

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0101-CX

CASEFILE/PROJECT NUMBER: COC74924 and COC74925

PROJECT NAME: Mellen Hill and Douglas Pass Communication Towers

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado  
T. 2 N., R. 103 W.,  
sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 5 S., R. 101 W.,  
sec. 19, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

APPLICANT: SBT Internet

DESCRIPTION OF PROPOSED ACTION:

**Proposed Action:** SBT Internet proposes to build a tower on the Mellen Hill communication site and a tower on the Douglas Pass communication site to provide high speed internet service to rural areas that may otherwise not receive internet. The facilities will be used year round for as long as internet is needed. The volume transmitted over this system is internet bandwidth of 200 MBPS (megabytes per second) purchased from Qwest in Grand Junction, Colorado. The path is Black Ridge to Douglas Pass to Mellen Hill to Asphalt Ridge. Construction at each site will take approximately 2 months and will begin as soon as possible.

**Mellen Hill Communication Site:** SBT Internet proposes to build a 120 ft microwave repeater tower located at N 40°09'28.7", W 108°56'58.9". The site would be 40 ft by 40 ft and the concrete base for the tower would be 28 ft by 28 ft. The fractured rocks at the site would be moved to the northwest onto the flat area in order for the tower to be constructed. The tower has four legs with a spread of 15 ft across. This tower will hold two 10-ft dishes (one at 20 ft and one at 60 ft), and two 6-ft dishes (one at 40 ft and one at 60 ft). In addition to the four dishes, there will be two 12-ft Omni directional antennas and two 1½-ft panel antennas. There will also be a 12 ft by 28 ft communication building and backup generator. The microwave tower could also be used by Rio Blanco County to provide emergency response for the Federal mandated 800 DTR (digital trunked radio) radio system.

**Douglas Pass Communication Site:** SBT Internet proposes to build a 195 ft microwave repeater tower on Douglas Pass located at N 39° 36'44.70", W 108° 46'14.82". The tower has three legs with a spread of 20 ft across. The site would be 40 ft by 40 ft. This tower will hold one 10-ft disc at 20 ft, and one 8-ft dish at 20 ft. There will also be a 12 ft by 28 ft concrete communication building and backup generator. The approximately 400 ft of access road will be graveled to the site.

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E12: "*Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way*".

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts 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.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X

<b>Extraordinary Circumstance</b>	<b>YES</b>	<b>NO</b>
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts 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.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) 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.		X

**INTERDISCIPLINARY REVIEW:**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 4/15/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	7/29/2011
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	8/3/2011
Zoe Miller	Ecologist	Special Status Plant Species	6/9/2011

**REMARKS:**

*Cultural Resources:* Mellen Hill location: The location of the new proposed tower appears to fall in an area that has been inventoried at the Class III (100 percent pedestrian) level (Dumm 2009 compliance dated 10/16/2009). The inventory identified a solitary piece of amethyst glass which likely predates 1920 but is otherwise unremarkable and not eligible for nomination to or

listing on the National Register of Historical Places. It is unlikely that the proposed microwave tower and equipment structure will impact any known or unknown archaeological resources.

Douglas Pass location: Provided that the proposed new construction can be completely retained within the footprint of the existing communications facility, there would be no new impacts to any known cultural resources and no net loss of scientific data in the regional archaeological data base. However, if it becomes necessary to expand beyond the existing facility fence, a new inventory will be required to ensure previously unknown cultural resources are not impacted.

*Native American Religious Concerns:* No Native American religious concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

*Paleontological resources:* Mellen Hill location: The proposed Mellen Hill location is located in an area generally mapped as the Mancos Shale formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 3 formation. In some areas the Mancos Shale is known to produce a variety of vertebrate marine fossils including mosasaurs, but the Rangely area has yet to produce any vertebrate fossils and only occasionally invertebrate remains (c.f., Armstrong and Wolny 1989). It is considered unlikely, though not impossible, that scientifically noteworthy fossils will be encountered.

