



June 20, 2024

Mr. Morris Mickelson
VB BTS II, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487

**RE: FCC EA Summary Report for:
Bears Ears Site (US-UT-5059)
near Utah State Route 95
Lake Powell, San Juan County, Utah 84533**

Dear Mr. Mickelson,

Lotis Environmental, LLC (Lotis), has completed a Federal Communications Commission (FCC) NEPA investigation relative to the referenced proposed undertaking and issues the following Summary Report. Based on the information presented in this report, further action is required under 47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.131.

As the proposed undertaking is taller than 450 feet, an environmental assessment (EA) is required to be completed and uploaded to the Antenna Structure Registration (ASR) for FCC review and comment. Additionally, the Utah School and Institutional Trust Lands Administration (SITLA) indicated that if there is any concern of encroaching into the 60' avoidance buffer than they request archaeological monitoring and fencing be included during construction to prevent incidental impact on the identified cultural resources.

Additionally, to minimize/mitigate the potential impact on volant species, the applicant has opted to utilize avian friendly tower lighting (ILS-1900-01R-A2/A2 Triple Red LED system) which has no steady burning white high intensity lighting. Additionally, the applicant proposes to utilize the Sabre Towers designed bird flight diverters at a recommended spacing of 15'. A copy of the specifications for both the tower lighting and the bird flight diverters is included in Appendix G.

The accuracy of the species list, provided by the Information, Planning, and Conservation (IPaC) website, should be verified every 90 days. This verification can be completed formally or informally as desired. The United States Fish and Wildlife Services (USFWS) recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of those species should be conducted and consultation with the USFWS may have to be re-initiated, depending on the determination of effect or previous response(s) from the USFWS.

The applicant/tower builder must immediately notify all interested consulting parties if archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

Should you have any questions or comments, please do not hesitate to contact our office at (716)-580-7000.

Sincerely,

Lotis Environmental, LLC

David N. Robinson, P.E.
President / CEO
Robinson@TheLotisGroup.com
Attachments



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

ENVIRONMENTAL ASSESSMENT SUMMARY REPORT



Prepared for:

VB BTS II, LLC

750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487

Prepared by:

Lotis Environmental, LLC

Williamsville, New York

June 20, 2024

Miles Walz-Salvador

Abby McKay

Reviewed By: Miles Walz-Salvador.
Nationwide NEPA / NHPA Manager

Prepared By: Abby McKay
NEPA/NHPA Specialist

PROPOSED PROJECT SUMMARY

Site Name: Bears Ears (“Proposed Undertaking”)

Site Address: near Utah State Route 95
Lake Powell, Utah 84533

Latitude /Longitude: 37° 34’ 10.501” ±N / -109° 55’ 53.165” ±W

UTM/ Legal Description: Zone: 12S East: 594364 North: 4158597 / Township: 37S, Range: 18E, Section: 16

Lotis has not been informed of any communications or proceedings that have been made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental effect.

Project Description: Proposed Construction of a 470’ (480’ including all appurtenances)’ guyed telecommunication tower within a 585’ by 670’ lease area. A proposed 30’ by ~2,226.2’ access/utility easement will extend south along an existing ranch road connecting with Utah State Road 95.

Project Impacts: Excavation and grade work to install tower foundation, utilities and access easements.

Project Area: Square Footage: ~458,736.00 / Acres: ~10.531

Present Land Use: Desert scrub

Past Adjacent Land Use:

- North – To the north, habitat consists of a desert scrub followed by a wetland and desert scrub.
- East – To the east, habitat consists of a desert scrub followed by Utah State Route 95 and desert scrub.
- South – To the south, habitat consists of a desert scrub followed by a wetland and desert scrub.
- West – To the west, habitat consists of desert scrub.

To the knowledge of Lotis, this proposed project has not been any source of controversy on environmental grounds within the local community.

Many factors are taken into consideration when choosing a site for a cellular communications tower. Early in the process, our locations are driven by landlord willingness to lease their ground. Once a willing landlord is located, there are other factors such as the ability to successfully zone a particular project. Finally, much time and thought is given to the constructability of a particular location. Can legal access be obtained? Can we get power and telephone cables to our facility? However, the ultimate deciding factor as to what locations are selected is input from our wireless client base. In choosing this location for the proposed telecommunications project, VB BTS II, LLC (VB BTS II) has tried to minimize the impacts to:

- Endangered and threatened species and their critical habitats
- Historically significant sites important to American and Native American History
- Wilderness and wildlife preserve/refuge areas
- Residential quality of living

While VB BTS II has taken precautions to reduce/prevent impacts to NEPA checklist items, the Commission requires the Applicant to prepare an EA that considers the effects on migratory birds when a proposed antenna structure will be over 450 feet above ground level (AGL). Due to the height of the tower (480 feet), an EA is required in order to complete NEPA due diligence. It is the opinion of Lotis that the proposed undertaking will not have significant adverse impact on migratory birds due to the location and design utilizing an avian friendly lighting system as well as bird diverters at the manufacturer recommended spacing. More information about the avian friendly lighting and the bird diverters are included in Appendix G.

FCC NEPA CHECKLIST

Applicant Name: VB BTS II, LLC

Site Number: US-UT-5059

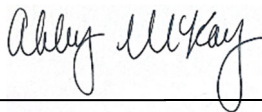
Site Name: Bears Ears

Potential Effect

LAND USE SCREENING

Yes No

1.	Facility will be located in an officially designated wilderness area.		X
2.	Facility will be located in an officially designated wildlife preserve.		X
3.	Facility may affect listed threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats.		X
4.	Facility may affect districts, sites, buildings, structures or objects significant in American history, architecture, archeology, engineering or culture, that are listed, or are eligible for listing, in the National Register of Historic Places.		X
5.	Facility may affect Native American religious site(s).		X
6.	Facility will be located in a floodplain if the facility will not be placed at least one foot above the base flood elevation of the floodplain. <small>*EA not required under FCC Wireless Telecommunications Docket No. 17-79 effective July 2, 2018, as long as the applicant can show that the facility and/or associated equipment will be installed 1 foot above the determined BFE.</small>		X
7.	Facility construction will involve significant change in surface features (e.g., wetland fill, deforestation, significant tree removal, or water diversion).		X
8.	Facility (antenna tower and/or supporting structures) will be equipped with high intensity white lights which are to be located in residential neighborhoods, as defined by the applicable zoning law.		X
9.	Facility would cause human exposure to levels of radiofrequency radiation in excess of Commission-adopted guidelines		X
10.	Facility will be over 450 feet above ground level (AGL)	X	



Prepared By: Abby McKay
NEPA/NHPA Specialist

DOCUMENTATION FOR FCC NEPA CHECKLIST RESPONSES 1-9:

1. Is the proposed undertaking located in an officially designated wilderness area?

Based on maps published by the Bureau of Land Management (BLM), United States Fish and Wildlife Service (USFWS), United States Forest Service (USFS), and National Park Service (NPS), as compiled in the on-line nationalatlas.gov and wilderness.net websites, no designated wilderness areas are located at or near the proposed undertaking. A copy of the Wilderness Map is included in Appendix A.

2. Is the proposed undertaking located in an officially designated wildlife preserve?

Based on maps published by the USFWS, no wildlife refuges or wildlife preserves are located at or near the proposed undertaking. A copy of the USFWS Wildlife Refuge Map is included in Appendix A.

3. Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species; or is likely to result in the destruction or adverse modification of proposed critical habitats (as determined by the Endangered Species Act of 1973)?

A Lotis staff biologist conducted an informal biological assessment (IBA) at the site of the proposed undertaking. Based on information reviewed, site reconnaissance, and the proposed scope of work, Lotis has determined that the proposed undertaking would have “*No Effect*” on designated critical habitats or listed federal species of concern. A copy of the USFWS Critical Habitat Map is included in Appendix A.

The accuracy of the species list, provided by the Information, Planning, and Conservation (IPaC) website, should be verified every 90 days. This verification can be completed formally or informally as desired. The USFWS recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of said species should be conducted and consultation under USFWS guidelines may have to be re-initiated, depending on the determination of effect or previous response from the USFWS.

Additionally, Lotis reviewed the Utah Division of Wildlife Resources’s (UTDWR) list of species of concern and their corresponding habitats and determined that the proposed undertaking “*May affect but is not likely to adversely affect*” state species of concern. The state species list was obtained by using the UTDWR’s “Natural Heritage Program Online Species Search Report,” <https://dwrapps.utah.gov/HeritageDataRequest/Reports?id=14698>. Copies of the Lotis IBA, the state species list and the IPaC email are included in Appendix B.

Lotis submitted the proposed undertaking summary package to the USFWS, Utah Ecological Services Office on February 9, 2024, for informal Section 7 consultation under the Endangered Species Act (50 CFR Part 402.01). In the submission, Lotis requested the USFWS to determine if the proposed undertaking would have an effect on any wildlife refuges or if the proposed undertaking would have an adverse impact on: 1) any listed and/or proposed threatened or endangered species; or 2) any designated and/or proposed critical habitats. On April 18, 2024, Lotis received a response, via email, indicating “*We do not respond to No Effect determinations.*” Due to Lotis’ determination of “*No Effect*” on critical habitat and listed federal species of concern, Section 7 consultation is considered complete, and no further consultation is required. Should the proposed undertaking be revised, Lotis’ previous determination of effect should be considered invalid and be revised to reflect the new proposed undertaking. Copies of the USFWS submission cover letter and USFWS response are included in Appendix B.

Additionally, the USFWS has established interim guidelines for recommendations on communication tower siting, construction, operation, and decommissioning as new and existing towers have been determined to significantly impact species which are protected under the Migratory Bird Treaty Act (MBTA), <http://www.fws.gov/laws/lawsdigest/migtrea.html>, (16 U.S.C. 703-712). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing unauthorized take, it must be recognized that

some birds may be killed at structures such as communications towers even if all reasonable measures to avoid it are implemented. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds. A copy of the 2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning is included in Appendix B.

VB BTS II has taken these recommended interim guidelines into consideration and has mitigated the potential effect on migratory birds by siting the proposed undertaking away from sensitive locations such as critical habitats, wilderness areas, wildlife refuges, and wetlands, where species of concern are more likely to be present. If lighting is required, VB BTS II will complete request the use of dual medium white or red strobe lights with the minimum number, minimum intensity, and minimum number of flashes per minute allowable by the FAA. It should also be noted that the proposed undertaking is located within 24.43 miles of an existing 33-foot mast telecommunication structure to the east.

The USFWS also regulates and enforces the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). *"This Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." "Disturb" means "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death or nest abandonment. A violation of the Act can result in a fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony."* USFWS: The Bald and Golden Eagle Protection Act, www.govinfo.gov/content/pkg/USCODE-2010-title16/pdf/USCODE-2010-title16-chap5A-subchapII.pdf (accessed December 2023). A copy of the Bald and Golden Eagle Protection Act is included in Appendix B.

In addition, Lotis contacted the UTDWR on February 9, 2024, and requested a review of the potential adverse effect on state protected habitats and state listed species of concern. On February 12, 2024, Kade Lazenby, Impact Analysis Biologist at Utah Department of Natural Resources, responded to Lotis' review request indicating *"Although we did not see a proposed timing of construction, we would encourage a seasonal timing restriction for pinyon jays (February - July). The proposed area is prime pinyon jay habitat. With that being said, we agree that the proposed undertaking is not likely to adversely affect state listed species or their potential habitats."* Copies of the submission letter and UTDWR's response are included in Appendix B.

Both the USFWS and the UTDWR have recommended additional mitigation as indicated above. These are recommendations and should be treated as such unless issued as a requirement to mitigate/prevent adverse effects on habitat and species of concern. Should failure to abide by these recommendations occur, the applicant is assuming responsibility for their failure in compliance with the above-mentioned Endangered Species Act, Migratory Bird Treaty Act, and The Bald and Golden Eagle Protection Act. It is ultimately the responsibility of the applicant to prevent the "take" of a species of concern regardless of whether or not it has completed Section 7 consultation. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. The taking of a listed species of concern (threatened/Endangered), without a federal/state permit, is a severe crime punishable by large fine(s) and confinement.

4. Will the proposed undertaking affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed (or eligible for listing) in the National Register of Historic Places?

