

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

**Environmental Assessment
DOI-BLM-UT-C010-2015-0005-EA**

December 2014

**Beaver City Corporation
Right-of-way amendment,
Relinquishment (partial)
and Renewal**

Location: **Beaver County, Utah**
T. 27 S., R. 07 W., SLM
sec. 17, Lot 4, NESE;

Applicant/Address: Bureau of Land Management
Cedar City Field Office
176 East DL Sargent Drive
Cedar City, Utah 84721

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176 East DL Sargent Drive
Cedar City, Utah 84721
435-865-3000



ROW Amendment, Relinquishment (partial), and Renewal DOI-BLM-UT-C010-2015-0005-EA

CHAPTER 1

INTRODUCTION AND NEED FOR THE PROPOSED ACTION

INTRODUCTION:

This Environmental Assessment (EA) has been prepared to analyze the Bureau of Land Management's (BLM) proposal to amend, relinquish (partial) and renewal Beaver City Corporation's right-of-way (ROW) grant on public lands. The BLM can, through the National Environmental Policy Act (NEPA) process, and evaluate reasonable changes (changes that would mitigate impacts while still meeting the proponent's objective) to the proponent's proposal and decide to require those changes.

BACKGROUND:

On August 15, 1957, the Beaver City Lions Club was granted Right-of-Way (ROW) UTU-0-24617, for television translator stations on Gillies Hill, approximately 7-miles north of Beaver, Utah. This ROW was amended on April 9, 1976 to include a FM radio station translator. On February 15, 1980 the subject ROW was assigned from Beaver City Lion Club to Beaver City Corporation TV. Beaver City submitted an application to amend the ROW to allow subleasing and to replace one of the existing buildings; the amendment was approved on September 7, 1993. The original grant was authorized under the Act of March 04, 1911 and expired on August 15, 2007.

In the present day, there are currently three buildings authorized under the subject ROW:

1. 8' x 8' metal building with a wooden 8' x 27' antenna walk way
2. 15' x 11' block building with a metal antenna and a microwave dish
3. 10' x 12' cinder block building with antennas

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the action is to grant Beaver City Corporation a communication site lease on public lands managed by Cedar City Field Office BLM. The project is needed to help clean up the Gillies Hill communication site / modernize equipment as well as to provided improved television and FM radio signals to Beaver City and to the I-15 corridor.

SCOPING AND ISSUES:

The only issue identified during scoping was socio-economics. For an explanation of the resources analyzed see Appendix B. The proposal was posted on the Environmental Notification Bulletin Board (ENBB) for public notification on October 23, 2014. Users on the Gillies Hill were given a 30 day comment period to see if Beaver City's Corporation proposal would interfere with their systems on the hill. This comment period started October 24, 2014. No comments were received from the users on Gillies Hills during the 30 day comment period.

DECISION TO BE MADE:

The BLM will decide whether or not to amend, relinquish (partial) and renew parts of Beaver City Corporation's ROW, and if so, under what terms and conditions.

CONFORMANCE WITH BLM LAND USE PLAN(S):

The proposed action is in conformance with the Cedar Beaver Garfield Antimony Resource Management Plan approved, June 10, 1986. It is specifically provided for in decision 3.1 (p.9) which provides that applications for use authorizations such as rights-of-way, leases, and permits be processed on a case-by-case basis.

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The Proposed Action is consistent with federal, state and local laws, regulations, and plans to the maximum extent possible, including the following:

- Title V and Section 302 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776, 43 U.S.C. 1761) and the regulations issued there under at 43 Code of Federal Regulations, part 2800.
- Taylor Grazing Act of 1934
- Utah Standards and Guidelines for Rangeland Health
- Section 106 of the National Historic Preservation Act of 1966, as amended
- Memorandum of Understanding Between the BLM CCFO and Paiute Indian Tribe of Utah
- 1962 Bald and Golden Eagle Protection Act
- Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended.
- BLM Manual 6840- Special Status Species Management
- Migratory Bird Treaty Act
- Utah Comprehensive Wildlife Conservation Strategy (CWCS)
- Utah Partners in Flight Avian Conservation Strategy Version 2.0.
- Birds of Conservation Concern 2008
- Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds
- IM 2008-050, Migratory Bird Treaty Act - Interim Management Guidance
- Best Management Practices for Raptors and Their Associated Habitats in Utah (IM: 2006-096)

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This environmental assessment focuses on the proposed and no action alternatives. Other alternatives were not considered because the issues identified during the staff meeting discussions did not indicate a need for additional alternatives or mitigation beyond those contained in the proposed action. The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of the proposed action.

