

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

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**Categorical Exclusion**

**DOI-BLM-CO-SO50-2013-0018**

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**December 2013**

**Replace Existing Tower at Storm King Communication Site**

*Location: Montrose County*

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**U.S. Department of the Interior  
Uncompahgre Field Office  
2465 South Townsend Avenue  
Montrose, CO 81401  
Phone: (970) 240-5300**



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## **CATEGORICAL EXCLUSION**

NUMBER: DOI-BLM-CO-S050-2013-0018

CASEFILE: COC- 42642

PROJECT NAME: Replace existing tower and building at Storm King Communication Site

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, Colorado,  
T. 47 N., R. 7 W., Section 16, NW1/4NE1/4.

APPLICANT: SkyTower Corp.

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a right-of-way to SkyTower allowing them to replace the existing tower and building at their facility at the Storm King Communication Site. The site has six other communication facilities and is located approximately 7 ½ miles east of Colona.

The proposed project consists of replacing the existing 60' wood pole structures currently used to hold the antenna with a new 80' self-supporting lattice tower. The existing 8' x 8' building will also be replaced with a building of the same size. All work will occur within the existing 100' x 100' right-of-way. The existing structures will be removed from the site, although some of the wood poles will be used to stabilize the 12' x 12' concrete tower foundation. Access to the site remains the same as current use. See attached photo of the existing wooden pole structure.

Since the site was originally authorized in 1986 using an old grant form and expires in 2016, a new communication use lease would be issued under FLPMA for 30 years and would be subject to rental and the attached stipulations, see Exhibit A.

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

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: Management Unit 10, Page 143 Item # 4 and Page 154

Decision Language: MU-10 is managed to enhance its use as an elk calving area. Any disturbance during the calving season (May 1 through June 15) will be limited as much as possible. Under the Off-Road Vehicles section, page 154, the plan states: “Access for maintenance of the existing communications site would be permitted at all times.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(13) which allows for amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	_____ <u>X</u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	_____ <u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	_____ <u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	_____ <u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	_____ <u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	_____ <u>X</u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	_____ <u>X</u>
8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	_____	_____ <u>X</u>
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	_____	_____ <u>X</u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.	_____	_____ <u>X</u>
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	_____	_____ <u>X</u>
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.	_____	_____ <u>X</u>

REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Linda Reed	Realty Specialist	Lands and Realty

REMARKS:

Since no surface disturbing activities will occur outside the boundary of the existing communication site, it was determined by the Uncompahgre Field Office management team that specialist's review of the project was not required.

NAME OF PREPARER: Linda Reed December 4, 2013

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 12/20/13

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, # E(13). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow  
Barbara Sharrow,  
Uncompahgre Field Office, Field Manager

DATE SIGNED: 12/23/13

## Special Stipulations

1. The communication site is 100 feet by 100 feet, containing 0.23 acres and contains the following: an 8' x 8' equipment building and an 80' self-supporting lattice tower with a 12' x 12' concrete foundation. Permanent power is provided to the facility by an existing, buried powerline. This facility, along with several others, is contained within an area surrounded by a 6' chain link fence. Access to the site is by Buckhorn County Road, then passes through the City of Montrose's Buckhorn Lakes Park area and then uses a gated road on public land maintained by the Storm King Communication Site Users Association. The site plan for the facility is attached as Exhibit B.
2. The holder shall contact the authorized officer at least five days prior to the anticipated start of road construction or maintenance activities. For emergencies, the holder will contact the BLM as soon as possible after maintenance activities. The authorized officer may require and schedule a meeting with the holder prior to the holder's commencing such construction or maintenance activities on the right-of-way. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
3. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the lease granted herein. Any relocation, additional construction, or use that is not in accord with these approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the Communication Use Lease, including all stipulations and exhibits shall be made available at the right-of-way site during construction, operation and termination of the facility. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
4. 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.
5. 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.

6. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides 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/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's 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. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/ herbicides shall be approved in writing by the authorized officer prior to such use.
7. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
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.
9. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. 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 of 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 of State government.
10. The Authorized Officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
11. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.