The Utah State History (SHPO) is the lead State Historic Preservation Office (SHPO) for the State of Utah. Lotis contracted Montgomery Archaeological Consultants, Inc. to determine the potential effect of the proposed undertaking on historic properties (archaeological sites and eligible/listed historic properties) within the Direct and

1.5-miles Visual Area of Potential Effect (APE) designated by the Federal Communications Commission (FCC). Montgomery Archaeological Consultants, Inc. completed a Class III Cultural Resource Survey and Visual Effects Analysis and conducted research to identify historic properties using resources specified by the SHPO. Additionally, Montgomery Archaeological Consultants, Inc. researched the National Register of Historic Places (NRHP) at <http://www.nps.gov/nr/> and identified nine (9) historic properties within the 1.5-miles radius APE of the proposed undertaking. A copy of the Class III Cultural Resource Survey and Visual Effects Analysis is included in Attachment 3.

On December 8, 2024, the project details and the Class III Cultural Resource Survey and Visual Effects Analysis report were submitted to the Utah School and Institutional Trust Lands Administration (SITLA) for review. In the meantime, Lotis prepared and submitted a new tower submission packet (FCC Form 620) through the FCC's E-106 electronic filing protocol on February 16, 2024. Once SITLA accepted the Class III Cultural Resource Survey and Visual Effects Analysis report, they submitted the materials to the Utah SHPO for approval on May 1, 2024. On May 21, 2024, Lotis received a response from the Utah SHPO via SITLA indicating "*We concur with your determinations of eligibility and effect for this undertaking.*" After further review, it appeared that SITLA only consulted with the Utah SHPO on the Direct APE. That being so, on May 23, 2024, Lotis forwarded the project information to the Utah SHPO for consultation on the Visual APE. On May 29, 2024, Lotis received a response from the SHPO indicating "*We concur with your visual and direct Area of Potential effects, and your finding of 'No Adverse Effect' for this undertaking.*" Additionally, due to nearby cultural resources SITLA requested a 60 foot avoidance buffer around the project area. If there is any concern of encroaching on the cultural resources than they request archaeological monitoring and fencing be included during construction to prevent incidental impact on the identified cultural resources. Copies of the SHPO submission cover letter, FCC Form 620, and the SHPO response are included in Appendix C.

In furtherance of Section 106 consultation efforts, Lotis identified San Juan County as the jurisdiction's Certified Local Government (CLG), by using the National Parks Service's (NPS) website, http://grantsdev.cr.nps.gov/CLG_Review/search.cfm. On February 16, 2024, Lotis invited Mr. Cleal Bradford, San Juan County CLG of San Juan County, to comment on whether the proposed undertaking would have an effect on historic properties within the general vicinity. To date, Lotis has not received a response from San Juan County relative to the proposed undertaking. Copies of the submission cover letter, and email submission are included in Attachment 7.

In addition, Lotis submitted an information package to the San Juan County Historical Commission on February 16, 2024. To date, Lotis has not received a response from the San Juan County Historical Commission relative to the proposed undertaking. Copies of the submission cover letter and email submission are included in Attachment 8

Finally, Lotis contacted *The San Juan Record* and published a legal public notice in the classified section on December 20, 2023. The proposed undertaking was detailed in the ad and calls for public concerns regarding potential adverse effect on historic properties in the area were solicited. To date, Lotis has not received any public response from the public notice publication concerning the proposed undertaking's potential effect on historic properties. Copies of the legal public notice text, tear sheet, and Affidavit of Publication are included in Attachment 8.

5. Will the undertaking affect Indian religious site(s)?

Lotis utilized the FCC's Tower Construction Notification System (TCNS) to identify tribal entities with interest in the proposed undertaking. The initial TCNS filing was submitted on December 12, 2023. The FCC responded via e-mail on December 15, 2023, indicating that thirteen (13) nationally recognized tribes were forwarded information regarding the location of the proposed undertaking via electronic or regular mail. All tribes listed on the December 15, 2023 FCC email required additional information delivered to them. The requested documentation was forwarded to the tribes via registered mail or email on February 9, 2024, February 16, 2024, and February 17, 2024. As of the date of this report, Lotis received clearance from all interested tribes. Copies of the cover letter submissions, proof of submissions, and responses are included in Appendix C.

FCC Wireless Telecommunications Docket No. 17-79 effective July 2, 2018, replaces procedures outlined in the 2005 Declaratory Ruling and establishes a 45-day process for proceeding with construction in cases in which Tribal Nations or NHOs do not respond. Referral can be completed and submitted to the FCC if a correspondence is not received within 30 calendar days (for emailed tribes) and 35 calendar days (for mailed tribes). Upon notice the FCC

will communicate by letter or email with the respective tribe(s) giving them 15 days to respond. The FCC's final 15-day letter was sent March 28, 2024, and April 4, 2024, to the non-responding party(s). According to the FCC Wireless Telecommunications Docket No. 17-79, when no response is received from the tribe(s) within 15 days from the FCC's contact it is deemed to have no interest in pre-construction review a consultation is considered complete. Documentation of all original submission cover letters, referral(s) to the FCC, and tribal clearances are included in Appendix D of this report. Copies of the Federal Lands Map and Indian Reservations Map are included in Appendix A.

6. Is the proposed undertaking located within a flood plain (100-year)?

According to FEMA, no study to determine flood hazard for the selected location has been conducted; therefore, a flood map has not been published at this time. The FCC considers unmapped areas to be outside of "Zone A" (the 100-year flood plain zone). Lotis recommends inquiry at the local level during the permitting process. On April 1, 2024, Lotis contacted the Utah Geological Survey via email. On April 8, 2024, Lotis received a response from Mr. Tyler Knudsen, Senior Geologist for the Utah Geological Survey, indicating:

"We base our flood-hazard mapping on geologic mapping and topography. I'm not aware of any flood data or mapping for this particular area. Unfortunately, there does not appear to be adequate geologic mapping that covers this area, so we would not be able to fully assess flood potential. But, based on topography alone (USGS 1:24,000 scale topographic map of Kane Gulch) and viewing aerial photography, I can make some general observations on flood potential.

- 1. Is this area prone to flooding? The waypoint provided plots on a topographically high ridge and is not near any significant drainage. The upslope drainage area that would contribute surface water during a heavy precipitation event appears to be minimal. Thus, riverine (stream) flooding is unlikely to occur at the subject area. The relatively great distance from any significant upslope drainage indicates a low likelihood of alluvial-fan or debris-flow-type flooding. Due to potential low-permeability conditions at the surface, shallow (likely less than a few inches in depth) sheet flooding (unconfined laminar flow) is the most likely type of flooding to occur here during a heavy precipitation event.*
- 2. Or have there been any floods previously in this area or nearby? There is no record of flooding on the ridge where the coordinates plot. The adjacent drainages of Armstrong Canyon (~1/3 mile to the north) and the tributaries of Grand Gulch (>1/2 mile to the south) certainly convey flash floods whenever there are heavy precipitation events in the area.*
- 3. Are any new maps forthcoming? I'm not aware of any plans for flood-hazard mapping in this area. In order for the UGS to conduct geologic-hazard mapping (including flood hazard) in this area, we would first need detailed geologic mapping (at 1:24,000 scale), so any new mapping in this area would be several years away."*

If a future determination is made that the target property is located within the 100-year flood plain, further consultation will be required. A copy of the FIRMette (flood plain map) is included in Appendix E.

7. Will construction of the proposed undertaking involve significant change in surface features (e.g., wetland fill, deforestation or water diversion)?

According to the online United States Fish and Wildlife Service National Wetlands Inventory Map (NWIM), <http://www.fws.gov/wetlands/Data/Mapper.html>, mapped wetlands are located at or within close proximity to the proposed undertaking. There is a small ephemeral runoff which runs perpendicular to the access road; however, the access road is already existing, and there are no proposed changes to the existing access road. In addition, Lotis's personnel completed site reconnaissance of the proposed undertaking's scope of work and determined that no areas exhibit wetland characteristics. As such a wetland evaluation and delineation was not formally completed. A copy of the National Wetlands Inventory Map is included in Appendix F.

8. Is the proposed undertaking located in a residential neighborhood and is it required to be equipped with high intensity white lights (as defined by local zoning law)?

Lotis was informed that the proposed undertaking is not to be equipped with high intensity white lights nor located within a zoned residential neighborhood.

9. a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?

Per the applicant, the antenna structure will comply with the established criteria regarding radio frequency exposure limits in accordance with FCC rules, including those rules found at 47 CFR § 1.1307 and § 1.1310, as published at the time of this report.

b.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level?

Per the applicant, the antenna structure will comply with the established criteria regarding radio frequency exposure limits in accordance with FCC rules, including those rules found at 47 CFR § 1.1307 and § 1.1310, as published at the time of this report.

10. Facility will be over 450 feet above ground level (AGL)?

The proposed undertaking is above 450 feet AGL, therefore there is an assumed impact on migratory birds. The applicant proposes to implement the use of an avian friendly lighting system and bird diverters installed on the guywire cables to reduce the potential impact on migratory bird impacts. A copy of the avian friendly lighting and the bird diverter is included in Appendix G.

National Historic and Scenic Trail Review

Per the Per the 1999 "Siting of Wireless Telecommunications facilities Near National Scenic Trails Resolution early notification is not necessary if the *"Proposed sites that are more than one mile from a National Scenic Trail are outside the scope of this Resolution. Under certain circumstances, MSTOs and Applicants may find it mutually beneficial to have a cooperative working relationship on proposed sites that are more than one mile but less than four miles from a National Scenic Trail, particularly when constructing new or expanded towers 200 feet or higher above ground level which require lighting. While the signatories to this Resolution strongly encourage the formation of such alliances, the MSTO and the Applicant are not obligated to do so."*

The proposed undertaking is located more than four (4) miles from the closest national scenic historic trail. Therefore, no additional consultation is required. A copy of the National Historic and Scenic Trail Map is included in Appendix A.

National Scenic Riverway Review

Congress enacted the Wild and Scenic Rivers Act (WSRA) in 1968, declaring it the "policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." 16 U.S.C. § 1271. As originally enacted, the WSRA named specific rivers or segments of rivers for inclusion in the Wild and Scenic River System ("WSRS"). Id. § 1274(a)(1)-(a)(8).

The proposed undertaking is located more than one (1) mile from the closest national scenic riverway. Therefore, no additional consultation is required. A copy of the National Scenic Riverway Map is included in Appendix A.

National Scenic Byway Review

The National Scenic Byways Program was established under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and is part of the Department of Transportation's (DOT) Federal Highway Administration (FHWA). The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected

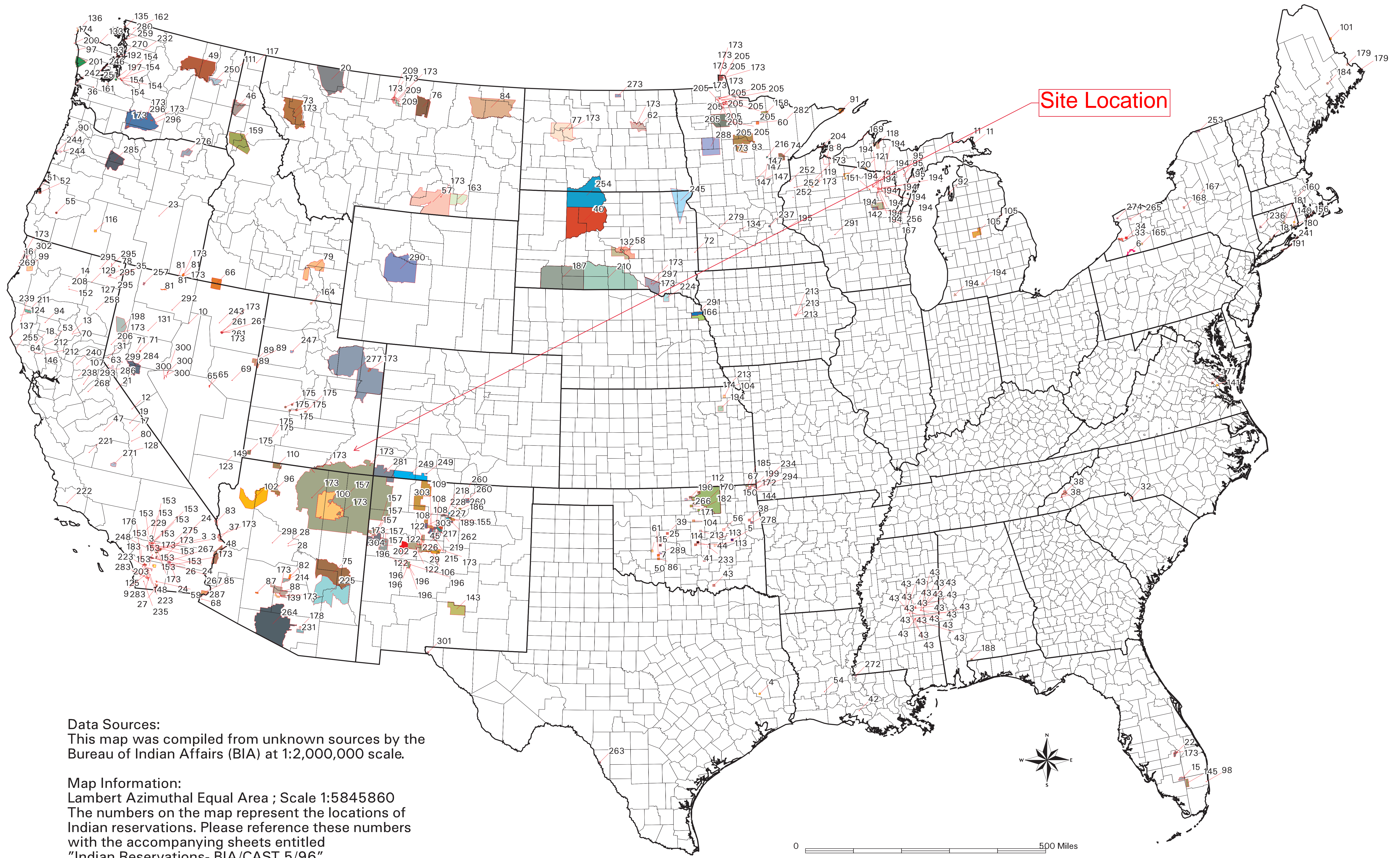
roads throughout the United States. Pursuant to the program, the Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities.

