

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

**Environmental Assessment
for the SBA Communication Site - Sunlight Road
Rights-of-Way**

Grand Junction Field Office
2815 H Road
Grand Junction, Colorado 81506

DOI-BLM-CO-130-2012-0034-EA

June 2014



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CHAPTER 1 – INTRODUCTION

1.1 IDENTIFYING INFORMATION

BACKGROUND: This EA has been prepared by the BLM to analyze a proposed new road right-of-way and assignment of an existing communication site right-of-way, as described below.

Access Road:

Donald Clay (hereafter referred to as Clay) applied for a road ROW grant in August of 2006. He contacted the BLM GJFO in October of 2006 and asked to put his application on hold until he obtained an easement to cross private property located adjacent to public lands. Clay resubmitted his application on November 8, 2007 after coming to an agreement with the other private property owner. A copy of the formal easement providing access the adjoining property was provided to BLM on April 30, 2009.

The private property is currently undeveloped with no legal access. Clay would like to obtain legal access in order to potentially build on his property. The first 1,650' of the proposed route located on public land is an existing improved road granted and maintained under an existing BLM ROW (COC 65371). The second segment of the proposed route is a two-track road that extends for approximately 2,350' across public lands. Clay has not been able to find any other reasonable routes across private property to his land.

The Old Spanish Trail recreation trail is located on the parcels to the north and east of Clay's property. The trail crosses the existing authorized access road north of his property. A portion of the Gunnison Bluffs trail crosses his private property. Clay had asked the BLM to close the portion of the trail that crosses his property. Clay is currently working with Mesa County on a property parcel boundary adjustment that would place the trail on county property. This boundary adjustment offered by Mesa County in 2012 to Clay required re-routing a portion of his proposed road to connect the road to his new property boundary.

Communication Site:

SBA Towers II LLC (SBA) has purchased the Gunnison Bluffs communications facility, authorized under BLM ROW COC-46595, from Tower Acquisitions LLC. SBA has submitted an application to assign ROW COC-46595 from Tower Acquisitions LLC to SBA. This ROW for a microwave communications relay facility was originally granted in 1988. Stelera Wireless is currently operating at the facility as a tenant of SBA. SBA is not proposing any new surface disturbance or any changes to the facilities under this application.

CASEFILE/PROJECT NUMBER: COC 70317 and COC 46595

PROJECT NAME: SBA-Sunlight Road/Clay Rights-of-Way

PLANNING UNIT: Grand Junction Field Office

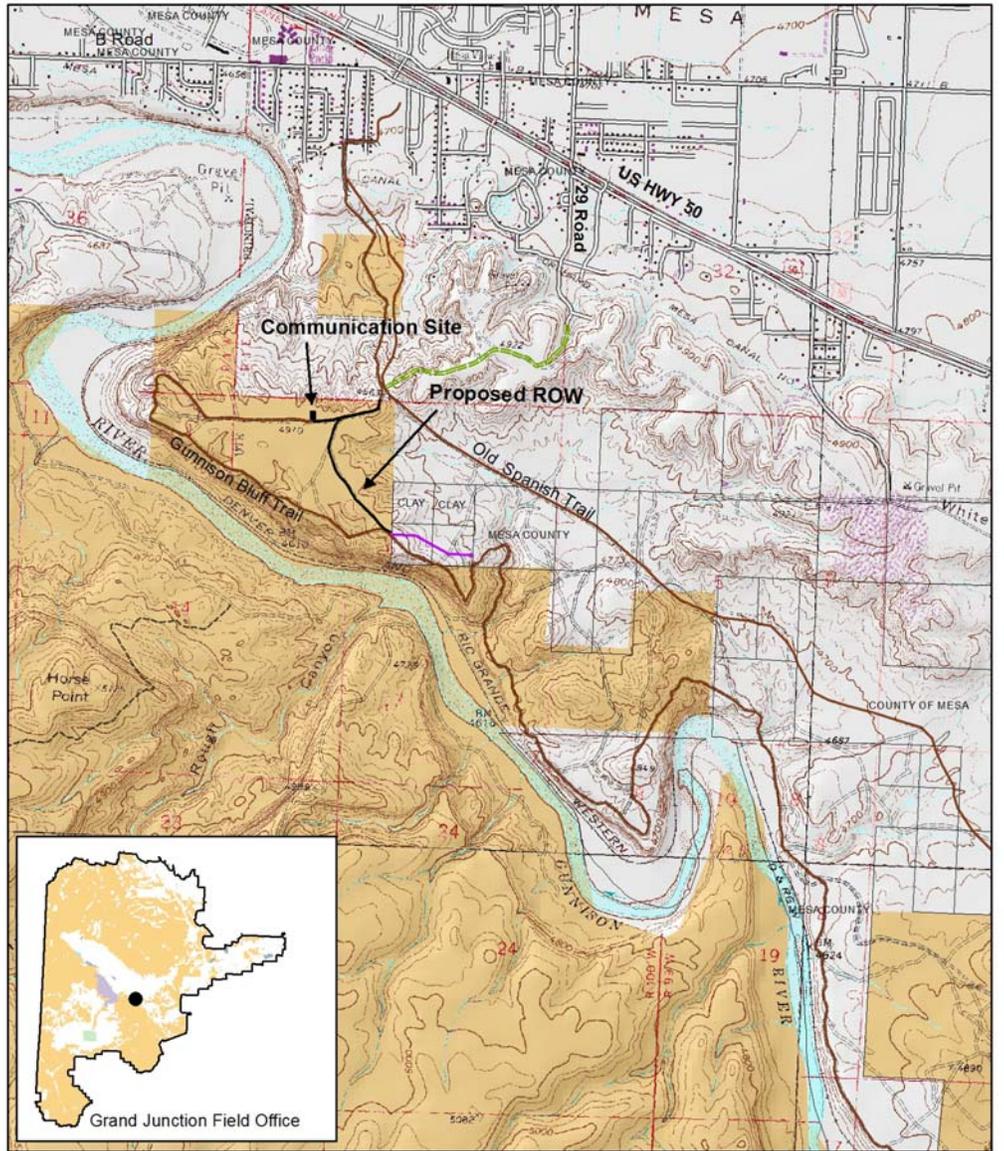
1.2 PROJECT LOCATION AND LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Ute PM,
 T. 2 S., R. 1 E.,
 sec. 6, lot 8 and SE¹/₄NW¹/₄.

Mesa County, Colorado

Figure 1.2-1 Project Location



Ute PM,
 T. 2 S., R. 1 E.,
 Section 6
 Mesa County, CO
 Grand Junction USGS Quad.



Whitwater-Sunlight Road ROWs
Access Road COC 70317
Communication Site COC 46595
DOI-BLM-CO-130-2012-0034-EA



- Proposed ROW
- Parcel Adjustment
- Trails
- Private Easement
- BLM
- Private

The proposed project is located approximately 1 mile south of Orchard Mesa, Colorado. To access the project location travel south from Grand Junction on US Highway 6&50 to Sundance/29 Road. Turn south on Sundance, then turn right (west) on the frontage road. Next turn left (south) on 29 Road and follow 29 Road to the project site. The proposed project is located on the Grand Junction, Colorado USGS Quadrangle.

The proposed project is located in Mesa County, Colorado, and within the Grand Junction, Colorado United States Geologic Survey (USGS) Quadrangle.

1.3 PURPOSE AND NEED

The purpose for the action is to provide the opportunity to use public land located in the GJFO to construct, operate and maintain a proposed road providing access to private property in Whitewater, Colorado, and the opportunity to assign an existing communication site right-of-way grant (COC-46495). The purpose of the project also includes the opportunity to consider a route and design that would ensure that the project is conducted in an environmentally responsible manner with minimal impacts to natural resources. The need for the action is established by the BLM's responsibility under the Federal Land Policy Management Act (FLPMA), 1976 to respond to a request for a ROW grant authorizing use of public land for roads or communication systems.

1.4 PUBLIC PARTICIPATION

1.4.1 Public Scoping:

Scoping, by posting this project on the Grand Junction Field Office NEPA website, was the primary mechanism used by the BLM to invite public involvement. The GJFO determined that no additional scoping methods were necessary due to past interest in similar projects and the limited scope of this project. No comments were received from the public for this project.

1.4.2 Internal Scoping:

Maps of the parcel and description of the proposed action were distributed to the GJFO Interdisciplinary Team (IDT) and discussed at IDT meetings. IDT members also attended multiple site visits at the initiation of the project and after revisions to the proposal were received by BLM.

1.4.3 Issues Identified:

Based on the internal comments, the following Issues were identified:

1. Would approval of the proposed road ROW directly or indirectly impact Colorado hookless cactus?
2. Would approval of the proposed communication site ROW assignment directly or indirectly impact Colorado hookless cactus?
3. Would approval of the proposed road ROW directly or indirectly impact a National Historic Trail – the Northern Branch of the Old Spanish Trail?

1.4.4 Public Comment Period:

Notification of analysis of the proposal in an EA was posted to the GJFO website:
<http://www.blm.gov/co/st/en/fo/gjfo.html>.

1.5 DECISION TO BE MADE

The BLM will decide whether to approve the proposed SBA-Clay Rights-of-Way project based on the analysis contained in this Environmental Assessment (EA). This EA will analyze the proposed access road by Mr. Clay as well as assignment of communication site ROW COC-46595 from Tower Acquisitions LLC to SBA. The BLM may choose to: a) accept the projects as proposed, b) accept the projects with modifications/mitigation, c) accept alternatives to the proposed action, or d) not authorize the projects at this time. The finding associated with this EA may not constitute the final approval for the proposed action.

To permit the action, it would also have to be consistent with other existing authorized activities in the project area. If permitted, this action would include development of appropriate stipulations that would be consistent with the goals, objectives and decisions of the Grand Junction Resource Area Resource Management Plan as well as with applicable policies, regulations, and laws.

CHAPTER 2 – PROPOSED ACTION AND ALTERNATIVES

2.1 INTRODUCTION

The purpose of this chapter is to provide information on the Proposed Action and Alternatives. Alternatives considered but not analyzed in detail are also discussed. The issue identified through internal scoping, pertaining to potential impacts to Colorado hookless cactus drove the development of the cactus protection alternative (2.2.3 below).

2.2 ALTERNATIVES ANALYZED IN DETAIL

2.2.1 Proposed Action

Clay Access Road:

Clay proposes to obtain a Right-of-Way (ROW) grant authorizing the improvement, use, and maintenance of an access road. The proposed access road ROW would be approximately 3,008 feet long and 30 feet wide, and would include segments 1 and 2 shown on Figure 2-2.1. The road would be constructed within the 30 foot ROW width. The road driving surface would be 14 feet wide on the two track road and drainage ditches would be placed along the road. The road surface would potentially be paved in 2 - 4 years. The road would be constructed to meet Mesa County specifications for the type of road being proposed.

The applicant would use a rubber tired tractor with a front end loader and rear blade to construct the road and spread the 4 to 6 inch road base. A dump truck would be used to deliver the gravel to the project area. The access road would be used year round, and construction of the driveway

would be initiated soon after approval the ROW grant. The project area has no motorized public access and minimal local traffic. There are also no abnormal safety hazards present, major impediments, or needs to remove large vegetation.

Initial vehicle traffic would be minimal as the road would be posted as a “Dead End”. Damage to the road could occur over time where moisture collects on the road surface. An annual inspection for damaged areas would occur and corrective action would be taken. Maintenance activities that the applicant may complete include adding gravel to the road surface, or improving the road base. If damage is found on the road then materials from private property would be used for maintenance activities. Equipment use during maintenance would be minimal and may only require a truck, shovel, and rake. Generally, minor maintenance would be ongoing so as to prevent any major problems from developing.

SBA ROW Grant Assignment:

SBA Towers II LLC proposes assignment of ROW grant COC- 46595 for a microwave telecommunications facility called the Gunnison Bluffs site. No new surface disturbance or changes in the system, facility, or access are proposed in this assignment from Tower Acquisitions LLC to SBA. The site dimensions are 100’ x 150’. The facilities consist of a 65’ self-supporting tower; a 12’ x 26’ equipment building housing transmitters, a standby power generator and batteries; and two 500-gallon above ground propane tanks. The facilities are enclosed within a 6’ chain link fence. SBA would use the existing authorized road (16’ ROW width) to access the site (segments 1 and 3). The site is accessed by turning south off of U.S. Highway 50 onto 29 Road for approximately half a mile, then traveling southwest on an existing dirt road via a private road easement for approximately three quarters of a mile to a point where the road continues onto BLM land in Lot 3 of Section 6. Then continue traveling west for approximately 1,000 feet to the site.