PROPOSED ACTION

Beaver City Corporation would like to amend, relinquish (partial), and renew parts of their existing ROW.

- Amendment: amend the authorization to include a, no larger than, 20'L x 20'W x 9'H cinder block translator building with a 150 gallon propane tank on a 3' x 10' concrete pad, seven (7) Rohn-45 15' antennas, a 15'W x 150'L access road, and a 24"Wx24"D trench for PVC signal and power conduits that come from building #3, listed above, to the proposed translator building. Color of building is proposed to be Juniper Green, unless told otherwise.
- Relinquishment (partial): remove the 8' x 8' metal building with the wooden 8' x 27' antenna walk way (building #1 listed above).
- Renewal: renew the authorization for a 30-year term.

The ROW is currently 17.8 acres which includes the 3 existing facilities, antenna structures, and access roads. The proposed road is approximately 0.052 acres. The proposed building is approximately 0.009 acres. The removal of one of the existing building and its structures is approximately 0.006 acres. The new lease acres would be **17.855** acres ((17.8+0.052+0.009)-0.006).

Construction of the proposed translator building would take approximately 2-3 months to complete; the proposed construction start day would be in April 2015 to eliminate impact to crucial winter mule deer habitat. Construction equipment would consist of: a cement truck, standard masonry equipment, a dump truck, a backhoe, and the contractor's pickup trucks. After the proposed translator building was built, Beaver City would relocate the equipment from the building proposed to be removed. Then, remove that building with the backhoe and haul the material off with the dump truck, which should take about a week to remove. The access road would be constructed with a backhoe and removed vegetation would be either hauled off or spread out on-site. Vegetation proposed to be removed is mountain mahogany for the new building and access road. Approximately 4-5 contractors would be on site for this proposed action. Beaver City would flag the location of the proposed building and access road.

The BLM does not renew pre-Federal Land Policy and Management Act (FLPMA) ROW authorizations that were issued prior to October 21, 1976 as per 43 Code of Federal Regulations (CFR) 2807.22(e). A ROW grant would not be issued as done in the past; BLM would issue a new FLPMA section 302(b) lease for communication use with a new serial number, UTU-90912. Old and new casefile numbers would be reflected in the remarks section in the Serial Register Page and any material or pertinent information from the pre-FLPMA casefile would be copied and placed into the new casefile.

NO ACTION

Under the No Action Alternative, The ROW amendment, relinquishment (partial), and renewal would not be granted, and construction would not occur on public lands.

CHAPTER 3 AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

The affected environment was considered and analyzed by an interdisciplinary team as documented in the Interdisciplinary Team Checklist (see Appendix B). The checklist indicates which resources of concern are either not present in the project area or would not be impacted to a degree that requires detailed analysis. Resources which could be impacted to a level requiring further analysis are described in Chapter 3 and impacts on these resources are analyzed in Chapter 4 below.

Resource A – Socio-Economies:

This project is a socio-economics concern because there is a need to provide better television and FM radio signals to the Beaver City community and to the users on the I-15 corridor.

CHAPTER 4

ENVIRONMENTAL IMPACTS

DIRECT AND INDIRECT IMPACTS

PROPOSED ACTION

This section analyzes the impacts of the proposed action to those potentially impacting resources described in Chapter 3, above.

Resource A- Socio-Economies:

Implementation of the Proposed Action would provide better television and FM radio signals to the Beaver City community and to the users on the I-15 corridor.

NO ACTION

Resource A- Socio-Economies:

Implementation of the No Action Alternative would not improve the television and FM radio signals to the Beaver City community and to the users on the I-15 corridor.

CUMULATIVE IMPACTS

Cumulative impacts are those impacts resulting from the incremental impact of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

There are eight existing users on Gillies Hill Communication Site which are providing communication services to Beaver County. The proposed action would be cumulative to the services provided by these existing users.