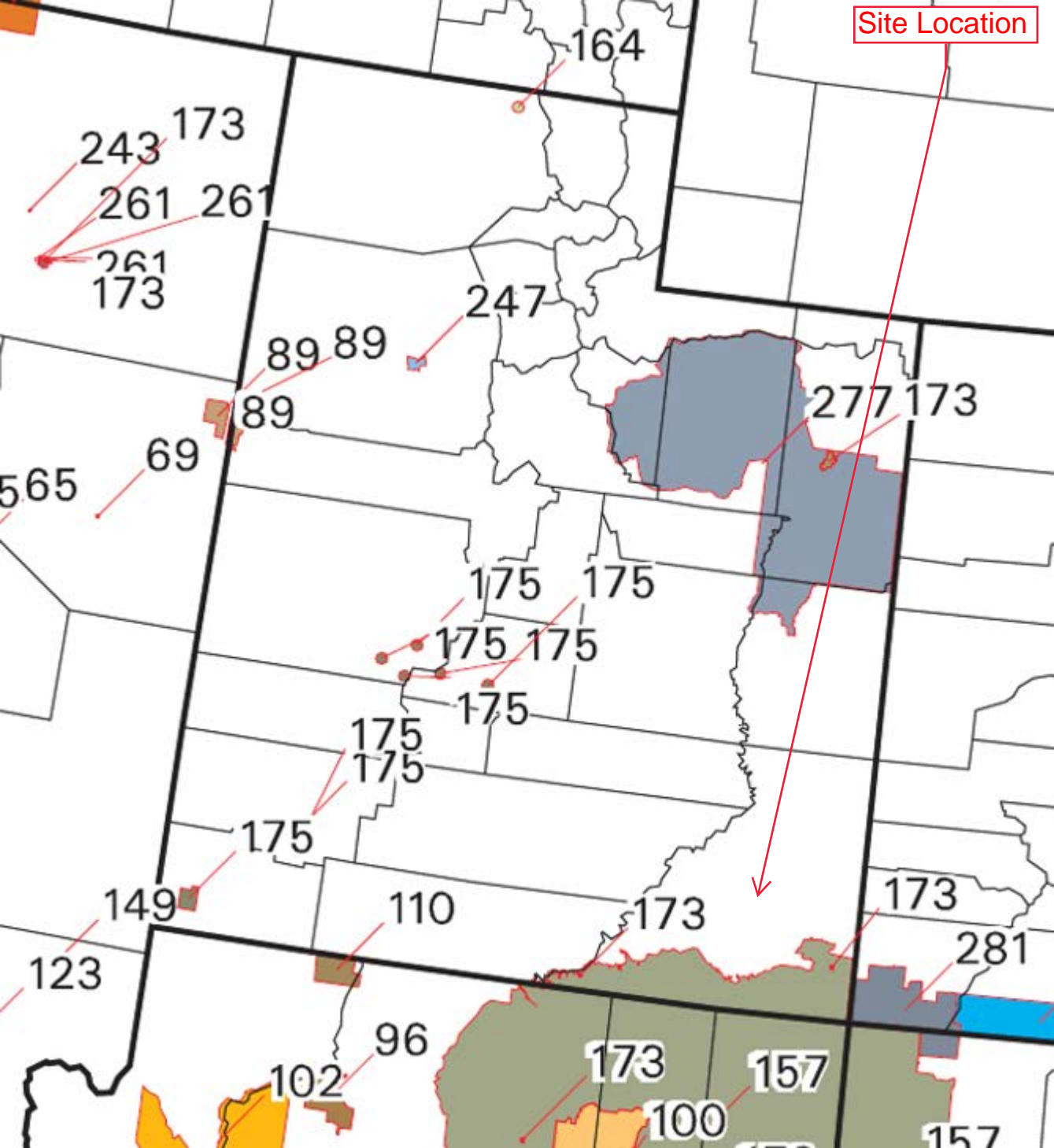
The proposed undertaking is located more than one (1) mile from the closest national byway. Therefore, no additional consultation is required. A copy of the National Scenic Byway Map is included in Appendix A.

Appendix **A**

Maps

Indian Reservations in the Continental United States





Site Location

164

243 173

261 261

261
173

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89

69

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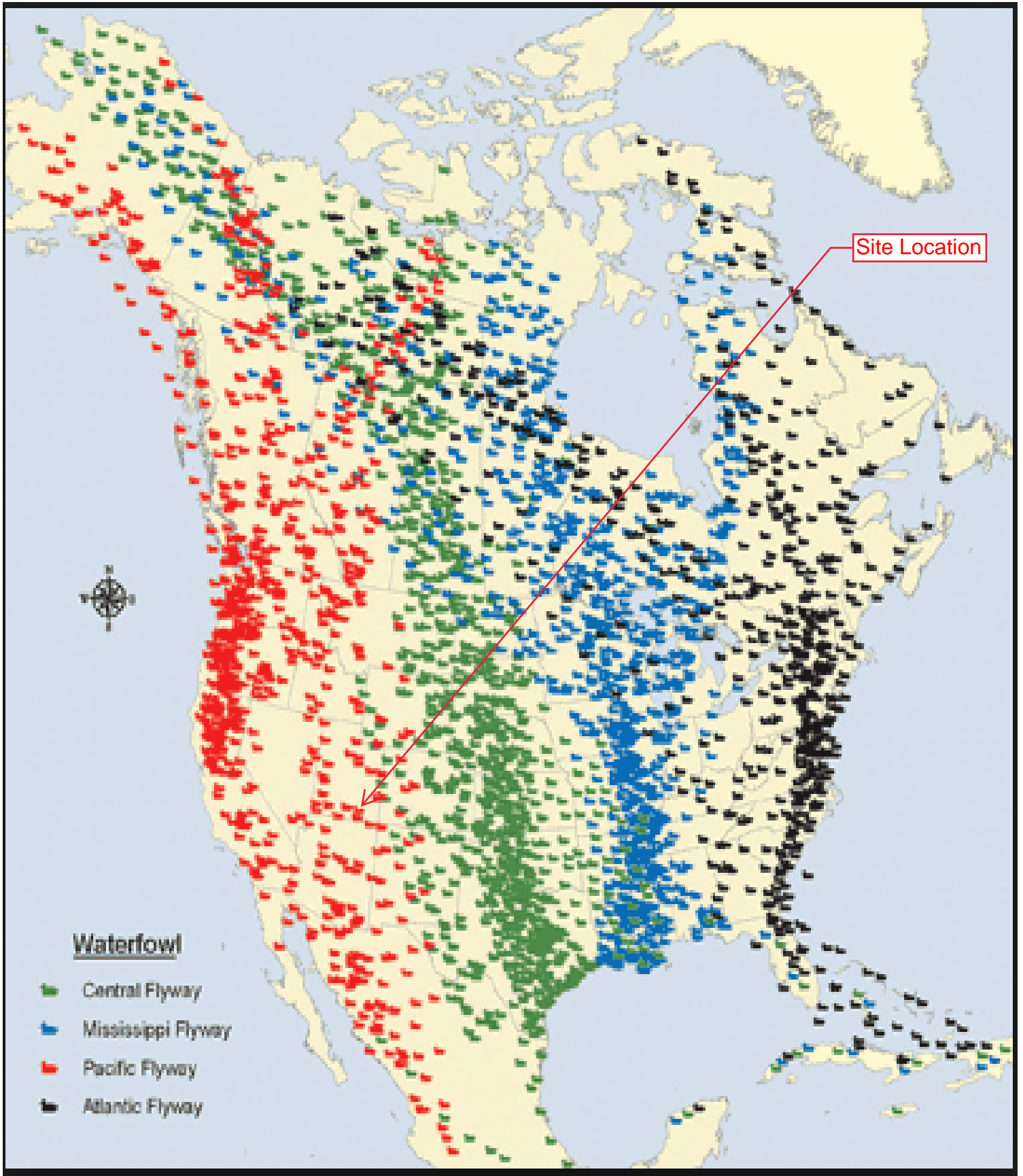
96

173

157

100

157



Site Location

Note: Abbreviations at right are for federal lands shown on this map. In many places, exact trail locations have not yet been determined. Portions of the trails indicated on this map may not be accessible for public use. Please check with individual trail clubs and managing offices for the latest available trail locations.

National Park System	
MEM	Memorial
NB	National Battlefield
NHP	National Historical Park
NHS	National Historic Site
NL	National Lakeshore
NM	National Monument
N MEM	National Military Park
NP	National Park
N PRES	National Preserve
NRA	National Recreation Area
N RES	National Reserve
NS	National Seashore
NSR	National Scenic Riverway
PKWY	National Scenic Riverway Parkway

National Forest System	
NF	National Forest
NG	National Grassland

Only national park, forest areas, and wildlife refuges that relate to the National Trails System are shown.

Fish and Wildlife Service	
NWR	National Wildlife Refuge

Bureau of Land Management	



- Chesapeake Bay area National Wildlife Refuges
- 1 Blackwater
 - 2 Eastern Neck
 - 3 Eastern Shore of Virginia
 - 4 Featherstone
 - 5 Fisherman Island
 - 6 James River
 - 7 Martin
 - 8 Mason Neck
 - 9 Nansemond
 - 10 Occoquan Bay
 - 11 Plum Tree Island
 - 12 Presquille
 - 13 Rappahannock River Valley
 - 14 Susquehanna
- National Park sites
- 15 Colonial NHP
 - 16 Fort Mifflin NM
 - 17 George Washington Birthplace NM
 - 18 Piscataway Park
 - 19 Prince William Forest Park
 - 20 Richmond NHP



Scale for all areas except Alaska
 0 100 200 Kilometers
 0 100 200 Miles
 Map revised April 2010.