2.2.2 No Action Alternative

Under this Alternative, BLM would deny the applications for the access road ROW grant authorization and communication site ROW grant assignment. The proposed road would not be authorized and the applicant would need to construct an entirely new route on private land. The new owner of the communication site would not be able to use the site and the previous owner would be required to remove the equipment and reclaim the site. No new improvements of public lands would occur on public lands under this alternative.

2.2.3 ALTERNATIVE 2 - Cactus Protection Alternative

Access Road:

Under the Cactus Protection Alternative the ROW would follow the proposed route. The ROW length would remain at 3,008 feet as proposed, but the ROW width would be reduced to 20 feet instead of the proposed 30 feet. The road would be used and maintained as described under the proposed action, except the following changes would be made to the proposal. A portion of the ROW (Segment 1) would be shared with SBA and would be maintained in its current dimensions and footprint. This segment would not be widened or upgraded. Segment 2 along the undeveloped two track road leading to Clay’s property would have a running surface of 14 feet as proposed, with allowance for ditches up to 3 feet wide on each side of the road.

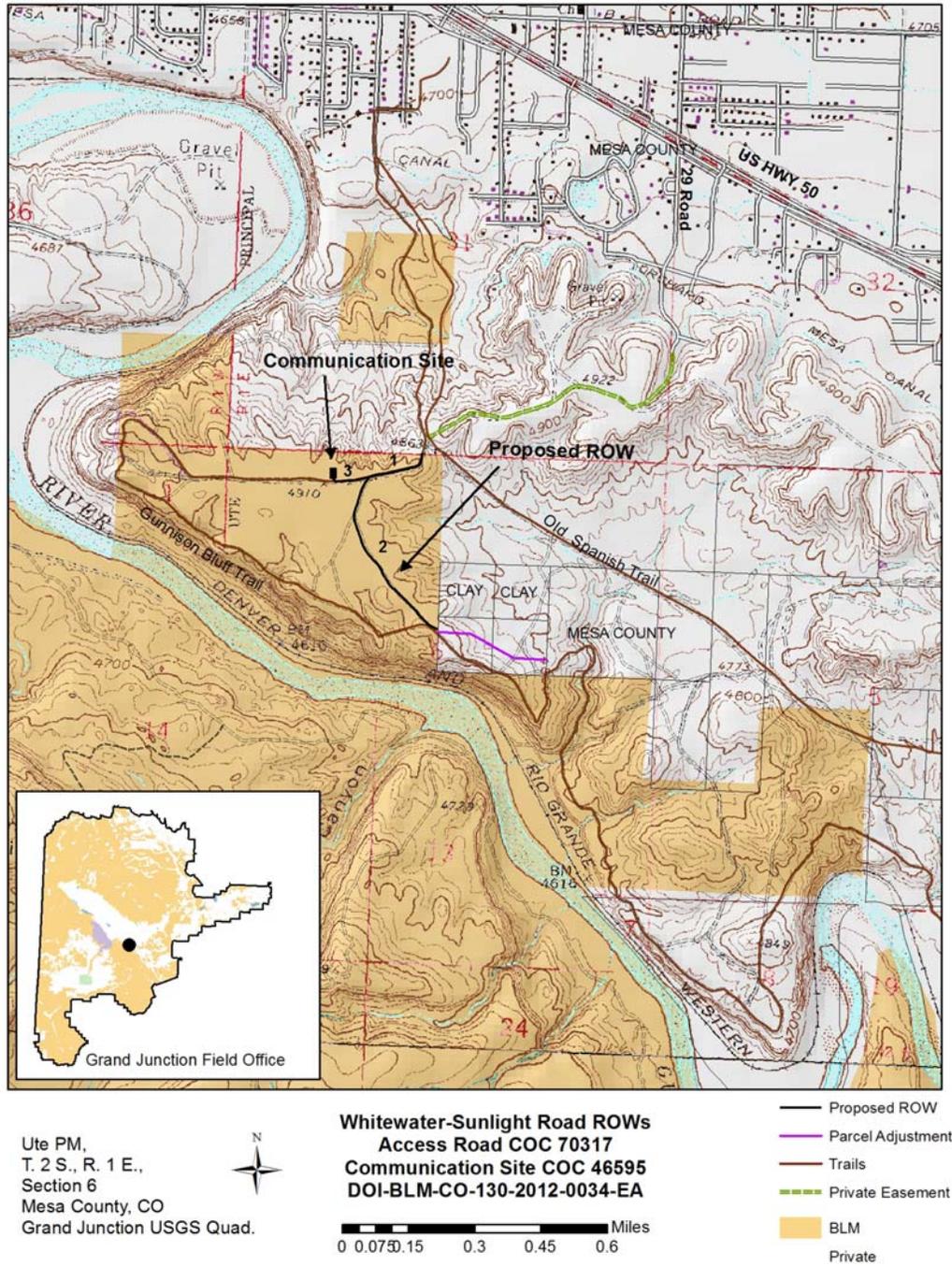
The existing road surface along segments 1 and 2 would also remain gravel and would not be paved as proposed, and gravel would be applied at a depth of 4 to 6 inches. Gravel that is applied to the ROW would be ¾ inch angular road base and would not be round. Gravel would not be applied to the road surfaced to the private property (segment 2) until development of the private property is approved by the Mesa County, or unless BLM determines that gravel needs to be applied to mitigate soil rutting or dust. The proponent would need to receive a notice to proceed before gravel could be added to this segment of the road. BLM may also require that the road be ditched and crowned at any time, if determined necessary by the BLM Authorized Officer. The road would not be ditched or crowned without prior approval of the BLM through a Notice to Proceed. If approval to construct ditches is provided then ditch breaks would be placed as necessary to allow water to properly shed off the ROW. The ditches would also be seeded with native perennial grass species. The exterior boundaries of the new road right-of-way would be flagged prior to construction activities. Vegetation removal would be limited to the minimum amount required to allow for the construction of the road.

The road would be used year round and would be regularly monitored. Travel on the road would stop if soils become saturated and ruts of 3 inches or greater form. The road would be maintained if ruts of 2 inches or greater form or if ponding of water is observed. If gravel is authorized then it would be reapplied as necessary to allow for year round access and to minimize dust.

The BLM would be contacted 60 days prior to the termination of the ROW to arrange a joint inspection of the ROW. Final reclamation of the road would include removing gravel, ripping the road surface and compacted areas to a depth of 2 feet. BLM may require recountoring of all disturbed areas. Disturbed areas would be seeded within 24 hours of ripping the road surface. The ROW would be seeded with a BLM approved seed mix in the late fall or early spring once soils thaw.

Under this alternative the segment 2 of the road would be closed to the public for motorized public use and would be designated as administrative use for motorized access to the private property. Authorized use would be granted to Mr. Clay along the Segment 2 of the ROW to provide access to his private property.

Figure 2-2.1: ROW Segments



Communication Site:

Under the Cactus Protection Alternative, assignment of ROW grant COC-46595 to SBA would be authorized. SBA would be required to place fencing along the access road to the communication site as a mitigation measure to protect cactus located adjacent to the road. A biologic monitor would be on site during construction of the fence. Maintenance activities would not be allowed beyond the fence. The road surface would be monitored and maintained

on at least an annual basis to limit the amount of dust generated from vehicle travel. Additional gravel would be applied to ensure that excessive dust is not produced from travel on the roadway. Gravel would be maintained to ensure that bare dirt patches on the road running surface that produce dust are covered.

2.3 ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

An additional alternative was considered that followed the existing two-track road to Clay's current property boundary. This alternative was eliminated from detailed analysis because it would follow a portion of the Gunnison Bluffs trail, and would require an easement across the property if the pending boundary adjustment with Mesa County is completed.

2.4 PLAN CONFORMANCE REVIEW

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: GRAND JUNCTION Resource Management Plan

Date Approved: JANUARY, 1987

Decision Number/Page: 2-29

Decision Language: To respond, in a timely manner, to requests for utility authorizations on public land while considering environmental, social, economic, and interagency concerns.

In January 1997, the Colorado State Office of the BLM approved the Standards for Public Land Health and amended all RMPs in the State. Standards describe the conditions needed to sustain public land health and apply to all uses of public lands.

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

Because standards exist for each of these five categories, a finding must be made for each of them in an environmental analysis. These findings are located in Chapter 3 of this document.

CHAPTER 3 – AFFECTED ENVIRONMENT AND EFFECTS

3.1 INTRODUCTION

This section provides a description of the human and natural environmental resources that could be affected by the Proposed Action and presents comparative analyses of the direct, indirect and cumulative effects on the affected environment stemming from the implementation of the actions under the Proposed Action and other alternatives analyzed.

This EA draws upon information compiled in the Grand Junction Resource Area RMP Record of Decision (BLM 1987) and the draft Grand Junction Resource Area RMP (BLM 1985).

3.1.1 Elements Not Affected

The following elements, identified as not being present or not affected will not be brought forward for additional analysis:

Air and Climate – Impacts to air quality are not anticipated with implementation of design features aimed at reducing fugitive dust production.

Areas of Critical Environmental Concern – No ACECs are in the immediate vicinity of the proposed project.

Farmlands, Prime and Unique – There are no Prime and Unique farmlands located in the project area.

Fire and Fuels – The project would have no impact on fire or fuels.

Geology and Minerals – The project would have no impact on geology or minerals.

Migratory Birds – The project would have no impacts on migratory birds.

Paleontology – The project would have no impact on paleontological resources.

Range – The project would have no impacts on range land management.

Riparian and Wetland – There are no riparian or wetland areas present within the project area.

Special Designations – There are no special area designations within the project area.

Special Status Species Wildlife – No Threatened, Endangered or Sensitive wildlife are known to occur in the project area.

Wilderness and Wilderness Characteristics – There are no wilderness areas or areas with wilderness characteristics in the project area.

Wild and Scenic Rivers – There are no wild and scenic rivers in the immediate vicinity of the project area.

3.1.2 Past, Present, Reasonably Foreseeable Actions

NEPA requires federal agencies to consider the cumulative effects of proposals under their review. Cumulative effects are defined in the Council on Environmental Quality (CEQ) regulations 40 CFR §1508.7 as “...the impact on the environment that results from the

incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency...or person undertakes such other actions.” The CEQ states that the “cumulative effects analyses should be conducted on the scale of human communities, landscapes, watersheds, or airsheds” using the concept of “project impact zone” or more simply put, the area that might be affected by the proposed action. The area that may be affected by this project includes the 5th code watershed that contains the project area. To assess past, present and reasonably foreseeable actions that may occur within the affected area a review of GJFO NEPA log and our field office GIS data was completed. The following list includes all past, present and reasonably foreseeable actions known to the BLM that may occur within the affected area:

Past Actions:

Action - livestock grazing, telecommunication site, hiking, mountain biking, equestrian recreation, hunting, residential development, and road development.

Present Actions:

Ongoing Actions – telecommunication site, hiking, mountain biking, equestrian recreation, hunting, residential development, and road development.

Reasonably Foreseeable Actions

Action – continuation of residential development and recreation in the general project area and education and interpretation efforts related to the Old Spanish Trail.

Table 3.1-1 – Potentially Impacted Resources

Resources	Not Present On Location	No Impact	Potentially Impacted	Mitigation necessary	BLM Evaluator Initial & Date
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ND 5/14/12
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ND 1/29/14
Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ND 1/29/14
Geological/Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DSG 5/1/12
Special Status Plants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ARL 1/30/14
Special Status Wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HLP 5-10-12
Migratory Birds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HLP 5-10-12
Other Important Wildlife Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HLP 5-10-12
Vegetation, Forestry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JRD 3/5/14
Invasive, Non-native Species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MT 5/7/12
Wetlands/Riparian Zones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CARS 4/30/12
Cultural or Historical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ARL 6/6/14
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DSG 5/1/12
Tribal& American Indian Religious Concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ARL 6/6/14
National Historic Trail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ARL 6/6/14
Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPP 2/14/14
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CE 5/14/12
Transportation and Access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPP 2/18/14
Wastes, Hazardous or Solid	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AK 3/5/14
Recreation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPP 5/16/12
Special Designations (ACEC, SMAs, WSR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 5/16/12
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPP 5/16/12
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JRD 5/23/12
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JRD 5/23/12
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RBL 4/22/14
Fire/Fuels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JP 5/17/12

3.2 PHYSICAL RESOURCES

3.2.1 Soils (includes a finding on Standard 1)

Current Conditions:

The proposed ROW is situated entirely on soil mapping unit 26-Berto-Roygorge-Rock outcrop complex as mapped as part of an order III NRCS soil survey of Mesa County, CO. This mapping unit is very stony, occurs on slopes of 5-15%, has low shrink-swell potential, is well drained and non-saline. The hazard of off road erosion for this unit is slight, while erosion from natural road surfaces is moderate on slopes approaching 15%. A rating of “slight” indicates that little or no erosion is likely; “moderate” indicates that some erosion is likely, that the roads or trails may require occasional maintenance, and that simple erosion-control measures are needed; and “severe” indicates that significant erosion is expected, that the roads or trails require frequent maintenance, and that costly erosion-control measures are needed (NRCS 2007). The proposed ROW is geomorphically positioned on a ridge top and therefor slopes do not exceed 5-7% further reducing erosion potential.