Douglas Pass location: This proposed tower location is located in an area generally mapped as the Douglas Creek member of the Green River formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 4 formation, meaning it is known to produce scientifically noteworthy fossil resources. If it becomes necessary to excavate into the underlying sedimentary rock formation, there is a potential to impact scientifically noteworthy fossil resources.

*Special Status Wildlife Species:* There are no animals listed, proposed, or candidate to the Endangered Species Act that are known to inhabit or derive important benefit from the proposed project sites. Both proposed locations are situated on terrain that does not present a prominent north-south topographic feature and are located distant from any larger stream or wetland habitats.

Both proposed towers are less than 200 ft in height, unlighted, and self-supporting (i.e., unguyed). The Mellen Hill proposal (120 ft tall) is situated in a communication tower cluster with towers up to 100 ft tall. The Douglas Pass structure is 195 ft tall and is collocated with a 40 ft tower facility adjacent to a stand and amid scattered douglas-fir up to 70 ft tall. These design and location criteria are consistent with U.S. Fish and Wildlife Service's Interim Guidelines for Communication Tower Siting derived from the Communications Towers Working Group (<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>, last updated April 11, 2011). A summary of information relevant to migratory bird impacts is also available in the project file.

Construction of both facilities would occur outside the migratory bird breeding season and would have no lasting influence on nesting activities or habitat conditions. Once installed, the facilities

are not expected to have any substantive influence on former nesting functions. The Mellen Hill facility is collocated in a concentrated cluster of similar telecommunication facilities, and the Douglas Pass site lies within 170 ft of an existing, regularly maintained Garfield county road system that accesses an Federal Aviation Administration (FAA) facility.

*Special Status Plant Species:* There are no special status plant concerns for the Proposed Action in both locations. The Proposed Action at the Douglas Pass site falls within 66 ft of the boundary of an Area of Critical Concern designated for biologically diverse plant communities. If the site is accessed by CR 255 from the west, there should be no impact to the designated plant communities.

#### REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Dumm, Katie

2009 Class III Cultural Resources Inventory, VZW CO1 Mellen Hill, Rio Blanco County, Colorado. SWCA Environmental Consultants, Broomfield, Colorado. (09-127-08: SHPO #RB.LM.R1187)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

#### MITIGATION:

1. The holder 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 activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO 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)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO 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 AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder

will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction.

2. If it becomes necessary to excavate into the underlying sedimentary rock formation to build the tower footer or footers for any structures to house equipment an approved paleontological monitor shall be present before and during all such excavation activity.

3. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the materials appear to be of noteworthy scientific interest
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not feasible)

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4. If it becomes necessary to expand beyond the existing facility fence at the Douglas Pass communication site, a new inventory will be required to ensure previously unknown cultural resources are not impacted.

5. The holder shall post the authorization number, the name, and the phone number of the holder in an exterior location visible to the entrance of the building.

6. The site shall be maintained in a sanitary condition at all times; waste materials at the site shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

7. The holder must provide documentation that appropriate Federal Communications Commission (FCC) permitting has been approved. The holder shall at all times operate its radio-electronic equipment in such a manner as not to cause interference with radio-electronic operations of existing users in the vicinity. If such interference results from holder's operations, holder will promptly, at its own expense, modify its equipment and operations, or shut down if necessary, to eliminate or reduce the interference to the satisfaction of the FCC and/or the BLM.

8. This right-of-way shall terminate 60 days after expiration or cancellation of the FCC license unless renewal is obtained within this period and a copy of such renewal is furnished to the Authorized Officer.

9. For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the communication site road. Upon request, the Authorized Officer shall be provided with copies of any maintenance agreement entered into.

10. Three months 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. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material; recontouring; topsoiling; and seeding (as applies to this action). The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

11. The holder shall at all times keep the BLM WRFO informed of his address, and, in the case of corporations, the address of its principal place of business and the names and addresses of its principal officers.

12. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit. Construction and use of the facilities must not negatively impact existing facilities.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

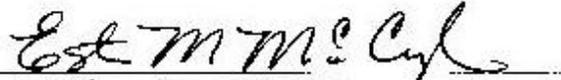
NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

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, E12. 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 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

  
Acting Field Manager

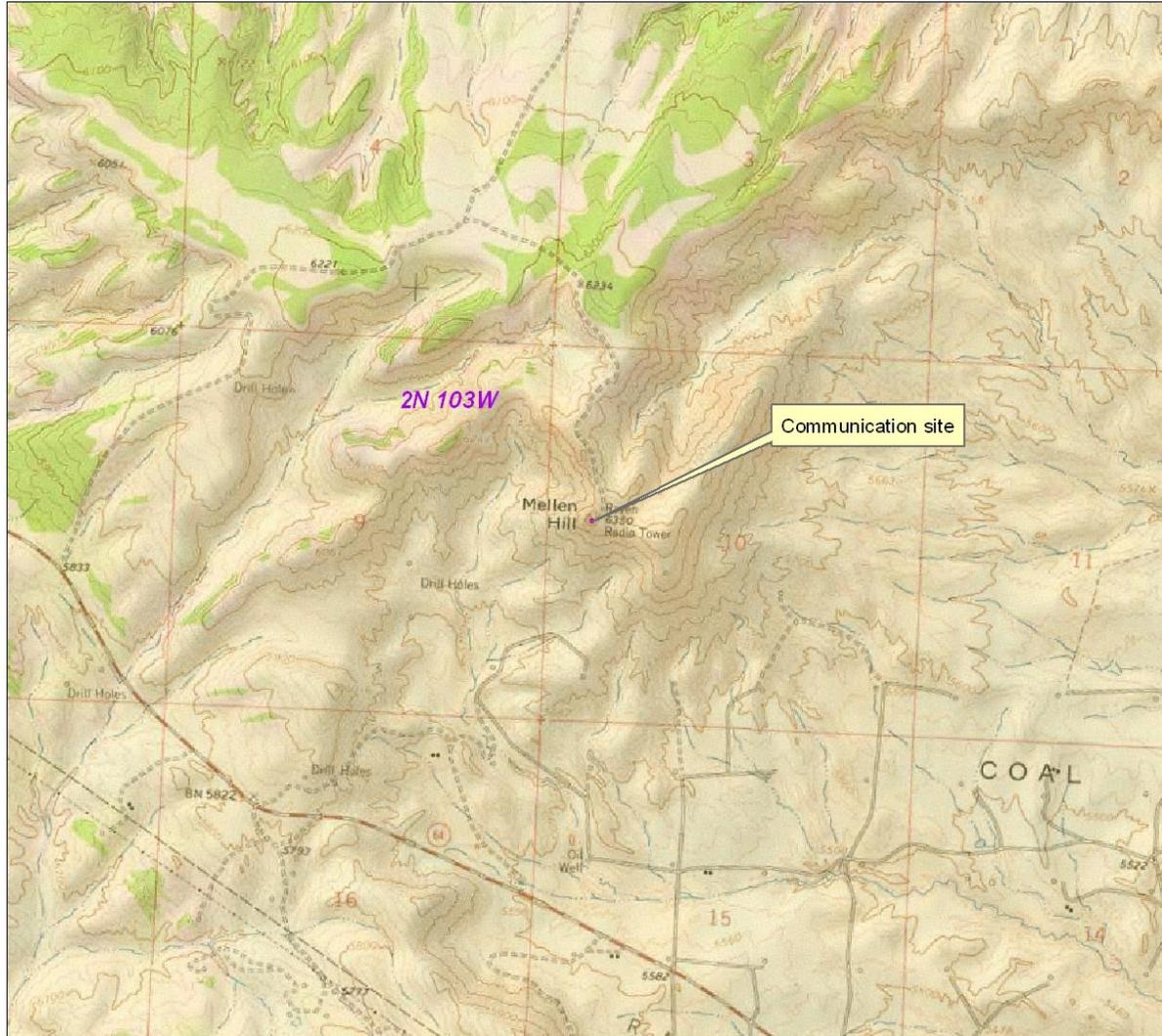
DATE SIGNED: 8/11/11

ATTACHMENTS:

Exhibit A – Maps of Proposed Action

SBT Internet Mellen Hill Communication Site COC74925  
T2N, R103W, sec. 10

EXHIBIT A



- Communication site
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA
- PLSSTownships\_GCD62008

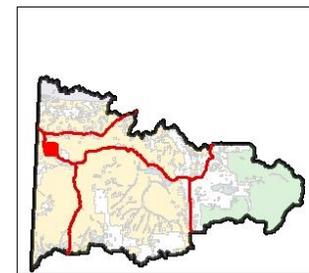


Sources:  
BLM, USGS, CDDW, etc.

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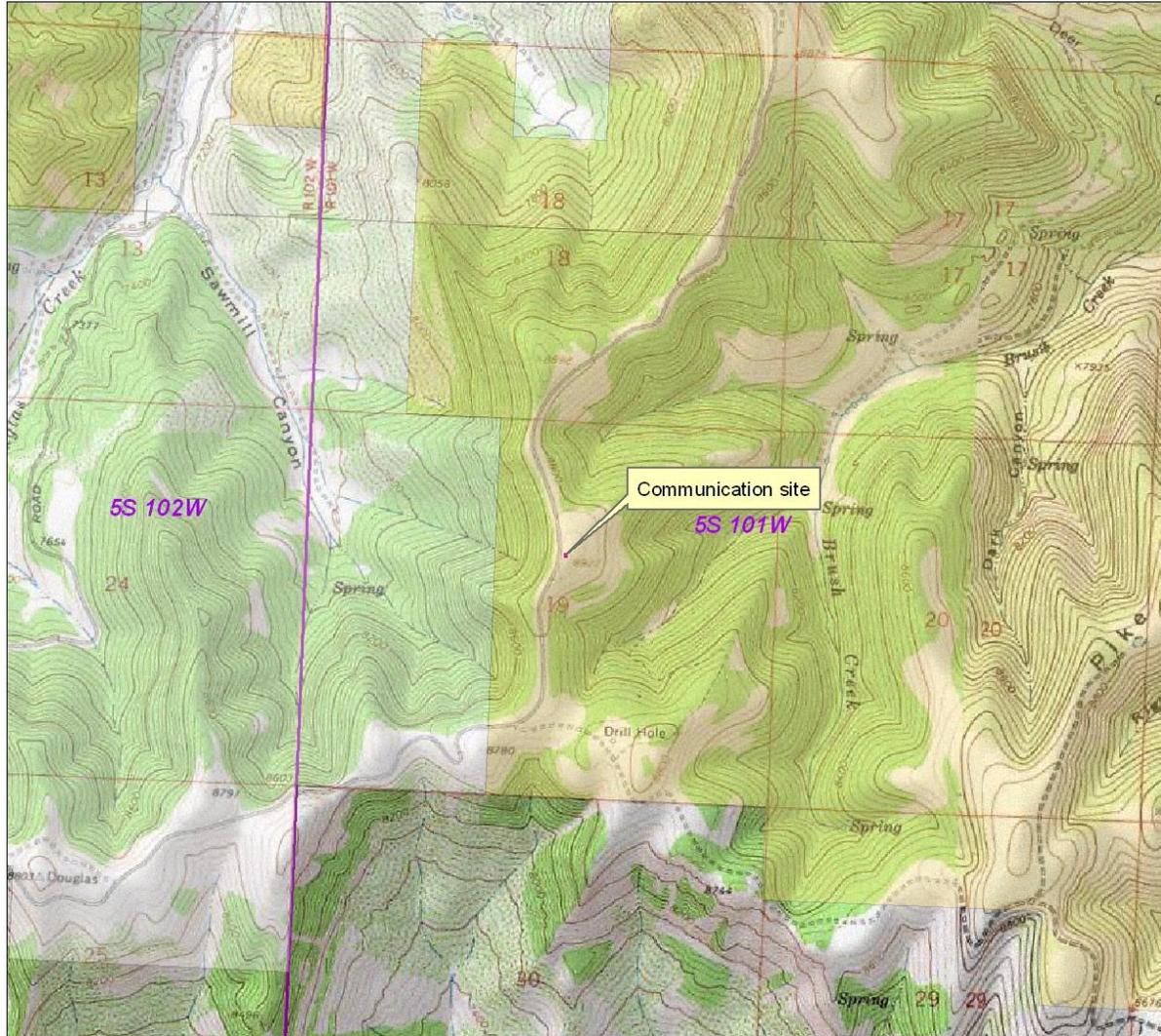