Site Location

Sawtooth NF

Humboldt NF

City of Rocks N RES

Curlew NG

Bear Lake NWR

Cache NF

Cokeville Meadows NWR

Seedskaadee NWR

Humboldt NF

80

Great Salt Lake

OGDEN

SALT LAKE CITY

Wasatch NF

HISTORIC TRAIL

Fish Springs NWR

Humboldt NF

Unita NF

Green

UTAH

Fishlake NF

15

GRAND

Colorado NM

Arches NP

HISTORIC TRAIL

Dixie NF

ST. GEORGE

Glen Canyon NRA

EGAS

Kaibab NF

Grand Canyon NP

ARIZONA

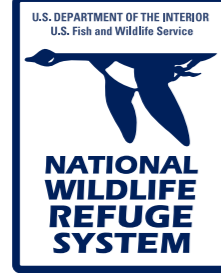
Colorado

Mead RA

Kaibab NF

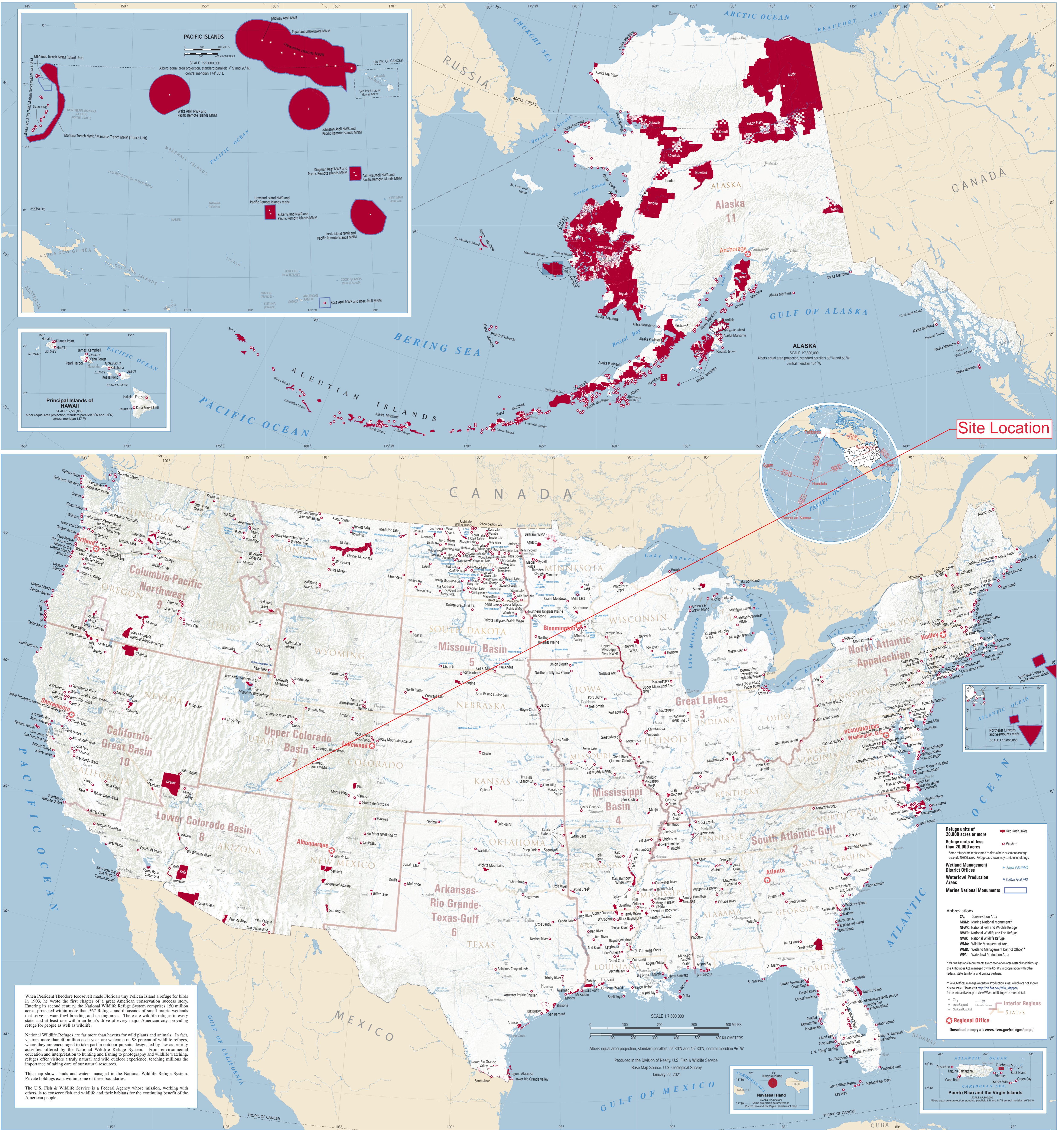
San Juan

D

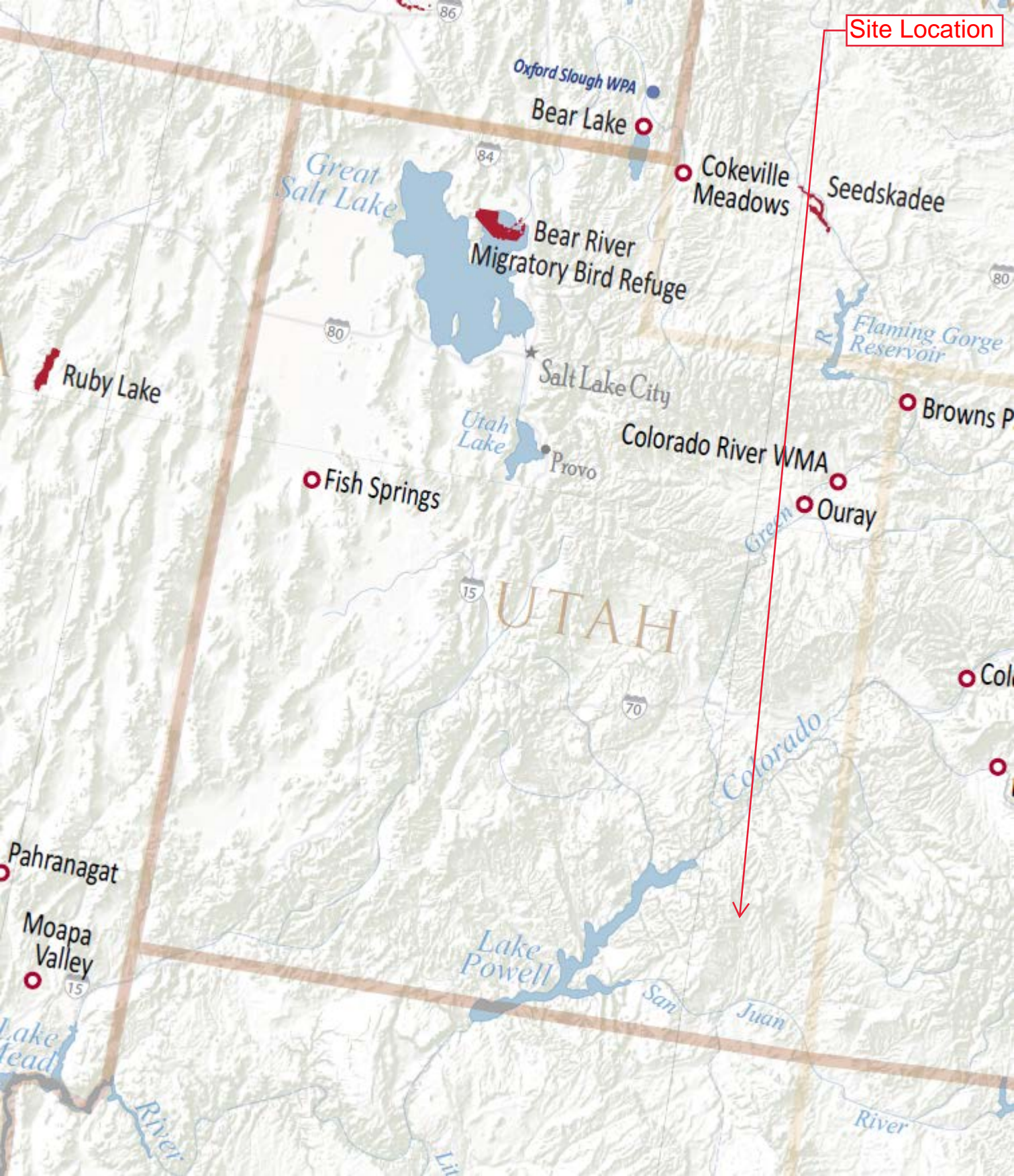


U.S. Fish & Wildlife Service

National Wildlife Refuge System



Site Location



National Wild and Scenic Rivers System

U.S. Department of Agriculture
Forest Service

U.S. Department of the Interior
Bureau of Land Management
Fish and Wildlife Service
National Park Service

...the time has also come to identify and preserve free-flowing stretches of our great rivers before growth and development make the beauty of the unspoiled waterway a memory.

—President Lyndon B. Johnson, 1965

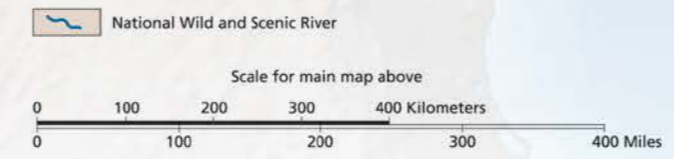
Site Location

- Clackamas
- Collawash
- Crooked
- Eagle Creek
- East Fork Hood
- Elkhorn Creek
- Fifteenmile Creek
- Fish Creek
- Middle Fork Hood
- McKenzie
- Metolius
- Molalla
- North Fork Crooked
- Quartzville Creek
- Roaring
- Salmon
- Sandy
- South Fork Clackamas
- South Fork Roaring
- White
- Whychus Creek
- Zigzag

- Chetco
- Elk Creek
- Illinois
- Jenny Creek
- North Fork Silver Creek
- North Fork Smith
- River Styx
- Rogue
- Spring Creek
- Upper Rogue

- Battle Creek
- Deep Creek
- Dickshooter Creek
- Owyhee
- Red Canyon
- South Fork Owyhee

- Big Jacks Creek
- Cottonwood Creek
- Duncan Creek
- Little Jacks Creek
- Wickahoney Creek



Cartography by National Park Service, Harpers Ferry Center, September 2018, updated by National Information Services Center, February 2023.

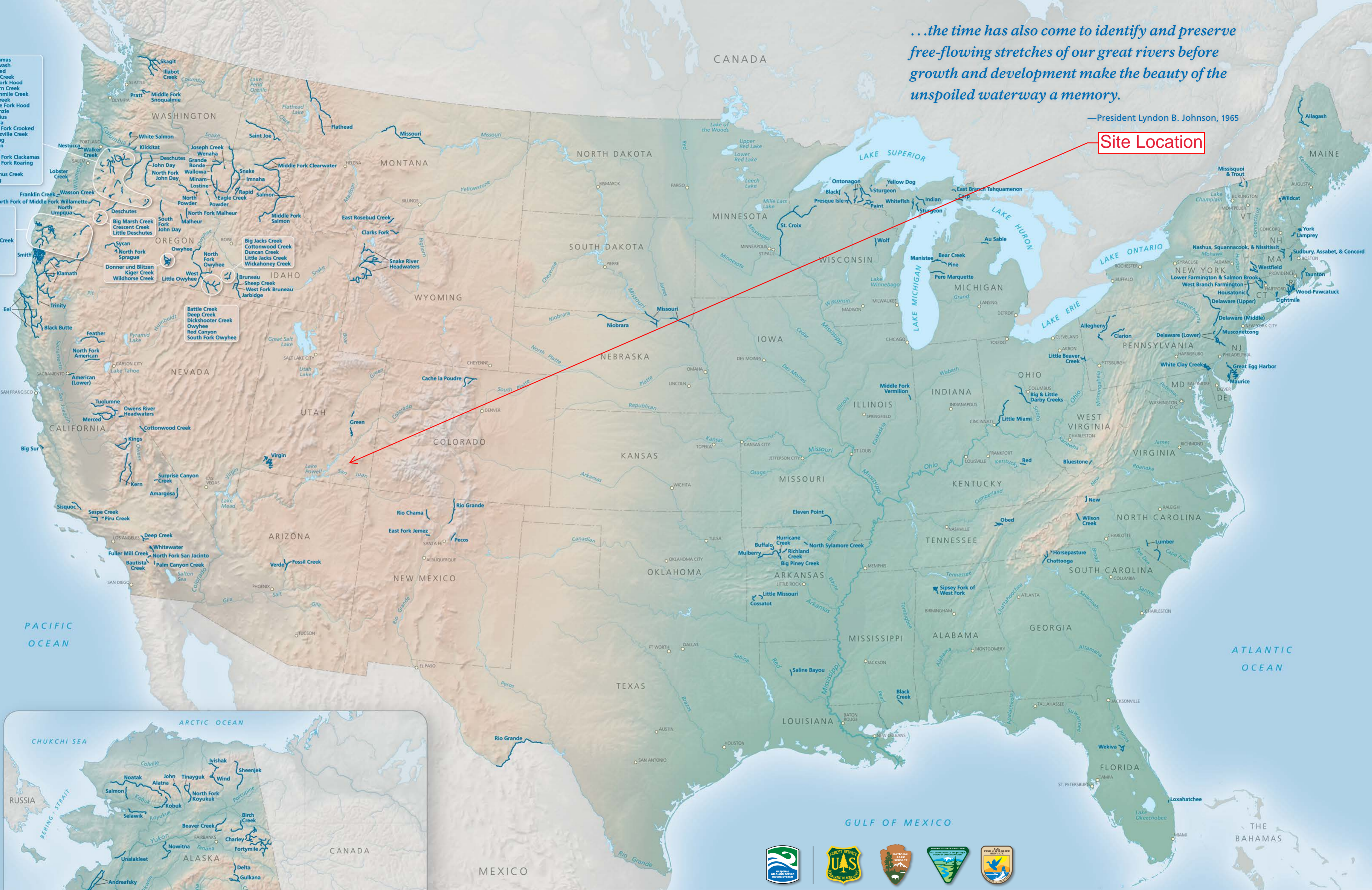


National Wild and Scenic Rivers System

Established by Congress under the Wild and Scenic Rivers Act of 1968, the National Wild and Scenic Rivers System was created to preserve the free flow, water quality, and outstanding natural, cultural, and recreational values of select rivers for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