The proposed ROW is located within the Whitewater-Kannah Creek Land Health Assessment area. Unfortunately, the area south of Highway 50 was not assessed and therefor left un-designated for public land health standard 1. The adjacent landscape north of highway 50 which is representative of this area was given an overall rating of not-meeting due to lack of biotic integrity primarily lack of native perennial plants. The soil assessment in this area however was documented as meeting public land health standard 1 (soils).

Finding on Standard 1 for Soils: Soils within the proposed ROW area are currently meeting public land health standard 1 based on data collected in similar habitats north of highway 50.

No Action:

Direct and Indirect Effects: Under the no-action alternative, the ROWs would not be granted and additional surface disturbance associated with the Clay ROW would not occur on public lands. Therefore, no direct impacts to soils on public lands would result. However, impacts such as soil compaction and erosion from such activities could be shifted to private property if the ROW is not granted. The severity impacts to soil resources on private lands is unknown but would depend on the extent of surface disturbance, landscape setting (e.g. slope, aspect, soil type, etc...) and route design. No change to public land health standard 1 would be expected with implementation of the no-action alternative (PHLS 1 would continue to be met).

Cumulative Effects:

Cumulative impacts are not anticipated to result from implementation of the no-action alternative.

Proposed Action:

Direct and Indirect Effects: *Clay ROW*: Erosion potential from the Clay portion of the project area (2.07 acres) will be elevated during construction activities as soils will be striped of stabilizing vegetation, woody debris, and large rock. Decreased soil stabilization increases erosion potential which also elevates potential alteration of natural drainage patterns with formation/enhancement of rills, pedestals and gullies. Changes in natural drainage patterns alters the hydrologic function of watersheds as degraded upland conditions reduced residence time of rainfall through soils and vegetation increasing frequency, magnitude , and intensity of sheet-flow events. Sheet flow events can be very damaging to soil resources as the landscape is striped of valuable topsoil essential to sustaining a desirable vegetative community necessary to stabilize soils. However, degradation of soil resources resulting from the proposed action will be affectively mitigated through implementation of BMPs associated with implementation of standard design practices outlined in BLM Manual Section 9113 for road construction and maintenance.

SBA ROW: No new impacts would result from the ROW grant re-assignment of the Tower Acquisitions LLC to SBA.

Finding on Standard 1 for Soils: Soils within the proposed ROW area are currently meeting public land health standard 1 based on data collected in similar habitats north of highway 50. No change to this finding would be expected to result from implementation of the proposed action.

Cumulative Effects:

As proposed, cumulative effects to soil health in the Gunnison Bluffs area could be anticipated (reduced soil health) as surface disturbing activities in the basin continue to expand and modify natural soil function.

Protective/Mitigation Measures:

Road design, construction, and maintenance should meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance. With implementation of protective/mitigation measures, soil health could be preserved and cumulative impacts detrimental to soil health would not result.

Cactus Protection Alternative:

Direct and Indirect Effects: *Clay ROW*: Direct and indirect effects would be the same as described under the proposed alternative but would occur on only 1.38 acres (33% fewer acres than the proposed alternative).

SBA ROW: No new impacts would result from the ROW grant re-assignment of the Tower Acquisitions LLC to SBA.

Finding on Standard 1 for soils: Soils within the proposed ROW area are currently meeting public land health standard 1 based on data collected in similar habitats north of highway 50. No change to this finding would be expected to result from implementation of the proposed action.

Cumulative Effects:

Collectively, effects would be the same as described under the proposed alternative but would occur on only 1.38 acres (33% fewer acres than the proposed alternative).

Protective/Mitigation Measures:

Road design, construction, and maintenance should meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance. With guidance from BLM manual Section 9113, natural resource values (soils) will be adequately protected and no measurable impact would be anticipated.

3.2.2 Water (surface and groundwater, floodplains) (includes a finding on Standard 5)

Current conditions:

The proposed project area is located within water quality stream segment 4a of the Lower Gunnison River Basin. Stream Segment 4a of the Lower Colorado River Basin is defined as “All tributaries to the Gunnison River, including all wetlands which are not within national forest boundaries, from the outlet of Crystal Reservoir to the confluence with the Colorado River, except for specific listings in the North Fork of the Gunnison River sub-basin, the Uncompahgre River sub-basin, and in Segments 3, 4b, 4c, 5 through 10, 12 and 13”. The primary drainages within stream segment 4a affected by the proposed action are unnamed ephemeral tributaries to the Gunnison River. The existing ROW and proposed ROW traverse the upper watershed area of these ephemeral tributaries. Ephemeral tributaries in the lower Gunnison River basin typically flow seasonally in response to storm events. Snowmelt and summer convective storms form peak flows.

Table 3.2.5-1 identifies stream classifications and water quality standards for Lower Gunnison Basin stream segment 4a as outlined in CDPHE, Regulation No. 35.

Table 3.2.2-1: Stream Segment	Classifications	Numeric Standards					
		Physical and Biological	Inorganic (mg/l)		Metals (µg/l)		
COLGULG4a	<p>Use Protected Aq Life Warm 2 Recreation P Water supply Agriculture</p>	<p>T=TVS(WS-II) °C D.O.=5.0 mg/l pH=6.5-9.0 E.Coli=205/100ml</p>	<p>NH3(ac/ch)=TVS Cl2(ac)=0.019 Cl2(ch)=0.011 CN=.005</p>	<p>S=0.002 B=0.75 NO2=0.5 NO3=10 Cl=250 SO4=WS</p>	<p>As(ac)=340 As(ch)=0.02-10(Trec)¹ Cd(ac/ch)=TVS CrIII(ac)=50(Trec) CrIII(ch)=TVS CrVI(ac/ch)=TVS Cu(ac/ch)=TVS</p>	<p>Fe(ch)=WS(dis) Fe(ch)=1000(Trec) Pb(ac/ch)=TVS Mn(ch)=WS(dis) Mn(ac/ch)=TVS Hg(ch)=0.01(Tot) Mo(ch)=160(Trec)</p>	<p>Ni(ac/ch)=TVS Se(ac/ch)=TVS Ag(ac)=TVS Ag(ch)=TVS Zn(ac/ch)=TVS</p>

Table data from CDPHE-WQCC 2013

The 2012 CDPHE-WQCC Regulation No. 93 Section 303d List of Impaired Waters and Monitoring and Evaluation List, was reviewed to determine if the affected portion of Lower Gunnison River stream segment 4a was listed. The affected portion of stream segment 4a was not identified on the 303(d) or Monitoring and Evaluation list. However, segment 4a is tributary to Gunnison River segment 2 which is impaired for E. Coli and potentially impaired for sediment (CDPHE-WQCC 2012).

Of primary concern within the Gunnison and Colorado River Basins are contributions of sediment and salinity to the Colorado River system resulting from accelerated soil erosion in upland watersheds. The Colorado River Basin Salinity Control Act (Public Law 93-320) was enacted in June 1974. The Act was amended in 1984 by Public Law 98-569. Public Law 98-569 includes directing the BLM to develop a comprehensive program for minimizing salt contributions from lands under its management. Colorado's Uncompahgre River Valley and Grand Valley are recognized as two of the largest non-point sources of salinity in the Upper Colorado River Basin.

Groundwater Quality: The closest source of usable groundwater near the project area is contained within shallow, localized, alluvial/colluvial and terrace deposits adjacent to the Gunnison River. However, the proposed action is situated high in the watershed away from saturated alluvial/colluvial, or terrace deposits.

Finding on Standard 5 for Water Quality: The affected portion of Lower Gunnison stream segment 4a is not identified in regulation 93 as impaired and therefore is meeting water quality standards. Bureau of Land Management land health evaluations on adjacent lands also indicate water quality is meeting standards.

No Action:

Direct and Indirect Effects: Under the no-action alternative, the ROWs would not be granted and additional surface disturbance associated with the Clay ROW would not occur on public lands. Therefore, no direct impacts to water quality on public lands would result. However, impacts such as soil erosion and increased sediment delivery to surface water drainages from such activities could be shifted to private property if the ROW is not granted. The severity impacts to water resources on private lands in unknown but would depend on the extent of surface disturbance, landscape setting (e.g. slope, aspect, soil type, etc...) and route design. No change to public land health standard 5 would be expected with implementation of the no-action alternative (PHLS 5 would continue to be met).

Cumulative Effects:

Cumulative impacts are not anticipated to result from implementation of the no-action alternative.

Proposed Action:

Direct and Indirect Effects: *Clay ROW:* The proposed action would result in construction of 3,008 feet by 30 feet (2.07 acres) of new access road in place of an existing,

unmaintained two-track. Construction of the new route would be done to allow year-long access by spreading 4-6 inches of gravel for all-weather road base. Surface disturbance associated with road widening could result in short term increases in erosion and sedimentation to area drainages which may contribute towards water quality degradation in the Gunnison River. However, because the proposed ROW is situated on gently sloping terrain (primarily ridge tops) and soil properties are sufficient to limit erosion potential in these areas, direct impacts to surface water is anticipated to be minimal. However, the ROWs could alter drainage patterns in these ephemeral washes possibly dewatering downstream xeric riparian communities leading to plant mortality and reduced bank stabilization. As a result, ephemeral drainages indirectly impacted by the proposed action could be increasingly vulnerable to erosion leading to downstream water quality impacts.

SBA ROW: No new impacts would result from the ROW grant re-assignment of the Tower Acquisitions LLC to SBA.

No adverse impacts to groundwater resources are anticipated with implementation of the proposed action (Clay and SBA ROWs).

Finding on Standard 5 for Water Quality: Stream segment 4a of the Lower Gunnison River is currently meeting standard 5. Implementation of the proposed action would not alter these findings.

Cumulative Effects:

As proposed, cumulative effects to water quality in the Lower Gunnison River basin could be anticipated (reduced water quality) as surface disturbing activities in the basin continue to expand and modify natural watershed function.

Protective/Mitigation Measures:

The new road will be constructed and maintained to meet minimum BLM road standards (BLM Manual Section 9113). With guidance from BLM manual Section 9113, natural resource values (water quality) will be adequately protected and no measurable impact would be anticipated. With mitigation the proposed action would also not contribute incrementally towards water quality degradation in the Lower Gunnison River.

Cactus Protection Alternative:

Direct and Indirect Effects: Direct and indirect effects would be the same as described under the proposed alternative but would occur on only 1.38 acres (33% fewer acres than the proposed alternative).

Finding on Standard 5 for Water Quality: Stream segment 4a of the Lower Gunnison River is currently meeting standard 5. Implementation of the proposed action would not alter these findings.

Cumulative Effects:

Collectively, effects would be the same as described under the proposed alternative but would occur on only 1.38 acres (33% fewer acres than the proposed alternative).

Protective/Mitigation Measures:

The new road will be constructed and maintained to meet minimum BLM road standards (BLM Manual Section 9113). With guidance from BLM manual Section 9113, natural resource values (water quality) will be adequately protected and no measurable impact would be anticipated. With mitigation the proposed action would also not contribute incrementally towards degradation in the Lower Gunnison River.

3.3 BIOLOGICAL RESOURCES

3.3.1 Invasive, Non-native Species#

Current Conditions:

The area of the proposed ROW has not been specifically inventoried for noxious weeds, but some inferences can be made about the general area of the Whitewater desert that may apply to this site. There are few perennial noxious weeds in the desert, but locally abundant annual weeds. These include: cheatgrass, annual wheatgrass, Russian thistle, annual mustards, and halogeton.

No Action:

Direct and Indirect Effects: No ROW would mean no disturbance and therefore less chance of new weed introduction or weed spread.

Proposed Action:

Direct and Indirect Effects: Either alternative will result in some chance that weeds will be introduced, or existing weeds will spread, due to the disturbance involved. Introduction of weeds can be mitigated by using clean equipment, by using clean gravel and road base, and by monitoring the road for weeds after it is constructed.

Cumulative Effects:

No cumulative effects are anticipated from this project.

Protective/Mitigation Measures:

The applicant should be required to use clean gravel and road base, and should monitor the road for weeds after construction is completed.