CHAPTER 5

PERSONS, GROUPS, AND AGENCIES CONSULTED

Table 5.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Utah State Historic Preservation Office (SHPO)	Consultation for undertakings, as required by the National Historic Preservation Act (NHPA) (16 USC 470)	No cultural resources would be affected. The project will be reviewed by SHPO as part of the quarterly submittal as per existing protocol.
Paiute Indian Tribe of Utah	Consultation as required by the American Indian Religious Freedom Act of 1978 (42 USC 1531) and NHPA (16 USC 1531)	In accordance with the Memorandum of Understanding between the Paiute Tribe of Utah and the BLM, this project does not require formal consultation.

List of Preparers

BLM staff specialists who determined the affected resources for this document are listed in Appendix B. Those who contributed further analysis in the body of this EA are listed below.

Table 5.2. List of Preparers

BLM Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Michelle Campeau	Realty Specialist	All Sections

APPENDIX A

Legal Land Description
Beaver City Corporation
UTU-90912

LEGAL DESCRIPTION

Township	Range	Meridian	Section	Subdivision	Acres/Length
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T. 27 S. R. 07 W. SLM Sec. 17 Lot 4, NESE;

Acres: 17.855*

* Includes the proposed road (0.052 acres), the proposed building (0.009 acres) and the removal of an existing building and its structures is approximately (0.006 acres). Original casefile was 17.8 acres in size. The new casefile acres would be **17.855** acres ((17.8+0.052+0.009)-0.006).

APPENDIX B
INTERDISCIPLINARY TEAM NEPA CHECKLIST

Project Title: Beaver City Corporation ROW amendment, relinquishment renewal to lease
NEPA Log Number: DOI-BLM-UT-C010-2015-0005-EA
File/Serial Number: UTU-90912
Project Leader: Michelle Campeau

DETERMINATION OF STAFF: (Choose one of the following abbreviated options for the left column)

NP = not present in the area impacted by the proposed or alternative actions

NI = present, but not affected to a degree that detailed analysis is required

PI = present with potential for relevant impact that need to be analyzed in detail in the EA

NC = (DNAs only) actions and impacts not changed from those disclosed in the existing NEPA documents cited in Section D of the DNA form. The Rationale column may include NI and NP discussions.

RESOURCES AND ISSUES CONSIDERED:

Determination	Resource	Rationale for Determination	Signature	Date
NI	Air Quality	Air quality in the area is good and either meets NAAQS or is unclassified. Nothing in the project proposal would affect air quality.	C. Egerton 	11/12/14
NP	Areas of Critical Environmental Concern	There are no ACECs within the CCFO	Dave Jacobson 	10-29-2014
NI	Cultural Resources	No cultural resource inventory has been conducted over the project area. However, the project is in a medium site density area (<0.0002 sites per acre). Given the small scale of disturbance the project will have, it is unlikely that any historic properties, if present, will be affected. Therefore this undertaking will have no effect to historic properties. This project will be submitted to the SHPO in BLM Cedar City Field Office Quarterly Report. The project may proceed as planned.	Jamie Palmer 	11/7/2014
NI	Greenhouse Gas Emissions	Minor amounts of exhaust gasses would be released during salvage and construction operations...far less than daily emissions from local traffic on I-15.	C. Egerton 	11/12/14
NI	Environmental Justice	No low income or minorities would be impacted by the proposed action.	M. Campeau 	10/23/14
NP	Farmlands (Prime or Unique)	None present due to hilltop location.	C. Egerton 	11/12/14
NI	Fish and Wildlife	The area is identified in mule deer crucial winter range (November 1 – May 15).	S. Whitfield 	10/27/14
NP	Floodplains	None present due to hilltop location.	C. Egerton 	11/12/14