12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this lease.
13. All brush, grasses and other woody material cleared from the right-of-way shall be removed from the public land and not scattered on the site; unless the debris is mulched and used for reclamation as natural materials to enhance surface stability.
14. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs to restore and maintain the authorized facility are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
15. The holder shall disturb only the minimum amount of soils necessary for the construction, operation and maintenance of the facilities authorized herein. Disturbed areas shall be backfilled, compacted, and recontoured by grading to restore the site to the pre-existing condition of the ground as determined by the authorized officer. The holder shall restore drainage to minimize erosion. Excess excavated, unsuitable material and cleared vegetative materials shall be disposed of as directed by the authorized officer.
16. The holder shall maintain the right-of-way in a safe and useable condition. Maintenance shall be completed as necessary to minimize erosion and maintain reclamation efforts. If the holder's scope of use exceeds the standards defined herein, then the holder shall apply for an amendment to the right-of-way in order to provide for such an upgrade in standard, as determined by the Authorized Officer.
17. The holder is responsible for notifying the authorized officer for any change in: 1) property ownership, 2) contact representative, 3) address and 4) phone number for the holder and to keep this information current for the administrative record.
18. The BLM right-of-way serial number (COC-42642) shall be posted on the door of the equipment building. It is recommended a current emergency telephone number be provided on the sign.
19. All structures shall meet the requirements of the latest codes governing designs of facilities as outlined in the Uniform Building Codes. All construction, operation and maintenance of facilities shall meet specifications contained in Motorola's publication "Standards and Guidelines for Communications Sites R56", most recent edition (a.k.a., Motorola R56 standards).
20. There is a cooperative effort among communication site users, the City of Montrose, Montrose County, Ouray County and the BLM to maintain the access road to the site.

21. All right-of-way users at the Storm King communications site are required to be in compliance with the Communications Site Management Plan, Storm King Mountain, BLM Uncompahgre Field Office, approved May 20, 2004. See Exhibit C.
22. Only non-reflective, BLM approved colors shall be used on the equipment building.
23. To avoid possible impacts to birds or bats, follow the most current version of the U.S. Fish & Wildlife Service's Interim Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers, available at the following website: [http://www.fws.gov/habitatconservation/com\\_tow\\_guidelines.pdf](http://www.fws.gov/habitatconservation/com_tow_guidelines.pdf).
24. To protect elk production and calving grounds, the holder is encouraged to avoid use, routine maintenance or otherwise accessing the communication site from May 1<sup>st</sup> through June 15<sup>th</sup>.
25. To protect Canada lynx, no new surface disturbance outside of the existing right-of-way shall occur. It is recommended that maintenance activities shall occur outside the winter/denning season for Canada lynx (December 1 through April 30), except under emergency situations. To minimize disturbance of lynx habitat, the operator shall ensure weeds and vegetation (including shrubs and small saplings) are controlled within the area of the right-of-way.
26. 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 will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding, as determined necessary. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
27. Upon full execution, this Communications Use Lease (COC-42642) shall replace the initial grant authorized on October 29, 1986.
28. Any unused materials from the existing structure shall be completely removed from the public land within 45 days of construction start up.

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Montrose, CO 81401**

## **Decision Record**

**(DOI-BLM-CO-S050-2013-0018 CX)**

**PROJECT NAME:** Replace existing tower at Storm King Communication Site

**DECISION:** It is my decision to issue a communication use lease to SkyTower Corp. to allow them to upgrade their existing communication facility. The site is located at the Storm King Communication Site with six other facilities and is approximately 7 ½ miles east of Colona.

The proposed project consists of replacing the existing wood pole structures currently used to hold the antenna with a new 80' self-supporting tower and replace their existing building with one that is the same size. All work will occur within the existing 100' x 100' right-of-way. Access to the site remains the same as current use.

A communication use lease will be issued under FLPMA for 30 years and will be subject to rental and the attached stipulations.

**MITIGATION MEASURES:**

All stipulations shown in Exhibit A of the CX will be followed.

**RATIONALE:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(13). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

**COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:**

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

**PUBLIC COMMENT:**

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 12/20/13

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow  
Barbara Sharrow  
Field Manager  
Uncompahgre Field Office

DATE SIGNED 12/23/13