Cactus Protection Alternative:

Direct and Indirect Effects: Impacts would be similar as those identified under the Proposed Action.

Cumulative Effects:

Cumulative effects would be similar to the Proposed Action.

Protective/Mitigation Measures:

Protective and mitigation measures would be the same as the Proposed Action.

3.3.2 Threatened, Endangered and Sensitive Species (includes a finding on Standard 4)

Current conditions:

Biological surveys have been completed for the SBA ROW and proposed Clay ROW. Due to the close proximity of Colorado hookless cactus to the access roads, Section 7 consultation with U. S. Fish and Wildlife Service (FWS) was necessary, and was completed 1/10/12 (ES/CO:BLM/GJFO/SBAClay). The initial biological surveys recorded a total of 111 hookless cacti. Subsequent surveys of the Cactus Protection Alternative route recorded an additional 4 cacti. No other listed or Sensitive plant species were found in the surveys, or are known to occur in the project area.

Finding on Standard 4 for Special Status, Threatened, and Endangered Species:

A Land Health Assessment has not been completed for the project area. The adjacent lands across the Gunnison River are meeting Standard 4. The project area contains a number of weedy species (cheatgrass, halogeton, and annual wheatgrass). Since Standard 4 is dependent upon a healthy native plant community, the presence and proliferation of non-native weedy species can compromise an area's ability to meet this Standard.

No Action:

Direct and Indirect Effects: Under the No Action Alternative the ROW would not be granted and additional disturbance would not occur on BLM lands. The access route may be shifted to private lands, where surveys and protections for listed plant species are not required. Direct and Indirect impacts to cacti could occur under this alternative. Potential impacts include but are not limited to: crushing of cacti from road building equipment; weed introduction from a new road; and dust generation affecting the photosynthesis of the hookless cactus, and possible disruption of pollinators.

Finding on Standard 4 for Special Status, Threatened, and Endangered Species:

No changes to Standard 4 would be anticipated to occur under the No Action Alternative, as the ROWs would not be granted, and no additional disturbance would be authorized on BLM. Degradation to private land could occur under this alternative, but this standard does not apply to private lands.

Cumulative Effects:

Cumulative impacts are not anticipated to result from implementation of the no-action alternative.

Proposed Action:

Direct and Indirect Effects: Road maintenance resulting in road widening and dust could directly and indirectly impact cacti. The closest recorded cactus was less than 10 meters from the proposed Clay ROW. A 30 foot ROW would result in the road being closer to the recorded road-side cactus and could increase the potential for adverse effects to the

cacti. This alternative would not provide the greatest protections possible for the cacti, and would result in an incremental amount of habitat loss.

Finding on Standard 4 for Special Status, Threatened, and Endangered Species:
The Proposed Action could negatively affect the project area's ability to meet Standard 4, as any ground disturbing activity is anticipated to spread weeds. As stated earlier: A Land Health Assessment has not been completed for the project area. The project area contains a number of weedy species (cheatgrass, halogeton, and annual wheatgrass). Since Standard 4 is dependent upon a healthy native plant community, the presence and proliferation of non-native weedy species can compromise an area's ability to meet this Standard.

Cumulative Effects:

The Proposed Action is not anticipated to increase traffic levels on the access roads. No housing or other development is planned for the private property accessed by the ROWs. Any future improvement of the road for development on private properties accessed by the ROW or transfer of the road ROW to another holder would require a ROW amendment or assignment and further analysis. Therefore, Cumulative Effects are anticipated to be confined to minor increases in dust and possible weed spread.

Cactus Protection Alternative:

Direct and Indirect Effects: The Cactus Protection Alternative would result in narrower Clay ROW, and minimize potential impacts to the Colorado hookless cactus. While road maintenance resulting in road widening and dust could directly and indirectly impact cacti, conservation measures identified through consultation would minimize impacts to the listed cactus. The Cactus Protection Alternative is consistent with conservation measures developed through the consultation process.

Finding on Standard 4 for Special Status, Threatened, and Endangered Species:
While this Alternative could negatively affect the project area's ability to meet Standard 4 (*as any ground disturbing activity is anticipated to spread weeds*), the 20 foot ROW would result in a smaller area of disturbance, and a smaller threat of weed spread in comparison to the Proposed Alternative.

Cumulative Effects:

Cumulative Effects are similar to the Proposed Action. A narrower ROW would result in a smaller area of disturbance, thus contributing to less dust generation and weed spread.

Protective/Mitigation Measures:

The following conservation measures were developed through the Section 7 consultation process with FWS:

- In order to limit the potential for impacts to Colorado hookless cactus near the portion of the shared ROW, SBA will install approximately 315 feet of post and cable fencing along the southern side of the existing road to prevent road maintenance activities from directly impacting cactus.

- A biological monitor will be on site during fence installation to ensure avoidance of cacti. If BLM is not available, SBA will provide a BLM approved biological monitor to be on site during fence installation.
- Road maintenance will be limited to the existing road surface (including ditching) on the shared ROW, and the SBA ROW
- If and when dust abatement is necessary on any of the 3 ROW sections, no magnesium chloride will be used. Any additives other than water will require BLM approval prior to use.
- Weed treatment will be limited to hand application,

3.3.3 Vegetation (grasslands, forest management) (includes a finding on Standard 3)

Current conditions:

Vegetation along the project area includes shadscale (*Atriplex confertifolia*), four-winged salt bush (*Atriplex canescens*), Gardner's saltbush (*Atriplex gardneri*), Prickly-pear cactus (*Opuntia polyacantha*), Indian ricegrass (*Achnatherum hymenoides*), needle and thread (*Hesperostipa comata*), galleta (*Pleuraphis sp.*), crested wheatgrass (*Agropyron cristatum*), cranesbill (*Geranium maculatum*), scarlet globemallow (*Sphaeralcea coccinea*), evening primrose (*Oenothera sp.*), Halogeton (*Halogeton glomeratus*), cheatgrass (*Bromus tectorum*), and annual wheatgrass (*Eremopyrum triticeum*). Invasive cheatgrass, which is common in disturbed areas, is prevalent alongside the ROW and throughout the surrounding lands.

Finding on Standard 3 for Healthy and Productive Plant Communities:

A Land Health Assessment has not been completed for the project area. The adjacent lands across the Gunnison River are meeting Standard 4. The project area contains a number of weedy species (cheatgrass, halogeton, and annual wheatgrass). Since Standard 3 is dependent upon a healthy native plant community at viable population levels commensurate with the species and habitat's potential, the presence and proliferation of non-native weedy species can compromise an area's ability to meet this Standard.

No Action:

Direct and Indirect Effects: Under the No Action Alternative, a ROW would not be granted so there would be no disturbance. Vegetation would continue as it is under the current conditions.

Finding on Standard 3 for Healthy and Productive Plant Communities:

Vegetation conditions would remain as they are with no further deterioration of plant communities.

Cumulative Effects:

No cumulative effects would be expected as the project would not be implemented under the no action alternative.

Proposed Action:

Direct and Indirect Effects:

Vegetation would be removed, trampled and smashed on the 30 ft. path. Disturbed soils along the sides of the road would likely encourage proliferation of weedy species, especially cheatgrass.

Finding on Standard 3 for Healthy and Productive Plant Communities:

Under the Proposed Action, impacts to vegetation would not be expected to further deteriorate plant communities as weedy species already exist along the road.

Cumulative Effects:

The main cumulative effect would be the possible increase of weedy species along the sides of the road but the total areas of the plant communities would stay relatively the same.

Protective/Mitigation Measures:

Before entering the project area, equipment should be cleaned to decrease the chances of introducing weeds. Disturbed areas off of the road running surface should also be revegetated to stabilize soils and to reduce the spread of weeds. The entire ROW should be ripped and seeded if the ROW is abandoned in the future. A final reclamation plan should be submitted and approved before the ROW is abandoned.

Cactus Protection Alternative:

Direct and Indirect Effects:

Reducing the width of the ROW from 30 ft. to 20 ft. would decrease the amount of damage to vegetation but impacts would still be similar but reduced from the proposed action. Disturbance to vegetation would be reduced from approximately 2.07 acres to 1.38 acres.

Finding on Standard 3 for Healthy and Productive Plant Communities:

Conditions would be similar to the Proposed Action.

Cumulative Effects:

Cumulative effects would be the same as the proposed action.

Protective/Mitigation Measures:

Protective/Mitigation Measures would be the same as the Proposed Action.

3.4 HERITAGE RESOURCES AND HUMAN ENVIRONMENT

3.4.1 Cultural Resources

Current Conditions:

A records search of the general project area, and Class III inventories of the Area of Potential Effect (APE), as defined in the National Historic Preservation Act (NHPA), was completed by Colorado BLM permitted cultural resource contracting firms, Grand River

Institute, Alpine Archaeological Consultants and the BLM GJFO Archaeologist (GJFO CRIR 1188-05ME.LM.NR190; 8310-04/ME.LM.R667; and 1013-07/ME.LM.NR601). Conditions of the existing cultural environment are incorporated by these references but the following briefly summarizes cultural resources in the APE: One isolated find, 5ME17328, a prehistoric debitage flake was found in the project area. The isolate is not eligible to the National Register of Historic Places and no further work is requested. The Northern Branch of the Old Spanish Trail is located in this general area, though the exact trail trace is nebulous. This project is within the NHT corridor, but it is likely that the trail was below the bluff. The project inventory and evaluation is in compliance with the NHPA, the Colorado State Protocol Agreement, and other federal law, regulation, policy, and guidelines regarding cultural resources.

No Action:

Direct and Indirect Effects: Under the No Action Alternative, a ROW would not be granted so there would be no disturbance or impacts to cultural resources.

Cumulative Effects:

No cumulative effects would be expected as the project would not be implemented under the No Action alternative.

Proposed Action:

Direct, Indirect and Cumulative Effects: No historic properties are present in the APE for this project so the project would not result in impacts to cultural resources. The existing communication site and the road on top of the bluff would not increase visual impacts to the Northern Branch of the Old Spanish Trail, as it is likely that the trail traces are below the bluff.

Protective/Mitigation Measures:

The attached Standard Stipulations should protect any cultural resources in the area unknown to the agency.

Cactus Protection Alternative:

Direct and Indirect Effects: Same effects as proposed action.

Cumulative Effects:

Cumulative effects would be the same effects as proposed action.

3.4.2 Tribal and Native American Religious Concerns

Current Conditions:

American Indian religious concerns are legislatively considered under several acts and Executive Orders, namely the American Indian Religious Freedom Act of 1978 (PL 95-341), the Native American Graves Environmental Assessment Protection and Repatriation Act of 1990 (PL 101-601), and Executive Order 13007 (1996; Indian Sacred Sites). In summary, these require, in concert with other provisions such as those found in the NHPA and ARPA, that the federal government carefully and proactively take into

consideration traditional and religious Native American culture and life and ensure, to the degree possible, that access to sacred sites, the treatment of human remains, the possession of sacred items, the conduct of traditional religious practices, and the preservation of important cultural properties are considered and not unduly infringed upon. In some cases, these concerns are directly related to “historic properties” and “archaeological resources”. In some cases elements of the landscape without archaeological or other human material remains may be involved. Identification of these concerns is normally completed during the land use planning efforts, reference to existing studies, or via direct consultation. There is no known evidence that suggests the project area holds special significance for Native Americans, or is actively used to maintain any traditional practices. The project would not alter or limit any access if there were traditional uses that are not known to the agency.

No Action:

Direct and Indirect Effects: There would not be any direct or indirect effects.

Cumulative Effects:

There would be no cumulative effects under this alternative.

Proposed Action:

Direct and Indirect Effects: None. No additional Native American Indian consultation was conducted for the proposed project.

Cumulative Effects:

General development of projects on the landscape could result in landscape fragmentation and visual impacts which could impact the Native American values over time.

Cactus Protection Alternative:

Direct and Indirect Effects: Same as Proposed Action.

Cumulative Effects:

Cumulative effects would be the same as Proposed Action.