For more information about the National Wild and Scenic Rivers System or specific designated rivers, visit the Interagency Wild and Scenic Rivers Coordinating Council's website, www.rivers.gov, or contact one of the federal river-administering agencies:

- US Forest Service www.fs.usda.gov
- National Park Service www.nps.gov
- Bureau of Land Management www.blm.gov
- US Fish and Wildlife Service www.fws.gov



Protected Areas Database of the U.S. (PAD-US) - Federal Managers

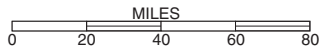




FEDERAL LANDS AND INDIAN RESERVATIONS

- Bureau of Indian Affairs
- Bureau of Land Management / Wilderness
- Bureau of Reclamation
- Department of Defense (includes Army Corps of Engineers lakes)
- Fish and Wildlife Service / Wilderness
- Forest Service / Wilderness
- National Park Service / Wilderness

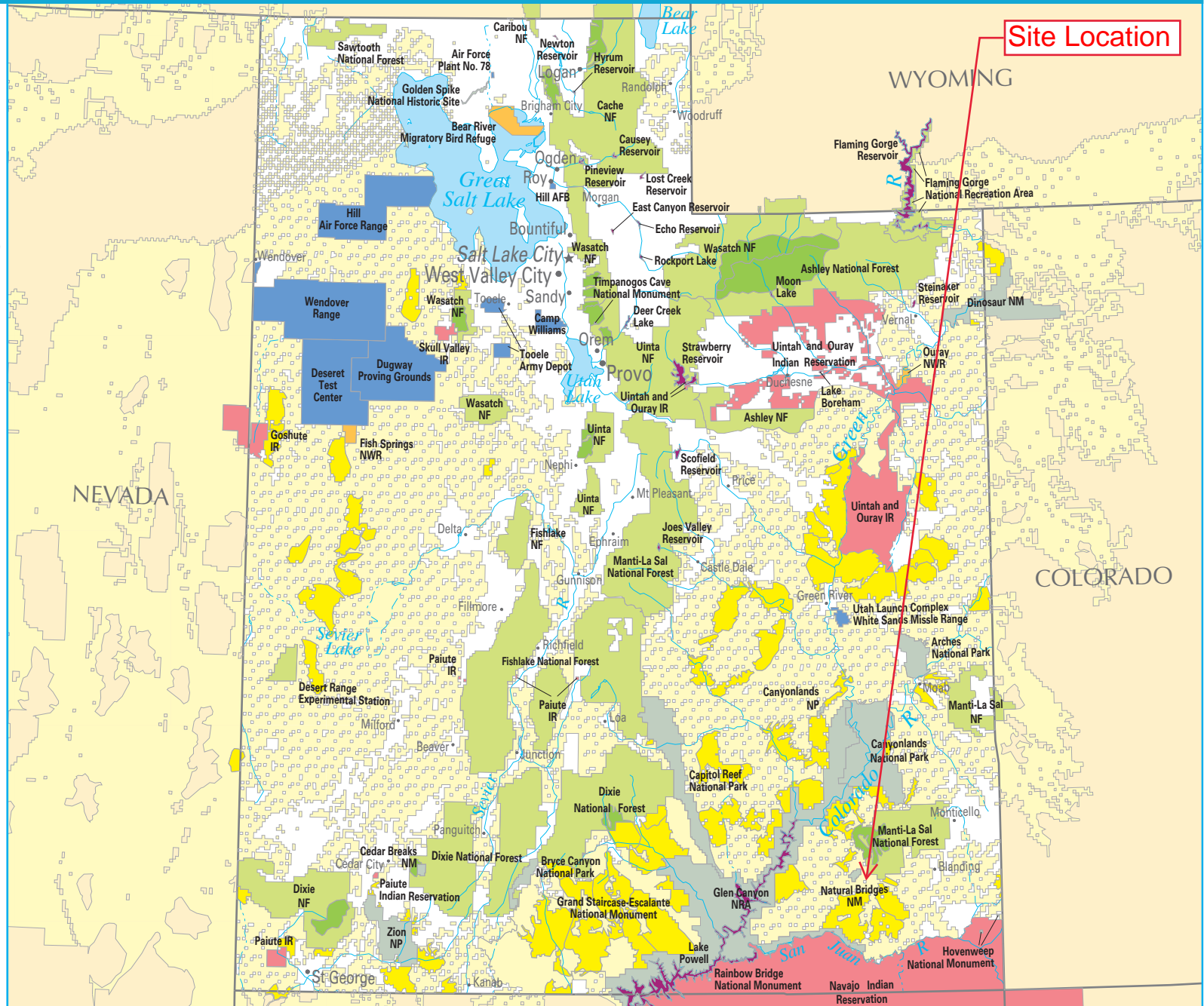
Some small sites are not shown, especially in urban areas.



Albers equal area projection

Abbreviations

- AFB Air Force Base
- IR Indian Reservation
- NF National Forest
- NM National Monument
- NP National Park
- NRA National Recreation Area
- NWR National Wildlife Refuge



Site Location

Manti-La Sal National Forest

Natural Bridges National Monument

37 34 10.501 -109 55 53.165

Bear Ears US-UT-5059

Ruler

Line Path Polygon Circle 3D path 3D polygon

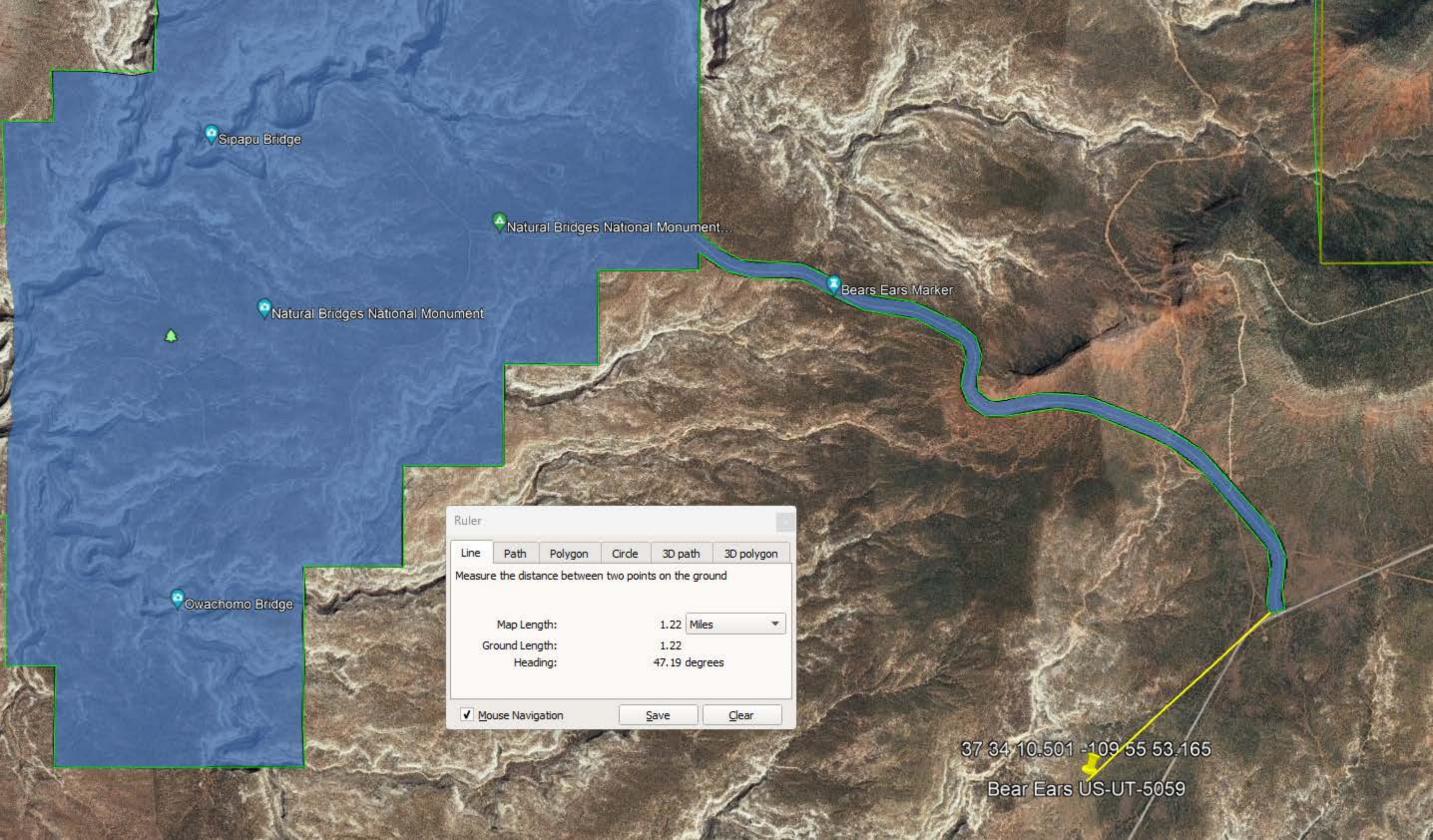
Measure the distance between two points on the ground

Map Length: 2.75 Miles

Ground Length: 2.75

Heading: 23.66 degrees

Mouse Navigation Save Clear



Sipapu Bridge

Natural Bridges National Monument...

