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**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P.O. Box 68  
Kremmling, CO 80459**

## **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-CO-120-2010-0002-EA

PROJECT NAME: San Toy Mountain Communication Site Amendment

LEGAL DESCRIPTION: T. 1N., R. 81W., Section 35

KREMMLING FIELD OFFICE, KREMMLING, COLORADO

CASEFILE/PROJECT NUMBER: COC-55891

APPLICANT: Union Telephone Co.

### PURPOSE AND NEED FOR THE ACTION:

Union Telephone (Union) has an existing tower and building on San Toy Mountain. Union proposes to abandon those facilities and move to an existing tower which is located at a slightly higher elevation and has a better line of sight with their other facilities. Union would have to construct new buildings next to an existing building that Andrews Radio Service manages for the Grand County EMS and Kremmling Fire Department. This building is too small for Union's needs.

### Background/Introduction/Issues and Concerns:

There are several communication sites on private land in the area, AT&T Microwave facility, Mountain Parks Electric Inc.'s two way radio facility and the FAA Vortak facility. The BLM, Forest Service and Bureau of Reclamation have had communication sites on San Toy Mountain in the past leaving behind a building and a tower. On December 1, 2009, Andrews Radio Service (Andrews) was issued a communication lease on public land as a facility manager to use the old government building. Union Telephone Co. was issued a right-of-way for a communication site on February 27, 1995. This right-of-way expires February 26, 2020. In the summer of 2009, a communication plan was developed for the San Toy Mountain communication sites. During the onsite visit, Union discovered there was more space and better line of site due to the elevation next to the Andrews building. The existing tower is adequate, but the building is not large enough for both Andrews and Union. Union has applied for an

amendment to their existing right-of-way to install new buildings, use the existing tower and remove the old structures.

#### DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action: Union Telephone Co. has applied for an amendment to their existing right-of-way to locate to a different area of San Toy Mountain (see map). The construction phase would consist of pouring concrete piers for the foundation of two portable fiberglass buildings (8'X16' and 8'X12') that would be hauled in. The buildings would be located on the Northwest side of the existing tower about 15 feet away. The smaller of the two buildings would house a generator and a 500 gallon propane tank would sit adjacent to the outside of the building. The existing 60 foot tower is adequate for all cellular equipment needed by Union Telephone.

There electricity to the Andrews building through Mountain Parks Electric (COC-66346) and Union would have an overhead line installed to their new building.