3.4.3 Visual Resources

Current Conditions:

The proposed project area is located along the bluffs overlooking the Gunnison River between Orchard Mesa and Whitewater, Colorado, with views of the Uncompahgre Plateau and Pinyon Mesa to the south and west. The Little Book Cliffs and Grand Mesa can be seen in the distance to the north and east. The BLM conducted a Visual Resource Inventory in 2009, and classified the project area as a Visual Resource Inventory (VRI) Class IV. The project area is within the Colorado Plateaus physiographic province and is within VRI Class IV, Scenic Quality B (SQRU 26). The immediately adjacent Gunnison River corridor is classified as VRI Class III, and the canyon/mesa terrain to the south and west is classified as VRI Class II. (Otak 2009)

The characteristic landscape is a broadly enclosed valley (Grand Valley) with the Gunnison River as the primary feature in the immediate vicinity. The area's topography consists of gently rolling hills leading to rocky bluffs that drop steeply to the river approximately 200 – 300 feet below. Vegetation is sparse and low-growing (grasses, cacti, and small shrubs) in the immediate project area. Colors are predominantly shades of light green, tan, and grey, creating a subtle and mostly uniform texture on the landscape. There are several visible built elements in the immediate vicinity of the project site, including the communication tower and associated facilities, existing dirt roads and trails, a home on the point past the communication facility, and wire fences.

The area is primarily used by hikers, mountain bike riders, equestrians, and other property owners in the area. These residents and visitors would constitute the typical casual observer.

Under the current RMP, the visual resource management class is undesignated for the immediate project area. The adjacent Gunnison River corridor is designated as VRM Class III. It has been the general practice of the GJFO to manage unclassified areas with VRM Class III objectives (BLM 1987). VRM Class III objectives are “to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape” (BLM 1987 and 2010).

No Action:

Direct and Indirect Effects: Under the no action alternative, the proposed ROWs would not be granted. There would be no new road construction to the Clay property, and no change to the visual landscape on this portion of the project area. Without a ROW, the new owner of the communication site would not be able to use the site and the previous owner would be required to remove the equipment and reclaim the site. This would eliminate the visual contrast currently created by the communication facility and would result in a more natural-appearing landscape.

Cumulative Effects:

The visual landscape would continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. These activities would have a relatively long-term effect on the visual quality of the view shed.

Proposed Action:

Direct and Indirect Effects: Under the proposed action the ROWs would be granted, likely resulting in the construction of a road creating a 14 to 20 foot wide linear disturbance to the landscape along the length of the ROW, with the potential for additional disturbance within the entire 30 foot width of the ROW. A road would introduce moderate contrast to the line, form, color and texture of the existing landscape. That contrast would vary slightly, depending on the type of road surfacing material used

(e.g. gravel, asphalt, concrete) and how well it matched the color and texture of the surrounding landscape. This action would also indirectly increase the likelihood of additional development of the Clay property, and consequently, additional visual contrast. Granting of the ROW for the communication facility would not result in any significant change to the visual landscape since the access road and facilities already exist. Because the visual modifications caused by this action would not dominate the landscape, the proposed action would meet the objective of the VRM III classification. The proposed action would create more visual contrast than the no action alternative, but less visual contrast than the cactus protection alternative.

Cumulative Effects:

The proposed action would add moderate changes to the visual landscape that would also continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. These activities would have a relatively long-term effect on the visual quality of the view shed.

Cactus Protection Alternative:

Direct and Indirect Effects: Under this alternative the ROWs would be granted along a narrower 20 foot corridor, likely resulting in the construction of a road creating a 14 to 20 foot wide linear disturbance to the landscape along the length of the ROW. A road would introduce moderate contrast to the line, form, color and texture of the existing landscape. That contrast would vary slightly, depending on the type of road surfacing material used (e.g. gravel, asphalt, and concrete) and how well it matched the color and texture of the surrounding landscape. The requirements for re-seeding the ROW along the edges of the road would reduce the long-term visual impacts from this alternative. This action would also indirectly increase the likelihood of additional development of the Clay property, and consequently, additional visual contrast. Granting of the ROW for the communication facility in this alternative would also result in the construction of a fence which would introduce additional visual contrast (vertical and horizontal lines) to this portion of the project area. Because the visual modifications caused by this action would not dominate the landscape, the proposed action would meet the objective of the VRM III classification. The cactus protection alternative would create more visual contrast than the no action alternative, but more visual contrast than the proposed alternative, due to the requirement for fencing along the communications facility ROW.

Cumulative Effects:

The cactus protection alternative would add moderate changes to the visual landscape that would also continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. These activities would have a relatively long-term effect on the visual quality of the view shed.

Protective/Mitigation Measures:

Select fencing materials that match the color and texture of the area's characteristic landscape.

3.4.4 Transportation/Access

Current Conditions:

The project area is closed to motorized travel with the exception of administrative use for authorized users (private land owners and other ROW holders). Non-motorized access is allowed for hiking, horseback riding and mountain biking. The area is traversed by two primary designated routes, the Old Spanish Trail (recreation route) and Gunnison Bluffs Trail, both of which connect Orchard Mesa to Whitewater along the corridor between Highway 50 and the Gunnison River. These routes receive light to moderate recreational use, and are used primarily by local residents. The Gunnison Bluffs Trail currently crosses a corner of the Clay property, creating a trespass issue along approximately 0.2 miles of the trail, preventing legal public access across this portion of the route. A reroute around the property is impractical due to the steep slopes/cliffs between the private property boundary and the Gunnison River.

No Action:

Direct and Indirect Effects: Under this alternative the ROWs would not be granted across BLM-managed lands, thereby limiting access to the Clay property, and to the communications facility. Public access would not be affected unless the Clay property boundary adjustment with Mesa County is contingent upon acquisition of the ROW across BLM. Without the boundary adjustment, or some sort of an easement agreement, the Gunnison Bluffs Trail would not provide a legal through route for recreation access along the Gunnison River.

Cumulative Effects:

Access and transportation routes in the area would continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. Without the proposed access routes, other access options would likely be pursued and developed in the area. These activities would have a relatively long-term effect on access and transportation in the area.

Proposed Action:

Direct and Indirect Effects: The proposed action would directly benefit the private property owner and the operators of the communications facility by providing long-term motorized access to those parcels. Public access would be indirectly improved by the associated property boundary adjustment allowing through access on the Gunnison Bluffs Trail where it currently crosses the Clay property.

Cumulative Effects:

The new access route likely resulting from the proposed action would contribute to a long-term increase in access and transportation routes in the area. Other access and transportation routes would likely result from on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments.

Cactus Protection Alternative:

Direct and Indirect Effects: This alternative would have effects similar to those of the proposed alternative regarding transportation and access, however, the footprint of any road developments would likely be smaller and the road surface would be gravel or dirt rather than pavement. The fencing proposed along the route to the communications facility would reduce the likelihood of unauthorized routes developing off of that route.

Cumulative Effects:

The new access route likely resulting from this alternative would contribute to a long-term increase in access and transportation routes in the area. Other access and transportation routes would likely result from on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments.

3.4.5 Wastes, Hazardous or Solid

Current Conditions:

Hazardous or solid wastes are not expected to be a part of the affected environment unless they are introduced during the implementation of the selected alternative. For most construction proposals, this would be in the form of spilled fuel, hydraulic fluid, or oil used by the machinery and the resulting contaminated soil. Care should be taken to prevent spills of these materials and any contaminated soil should be treated or disposed of properly. Any solid waste generated from construction of the tower and building should be removed from the site and disposed of properly.

No Action:

Direct and Indirect Effects: There would be no direct or indirect impacts under this alternative.

Cumulative Effects:

There would be no new cumulative impacts under this alternative.

Proposed Action:

Direct and Indirect Effects: Potential impacts from hydrocarbon product spills would likely be minor due to the small amount of disturbance and construction activity involved.

Cumulative Effects:

Cumulative effects would not be anticipated.

Protective/Mitigation Measures:

None required. Standard right-of-way terms and stipulations adequately mitigate any concerns.

Cactus Protection Alternative:

Direct and Indirect Effects: Same as for the Proposed Action.

Cumulative Effects:

Cumulative effects would be the same as for the Proposed Action.

3.5 LAND RESOURCES

3.5.1 Recreation

Current Conditions:

The project area lies between two primary trails, the Old Spanish Trail and the Gunnison Bluffs Trail, that traverse a corridor of mixed land ownership (BLM, Mesa County, City of Grand Junction, private) between Orchard Mesa and Whitewater, and U.S. Highway 50 and the Gunnison River. The section of the “Old Spanish Trail” has not been confirmed as the precise historic alignment of the Old Spanish Trail, but provides recreation opportunities along the general corridor of the historic route. This trail is generally 8-10 feet in width. The Gunnison Bluffs Trail parallels the Gunnison River along the bluffs overlooking the river. It is a mix of single-track and two-track routes. The two trails together, along with some other connecting routes, provide loop opportunities for visitors to the area. Primary recreation activities include hiking, dog-walking, trail running, mountain biking, and horseback riding. Motorized recreation is not allowed in this area. Most visitors to this area are locals, particularly residents of nearby neighborhoods. Primary access is from a trailhead on City of Grand Junction property in Orchard Mesa at 28½ and B Roads, and from a trailhead on BLM land near Whitewater. The area is not designated as a Special Recreation Management Area or Extensive Recreation Management Area, but is part of the area covered by the 1993 Grand Mesa Slopes Special Management Area Management Plan, and the 1995 Gunnison River Bluffs Public Use Plan (including the 1997 amendment to the RMP,) which established the two trailheads and closed the area to motorized use and recreational target shooting. No reliable visitor use data is available for this area, but it is generally light to moderate, with heaviest use during the spring and fall. There are no developed recreation facilities located near the proposed project area. The BLM does not currently manage any Special Recreation Permits (SRPs) for recreational use in this area.

No Action:

Direct and Indirect Effects: Under the No Action alternative, the proposed ROWs would not be granted. There would be no new spur route construction off of the existing two-track to the Clay property. Recreation use of the Gunnison Bluffs Trail would not be affected unless the Clay property boundary adjustment with Mesa County is contingent upon acquisition of the ROW across BLM. Without the boundary adjustment, or some sort of an easement agreement, the Gunnison Bluffs Trail would not provide a legal through route for recreation access along the Gunnison Bluffs Trail.

Without a ROW, the new owner of the communication site would not be able to use the site and the previous owner would be required to remove the equipment and reclaim the site. This would create a more natural-appearing landscape for recreationists using this area.

Cumulative Effects:

Recreation opportunities would continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. These activities would have a relatively long-term effect on the recreation opportunities in the area.

Proposed Action:

Direct and Indirect Effects: The proposed action would result in the construction of a very short spur road from the existing two-track to the Clay property, creating a short spur route off of the two track road to connect to the revised Clay property boundary that would not create new recreation or loop trail opportunities in the area. The new spur route off of the existing two-track would be designated as an administrative route. If the route across the ROW were paved, that segment of the route system would be out of character from the other natural surface or graveled routes in the area. The authorization of motorized use to access the private property would increase the likelihood of recreationists encountering motorized vehicles in this area managed for non-motorized recreation. Recreation users would benefit indirectly from the associated property boundary adjustment with Mesa County, which would secure long-term recreation access along the Gunnison Bluffs Trail where it currently crosses the Clay property.

The granting of a ROW to the communication facility would have little impact on recreation since future operations related to the facility would be similar to current operations.

Cumulative Effects:

Recreation opportunities would continue to change due to on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments. These activities would have a relatively long-term effect on the recreation opportunities in the area.

Cactus Protection Alternative:

Direct and Indirect Effects: This alternative would have effects similar to those of the proposed alternative regarding recreation, however, the footprint of any road developments would likely be smaller and the road surface would be gravel or dirt rather than pavement. The fencing proposed along the route to the communications facility would reduce the likelihood of unauthorized routes developing off of that route, but it would also diminish the area's naturalness.

Cumulative Effects:

The new access route likely resulting from this alternative would contribute to a long-term increase in access and transportation routes in the area. Other access and transportation routes would likely result from on-going development on nearby private property, as well as increases in recreational use in the area, and associated development of trails or other recreation-related developments.

3.5.2 Special Designations (National Historic Trails)

Current Conditions:

The Northern Branch of the Old Spanish Trail is located in this general area, though the exact trail trace is nebulous and travel through the area was more likely throughout the corridor versus on a specific trail trace. This project is within the National Historic Trail (NHT) corridor, but it is likely that the existing trail traces are located below the bluff. No archaeological evidence of the trail was found during the project area surveys.

No Action:

Direct and Indirect Effects: Under the No Action Alternative, a ROW would not be granted so there would be no disturbance or impacts to NHTs.

Cumulative Effects:

Under the No Action Alternative, a ROW would not be granted so there would be no disturbance or impacts to NHTs.

Proposed Action:

Direct and Indirect Effects: No historic properties are present in the APE for this project so the project would not result in impacts to cultural resources. The placement of the communication site and the road on top of the bluff would likely not increase visual impacts to the Northern Branch of the Old Spanish Trail, as it is likely that the trail traces are below the bluff.

Cumulative Effects: General development of projects on the landscape could result in landscape fragmentation and visual impacts which could impact the NHT corridor over time.

