

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-110-2012-0097-CX

CASEFILE/PROJECT NUMBER: COC49094

PROJECT NAME: Installation of Tower at Mellen Hill Comm Site

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 N., R. 103 W.,
sec. 10, SW¼NW¼.

APPLICANT: Public Broadcasting of Colorado

DESCRIPTION OF PROPOSED ACTION: Right-of-way (ROW) COC49094 was issued to Western Colorado Public Radio, Inc. on April 24, 1989, and was renewed on October 16, 2009. The ROW is for a radio communications facility located on the Mellen Hill communications site.

Public Broadcasting of Colorado proposes to install a base and a tower for translator broadcasting operations. The tower foundation's dimensions would be a 4 ft square by 3 ft deep, with approximately 6 in exposed above ground level. The base of the tower would be a minimum of 10 ft away from the existing 3 ft by 18 ft propane tank. The tower would be self-supporting. The tower would be 20 ft tall with an additional 5 ft pole mounted to the top of the tower for a total height of 25 ft. Tower construction could take up to two weeks to complete and would be completed by the fall of this year. The tower would be built to replace two towers that were removed during the recently completed Rio Blanco County tower and building upgrade at the Mellen Hill communications site.

No upgrades or additional disturbance outside of the existing Mellen Hill communications site is authorized by this action. All applicable terms and conditions of the right-of-way grant shall remain in full force and effect.

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, E13: "*Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.*"

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
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

Extraordinary Circumstance	YES	NO
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 6/5/2012. 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.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	6/11/2011
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	6/6/2012
Zoe Miller	Ecologist	Special Status Plant Species	6/14/2012

REMARKS:

Cultural Resources: It appears that the location of the proposed tower has been inventoried at the Class III (100 percent pedestrian) level (Dumm 2009). One isolated find was located within the project area and is not considered significant. There should be no new impacts to cultural resources under this action.

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: The proposed tower location is in an area generally mapped as the Upper Mesa Verde group (Tweto 1979), which the BLM WRFO has classified as a Potential Fossil Yield Classification 5 formation. This means that the formation is known to produce scientifically noteworthy fossil resources such as multituberculate mammals, crocodylians, turtles, dinosaurs, and fish (Armstrong and Wolny 1989). Excavations into the underlying sedimentary rock for the tower foundation could impact scientifically noteworthy fossil resources. Such an impact would result in some permanent, irreversible, and irretrievable loss of

data to the regional paleontological database. Fossil and data recovery mitigative measures could reduce the loss, but there would still be some total data loss.

Special Status Wildlife Species: No wildlife issues involved. The project would be located within a long-established communications site among an array of similarly sized structures and equipment. There is an historic golden eagle nest complex slightly more than 0.25 mile from the project site, and these nests are generally within line-of-sight. However, regardless of when the work is conducted (after June 6, 2012) or whether the complex is currently active, these birds would be expected to have become accustomed to short term, low level human activity, and nest chronology would be far enough advanced that detrimental reactions of the adults, including the ramifications of inopportune absences of the adults for brooding or feeding nestlings, would have no reasonable likelihood of occurring or influencing the outcome of the nesting effort.

Special Status Plant Species: There is a population of the BLM sensitive species debris milkvetch (*Astragalus detritalis*) approximately 300 meters to the north of the Proposed Action. Previous visits to the site by a BLM botanist have confirmed that the topography of the area would limit any impacts of project construction to the species. Approximately 8 meters north of existing structures, the escarpment drops vertically into a dry wash with side slopes that exceed 80 percent. The debris milkvetch site is approximately 200 meters below the summit of Mellen Hill and occurs in a distinctly different plant community than that found on the escarpment summit. The Proposed Action will have no effect on debris milkvetch or its habitat as areas north of the south-facing rock escarpment and the topography are not accessible by the proponent, and no disturbance to potential or suitable milkvetch habitat will occur.

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 Resource inventory, VZW CO1 Mellen Hill, Rio Blanco County, 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. All applicable terms and conditions of right-of-way grant COC49094 are carried forward and shall remain in full force and effect.
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. New construction authorized by an amendment to an existing communications use authorization must meet Motorola R-56 standards.

4. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

5. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

6. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting fossils for commercial purposes on public lands.

7. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the holder will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

8. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

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.

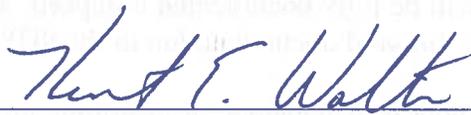
NAME OF PREPARER: Stacey Burke

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, E13. 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:


Field Manager

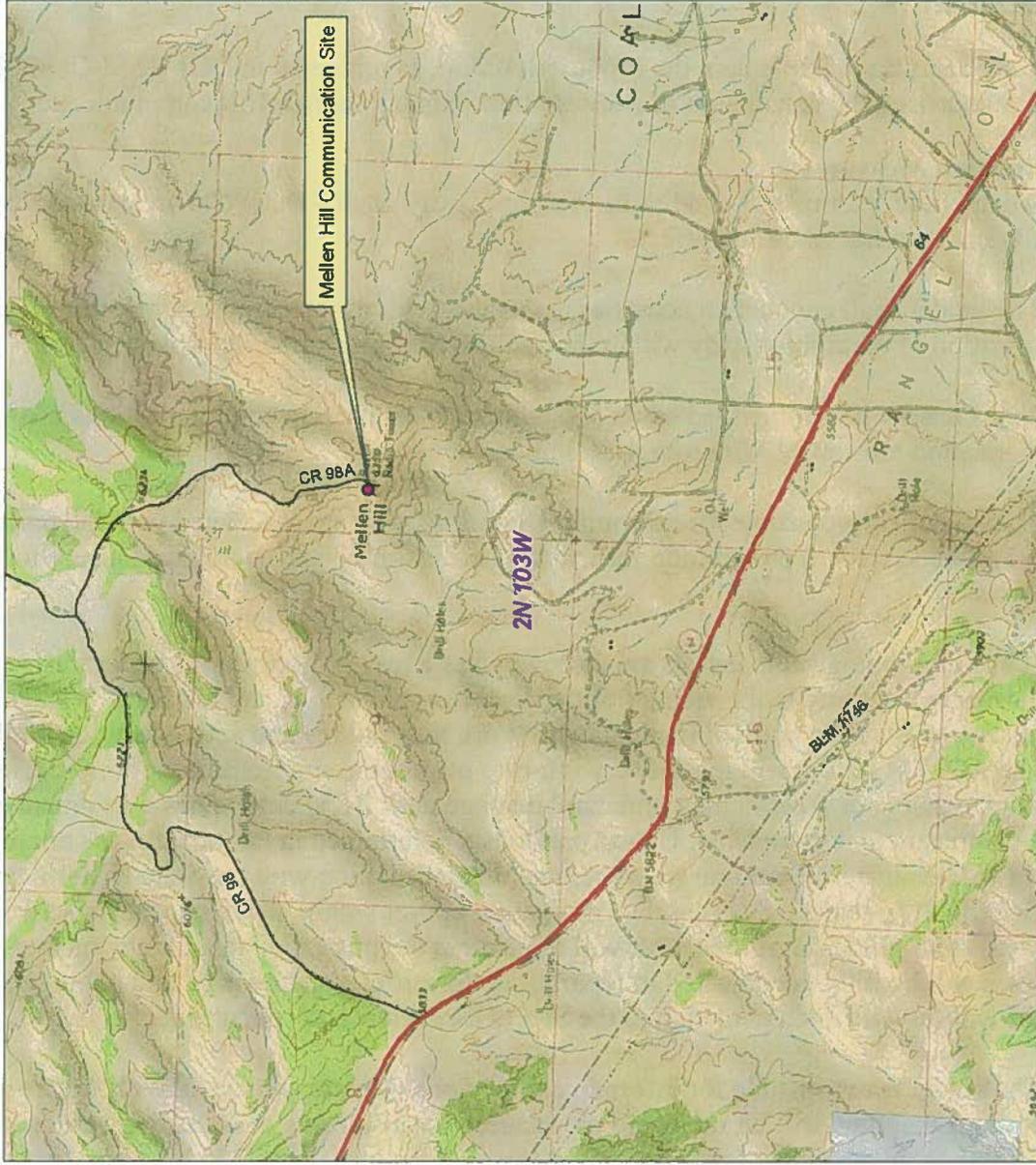
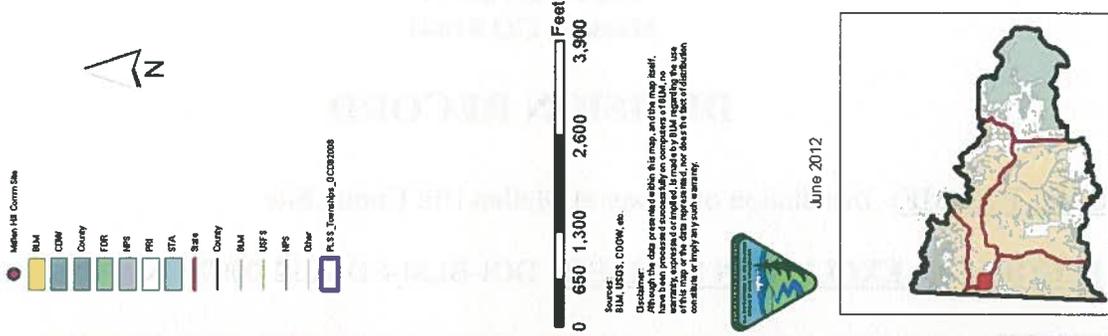
DATE SIGNED:

08/24/12

ATTACHMENTS: Exhibit A – Map of Proposed Action

Tower Installation at Mellen Hill Comm Site T2N, R103W, sec. 10

EXHIBIT A



**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: Installation of Tower at Mellen Hill Comm Site

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2012-0097-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0097-CX, authorizing the installation of a tower at the existing Mellen Hill communications site.

Mitigation Measures

1. All applicable terms and conditions of right-of-way grant COC49094 are carried forward and shall remain in full force and effect.
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. New construction authorized by an amendment to an existing communications use authorization must meet Motorola R-56 standards.
4. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
5. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
6. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25 lbs./day, up to 250 lbs./year), or collecting

fossils for commercial purposes on public lands.

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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 on 6/7/2012 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, E13. 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:

08/24/12