Natural Bridges National Monument

Bears Ears Marker

Owachomo Bridge

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1.22 Miles

Ground Length: 1.22

Heading: 47.19 degrees

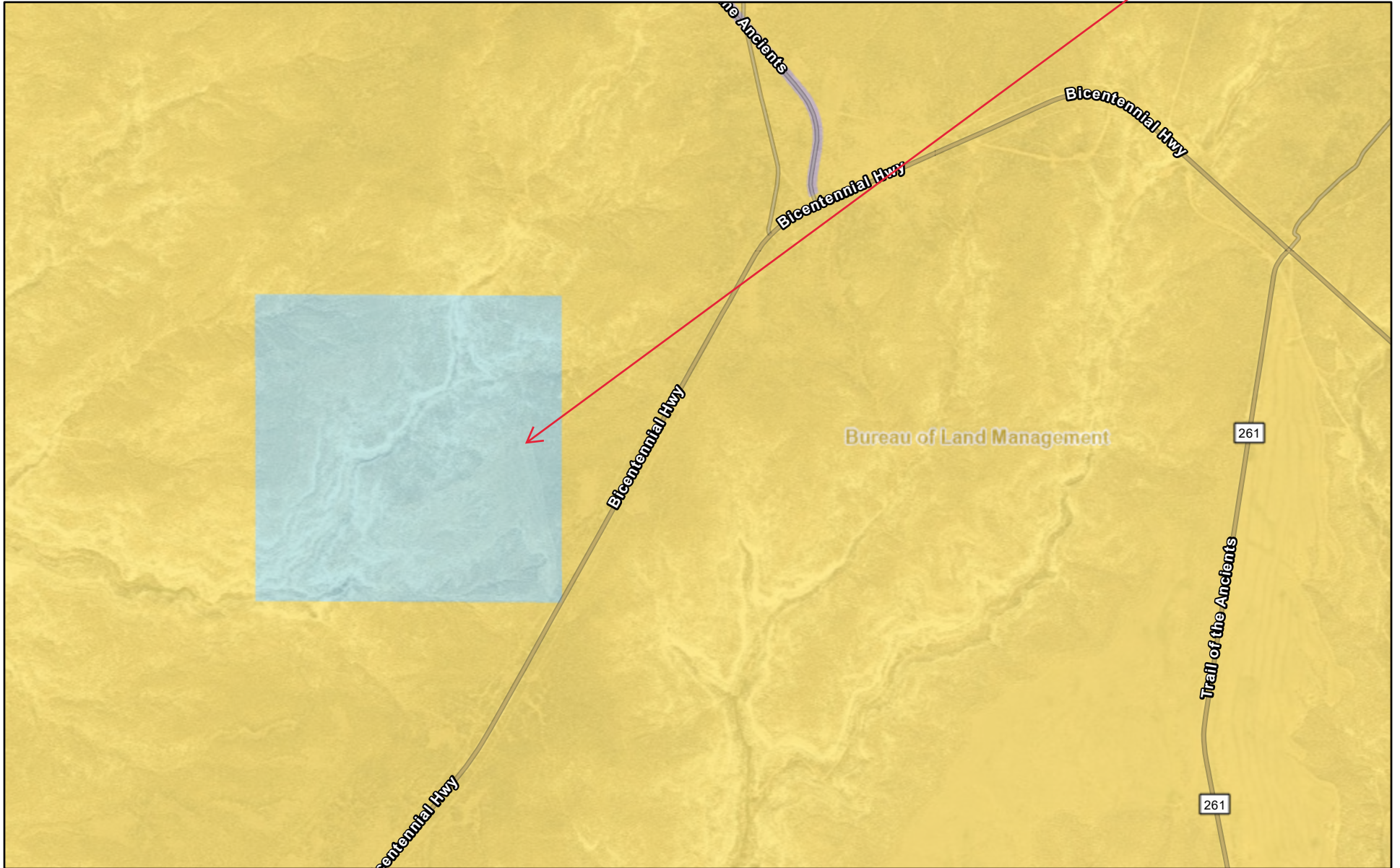
Mouse Navigation Save Clear

37 34 10.501 -109 55 53.165

Bear Ears US-UT-5059

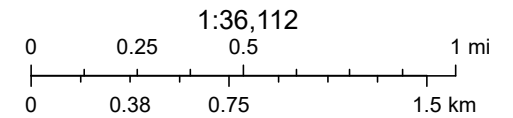
Bears Ears

Site Location



12/5/2023, 2:19:54 PM

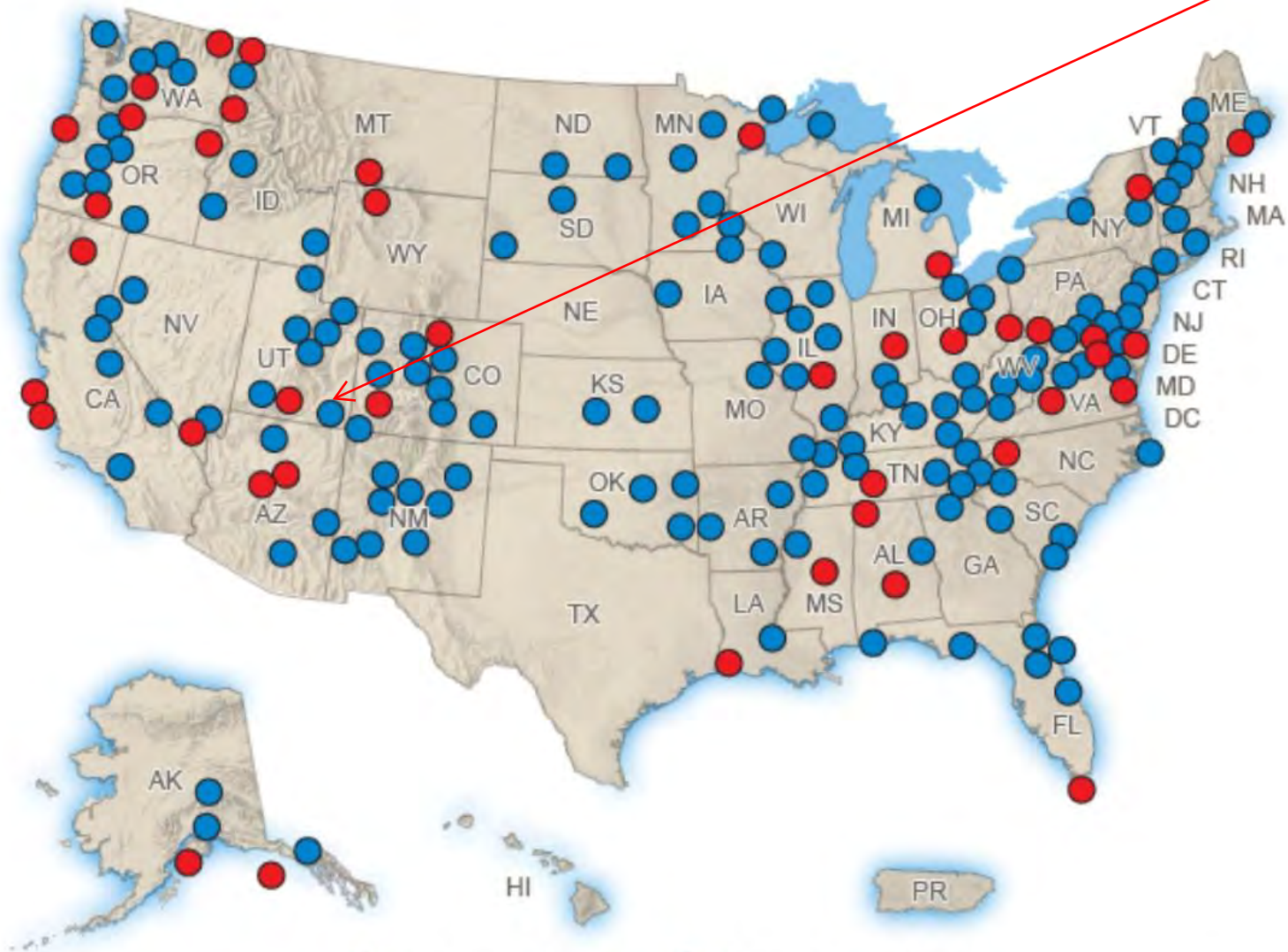
- | | | | |
|---------------------------------|---|--|--|
| Surface Management Agency | Bureau of Land Management (BLM) | BLM Administrative Unit Field Boundary | Field |
| Bureau of Land Management (BLM) | National Park Service (NPS) | BLM Administrative Unit District Boundary | District |
| National Park Service (NPS) | State | BLM Administrative Unit State Boundary | State |
| State | BLM Administrative Unit Other Boundary | BLM Administrative Unit Office Points | Surface Management Agency |
| | | Other | |



Source: Esri, USDA FSA, BLM Energy, Minerals & Realty Management, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community,

ArcGIS Web AppBuilder

Site Location



● All-American Roads ● National Scenic Byways

AK, HI, PR NOT TO SCALE

37 34 10.501 -109 55 53.165

Bear Ears US-UT-5059

Utah State Route 95

228

275

Trail of the Ancients

Trail of the Ancients	
FID	136
BYWAY_ID	2597
NAME	Trail of the Ancients
STATE	CO, UT
NSB_DESIG	1
USFS_DESIG	0
NPS_DESIG	0
STATE_DESI	1
BLM_DESIG	0
OTHER_DESI	0
DESIGNATS	National Scenic Byway, Utah State Scenic Byway, Utah State Scenic Backway

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1.25 Miles

Ground Length: 1.25

Heading: 48.57 degrees

Mouse Navigation

Save

Clear



HOME AMERICA'S BYWAYS ABOUT US

come CLOSER.

Byways

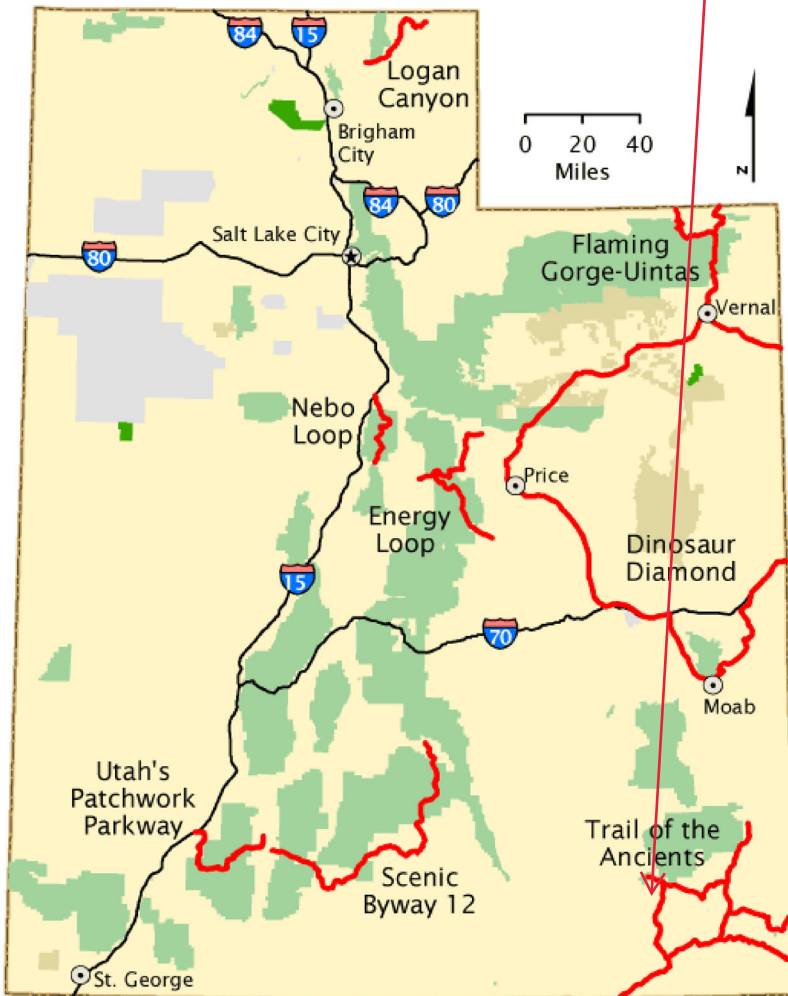
Maps

Utah Byways

Utah Backways

Utah (UT)