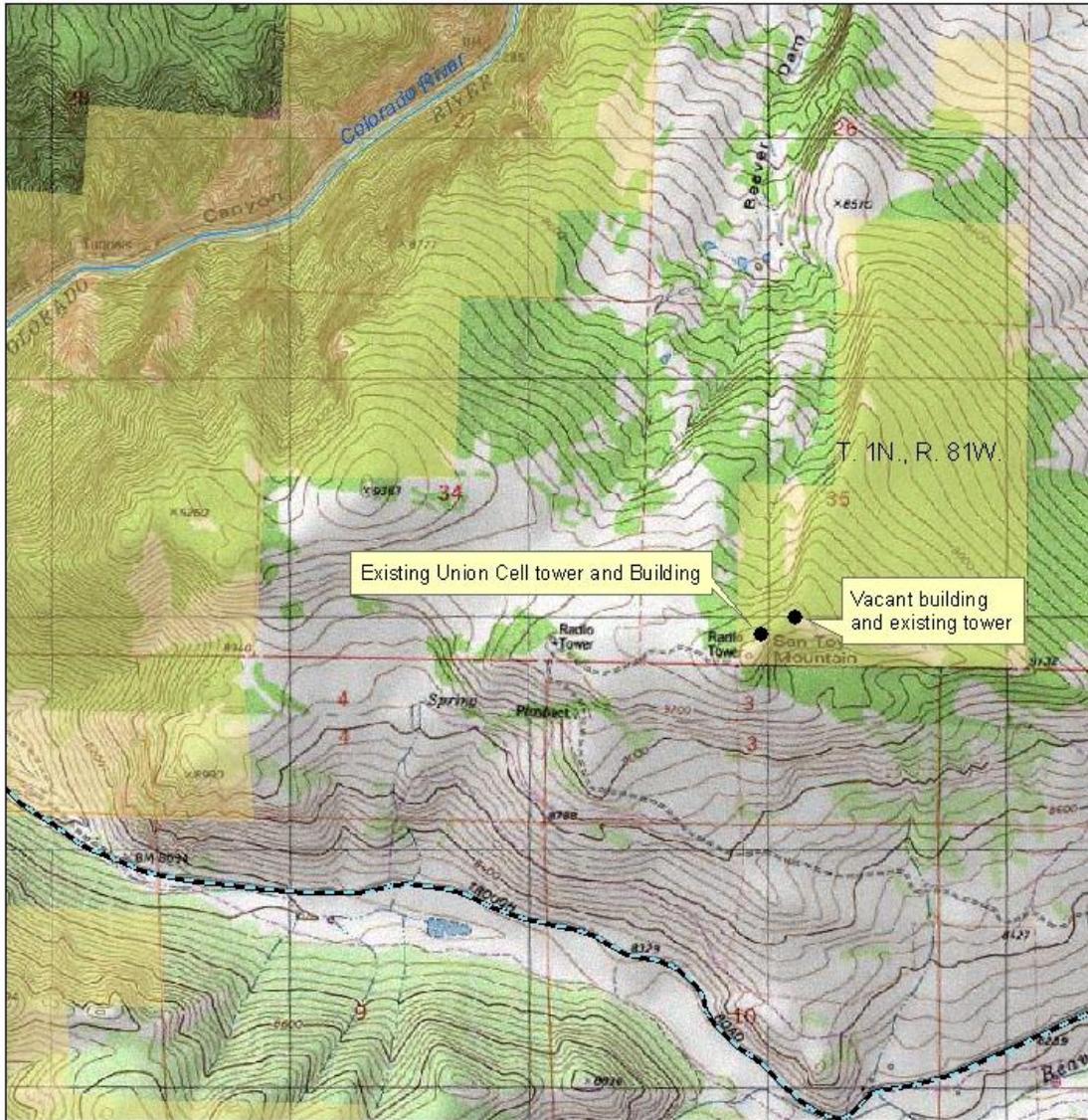
Access to the facility would be through a private easement for the majority of the length. Access through private and public lands is on existing roads. No new road construction would be needed. All waste material associated with the construction would be removed from the site and disposed of in an appropriate manner. All unused existing facilities would be removed with the exception of the buried co-axial cable which would be retired in place. Reseeding would occur if required by BLM. The amount of grading would be minimal, however some is expected due largely to the excavation for the building foundation. Union Telephone Co. would be responsible for the prevention and control of noxious weeds.

#### Design Features of the Proposed Action:

1. The new buildings and any new additions to the existing towers would be painted shadow gray to reduce visual contrast.



# Union Telephone at San Toy



1:24,000



Reference Map  
NW Colorado



### Legend

- County Roads
- Major Roads
- Reservoirs
- Major Channels
- Wilderness Study Area
- ACEC
- Bureau of Land Mgt
- District of Wildlife
- National Park
- US Forest Service
- National Wildlife Refuge
- Private
- State
- State Forest

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NAME - DATE  
FILE LOCATION

No Action Alternative: In the No Action Alternative, the BLM would deny Union Telephone Co. their request for an amendment to their existing communication right-of-way. Union would continue to use their existing site at the lower elevation but may have to construct another tower at a different location in the county to complete the cell coverage they are aiming for. No ground disturbance would occur at the current site.

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: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Objective Number/Page: II-B-12 pg.14

Objective Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns.

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

See Interdisciplinary Team Analysis Review Record and Checklist

PERSONS / AGENCIES CONSULTED: See Appendix 2 for Tribal List. No comments were received from the tribes (see Appendix 2). The proposed project was listed on the Kremmling Field Office internet NEPA register and NEPA public room board.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

# FONSI

## DOI-BLM-CO-120-2010-0002-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

### DECISION RECORD

DECISION: It is my decision to authorize the Proposed Action as described in the attached EA. This decision is contingent on meeting all monitoring requirements listed below.