Determination	Resource	Rationale for Determination	Signature	Date
NI	Fuels/Fire Management	No impacts to fuels and fire management.	P. Briggs <i>me per David</i>	12/08/14
NI	Geology / Mineral Resources/Energy Production	No known mineral deposits occur in the project area. The area is prospectively valuable for oil and gas and geothermal resources. There are no authorized or proposed minerals-related actions in, or adjacent to, the project area and no current claims, leases or permits in, or adjacent to, the project area. The project work, if carried out, would not substantially interfere with any mineral resources that may be present in the project area.	E. Ginouves <i>eg</i>	10/23/14
NI	Hydrologic Conditions	Site of current building and facilities is altered from natural. New site is extremely small (approx. 0.06 acres) and would involve some clearing of brush and levelling. Not anticipated to have any substantial impact to hydro. conditions.	C. Egerton <i>CE</i>	11/12/14
NP	Invasive Species/Noxious Weeds	No known weed locations. Recommend that grant include weed monitoring and treatment language.	C. Egerton <i>CE</i>	11/12/14
NI	Lands/Access	Proposal has been designed in a location where radio service is needed for safety reason. No other users are proposed to be affected by this proposal; users have been given the opportunity to provide comment for proposed interference, if any. Renewal of the ROW would be issued under a lease according to section 302 of FLMA because BLM does not renew pre-FLMA authorizations. The partial relinquishment of the building would be beneficial to public safety because of the age of the building. Amending the lease to include the new building would locate Beaver City Corporation equipment in an area that would provide more coverage in areas that are needed for emergency use.	M. Campeau <i>MC</i>	10/23/14
NI	Livestock Grazing	Proposal is within the lower pasture of the Four Mile grazing allotment. This area is a hilltop location where cattle rarely go. Small amounts of new disturbance (approx.. 0.06 acres) would have negligible impact on this relatively large allotment.	C. Egerton <i>CE</i>	11/26/14
NI	Migratory Birds	Construction expected to start April 2015 during the migratory bird and raptor nesting season.	S. Whitfield <i>SW</i>	10/27/14
NI	Native American Religious Concerns	In accordance with the Memorandum of Understanding between the Paiute Tribe of Utah and the BLM, this project does not require formal consultation.	Jamie Palmer <i>JP</i>	11/7/2014
NI	Paleontology	The surficial geology of the project area is Tertiary-aged volcanics which fall within Class 1, Very Low Potential for fossil resources. The probability of impacting fossils is negligible and assessment or mitigation for fossil resources is unnecessary.	E. Ginouves <i>eg</i>	10/23/14
NP/NI	Rangeland Health Standards	Of the four factors of rangeland health, neither riparian nor water quality apply. There would be a very minute loss of RLH value for soils and biological productivity, but only on approx.. 0.06 acres.	C. Egerton <i>CE</i>	11/26/14
NI	Recreation	The proposed action would not impact recreational opportunities in this location.	Dave Jacobson <i>DJ</i>	10-29-2014

Determination	Resource	Rationale for Determination	Signature	Date
PI	Socio-Economics	By authorizing this proposal a positive impact to socio-economics would be delivered. The site would be cleaned up and there would be better TV and FM signal available to the Beaver community and the I-15 corridor.	M. Campeau <i>MC</i>	10/23/14 12/04/14
NI	Soils	Impacts so extremely minor as to be considered negligible. Approximately 0.06 acres would be disturbed.	C. Egerton <i>CE</i>	11/12/14
NI	Special Status Plant Species	No known special status plant species occur in the project area.	J. Reese <i>JR</i>	11/26/14
NI	Special Status Animal Species	No special status wildlife species are identified in the project area.	S. Whitfield <i>SW</i>	10/27/14
NI	Wastes (hazardous or solid)	There is no known waste issue present in the proposed area. State and federal regulation governs the reporting and mitigation for any unforeseen release.	Randy Peterson <i>RP</i>	11/12/14
NP	Water Resources/Quality (drinking/surface/ground)	There are no known surface or subsurface waters near the proposed communications ROW.	C. Egerton <i>CE</i>	11/12/14
NP	Wetlands/Riparian Zones	There are no wetlands of riparian zones in or adjacent to the proposed communications ROW	A. Stephens <i>AS</i>	11/26/14
NP	Wild and Scenic Rivers	There are no Wild and Scenic Rivers designated in the CCFO	Dave Jacobson <i>DJ</i>	10-29-2014
NP	Wilderness/WSA	The proposed project is not within or near a wilderness or WSA.	Dave Jacobson <i>DJ</i>	10-29-2014
NP	Woodland / Forestry	No woodland resource are present within the project site	Jack Sathe <i>JS</i>	12/05/2014
NI	Vegetation	The proposal would result in a loss of mountain mahogany and associated understory species on an extremely small area of approximately 0.06 acres.	C. Egerton <i>CE</i>	11/26/14
NI	Visual Resources	The proposed project is within a VRM class IV and will meet the objectives of that class. All structures should be painted to reduce glare blend with the landscape.	Dave Jacobson <i>DJ</i>	10-29-2014
NP	Wild Horses and Burros	The project is not within or adjacent to any wild horse Herd Area (HA) or Herd Management Area (HMA).	C. Hunter <i>CH</i>	10/24/14
NI	Lands with Wilderness Characteristics	The proposed project is not within an area identified as having wilderness characteristics in the 2011 and updated 2014 wilderness characteristics inventory.	Dave Jacobson <i>DJ</i>	10-29-2014