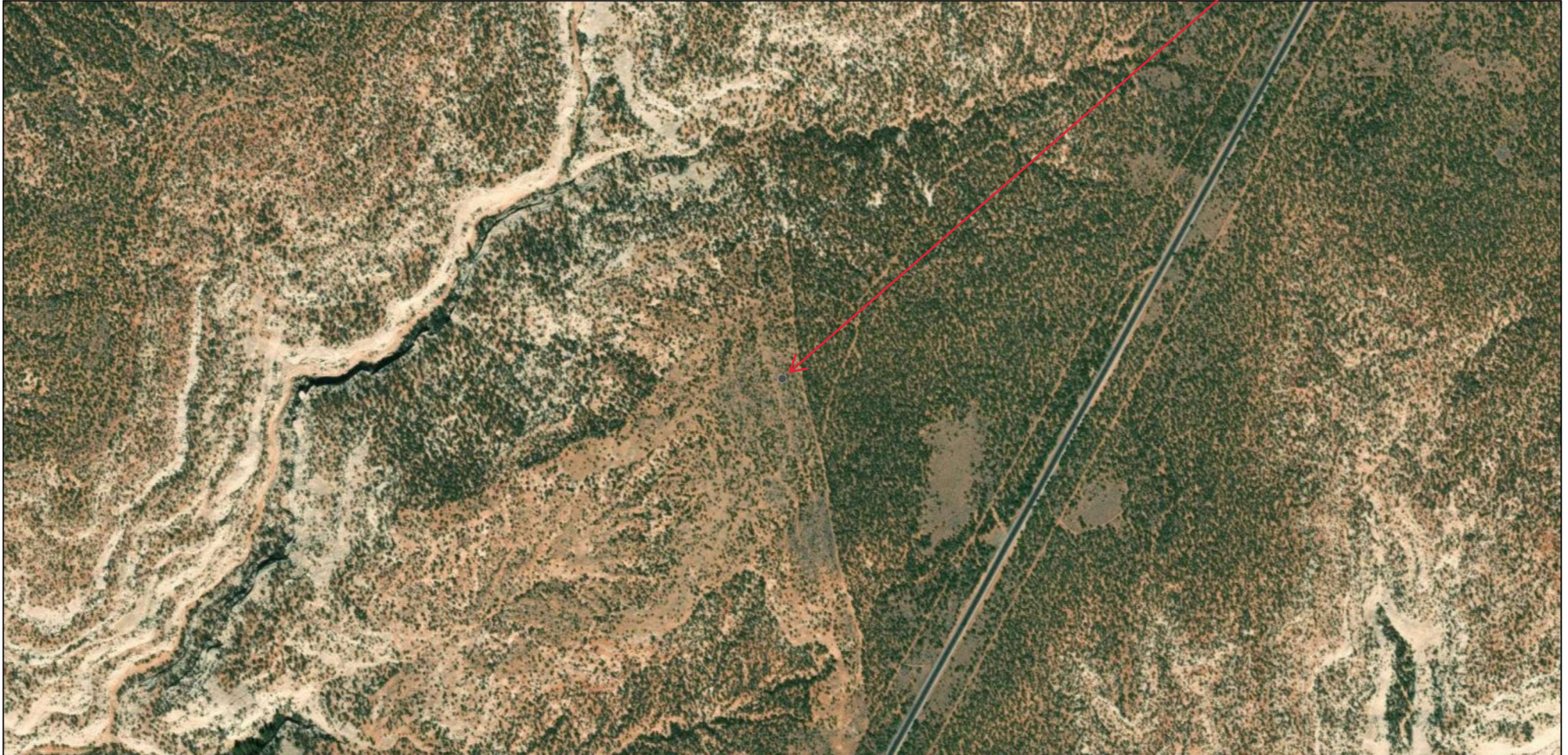
Site Location



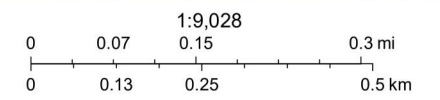
Point of Interest	Campground	Featured Byway	Water	State Border
Park	Picnic/Rest Area	America's Byways	Wildlife Refuge	Urban Area
Mountain	Interstate	Other Byway	Wilderness Area	Tribal Nation
City	U.S. Highway	Other Road	Other Federal Lands	Military Base
Capital	State Highway	Trail	Other State Lands	

Wilderness Map

Site Location



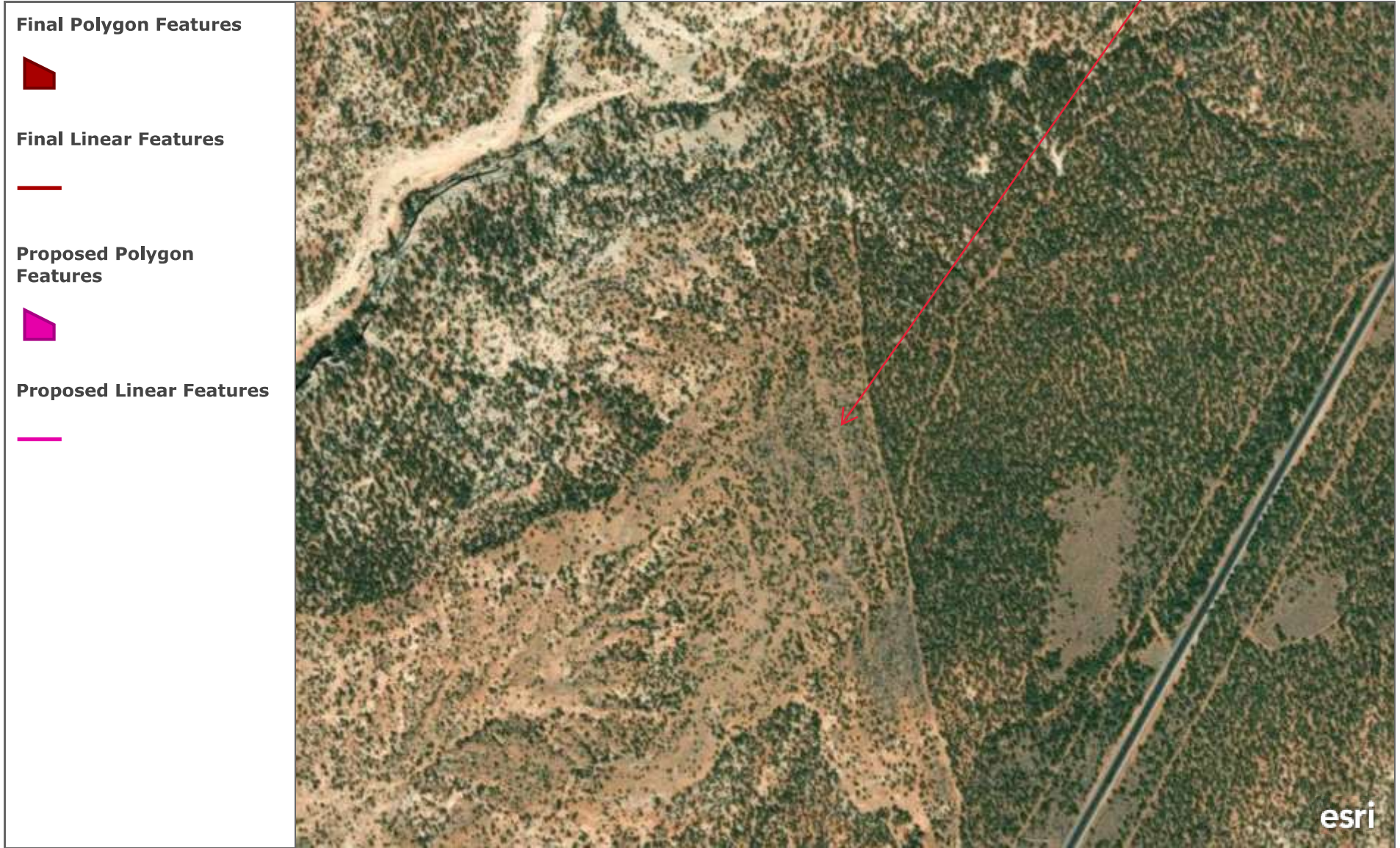
11/30/2023, 11:37:17 AM



Esri, HERE, Garmin, IPC, Maxar

Critical Habitat for Threatened & Endangered Species [USFWS]

Site Location



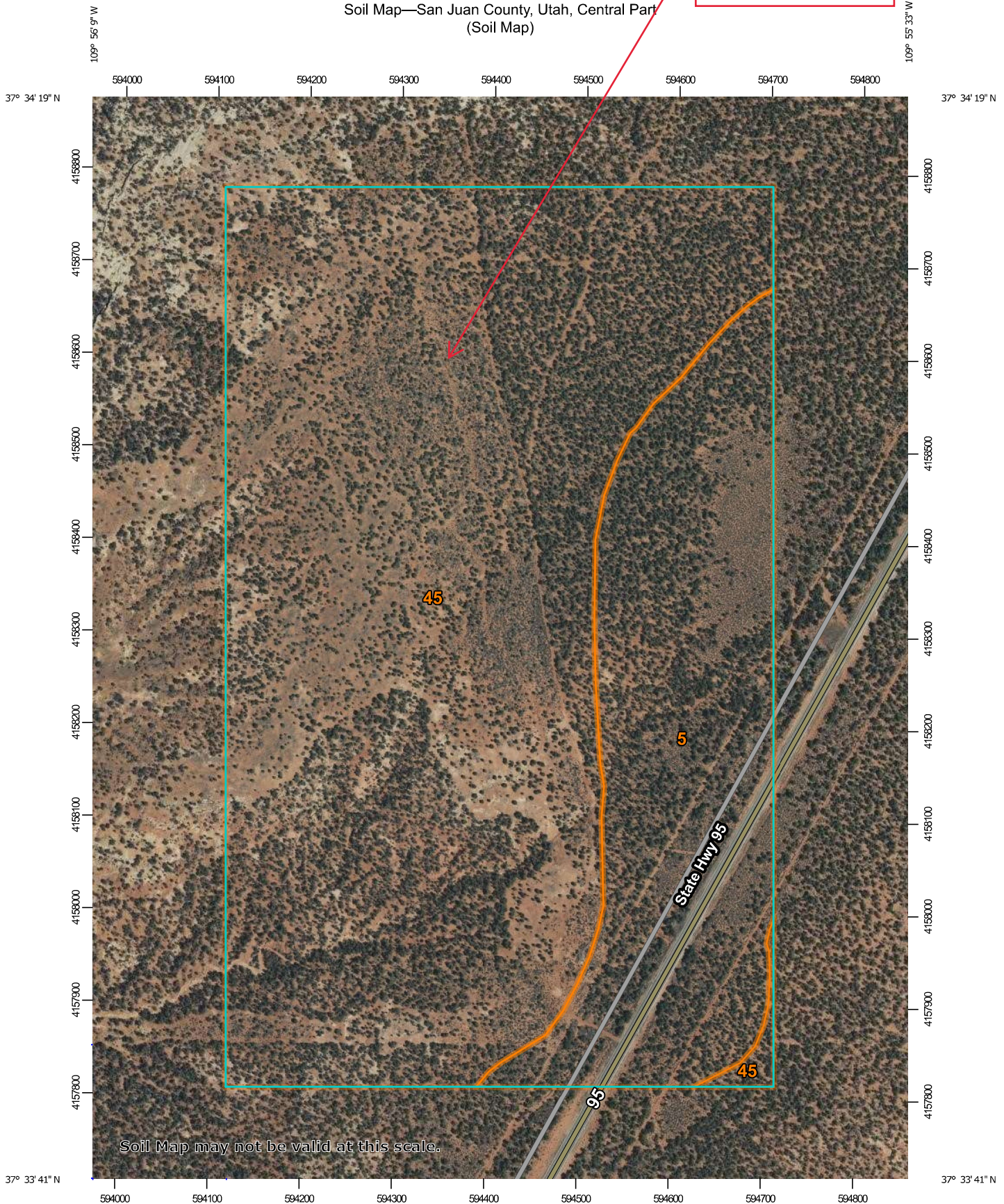
A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

600ft

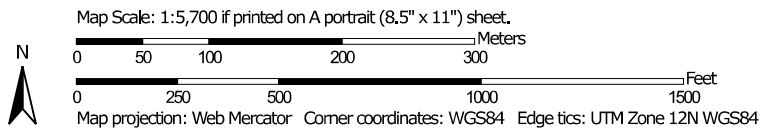
Maxar

Site Location

Soil Map—San Juan County, Utah, Central Part
(Soil Map)




Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Juan County, Utah, Central Part

Survey Area Data: Version 19, Sep 9, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 15, 2022—Jun 6, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5	Barx very fine sandy loam, 1 to 4 percent slopes	37.5	26.1%
45	Rizno-Barx-Yarts complex	105.8	73.9%
Totals for Area of Interest		143.2	100.0%

San Juan County, Utah, Central Part

45—Rizno-Barx-Yarts complex

Map Unit Setting

National map unit symbol: 1vqc
Elevation: 5,200 to 8,000 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 46 to 50 degrees F
Frost-free period: 100 to 140 days
Farmland classification: Not prime farmland

Map Unit Composition

Rizno and similar soils: 35 percent
Barx and similar soils: 25 percent
Yarts and similar soils: 20 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Rizno

Setting

Landform: Structural benches, mesas
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Eolian deposits derived from sandstone and/or residuum weathered from sandstone

Typical profile

A - 0 to 5 inches: fine sandy loam
C - 5 to 19 inches: fine sandy loam
R - 19 to 23 inches: unweathered bedrock

Properties and qualities

Slope: 3 to 15 percent
Depth to restrictive feature: 4 to 20 inches to lithic bedrock
Drainage class: Well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately high (0.00 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 2.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s

Hydrologic Soil Group: D
Ecological site: R035XY315UT - Upland Shallow Loam (Pinyon-Utah Juniper) AWC <3
Other vegetative classification: Upland Shallow Loam (Pinyon-Utah Juniper) (035XY315UT_3)
Hydric soil rating: No

Description of Barx

Setting

Landform: Swales on structural benches, swales on mesas
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Alluvium derived from sandstone and/or eolian deposits derived from sandstone

Typical profile

A - 0 to 3 inches: very fine sandy loam
Bw - 3 to 9 inches: fine sandy loam
Bt - 9 to 32 inches: sandy clay loam
Btk - 32 to 36 inches: sandy clay loam
Bk - 36 to 55 inches: sandy clay loam
C and Ck - 55 to 60 inches: sandy clay loam

