APPLICANT: State of Colorado

DESCRIPTION OF PROPOSED ACTION: The proposed action would be to approve an amendment application for Right-of-Way Grant (ROW) COC062977 submitted by the State of Colorado (State). The Bureau of Land Management (BLM) originally built a telecommunication facility (facility) at the Wilson Creek-Magnetic Mountain Communication Site with the US Forest Service (USFS) in the mid-1980s. The USFS eventually left the facility and the BLM issued ROW COC062977 to the State for the facility in 1999. BLM rebuilt the facility in the summer of 2010 and a new ROW grant (COC074455) was issued to the BLM as owner of the rebuilt facility. All new construction now meets Motorola R 56 standards to comply with BLM Washington Office Instruction Memorandum No. 2010-073 and to resolve safety issues at the facility. This telecommunication facility serves BLM, State of Colorado, and Rio Blanco County employee radio users throughout northwestern Colorado.

The BLM and the State entered into a Memorandum of Understanding dated January 27, 2011 to set the framework for sharing telecommunications facilities, equipment, technical personnel and other resources necessary including access, power, and building for the support of the Wilson Creek-Magnetic Mountain Communication Site. The State applied for an amendment to ROW COC062977 to add an emergency back-up power generator and 1000 gallon propane tank.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

Name of Plan: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.
- Provide access for the development of oil and gas pipeline routes and other uses associated with oil and gas development in an environmentally responsible manner.

Section/Page: Section 2.17 Lands and Realty/ page RMP-52

Conformance with other Relevant Documents: The proposed action is subject to the Wilson Creek-Magnetic Mountain Communications Site Management Plan approved on September 29, 2009.

Compliance with NEPA: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with CFR Part 46.210 and qualifies as a categorical exclusion under 516 DM 11.9E(13). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies:

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.	<u>      </u>	<u>  X  </u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	<u>      </u>	<u>  X  </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	<u>      </u>	<u>  X  </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<u>      </u>	<u>  X  </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<u>      </u>	<u>  X  </u>
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<u>      </u>	<u>  X  </u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	<u>      </u>	<u>  X  </u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant	<u>      </u>	<u>      </u>

impacts on designated Critical Habitat for these species.	<u>    X    </u>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<u>    X    </u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<u>    X    </u>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	<u>    X    </u>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	<u>    X    </u>

INTERDISCIPLINARY REVIEW:

	<u>Title</u>	<u>Area of Responsibility</u>	<u>Date</u>
	Archaeologist	Cultural Resources	01/20/15
	Rangeland Mgmt Spec	T&E Plants	01/21/2015
	Wildlife Biologist	T&E Animals	01/13/15

CULTURAL RESOURCES: The area to be affected by installation of the emergency generator and 1,000 gallon propane tank has been previously surveyed for cultural resources with negative results. The radio tower facility marked as marked on the Devils Hole Gulch 7.5' USGS topographic quadrangle was examined for cultural resources by BLM (Hansen 1978). A 200-foot-wide survey corridor along a White River Electric Association power line crossed over the location of the State of Colorado radio facility, as marked on the accompanying map (Conner 1995). Due to the lack of recorded sites, cultural resource clearance is recommended.

References Cited

Conner, Carl

1995 Cultural Resources Inventory Report on the Proposed Wilson Creek Powerline Upgrade in Rio Blanco County, Colorado for White River Electric Association. Report prepared by Grand River Institute, Grand Junction, Colorado, on file at Bureau of Land Management, Little Snake Field Office, Craig, Colorado.

Hansen, Sherri

1978 Report of Examination for Cultural Resources: Communication Site for Civil Defense. Report prepared by Bureau of Land Management, Little Snake Field Office, Craig, Colorado.

COMPLIANCE PLAN: The BLM as the facility owner is responsible for complying with the terms and conditions of the facility ROW. The BLM is also responsible for ensuring that secondary users of the facility are also in compliance with the terms and conditions of the facility ROW and applicable Federal Communication Commission and/or National Telecommunication

and Information Administration license terms and conditions. The BLM radio program is responsible to annually inspect all radio infrastructure facilities

NAME OF PREPARER: Louise McMinn

NAME OF ENVIRONMENTAL COORDINATOR:

*Rathy McKinstry*

DATE:

*1/26/15*

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the proposed action.

This action is listed in the Department Manual (516 DM 2, Appendix 1 and 516 DM 11) as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

*Wendy Reynolds*  
Wendy Reynolds Field Manager

DATE SIGNED:

*1/26/15*

Exhibit A  
Stipulations  
COC062977-Communication Site Facility ROW Amendment

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) approved and made part of the original grant on July 8, 1999. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. 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. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
3. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
4. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.
5. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.
6. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall 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 shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(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.
7. The holder and the holder's subgrantees shall operate within the parameters of the Wilson Creek -Magnetic Mountain Communications Site Management Plan.
8. Each electronic type station installation authorized by this grant shall be operated in conformity with the requirements of the Federal Communications Commission or, in the case of Federal Government installation operations, in accordance with the Interdepartmental Radio Advisory Committee agreements.
9. The holder agrees not to install or allow the installation of any other radio electronic type equipment not specified in this grant or amendment to this grant on or within the structure or on the premises authorized and covered by this grant, without advance notification and written approval of the authorized officer.

10. The holder shall notify the authorized officer of any intent to locate additional users within or upon their existing facilities, not less than 45 days prior to occupancy of holder's facilities. Information that must be included is:
- (1) Name, current address, and phone number of the third party.
  - (2) Expected date of occupancy.
  - (3) A photo or sketch illustrating the type of antenna to be installed, as well as any other planned physical changes to the exterior facilities. If the proposed use is not specified in the original right-of-way grant, an amendment will be required.
11. The holder shall furnish a listing of, or other information pertaining to, all occupants of the facility upon request of the authorized officer.
12. All installations shall be constructed and maintained in a neat and safe condition in accordance with good engineering practices as accepted by industry and applicable laws.
13. The holder shall contact the Little Snake Field Office and all Wilson Creek Communication Site ROW holders at least 2 days prior to the anticipated start of construction and/or any surface disturbing activities.
14. At such future time as a Users Association for this communication site is formed, the holder shall join the Users Association and remain a member in good standing. The association's main purpose would be to ensure that all users would share in any proportionate costs and responsibilities including, but not limited to, road maintenance required under the terms, conditions and stipulations of the right-of-way grant. Within 60 days of the creation of such Users Association the holder shall provide the authorized officer with evidence of membership. Failure of the holder to join the Users Association and remain a member in good standing shall constitute sufficient grounds for termination of this right-of-way grant.
15. Holder shall place the BLM ROW serial number on the door of the building or on the fence gate.
16. Holder shall ensure that all communications facilities and equipment are installed, operated, and maintained according to the Motorola R-56 Standards and Guidelines for Communication Sites. Any new construction authorized by an amendment to this authorization must also meet the Motorola R-56 Standards.
17. All facilities will be painted Non-Reflective BLM Standard Environmental Color Shale Green.
18. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.



**Wilson Creek Radio Site**  
T3N R94W Sec 27 NWNWSWSW