RATIONALE: The Proposed Action to authorize the construction of a communication building with power brought in from an existing power source and install additional equipment on the existing tower will allow Union Telephone Co. to have more reliable cell coverage in the area for Union's customers.

MITIGATION MEASURES: None

COMPLIANCE/MONITORING: The right-of-way will be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way will also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures.

NAME OF PREPARER: Annie Sperandio

NAME OF ENVIRONMENTAL COORDINATOR: Susan L. Cassel

DATE: 8/1/2010

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ David Stout

DATE SIGNED: 8/4/2010

#### APPENDICES:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist  
Appendix 2 – Native American Tribal List

#### ATTACHMENTS:

1) Stipulations

Appendix 1

**INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:**

**Project Title: San Toy Mountain Communication Sites**

**Project Leader: Susan Cassel**

**Date Proposal Received: Oct 5, 2009**

**Date Submitted for Comment: Oct 8, 2009**

**Due Date for Comments: Dec. 1, 2009**

**Need for a field Exam:**

**Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)**

**Consultation/Permit Requirements:**

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	7/12/2010		B. Wyatt	No effect, there are no historic properties that would be affected.
Native American	10/27/2009	7/30/2010	B. Wyatt	To date no tribe has identified any area of traditional cultural concern.
T&E Species/FWS	N/A	N/A	M. McGuire	
Permits Needed (i.e. Air or Water)	N/A	N/A	P. Belcher	

**(NP) = Not Present**

**(NI) = Resource/Use Present but Not Impacted**

**(PI) = Potentially Impacted and Brought Forward for Analysis.**

NP NI PI	Discipline/Name		Date Review Comp.	Initials	Review Comments (required for Critical Element NIs, and for elements that require a finding but are not carried forward for analysis.)
<b>CRITICAL ELEMENTS</b>					
NI	Air Quality	<b>Belcher</b>	12/16/09	PB	Air quality would not be impacted by the proposed action.
NP	Areas of Critical Environmental Concern	<b>Cassel</b>	1/7/10	SC	There are no Areas of Critical Environmental Concern in the proximity of the proposed project area.
NP	Cultural Resources	<b>Wyatt</b>			No effect, there are no historic properties that would be affected.
NP	Environmental Justice	<b>Cassel</b>	1/7/10	SC	According to the most recent Census Bureau statistics (2000), there are no minority or low income communities within the Kremmling Planning Area.
NP	Farmlands, Prime and Unique	<b>Belcher</b>	12/16/09	PB	There are no farmlands, prime or unique, in the proximity of the proposed project area.
NP	Floodplains	<b>Belcher</b>	12/16/09	PB	The proposed action occurs in an upland area with no impacts to a floodplain.
NP	Invasive, Non-native Species	<b>Johnson Torma</b>	12/14/09	ZH	There are currently no invasive or non-native species threatening the project area. Under the

