

**United States Department of the Interior
Bureau of Land Management**

Decision Record

**Buckskin Ridge Communications Site
Right-of-Way
Environmental Assessment
DOI-BLM-UT-0300-2014-003-EA**

September 2015

Location:

Salt Lake Meridian, Kane County, Utah
Township 42 South, Range 2 West, Section 27, SW1/4SE1/4

Applicant/Address:

InSite Wireless Group, LLC
1199 North Fairfax Street, Suite 700
Alexandria, VA 22314

Grand Staircase-Escalante National Monument
669 South Highway 89A
Kanab, UT 84741
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I. DECISION

I have decided to select the Proposed Action for implementation as described in the Buckskin Ridge Communications Site Environmental Assessment (EA; DOI-BLM-UT-0300-2014-003). Based on my review of the EA and project record, I have concluded that Alternative B (Proposed Action) was analyzed in sufficient detail to allow me to make an informed decision.

My decision authorizes InSite Wireless Group, LLC (InSite) access to a site lease within the existing Buckskin Ridge Communications Site. InSite would construct and operate a cell tower and related facilities to improve cellular coverage in some of the more remote areas in the region. The project is a site-specific action directly involving 70 x 70 feet of BLM administered land. The cell tower and facilities would be enclosed within a fenced area and would include approximately 12 x 26-foot equipment shelter, with up to four additional equipment shelters added at a future date, a propane tank on a concrete pad, a 50-kilowatt propane generator, a 150-foot self-supporting lattice tower (approximately 155-foot maximum height including top-mounted antenna panels) on a 22 x 22-foot concrete pad, and a utility H-frame with Telco Box and meters.

My decision authorizes AT&T, who owns and operates a cell tower and related facilities immediately north of the Buckskin Ridge Communications Site, to re-locate tower equipment to the InSite cell tower and remove its existing cell tower. The existing AT&T cell tower would be removed; the area that would be disturbed would be reclaimed.

My decision authorizes a ROW grant to Garkane Energy; currently they own and operate a single phase 120/240-volt (V) service line with a single-phase 14.4-kV primary line that provides electricity to the existing facilities at the Buckskin Ridge Communications Site. Garkane Energy would replace these lines to extend service to the InSite cell tower.

At the end of the life of the proposed cell tower, it would be decommissioned, and the disturbed land would be reclaimed. All aboveground facilities would be removed, and some below ground facilities, such as the concrete pad, may be removed.

Design Features stipulated in Table 2-1 of the EA. These Features address stipulations for air quality, cultural/paleontological resources, public health and safety, soil, vegetation, visual resources, and wildlife resources.

II. CONFORMANCE AND COMPLIANCE

The authority for my decision is contained in the *Federal Land Policy and Management Act*, Section 302 (b) indicates that in managing the public lands, the Secretary shall regulate, through

easements, permits, leases, licenses, published rules, or other instruments the use, the occupancy and development of the public lands.

43 CFR 2800, specifically subsection 2801.2, describes the objectives of BLM's ROW program to grant ROWs under the regulations in this part to any qualified individual, business, or government entity and to direct and control the use of ROWs on public lands in a manner that

- a) protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
- b) prevents unnecessary or undue degradation to public lands;
- c) promotes the use of ROWs in common considering engineering and technological compatibility, national security, and land use plans; and
- d) coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

In conformance with the National Historic Preservation Act, the project area was surveyed in 2009, and no historic properties eligible for the National Register of Historic Places were found. As a result, the Proposed Action would have no effect on any properties that are eligible, potentially eligible, or listed on National Register of Historic Places. If any previously undiscovered subsurface cultural resources are uncovered during construction activities, the monument manager would be notified and would make reasonable efforts to avoid or minimize harm to the discovered cultural resource, as described in the BLM Manual 8140 - Protecting Cultural Resources (BLM 2004b).

The *BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations* includes guidance on how to process ROW applications (BLM 2012). It states that when processing a new ROW application, to the greatest extent possible, through the NEPA process, the BLM will, among other things

- a. determine consistency of the ROW with the monument or national conservation area's objects and values;
- b. consider routing or siting the ROW outside the monument or national conservation area; and
- c. consider mitigation of the impacts from the ROW (BLM 2012).

Manual 6220 also states that “[p]rotection of the objects and values for which Monuments and NCAs [national conservation areas] were designated should be considered in the NEPA analysis for new ROW applications” (BLM 2012).

My decision is in conformance with the Monument Management Plan (BLM 1999).

LAND-6 - In the Outback Zone, communication sites and utility rights-of-way will be allowed within the constraints of the zone, where no other reasonable location exists, and will meet the visual objectives

LAND-8 - [C]ommunication site plans will be prepared for all existing or new sites before any new uses or changes in use occur.

III. FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the EA for the Buckskin Ridge Communication Site EA. I have also reviewed the Finding of No Significant Impact (FONSI) and the project record for this analysis. I have determined authorizing InSite and Garkane Energy to install and operate a cell tower as described in the EA will not significantly affect the quality of the human environment. Accordingly, I have determined that the preparation of an Environmental Impact Statement is not necessary.

IV. OTHER ALTERNATIVES CONSIDERED

Chapter two of this EA includes the No Action alternative, the Proposed Action, and Alternative C. The proposed location for the cell site is considered to be the most viable option because of the already existing communications site and the favorable topography for increased coverage area. Alternative C is identical to the Proposed Action except the proposed cell tower height would be reduced to 120 feet to address the potential for impacts to visual resources.

V. RATIONALE FOR DECISION

Alternative B, the proposed action, was chosen because the proposed project will provide increased communication coverage in the public health and safety analysis area. The coverage area under the Proposed Action would be 421,540 acres, which would be an approximately 11% increase in coverage area compared to the No Action alternative. The increased coverage would affect many of the areas frequented by recreational visitors and that are prone to search and rescue efforts, such as Coyote Buttes and Wire Pass.

VI. PUBLIC INVOLVEMENT

The proposed project was posted on the Utah BLM's Environmental Notification Bulletin Board in December 2013. The BLM sent scoping letters to eight interested parties on February 10, 2015, requesting public comment on the Proposed Action. The 30-day comment period ended on March 13, 2015. During this period, the BLM received five comment letters. The letters were sent by the Kane County Commission, Kanab City Mayor, Kane County Geographic Information Systems/Transportation Department, and Coconino County Sheriff's Department. All of these comment letters expressed support for the Proposed Action, primarily for public safety reasons. One other comment letter was received from the acting BLM Utah radio manager telecommunications specialist who sought confirmation of the proposed cell tower's location in relation to the existing BLM tower at the Buckskin Ridge Communications Site.

VII. APPEALS

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be

filed within 30 days of this decision. Any notice of appeal must be filed with the Monument Manager, 669 South Highway 89A, Kanab, Utah 84741. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 30 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Cindy Staszak, Monument Manager.

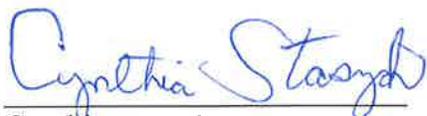
This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Monument Manager, 69 South Highway 89A, Kanab, Utah 84741. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Monument Manager.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to 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.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Regional Solicitor's Office, Wallace F. Bennett Federal Building, 125 South State Street Mailstop 201, Salt Lake City, UT 84138.



Cynthia Staszak

Monument Manager

Grand Staircase-Escalante National Monument



Date