FINAL REVIEW:

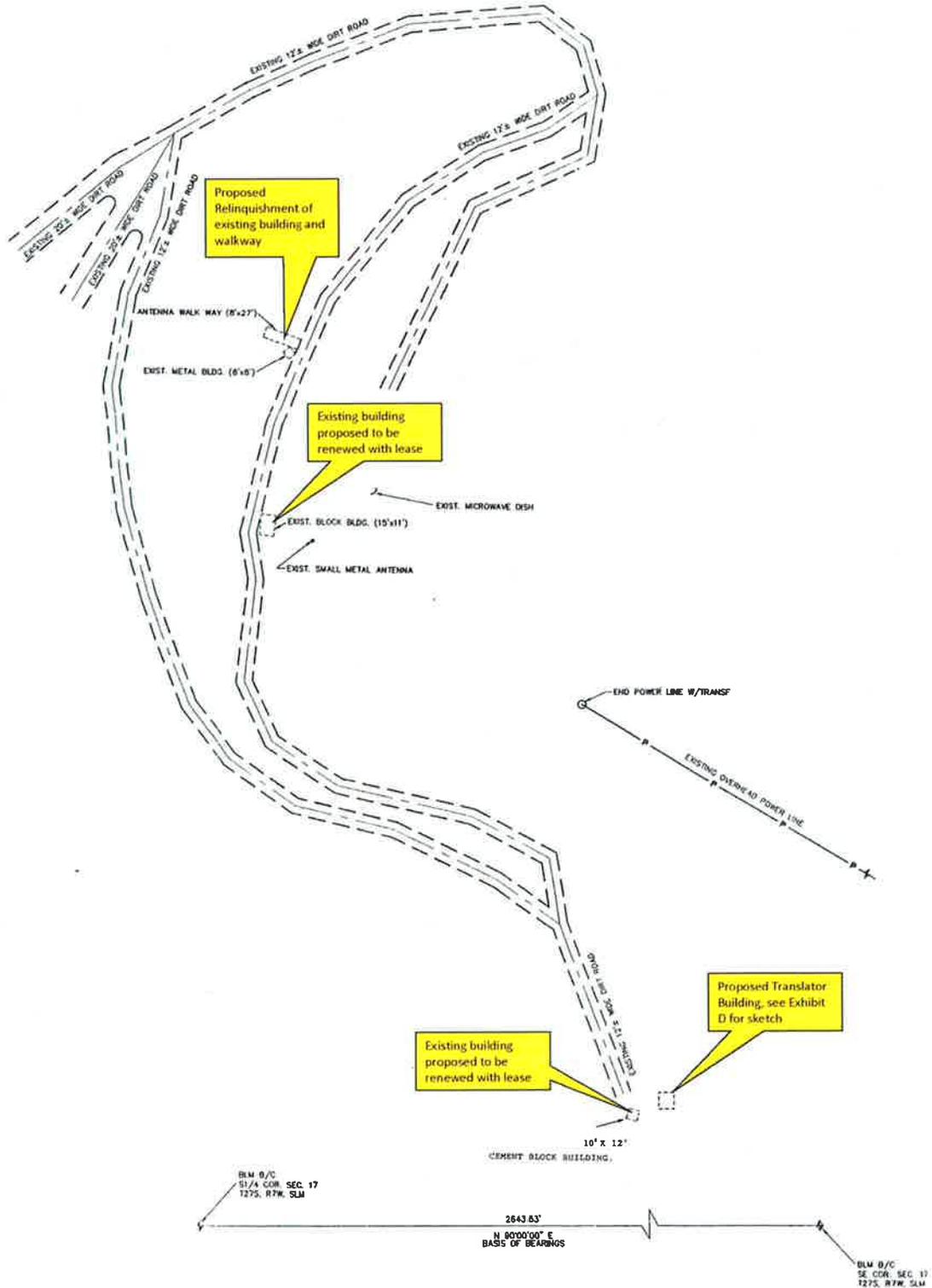
Reviewer Title	Signature	Date	Comments
Environmental Coordinator	<i>Mina Menendez</i>	12/16/14	
Authorized Officer	<i>Clifford R. Burkhardt</i>	12/17/14	