		<b>Hughes</b>			design features of the proposed action Union Telephone Co. would be responsible for monitoring and controlling any invasive species found.
NI	Migratory Birds	<b>McGuire</b>	11/23/09	MM	The Proposed Action would have very little impact to migratory birds and may be beneficial to terrestrial wildlife by reclaiming habitat for forage and cover.
NP	Native American Religious Concerns	<b>Wyatt</b>	7/30/2010	BBW	To date no Native American Indian tribe has identified any are of traditional cultural concern.
NI	T/E, and Sensitive Species (Finding on Standard 4)	<b>McGuire</b>	11/23/09	MM	The Proposed Action would have little impact to T&E and Sensitive Species and may be beneficial to bald eagles by reclaiming foraging habitat and removing potential obstacles for eagles in flight.
NP	Wastes, Hazardous and Solid	<b>Hodgson</b>	12/03/09	KH	There are no quantities of wastes, hazardous or solid, located on BLM-administered lands in the proposed project area, and there would be no wastes generated as a result of the Proposed Action or No Action alternative.
NI	Water Quality, Surface and Ground (Finding on Standard 5)	<b>Belcher</b>	12/16/09	PB	Due to the small amount of construction and the distance to any live water, there are no water quality impacts.
NI	Wetlands & Riparian Zones (Finding on Standard 2)	<b>Belcher</b>	12/16/09	PB	The Proposed Action occurs in an upland area with no known riparian or wetland areas that could be directly or indirectly impacted.
NP	Wild and Scenic Rivers	<b>Windsor</b>	11/23/09	AW	There are no eligible Wild and Scenic River segments in the proposed project area.
NP	Wilderness	<b>Monkouski</b>	2/1/2010	JJM	There is no designated Wilderness or Wilderness Study Areas in the proximity of the proposed project area.
<b>NON-CRITICAL ELEMENTS</b> (A finding must be made for these elements)					
NI	Soils (Finding on Standard 1)	<b>Belcher</b>	12/16/09	PB	The proposed action occurs in an area that has a developed communication site. Constructing a larger building will impact only a small area of soil, too small to affect the area's ability to meet land health standards. Constructing on a suitable site and using existing access roads raises no soil issues.
NI	Vegetation (Finding on Standard 3)	<b>Johnson Torma</b>	10/30/09	RJ	There would be no impact to the vegetation from implementing the Proposed Action.
NP	Wildlife, Aquatic (Finding on Standard 3)	<b>McGuire</b>	11/23/09	MM	No aquatic wildlife present in the proposed project area.
NI	Wildlife, Terrestrial (Finding on Standard 3)	<b>McGuire</b>	11/23/09	MM	The Proposed Action would have very little impact on terrestrial wildlife and may be beneficial to migratory birds by reclaiming habitat and removing potential obstacles for birds in flight.
<b>OTHER NON-CRITICAL ELEMENTS</b>					
NI	Access/Transportation	<b>Monkouski</b>	2/1/2010	JJM	The current designation is "Open" for Off Highway Vehicle use and there are no restrictions for mechanized or non-motorized travel in the area. The public does not currently have legal access to this area without permission from an adjacent landowner. No change in access. No Impacts.

NI	Forest Management	<b>K. Belcher</b>	11/23/09	KB	No impact to forest resources from implementing the Proposed Action.
NI	Geology and Minerals	<b>Hodgson</b>	12/03/09	KH	No impacts.
NP	Fire	<b>Wyatt</b>	7/30/2010	BBW	On site each vehicle should carry an approved ABC fire extinguisher.
NI	Hydrology/Water Rights	<b>Belcher</b>	12/16/09	PB	The proposed action does not affect any water rights or uses. There are no water concerns.
NP	Paleontology	<b>Rupp</b>	11/13/09	FGR	There would be no impact to paleontological resources as a result of implementing the proposed action.
NI	Noise	<b>Monkouski</b>	2/1/2010	JJM	There are no homes in the proposed action immediate area. The access route to the towers is adjacent to a private home that construction and transport vehicles would pass. There would be minimal short term impacts from noise during the access and construction period.
NI	Range Management	<b>Johnson Torma</b>	10/30/09	RJ	There would be no impact to the Range Management with implementation of the Proposed Action.
NI	Lands/ Realty Authorizations	<b>Cassel</b>	8/1/10	SC	There are no leases or permits in the area of the proposed action. There are two rights-of-way (COC-55898) Steamboat Springs Amateur Radio and (COC-37828) BLM for communication sites. There would be no affect to these two rights-of-way with the proposed action or no action alternative. A communication plan has been developed for San Toy Mountain and the proposed project is compatible with the plan.
NI	Recreation	<b>Monkouski Windsor</b>	11/23/09 2/1/2010	AW JJM	The proposed action is within the Kremmling ERMA. There is no public access to the BLM land where the proposed action is located. Since there is no public access to the area, neither the proposed action nor the no action alternative would impact recreation activity opportunities.  While access is limited to those who have permission to cross adjacent private lands, existing recreational uses in the general area include hunting, hiking, wildlife viewing; snowmobiling and driving for pleasure. There are no recreation activity plans or other special recreation designations for the area. The proposed action should have no impacts to the recreation resource.
NI	Socio-Economics	<b>Cassel</b>	1/7/10	SC	There would be a slight positive impact to the socio economics of the area to have better cell reception from more than one company, although Union already has a site on San Toy but may not have as good of reception as the proposed site might give them.
NI	Visual Resources	<b>Windsor</b>	11/23/09	AW	The proposed project is in a Visual Resource Inventory (VRI) Class II area. Since the 1984 Resource Management Plan (RMP) did not designate Visual Resource Management (VRM) areas, BLM manages visual resources to protect the VRI by applying management