Protective/Mitigation Measures:

Same as those listed under Cultural Resources 3.4.1.

Cactus Protection Alternative:

Direct and Indirect Effects: Same as Proposed Action.

Cumulative Effects:

Cumulative effects would be the same as the Proposed Action.

3.5.3 Land Tenure, Rights of Way and other Uses

Current Conditions:

The surface and mineral estates of the subject lands are owned by the federal government and managed by the BLM. The following uses are authorized within the project area according to the Master Title Plats and the LR2000 database:

Table 3.5.3-1: Current ROW Holders and Facilities

Serial No.	Holder	Type
COC-46595	Tower Acquisitions LLC	communications site lease

	to be assigned to SBA Towers II LLC	
COC-46632	Grand Valley Rural Power	power line right-of-way
COC-50489	Qwest Communications	telephone line right-of-way
COC-65365	Grand Valley Rural Power	power line right-of-way
COC-65371	McGuirk	access road right-of-way
Pwr Site Class 392, USGS O 7/29/1948 (affects only road segment 2)	FERC	power site classification

No Action:

Direct and Indirect Effects: The Clay road right-of-way would not be granted and the communications site lease would not be assigned to SBA. Mr. Clay would not have legal motorized access to his private land, and SBA would not be authorized to operate and maintain the existing communications facility which it has purchased from Tower Acquisitions LLC.

Cumulative Effects:

There are no cumulative effects.

Proposed Action:

Direct and Indirect Effects: Under the proposed action alternative, one new ROW would be issued and there would be one additional user of the road. The authorized right-of-way width would be 30 feet for segments 1 and 2, and segment 3 would remain 16 feet wide. All three segments would have a 14 foot wide driving surface, which is currently true for segments 1 and 3. The private landowner and communication site lessee who use segments 1 and 3 may benefit slightly from the proposed improvements to segment 1, but the telephone and power line ROWs could potentially be negatively impacted if proposed road improvements require relocating the facilities.

Cumulative Effects:

Less than one half mile of road would be improved.

Protective/Mitigation Measures:

The proponent should be required to notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities, and obtain an agreement with any existing ROW holders, to assure that no damage to an existing ROW or authorized facility will occur.

Cactus Protection Alternative:

Under this alternative, segments 1 and 3 would remain unchanged, and the existing authorized facilities would not be impacted.

Direct and Indirect Effects: One new ROW would be issued and there would be one additional user of the road.

Cumulative Effects:

Less than one half mile of road would be improved.

CHAPTER 4 - CONSULTATION AND COORDINATION

4.1 LIST OF PREPARERS AND PARTICIPANTS

INTERDISCIPLINARY REVIEW

NAME	TITLE	AREA OF RESPONSIBILITY
Christina Stark	Planning and Environmental Coordinator	Environmental Justice, Prime & Unique Farmlands, Environmental Coordinator, Riparian and Wetlands,
Julia Christiansen	Natural Resource Specialist	Surface Management and Permitting for Oil & Gas, Realty Authorizations, Land Tenure/Status
Alissa Leavitt-Reynolds	Archaeologist	Cultural Resources, Native American Religious Concerns, National Historic Trails
Michelle Bailey Chris Pipkin	Outdoor Recreation Supervisor Outdoor Recreation Planner	Access, Transportation, Recreation, VRM, Wilderness, ACECs
Scott Clarke	Range Management Specialist	Vegetation
Jacob Martin	Range Management Specialist	Range, Forestry
Jim Dollerschell	Range Management Specialist	Wild Horse & Burro Act
David Scott Gerwe	Geologist	Geology, Paleontology
Alan Kraus	Hazardous Materials Specialist	Hazardous Materials
Robin Lacy	Realty Specialist	Land Tenure/Status, Realty Authorizations
Heidi Plank	Wildlife Biologist	T&E Species, Migratory Bird Treaty Act, Terrestrial & Aquatic Wildlife
Anna Lincoln	Ecologist	Land Health Assessment, Range Ecology, Special Status Plant Species
Nate Dieterich	Hydrologist	Soils, Air Quality, Water Quality, Hydrology, Water Rights
Mark Taber	Range Management Specialist	Weed Coordinator, Invasive, Non-Native Species
Lathan Johnson	Fire Ecologist Natural Resource Specialist	Fire Ecology, Fuels Management

4.2 TRIBES, INDIVIDUALS, ORGANIZATIONS, OR AGENCIES CONSULTED

- *United States Fish and Wildlife Service: Consultation on Colorado hookless cactus*
- *Mesa County – Planning Department: Discussions on parcel boundary adjustment*

CHAPTER 5 - REFERENCES

- Bureau of Land Management (BLM). 1985. Draft Resource Management Plan and Environmental Impact Statement. Grand Junction Field Office. Grand Junction, Colorado.
- Bureau of Land Management. 1987. Grand Junction Resource Area Resource Management Plan and Record of Decision. Grand Junction District. Grand Junction, Colorado.
- Bureau of Land Management. 1988. H-1790-1 National Environmental Policy Handbook. Washington, D.C.
- Bureau of Land Management. 2004. Resource Management Plan and Record of Decision for the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness. Grand Junction Field Office. Grand Junction, Colorado.
- Bureau of Land Management. 2011. H-9113-1 Roads Design. Washington, D.C.
- CDPHE. 2013. Water Quality Control Commission, 5 CCR 1002-35, Regulation No. 35, Classifications and Numeric Standards for Gunnison and Lower Dolores River Basins , Amended: May 13, 2013, Effective: September 30, 2013.
- CDPHE. 2012c. Water Quality Control Commission, 5 CCR 1002-93, Regulation #93, Colorado's Section 303(D) List of Impaired Waters and Monitoring and Evaluation List, Amended February 13, 2012, Effective March 30, 2012.
- Colorado River Basin Salinity Control Act of June 24, 1974 (Public Law 93-320), as amended in 1984.
- Otak, Inc. 2009. Visual Resource Inventory. Prepared for the BLM, Grand Junction Field Office, Grand Junction, CO, by Otak, Inc., Carbondale, CO. September 2009.
- U.S. Fish and Wildlife Service. SBA-Clay Biological Opinion (ES/CO:BLM/GJFO/SBAClay). January 10, 2012.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE**

FINDING OF NO SIGNIFICANT IMPACT

**SBA Communication Site - Sunlight Road
Rights-of-Way**

DOI-BLM-CO-130-2012-0034-EA

LOCATION

Ute PM,
T. 2 S., R. 1 E.,
sec. 6, lot 8 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Mesa County, Colorado

APPLICANTS

1. SBA Towers II LLC
2. Mr. Donald Clay

BACKGROUND

The Bureau of Land Management (BLM) Grand Junction Field Office (GJFO) has received applications for a new road right-of-way (ROW) and the assignment of an existing telecommunication ROW.

The Sunlight Road ROW analyzed in this EA would provide access to private property is currently undeveloped with no legal access. The property owner would like to obtain legal access in order to potentially build on his property or to sell the property. The first 1,650 feet of the proposed route located on public land is an existing improved road granted and maintained under an existing BLM ROW (COC 65371). The second segment of the proposed route is a two-track road that extends for approximately 2,350 feet across public lands. The property owner has not been able to find any other reasonable routes across private property to his land.

SBA Towers II LLC (SBA) has purchased the Gunnison Bluffs communications facility, authorized under BLM ROW COC-46595, from Tower Acquisitions LLC. Access to the facility across public land is authorized in the ROW grant as an ancillary use. SBA has submitted an application to assign ROW COC-46595 from Tower Acquisitions LLC to SBA. This ROW for a microwave communications relay facility was originally granted in 1988. Stelera Wireless is currently operating at the facility as a tenant of SBA. SBA is not proposing any new surface disturbance or any changes to the facilities under this application.

The Bureau of Land Management prepared an Environmental Assessment which analyzed the effects of the proposed road ROW and communication site assignment near Whitewater, Colorado. The EA considered a range of 3 alternatives. Public scoping was conducted by posting this project on the Grand Junction Field Office NEPA website. The GJFO determined that no additional scoping methods were necessary due to past interest in similar projects and the limited scope of this project. No comments were received from the public for this project.

The EA identified and analyzed 3 alternatives. The Proposed Action shall refer to the Cactus Protection Alternative analyzed in the EA.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the following NEPA document, I have determined that the cactus protection alternative is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively, with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and the project is consistent with current land management planning for the project area under the Grand Junction Resource Management Plan (BLM 1987 as amended).

1. 2014, Environmental Assessment (DOI-BLM-CO-130-2012-0034-EA), SBA Communication Site and Sunlight Road Rights-of-Way, March 2014.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the SBA Communication Site and Sunlight Road Project cactus protection alternative relative to each of the ten areas suggested for consideration by the CEQ. With regard to each:

1. Impacts that may be both beneficial and adverse.

The cactus may have minor impacts to soils, vegetation, and wildlife; however these impacts are not significant. This project will have indirect long term benefits for recreation due to the road re-route off of an existing recreation trail.

2. The degree to which the proposed action affects public health and safety.

The cactus protection alternative is not expected to impact public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There are no significant impacts to cultural resources, riparian vegetation, parklands, prime farmlands, wetlands, or wild and scenic rivers within the project area. The cactus protection alternative has been developed to avoid and mitigate impacts to Colorado hookless cactus. There are no municipal water supplies in the project area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The impacts of routes for residential driveways are generally well known and documented in the academic and practicing communities. Therefore the environmental effects are not likely to be controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Residential roads have a long history in the region and pose no unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This decision is like one of many that have previously been made and will continue to be made by BLM responsible officials regarding access roads on public lands. The decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions. The decision does not represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

There are no significant cumulative effects on the environment, either when combined with the effects created by past and concurrent projects, or when combined with the effects from natural changes taking place in the environment or from reasonably foreseeable future projects.

The Cactus Protection Alternative is not anticipated to increase traffic levels on the access roads. No housing or other development is planned for the private property accessed by the ROWs. Any future improvement of the road for development on private properties accessed by the ROW or transfer of the road ROW to another holder would require a ROW amendment or assignment and further analysis. Therefore, Cumulative Effects are anticipated to be confined to minor increases in dust and possible weed spread.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

There would be no adverse impacts to the above resources. The project has been modified to avoid impacts to sensitive plants.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No significant impacts are expected to endangered or threatened species or their designated critical habitats.

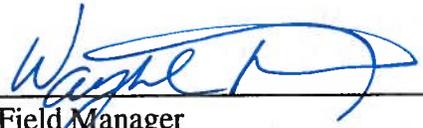
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment.

DETERMINATION

This FONSI is based on the information contained in the DOI-BLM-CO-130-2012-0034-EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the Cactus Protection Alternative would not have significant environmental impacts; 2) the Proposed Action is in conformance with the Grand Junction Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an EIS is not required.

Approved:

for 

Field Manager
Grand Junction Field Office

6-6-14

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE**

DECISION RECORD

**SBA Communication Site - Sunlight Road
Rights-of-Way**

DOI-BLM-CO-130-2012-0034-EA

DECISION:

It is my decision to authorize Alternative 2 – Cactus Protection Alternative for the road ROW and communication site assignment as described in the attached EA. The Proposed Action is to authorize an access road Right-of-Way (ROW) located in:

Ute PM,
T. 2 S., R. 1 E.,
sec. 6, lot 8 and SE¹/₄NW¹/₄.

Under this alternative the Sunlight Road ROW width for segment 2 would be reduced to 20 feet and road surfacing requirements would be altered and the road would not be paved. This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.

There are known Colorado hookless cactus, which are a federally threatened species located in the project area. The BLM submitted a Biologic Assessment to the U.S. Fish and Wildlife Service (USFWS) to that addressed potential impacts from the project on Colorado hookless cactus and its habitat. Conservation measures developed by the USFWS and issued in the Biologic Opinion (ES/CO: BLM/GJFO/SBAClay 2012) have been included in this decision as mitigation and monitoring measures.

This office completed an Environmental Assessment and reached a Finding of No Significant Impact for the Cactus Protection Action.

RATIONALE:

The decision to allow the proposed Sunlight Road ROW and SBA communication site assignment, as analyzed under the Cactus Protection Alternative does not result in any undue or unnecessary environmental degradation and is in conformance with the 1987 Grand Junction Resource Management Plan. It has been made in consideration of the impacts to the affected resources.

Authorization of the Proposed Action provides Mr. Clay with legal access to a property and will allow for SBA to use and become the ROW holder for the Gunnison Bluffs Communication Site.

It also allows increases protection of Colorado hookless cactus located along the existing Gunnison Bluffs Communication Site access road.