APPENDIX C

June 1993 Site Sketch with Comments

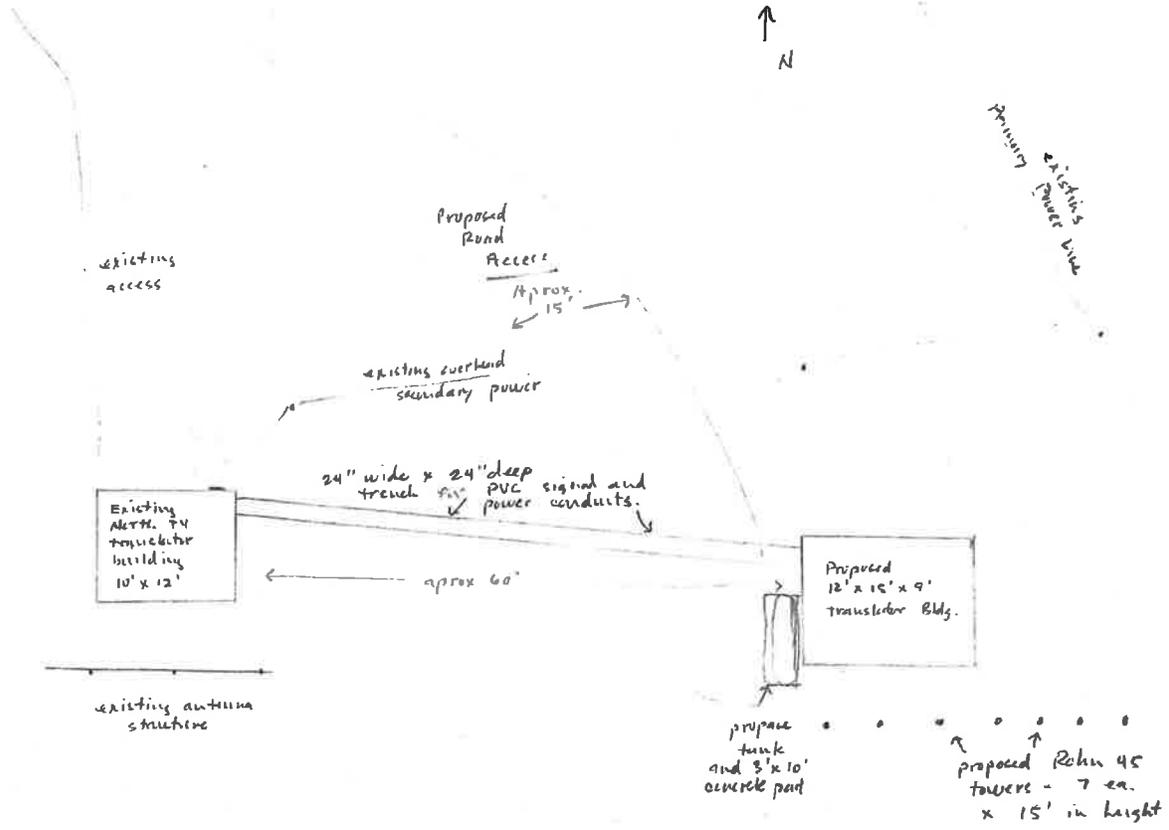
Beaver City Corporation

UTU-90912



APPENDIX D

May 2012 Revised Proposed Translator Building Sketch Beaver City Corporation UTU-90912



Gillis Hill TV site Proposed Construction 8/16/2011 DJT
Revised 9/14/2012 QJ

8' x 8' metal building with the wooden 8' x 27' antenna walkway.

The **Access Roads** as identified in the mapped exhibits.

The exhibit(s) attached hereto, are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.

The parties agree that this lease is made subject to the following terms and conditions.