July 2011

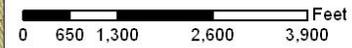


SBT Internet Douglas Pass Communication Site COC74924  
T5S, R101W, sec. 19

EXHIBIT A



- Communication site
- BLM
- CDW
- County
- FOR
- NPS
- PRI
- STA
- PLSSTownships\_GCD62008

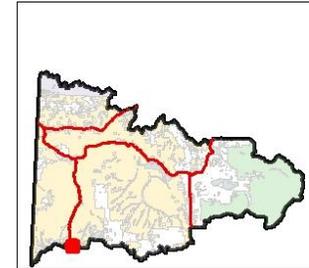


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July 2011



**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

**DECISION RECORD**

**PROJECT NAME:** Mellen Hill and Douglas Pass Communication Towers

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-2011-0101-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0101-CX, authorizing the construction, operation, and maintenance of communications sites at Mellen Hill and Douglas Pass.

**Mitigation Measures**

1. The holder 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 activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places
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- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO 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 AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the holder will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction.

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3. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing paleontological sites, or for collecting fossils. If fossil materials are uncovered during any project or construction activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

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7. The holder must provide documentation that appropriate Federal Communications Commission (FCC) permitting has been approved. The holder shall at all times operate its radio-electronic equipment in such a manner as not to cause interference with radio-electronic operations of existing users in the vicinity. If such interference results from holder's operations, holder will promptly, at its own expense, modify its equipment and operations, or shut down if necessary, to eliminate or reduce the interference to the satisfaction of the FCC and/or the BLM.

8. This right-of-way shall terminate 60 days after expiration or cancellation of the FCC license unless renewal is obtained within this period and a copy of such renewal is furnished to the authorized officer.

9. For the purpose of determining joint maintenance responsibilities, the holder shall make road use plans known to all other authorized users of the communication site road. Upon request, the Authorized Officer shall be provided with copies of any maintenance agreement entered into.

10. Three months 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. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material; recontouring; topsoiling; and seeding (as applies to this action). The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

11. The holder shall at all times keep the BLM WRFO informed of his address, and, in the case of corporations, the address of its principal place of business and the names and addresses of its principal officers.

12. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required State and Rio Blanco County permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit. Construction and use of the facilities must not negatively impact existing facilities.

### **COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

### **PUBLIC INVOLVEMENT**

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

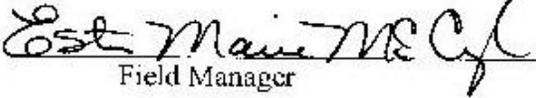
### **RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E12. 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 43 CFR 46.215 apply.

### **ADMINISTRATIVE REMEDIES**

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 White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. 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 at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:   
Field Manager

DATE SIGNED: 8/11/11