The Cactus Protection Alternative reduces the proposed width of the Sunlight Road and requires the installation of fencing along the existing access road to the communication site. The Cactus Protection Alternative allows for the proposed projects to move forward with significant impacts to the federally protected cacti in the project area. This alternative also addresses potential long-term impacts associated with dust and pollination of cacti through road surfacing requirements.

Approval of the Cactus Protection Action is beneficial for Colorado hookless cactus because it provides protection to cacti along the Sunlight Road and reduces potential impacts along the existing communication site access road and ROW.

MITIGATION MEASURES\MONITORING:

Mitigation and monitoring measures developed to protect Colorado hookless cactus are included below. Additional mitigation measures developed to protect other resources are included in Attachment 2, which lists the stipulations for both projects.

Sunlight Road ROW:

- Segment 2 of the Sunlight Road ROW width will be reduced to 20 feet instead of the proposed 30 feet.
- A portion of the ROW (Segment 1) will be shared with other ROW holders and will be maintained in its current dimensions and footprint. This segment will not be widened or upgraded.
- Segment 2 of the Sunlight Road will have a running surface of 14 feet, with allowance for ditches up to 3 feet wide on each side of the road.
- The existing road surface along segments 1 and 2 will be natural surfacing or gravel and will not be paved. If the proponent chooses to apply gravel or if it is determined by the Authorized Officer (AO) that gravel is necessary then gravel will be applied to a depth of 4 to 6 inches. Only certified weed free gravel may be applied to the ROW. Gravel that is applied to the ROW will be sized according to BLM standards and will be angular road base and not round.
- Gravel will not be applied to the road surface of segment 2 until development of the private property is approved by the Mesa County, or until BLM determines that gravel needs to be applied to mitigate soil rutting or dust. The proponent will need to receive a notice to proceed before gravel could be added to this segment of the road.
- BLM may also require that the road be ditched and crowned at any time, if determined necessary by the BLM Authorized Officer. The road will not be ditched or crowned without prior approval by the BLM through a Notice to Proceed.
- Magnesium chloride will not be applied to the road at any time. All surfactants and dust suppressants other than water applied to the road surface must be approved by the BLM AO.
- Weed treatments on along the ROW will be limited to hand application methods approved by the BLM AO.

- Road design, construction, and maintenance shall meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance.
- Before entering the project area, equipment shall be cleaned to decrease the chances of introducing weeds.
- Disturbed areas off of the road running surface shall be revegetated to stabilize soils and to reduce the spread of weeds. The entire ROW shall be ripped and seeded if the ROW is abandoned in the future. A final reclamation plan shall be submitted and approved before the ROW is abandoned.
- The proponent shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities, and obtain an agreement with any existing ROW holders, to assure that no damage to an existing ROW or authorized facility will occur.

SBA Communication Site ROW:

- SBA will be required to install approximately 315 feet of post and cable fencing along the southern side of segment 1 of the access road to the communication site as a mitigation measure to protect cactus located adjacent to the road. Post will be capped or filled all of the way sand or soil.
- The proponent will be required to hire a third party biologic monitor to be on site during construction of the fence.
- Maintenance activities by SBA will not be allowed beyond the fence.
- The road surface along segments 1 and 3 will be monitored and maintained by SBA on at least an annual basis to limit the amount of dust generated from vehicle travel.
- Additional gravel will be applied to the road by SBA as determined necessary by the AO to ensure that excessive dust is not produced from travel on the roadway. Only certified weed free gravel may be applied to the ROW.
- Gravel would be maintained by SBA to ensure that bare dirt patches on the road running surface that produce dust are covered.
- Magnesium chloride will not be applied to the road at any time. All surfactants and dust suppressants other than water applied to the road surface must be approved by the BLM AO.
- Weed treatments on along the ROW will be limited to hand application methods approved by the BLM AO.
- Road design, construction, and maintenance shall meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance.
- Before entering the project area, equipment shall be cleaned to decrease the chances of introducing weeds.
- Disturbed areas off of the road running surface shall be revegetated to stabilize soils and to reduce the spread of weeds. The entire ROW shall be ripped and seeded if the ROW is abandoned in the future. A final reclamation plan shall be submitted and approved before the ROW is abandoned.
- Fencing materials that match the color and texture of the area's characteristic landscape shall be used and approved by the BLM AO.

- The proponent shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities, and obtain an agreement with any existing ROW holders, to assure that no damage to an existing ROW or authorized facility will occur.

PROTEST/APPEALS:

This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado, 81506. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, 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 Authorized Officer.

The ROW grant which includes special and standard stipulations would be issued under the Federal Land Policy and Management Act (FLPMA), Title V and ROW Regulations (43 CFR 2800) with the right to appeal. ROW decisions are full force and affect.

If you wish to file a petition for the stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall 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 irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

NAME OF PREPARER: Christina Stark and Robin Lacy

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 6/6/14

SIGNATURE OF AUTHORIZED OFFICIAL:

for 
Grand Junction Field Manager

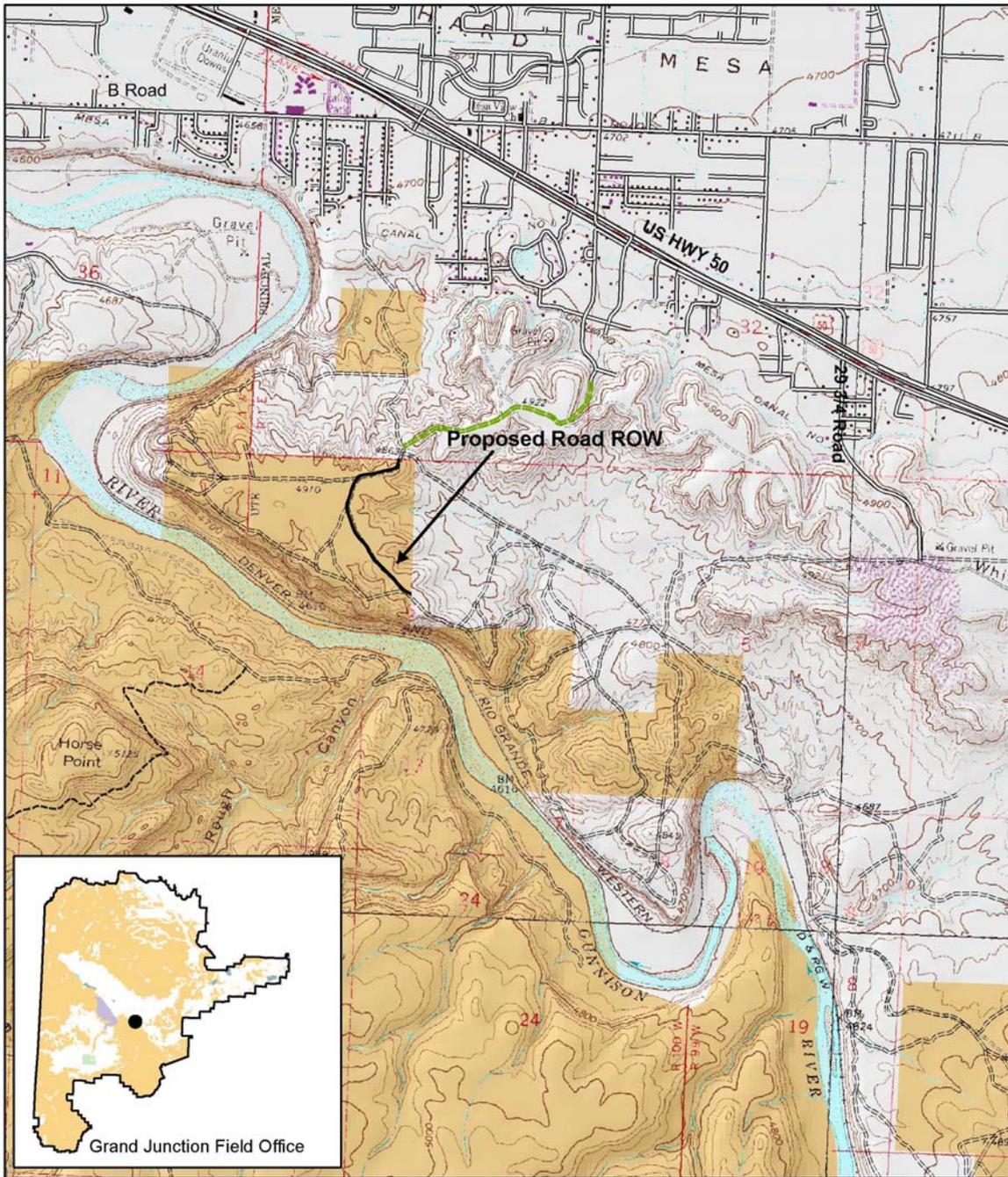
DATE SIGNED: 6-6-14

ATTACHMENTS:

- 1) Sunlight Road ROW Project Map
- 2) SBA Communication Site Project Map
- 3) Sunlight Road ROW Stipulations
- 4) SBA Communication Site Stipulations

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Attachment 1: COC 70317 – Sunlight Road Right-of-Way



Ute PM,
T. 2 S., R. 1 E.,
Section 6
Mesa County, CO
Grand Junction USGS Quad.



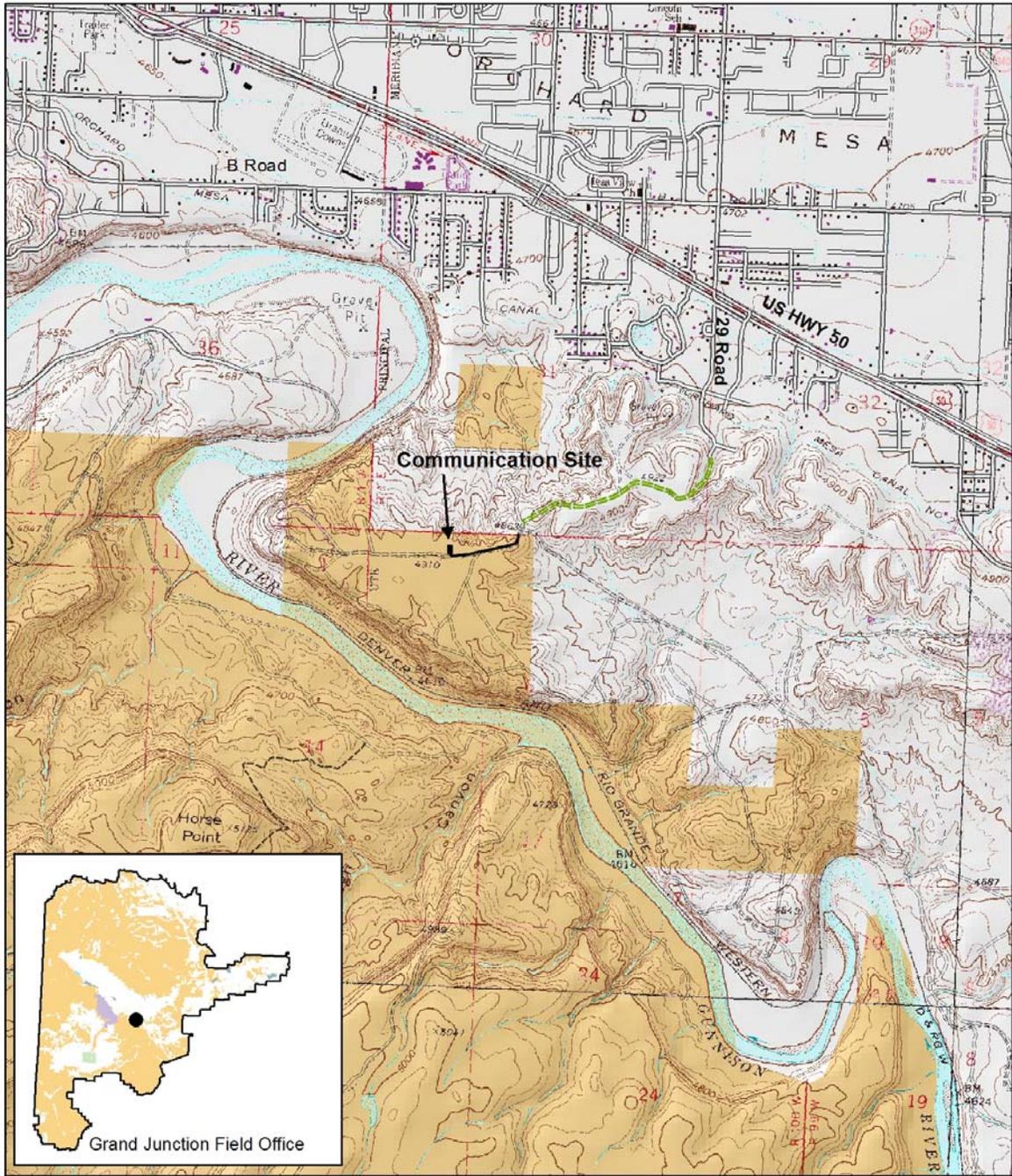
Whitewater-Sunlight Road ROW
Access Road COC 70317
DOI-BLM-CO-130-2012-0034-EA



- Proposed ROW
- Private Easement
- BLM
- Private

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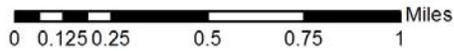
Attachment 2: COC 46595 – SBA Communication Site



Ute PM,
T. 2 S., R. 1 E.,
Section 6
Mesa County, CO
Grand Junction USGS Quad.