I. TENURE, RENEWAL AND TRANSFERABILITY

A. This lease will terminate at one minute after midnight on **December 31, 2044**. Termination at the end of the lease term occurs by operation of law and does not require any additional notice or documentation by the Authorized Officer. This lease is not renewable; but the Lessee has the right to request a new lease pursuant to paragraph "C" below.

B. The Lessee will undertake and pursue with due diligence construction and operation that is authorized by this lease. To the extent specified in the **Additional Stipulations #3**, construction will commence after **April 15, 2015**.

This lease will terminate if operation does not commence by that date, unless the parties agree in writing, in advance, to an extension of the commencement date.

C. If the Lessee desires a new lease upon termination of this lease, the Lessee must notify the Authorized Officer accordingly, in writing. The notice must be received by the Authorized Officer at least one year prior to the end of the lease term. The Authorized Officer will determine if the use should continue and, if it is to continue, if a new lease should be issued to the Lessee and under what conditions. The Authorized Officer will require payment of any amounts owed the United States under any Bureau of Land Management authorization before issuance of another authorization.

D. This lease is assignable with prior written approval of the Authorized Officer. Renting of space does not constitute an assignment under this clause.

II. RENTAL

A. The Lessee must pay in advance an annual rental determined by the Authorized Officer in accordance with law, regulation, and policy. The annual rental will be adjusted by the Authorized Officer to reflect changes in fair market value, annual adjustments using the Consumer Price Index-Urban (CPI-U), changes in tenant occupancy, or phase-in of rental, if applicable.

B. After the initial rental period rental payments are due at the close of the first business day after January 1 of each calendar year for which a payment is due. Payments due the United States for this use must be deposited at Bureau of Land Management, **Centralized Communication Billing Team** (addresses will be included in the annual Communication Site Inventory Certification that is sent out annually from the Billing Team) in the form of a check or money order payable to Bureau of Land Management, DOI. Credit card payments (VISA and MasterCard) can be made in person, through the mail, or by telephone. This lease will terminate automatically if accrued rent is not received by the Bureau of Land Management within 90 calendar days after the initial due date for the payment of such rent.

C. Pursuant to the Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 3717, *et seq*, regulations at 7 CFR Part 3, Subpart B and 4 CFR Part 102, an interest charge will be assessed on any amount due but not received by the due date. Interest will accrue from the date the payment was due. Administrative costs will also be assessed in the event that two or more billing notices are required for unpaid accounts. In addition, an administrative penalty at a percentage rate prescribed by law or regulation will be assessed for failure to pay any portion of the debt that is more than 90 days past due. This paragraph survives the termination of this lease, regardless of cause.

Exhibit B
Additional Stipulations

1. Notwithstanding paragraph I A of this lease, the lease shall additionally terminate at any time there is no commercial tenant in the facility for a five-year continuous period of time. For the purposes of this paragraph, an amateur radio operator is not considered a commercial tenant. Prior to actually terminating the lease, the BLM authorized officer shall inform the holder of the potential termination at least 60 days in advance to provide the holder with an opportunity to obtain a tenant.
2. The holder will be responsible for controlling noxious weeds within the limits of the ROW area. Noxious weeds are defined as those which are listed by the Utah Commissioner of Agriculture under the Noxious Weed Act, and those declared noxious by the Iron County Weed Board. The holder will employ weed control methods approved in writing by the BLM authorized officer for acceptable weed control methods.
3. No off road travel, surface use or otherwise disruptive activity would be allowed from December 1 through April 15 within identified crucial winter mule deer and/or elk habitat. This notice may be waived, accepted, or modified by the BLM authorized officer if either the resource values change or the grantee/operator demonstrates that adverse impacts can be mitigated. The grantee/operator must request in writing an exception for construction, ground disturbance, or otherwise disruptive maintenance activities during this time frame. The request for an exception must include duration of activity (exact start and end dates when the action is needed) and specific activity (including number of people, equipment). The BLM authorized officer will review the request to determine current conditions and potential impacts to wintering deer/elk. If construction/activities are authorized, implementation would cease when snow depth is ≥ 6 " and/or temperatures are $\leq 10^{\circ}$ F.
4. In addition to the above stipulations this lease is subject to all the rights, terms and conditions of the original rights-of-way grants from UTU-0-24617.