				class objectives to the inventory. Objectives for VRM Class II are to retain the existing character of the landscape. Changes to the landscape should be low and should not attract attention. The proposed action could be visible from a limited section of Hwy 40 north of Kremmling, however, it would not attract attention. The no action alternative would not change the landscape, so there would be no impact to visual resources.
	Cumulative Impact Summary	8/2/10	SC	See Analysis
<b>FINAL REVIEW</b>				
	P&E Coordinator	<b>Cassel</b>	8/3/2010	SC

Appendix 2

**NATIVE AMERICAN TRIBES CONTACTED:**

Ivan Posey, Chairman  
Shoshone Business Council  
Shoshone Tribe  
P O Box 538  
Ft. Washakie, WY 82514

Mr. Norman Tidzump  
Tribal Historic Preservation Officer  
Shoshone Tribe, Cultural Center  
P.O. Box 538  
Fort Washakie, WY 82514

Ernest House, Sr., Chairman  
Ute Mountain Ute Tribe  
P O Box JJ  
Towaoc, CO 81334

Mr. Terry Knight, Sr., NAGPRA Representative  
Ute Mountain Ute Tribe  
P O Box 468  
Towaoc, CO 81334

Harvey Spoonhunter, Chairman  
Northern Arapaho Business Council  
P O Box 328  
Fort Washakie, WY 82514

THPO Director  
Northern Arapaho Tribe  
P O Box 396  
Fort Washakie, WY 82514

Ernest House, Jr., Executive Secretary  
Colorado Commissioner of Indian Affairs  
130 State Capitol  
Denver, Colorado 80203

Robert Goggles, NAGPRA Representative  
Northern Arapaho Tribe  
328 Seventeen Mile Road  
Arapaho, WY 82510

Mathew Box, Chairman  
Southern Ute Indian Tribe  
P O Box 737  
Ignacio, CO 81137

Neil Cloud, NAGPRA Representative  
Southern Ute Tribe  
Mail Stop #73  
Ignacio, CO 81137

Curtis Cesspooch, Chairman  
Uintah & Ouray Tribal Business Committee  
P O Box 190  
Ft. Duchesne, UT 84026

Betsy Chapoose, Director  
Cultural Rights & Protection Specialist  
Uintah & Ouray Tribe  
P O Box 190  
Fort Duchesne, UT 84026



STIPULATIONS  
FOR  
UNION TELEPHONE  
SAN TOY COMMUNICATION SITE  
COC-55891

- 1) The holder shall contact the authorized officer at least five (5) days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his/her representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant.
- 2) The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- 3) Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer
- 4) The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
- 5) The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer for acceptable weed control methods (within limits imposed in the grant stipulations). All equipment shall be washed for unwanted plant material prior to any construction activities on BLM lands.

- 6) Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Use of pesticides shall be approved in writing by the authorized officer prior to such use.
- 7) The holder shall seed all disturbed areas, using an agreed upon method suitable for the location if necessary. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
- 8) The Permittee shall not construct new roads for tower site access. All road construction/maintenance activity will follow existing roads. No road traffic will be allowed during wet conditions. Reseeding is required in areas where vegetation was disturbed or removed.
- 9) Diesel fuel and any hazardous materials stored on site will need to be contained in an OSHA approved flammable storage cabinet capable of containing any spills.
- 10) The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.
- 11) The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- A timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume

responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the resource within the authorization will also be protected. Impacts that occur to such resources, which are related to the authorizations activities, will be mitigated at the holder's cost.

- 12) 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.
- 13) All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this site is Shadow Grey.
- 14) Lessee will have the right to terminate this lease upon 180 days written notice to authorized officer.
- 15) Holder will remove all old facilities and related equipment from the site. Site will be reclaimed to original contours and seeded if necessary.
- 16) One month prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection shall be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities and equipment, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.