SBA Communication Site Assignment
Communication Site COC 46595
DOI-BLM-CO-130-2012-0034-EA



- Communication Site
- Private Easement
- BLM
- Private

COC 70317 – Sunlight Road ROW Stipulations:

1. The Holder shall notify the BLM Authorized Officer (AO) at least 48 hours prior to the commencement of any surface disturbing activities on the Right-of-Way (ROW). Contact the BLM Grand Junction Field Office at 2815 H Road, Grand Junction, CO 81506, or (970) 244-3000.
2. The Holder shall construct, operate, maintain and reclaim the road, signs, and all work areas within the ROW in strict conformity with the submitted project proposal. Any relocation, additional construction, or use that is not in accord with the approved proposal, shall not be initiated without the prior written approval of the Authorized Officer.
3. Noncompliance with any of the stipulations will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
4. Copies of the right-of-way grant with the stipulations shall be kept on site during construction and maintenance activities. All construction personnel shall review the grant and stipulations before working on the ROW.
5. Segment 2 of the Sunlight Road ROW width will be reduced to 20 feet instead of the proposed 30 feet. Segment 2 of the Sunlight Road will have a running surface of 14 feet, with allowance for ditches up to 3 feet wide on each side of the road.
6. Magnesium chloride will not be applied to the road at any time. All surfactants and dust suppressants other than water applied to the road surface must be approved by the BLM AO.
7. Weed treatments on along the ROW will be limited to hand application methods approved by the BLM AO.
8. The existing road surface along segments 1 and 2 will be natural surfacing or gravel and will not be paved. If the proponent chooses to apply gravel or if it is determined by the Authorized Officer (AO) that gravel is necessary then gravel will be applied to a depth of 4 to 6 inches. Only certified weed free gravel may be applied to the ROW. Gravel that is applied to the ROW will be sized according to BLM standards and will be angular road base and not round. Gravel will not be applied to the road surfaced of segment 2 until development of the private property is approved by the Mesa County, or until BLM determines that gravel needs to be applied to mitigate soil rutting or dust. The proponent will need to receive a notice to proceed before gravel could be added to this segment of the road.
9. Surface disturbance shall not be allowed between May 15 and July 15 to prevent potential taking of migratory birds and/or eggs unless otherwise approved by the Authorized

Officer. If vegetation removal can be planned and accomplished prior to May 15, then exception to this condition can be granted to allow work on the project during the closure period if surveys are completed.

10. A portion of the ROW (Segment 1) would be shared with other ROW holders and will be maintained in its current dimensions and footprint. This segment will not be widened or upgraded.
11. The Holder shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities. The holder shall obtain an agreement with any existing ROW holders or other parties with authorized facilities that cross or are adjacent to those of the holder to assure that no damage to an existing ROW or authorized facility will occur. The agreement(s) shall be obtained prior to any use of the ROW or existing facility.
12. When saturated soil conditions exist on or along the ROW prior to topsoil segregation or replacement, construction shall be halted until the authorized officer determines that soils have dried out sufficiently for construction to proceed without mixing of top soil with mineral soil.
13. Only signs that are approved by the Authorized Officer shall be placed on public lands.
14. Road design, construction, and maintenance shall meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance.
15. Before entering the project area, equipment shall be cleaned to decrease the chances of introducing weeds.
16. Disturbed areas off of the road running surface shall be revegetated to stabilize soils and to reduce the spread of weeds. The entire ROW shall be ripped and seeded if the ROW is abandoned in the future. A final reclamation plan shall be submitted and approved before the ROW is abandoned.
17. The Holder shall promptly remove and dispose of all waste caused by its activities. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes and equipment. No burning of trash, trees, brush, or any other material shall be allowed.
18. As part of the required reclamation, all disturbed areas shall be seeded with a seed mixture suitable to specific site conditions. This mixture shall be approved prior to reclamation by the authorized officer. All seed mixtures must be certified to be weed-free. Application rates are for pure, live seed (PLS). Certification and seed tags must be submitted to the Field Manager within 30 days of seeding. The following seed mix is an example of the of the species and application rate that may be required for reclamation:

Species Common Name	Application Rate Pounds/Acre PLS
Indian Ricegrass	2.0
Western Wheatgrass	3.0
Bottlebrush Squirreltail	2.0
Scarlet Globemallow	0.5
Utah Sweetvetch	2.0
Blue flax	<u>0.5</u>
TOTAL	10.0

Prepare seedbed by ripping the soil surface to a depth of 2 feet and then spreading the topsoil back on the surface. Scatter removed vegetation and shredded wood back on the surface and broadcast seed with an approved seed mix. Seed shall be applied within 24 hours of surface roughening and top soil redistribution. Broadcast application shall be used at twice the recommended application rate. Surface rock that was removed during surface scrubbing and clearing shall be scattered back across the ROW to mimic natural conditions. Disturbed portions of the right-of-way surface shall be left rough and not smoothed to help facilitated seed germination and seedling survival.

Seeding shall be completed after September 15 and prior to December 1 or in the early spring once soils have thawed.

19. Reclamation shall be considered successful when basal cover of seeded species or other naturally recruited native species is at least 80% of basal cover on adjacent or nearby undisturbed areas where vegetation is in a healthy condition. Reclamation efforts shall be monitored and additional reclamation efforts shall be required until this objective is met.
20. The Holder shall provide satisfactory reclamation of all sites disturbed by their activity. This may include installation of erosion control devices and seeding at the discretion of the authorized officer.
21. To control erosion and sediment transport, BLM may also require that the road be crowned or sloped, ditched, surfaced, drained with culverts and/or water dips, and constructed to BLM Gold Book standards, if determined necessary by the BLM AO. Culvert outlets shall incorporate controls such as rip-rap, sediment catchments, and anchored straw bales, to slow water velocity and prevent erosion and soil transport. The road will not be ditched or crowned without prior approval by the BLM through a Notice to Proceed.
22. The Holder shall provide timely year-round road maintenance and cleanup on the roads. A regular schedule for maintenance shall include, but not be limited to, crown or slope reconstruction, blading, ditch, culvert and catchment cleaning, road surface replacement, and dust abatement.

20. Lands involved in this grant are subject to Section 24 of the Federal Power Act of 1920 (41 Stat. 1075) as amended (16 U.S.C. 818), and the Reclamation Projects Act of 1939 (53 Stat. 1187). If these lands are ever required for projects related to these acts, any structures or improvements placed thereon which are found to obstruct or interfere with such projects shall, without expense to the United States, its permittees or licensees, be removed or relocated insofar as is necessary to eliminate the interference.

STANDARD STIPULATIONS:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
3. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials and immediately contact the Administrative Officer. Within five working days, the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in-place preservation is not necessary).
4. The holder shall notify the AO at least 180 days prior to non-emergency activities that will cause surface disturbance in the ROW. BLM will determine whether a cultural resource inventory, treatment, or mitigation is required.
5. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that will cause surface disturbance on the ROW. Any request for a "Notice to Proceed" shall be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

6. On the Right-of-Way, the holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. If chemical control is necessary, 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, the 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 shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder 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.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.

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COC 46595 – SBA Communication Site Stipulations:

1. The holder shall notify the BLM Authorized Officer (AO) at least 48 hours prior to the commencement of any surface disturbing activities on the communications use lease. Contact the BLM Grand Junction Field Office at 2815 H Road, Grand Junction, CO 81506, or (970) 244-3000.
2. Copies of the complete communications site lease, including all stipulations shall be kept on site during maintenance activities. All construction personnel shall review the lease and stipulations before working within the lease.
3. The facility shall be clearly signed indicating the Holder's name, address, telephone number, operating frequency, and BLM lease number (COC-46595).
4. The holder shall install approximately 315 feet of post and cable fencing along the southern side of segment 1 of the access road to the communication site as a mitigation measure to protect cactus located adjacent to the road. Post will be capped or filled all of the way sand or soil.
5. The holder shall hire a third party biologic monitor to be on site during construction of the fence.
6. Maintenance activities by the holder will not be allowed beyond the fence that is installed along the access route.
7. The road surface along the access route to the communication site will be monitored and maintained by the holder on at least an annual basis to limit the amount of dust generated from vehicle travel.
8. Additional gravel will be applied to the road by the holder as determined necessary by the AO to ensure that excessive dust is not produced from travel on the roadway. Only certified weed free gravel may be applied to the ROW.
9. The holder shall maintain the gravel to ensure that bare dirt patches on the road running surface that produce dust are covered.
10. Magnesium chloride will not be applied to the road at any time. All surfactants and dust suppressants other than water applied to the road surface must be approved by the BLM AO.
11. Weed treatments on along the ROW will be limited to hand application methods approved by the BLM AO.
12. Road design, construction, and maintenance shall meet or exceed guidance outlined in BLM Manual Section 9113 for road construction and maintenance.

13. Before entering the project area, equipment shall be cleaned to decrease the chances of introducing weeds.
14. Disturbed areas off of the road running surface shall be revegetated to stabilize soils and to reduce the spread of weeds. The entire ROW shall be ripped and seeded if the ROW is abandoned in the future. A final reclamation plan shall be submitted and approved before the ROW is abandoned.
15. Fencing materials that match the color and texture of the area's characteristic landscape shall be used and approved by the BLM AO.
16. The proponent shall notify all existing ROW holders in the project area prior to beginning any surface disturbance or construction activities, and obtain an agreement with any existing ROW holders, to assure that no damage to an existing ROW or authorized facility will occur.
17. The holder shall operate and maintain their equipment in accordance with Motorola R56 Standards (Release 68P81089E50-B, 9/1/2005, or later applicable version) and/or other applicable recognized industry standards, as determined by the BLM AO.
18. All design, material, and construction, operation, maintenance and termination practices shall be in accordance with safe and proven engineering practices. The holder shall perform all operations in a good and workmanlike manner so as to ensure reasonable protection of the environment and the health and safety of the public.
19. All areas authorized under this lease shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. The term "waste" means all discarded matter including, but not limited to, human waste, trash, spare or damaged radio equipment/antennas, cables, excess construction materials, refuse, oil drums, petroleum products, ashes, and equipment.
20. All above-ground structures, except for the tower and fence, not subject to safety requirements shall be painted tan to blend with the natural surroundings.
21. No construction or maintenance activities shall be allowed during periods when the soil is too wet to adequately support construction equipment or motorized vehicles. If such use creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction vehicles or equipment.
22. The lease herein granted is conditioned upon the submission to the authorized officer of a copy of an approved license and/or renewal license granted by the Federal Communications Commission (FCC) or Interdepartmental Radio Advisory Committee (IRAC) for each electronic station installation authorized by this grant or future amendment to this grant. A copy of the FCC or the IRAC authorization shall be

submitted within 90 days of issuance of this grant or within 90 days following approval of an amendment to this grant. Failure to submit the FCC or IRAC authorization copy within the time specified shall be grounds for termination of this grant or cancellation of an amendment to this grant. The authorized officer may grant an extension of up to 90 days, if requested in writing by the holder.

23. At least 120 days prior to termination of the authorization, the holder shall contact the BLM AO to arrange a joint inspection of the lease. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall be prepared by the holder and shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, top soiling, or revegetation. The AO must approve the plan in writing prior to the holder's commencement of any termination activities.

STANDARD STIPULATIONS:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
3. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. If historic or archaeological materials are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials and immediately contact the Administrative Officer. Within five working days, the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in-place preservation is not necessary).
4. The holder shall notify the AO at least 180 days prior to non-emergency activities that will cause surface disturbance in the lease area. BLM will determine whether a cultural resource inventory, treatment, or mitigation is required.

5. A "Notice to Proceed" stipulation shall be required for any non-emergency activities as defined above that will cause surface disturbance on the lease. Any request for a "Notice to Proceed" shall be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.
6. On the lease, the holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, Noxious Weeds of Mesa County. If chemical control is necessary, 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, the 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 shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder 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.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.