Properties and qualities

Slope: 4 to 10 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Medium
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: B
Ecological site: R035XY306UT - Upland Loam (Basin Big Sagebrush)
Hydric soil rating: No

Description of Yarts

Setting

Landform: Hillslopes on structural benches
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Side slope

Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Alluvium derived from sandstone and/or eolian deposits derived from sandstone

Typical profile

A - 0 to 5 inches: fine sandy loam
C - 5 to 41 inches: fine sandy loam
Ck1 - 41 to 48 inches: fine sandy loam
Ck2 - 48 to 60 inches: fine sandy loam

Properties and qualities

Slope: 5 to 30 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 15 percent
Gypsum, maximum content: 1 percent
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: Moderate (about 6.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: R035XY302UT - Upland Dissected Slope (Twoneedle Pinyon-Utah Juniper)
Hydric soil rating: No

Minor Components**Moderately deep, loamy soils**

Percent of map unit: 10 percent

Rock outcrop

Percent of map unit: 10 percent

Data Source Information

Soil Survey Area: San Juan County, Utah, Central Part
Survey Area Data: Version 19, Sep 9, 2023

San Juan County, Utah, Central Part

5—Barx very fine sandy loam, 1 to 4 percent slopes

Map Unit Setting

National map unit symbol: 1vqj
Elevation: 5,800 to 7,800 feet
Mean annual precipitation: 12 to 16 inches
Mean annual air temperature: 47 to 50 degrees F
Frost-free period: 100 to 140 days
Farmland classification: Not prime farmland

Map Unit Composition

Barx and similar soils: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Barx

Setting

Landform: Mesas, structural benches
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from sandstone and/or eolian deposits derived from sandstone

Typical profile

A - 0 to 3 inches: very fine sandy loam
Bw - 3 to 9 inches: fine sandy loam
Bt - 9 to 23 inches: sandy clay loam
Btk - 23 to 36 inches: sandy clay loam
Bk - 36 to 47 inches: sandy clay loam
C and Ck - 47 to 60 inches: sandy clay loam

Properties and qualities

Slope: 1 to 4 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 5.0
Available water supply, 0 to 60 inches: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 4e

Hydrologic Soil Group: B

Ecological site: R035XY306UT - Upland Loam (Basin Big
Sagebrush)

Hydric soil rating: No

Minor Components

Moderately deep, loamy soils

Percent of map unit: 10 percent

Very deep, loamy soils

Percent of map unit: 5 percent

Shallow, loamy soils

Percent of map unit: 5 percent

Data Source Information

Soil Survey Area: San Juan County, Utah, Central Part

Survey Area Data: Version 19, Sep 9, 2023

Appendix **B**

***United States Fish and Wildlife Service (USFWS): Utah
Ecological Services Office and Utah Division of Wildlife
Resources; Southeastern Region (UTDWR)
Consultation***

Lotis' Informal Biological Assessment (IBA)

Informal Biological Assessment

Applicant: VB BTS II, LLC

Site Name: "Bears Ears"; Site Number: "US-UT-5059"; Lotis Task ID: "VBBTS_306"

Latitude : 37° 34' 10.501" N ; Longitude : -109° 55' 53.165" W

Lotis was contracted by the applicant to complete an informal biological assessment (IBA) for the proposed undertaking (which includes the tower, associated equipment, lease area, and access/utility/guy wire easements; or a combination of the mentioned). The purpose of this IBA is to assess and document whether the proposed undertaking will potentially affect species of concern, designated critical habitats, wetlands, and migratory birds identified by the United States Fish and Wildlife Services (USFWS) Information for Planning and Conservation (IPaC) tool and the Utah Division of Wildlife Resources. The proposed undertaking's scope of work (SOW), site photographs, site location maps, the official IPaC species list/Section 7 guidance, and the relevant species listed by the state of Utah are included in this report.

The Proposed Undertaking's Scope of Work:

The proposed undertaking is located near Utah State Route 95, Lake Powell, San Juan County, Utah 84533 and consists of a 480-foot tall, guyed telecommunication tower and associated equipment contained within a 585-foot by 670-foot lease area at the above property. The undertaking includes a 30-foot wide by ~2,226.2-foot-long access/utility easement that extends south connecting with Utah State Road 95. Also included are three guyed wire easements that will be within the proposed lease area. In total the proposed undertaking is approximately 458,736.00 square feet. The proposed tower site is approximately 6,759.5 feet above mean sea level (AMSL).

Site and Surrounding Habitat:

The proposed undertaking is currently located in desert scrub. Per the scope of work, some trees and shrubs within the proposed undertaking are identified to be removed/impacted. The surrounding habitats within a 0.5 mile radius of the proposed undertaking consist of desert land and a few wetlands. To the north, habitat consists of a desert scrub followed by a wetland and desert scrub. To the east, habitat consists of a desert scrub followed by Utah State Route 95 and desert scrub. To the south, habitat consists of a desert scrub followed by a wetland and desert scrub. To the west, habitat consists of desert scrub.

Per USFWS Critical Habitat Mapper (<http://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8ddb77>) the current habitat is not mapped as critical habitat, nor does it qualify as preferred habitat for Federal or State listed species.

Wetlands:

Lotis has reviewed the United States Geological Survey's (USGS) topographic map as well as the USFWS National Wetlands Inventory Map (NWIM) to determine if the lease area and easements would have an impact on any wetlands. Lotis determined that the proposed undertaking is not located in a recognized national wetland area but due to the proximity of wetlands in all directions the undertaking may have an adverse effect on these areas. Lotis recommends best management practices be incorporated to protect adjacent habitats and wetlands from runoff caused by impervious surfaces. The closest USFWS identified mapped wetland is approximately 250 feet southwest of the proposed undertaking's lease area, and the proposed access/utility easement crosses a mapped riverine. A wetlands map is included in this report to show all wetlands in the surrounding area.

Threatened or Endangered Species:

Lotis has researched threatened or endangered species and designated critical habitat for the action area. This is exclusive to any such species that have been reported to exist within the area where the proposed undertaking is located. The following list of federally threatened or endangered species was acquired through the USFWS IPaC website.

FEDERAL SPECIES				
Species Name	Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Mexican Spotted Owl (<i>Strix occidentalis lucida</i>)	Threatened	Variety of mature forest conditions, canyon bottoms, cliff faces, tops of canyon rims, and riparian areas	Habitat assessment indicated no preferred habitat present.	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	A field, roadside area, open area, wet area, or urban garden	Habitat assessment indicated no preferred habitat present.	No effect
Navajo Sedge (<i>Carex specuicola</i>)	Threatened	Seeps and springs, usually in moist, sandy or silty soils, with limited soil development in shady seep pockets	Habitat assessment indicated no preferred habitat present.	No effect

The following list of state species of concern was acquired through the Utah Division of Wildlife Resources’s website (<https://dwrapps.utah.gov/HeritageDataRequest/>). The list of the remaining potentially present listed species and habitat presence are summarized in the following table:

STATE SPECIES				
Species Name	Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Pinyon Jay (<i>Gymnorhinus cyanocephalus</i>)	SGCN	Pinyon-juniper, chaparral, and scrub-oak woodlands	Habitat assessment indicated preferred habitat may be present.	Not Likely to Adversely Affect (NLAA)

Migratory Birds:

The USFWS has indicated its concern of the impact of towers on migrating bird populations. The proposed undertaking and design process for this undertaking could not conform to all the USFWS recommendations to decrease potential effects on migratory birds. Lotis has assessed the potential habitat for migratory birds and has determined that potential habitat is present at and around the proposed undertaking. This habitat includes desert trees and shrubs and a few wetlands in the surrounding area. To reduce the potential impact on threatened, endangered, and migratory birds, our client will be implementing the use of bird flight diverters at the recommended manufacturer spacing. Additionally, due to FAA requirements, lighting on the tower is required. As such, the applicant will petition to utilize avian-friendly lighting to reduce the potential impact on nocturnal

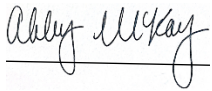
volant species of concern. It should also be noted that the proposed undertaking is located within 24.43 miles of an existing 33-foot mast telecommunication structure to the east.

Based upon the efforts during this IBA as well as the current data made available, surrounding habitat has the potential to support migratory birds; however, potential negative effects of a nearby tower are unknown and the addition of another tower may or may not negatively affect migratory birds.

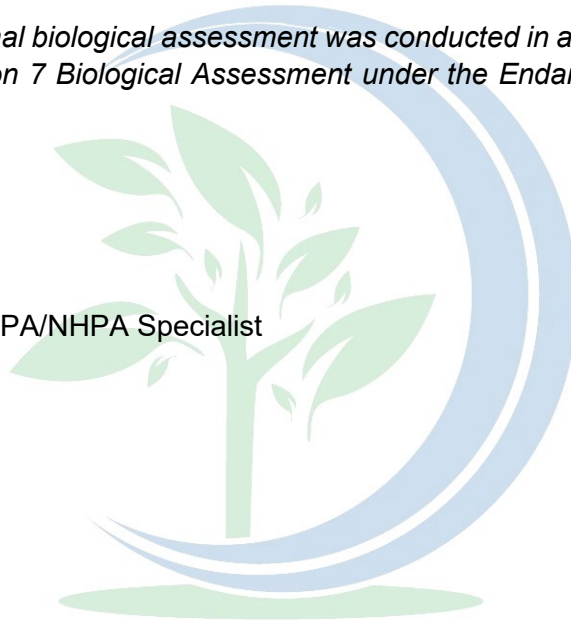
Conclusions:

In conclusion, one species preferred habitats, identified by the UTDWR has been observed at the proposed undertaking's location. However, due to the small scale of the project, human disturbance via the nearby roadway, as well as/or no individuals observed during site reconnaissance, there is little potential for the proposed undertaking to have a significant impact on the Pinyon Jay (*Gymnorhinus cyanocephalus*). Therefore, based on the documents reviewed, and the SOW outlined above, the identified threatened/endangered species may be affected, but is not likely to be impacted as a whole. Lotis' recommends following all preventative recommendations presented by the USFWS and the UTDWR. Additionally, Lotis recommends consultation with the UTDWR regarding the above identified species of concern whose preferred habitats are potentially present at the proposed undertaking [for consultation regarding potential effect on state listed species].

It should be noted that this informal biological assessment was conducted in accordance with the Scope of Work and does not constitute a Section 7 Biological Assessment under the Endangered Species Act (50 CFR Part 402.01).



Abby McKay
Natural Resource Specialist / NEPA/NHPA Specialist
Lotis Environmental, LLC



United States Fish and Wildlife Service (USFWS): Utah Ecological Services Office Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Informal Biological Assessment***
- ***USFWS IPaC Document***
- ***Attachment 1 - Maps***
- ***Attachment 2 – Photographs***
- ***Attachment 3 – FCC ESA Delegation Letter***

***Federal Communications Commission (FCC)
Designation Letter for FCC licensees, applicants, tower
companies and their representatives when they request
informal consultations and/or request species lists
pursuant to Section 7 of the Endangered Species Act of
1973, as amended (16 U.S.C. Â§Â§ 1531-1543) (ESA)***



Federal Communications Commission
Washington, D.C. 20554

July 9, 2003

Mr. Steve Williams, Director
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

BY FIRST CLASS MAIL AND FACSIMILE (202) 208-6965

Dear Mr. Williams:

We have received requests from various U.S. Fish and Wildlife Service (FWS) field offices for a designation letter from the Federal Communications Commission (FCC) for FCC licensees, applicants, tower companies and their representatives when they request informal consultations and/or request species lists pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1543) (ESA). Pursuant to 50 C.F.R. § 402.08 and in accordance with FCC rules, this letter formally designates all FCC licensees, applicants, tower companies and their representatives as non-federal representatives for purposes of Section 7 consultation. We recognize that the Commission retains ultimate responsibility for Section 7 obligations. *See* 47 C.F.R. §§ 1.1308(b), 1.1312(b).

In accordance with the interagency cooperation regulations at 50 C.F.R. § 402.08, non-Federal representatives may be involved in an informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for a formal consultation. Because the FCC has deregulated the construction of communications facilities, the Commission is not involved in most of its regulatees' planning and construction activities unless they affect certain categories of environmental concerns. (The FCC still does issue construction permits for broadcast facilities.) Thus, the FCC does not individually authorize and does not require notice of most communications towers. The FCC's rules require its licensees, applicants, and tower companies to determine, in the first instance, the environmental effects of their proposed towers. *See* 47 C.F.R. § 1.1312(a).

In accordance with this policy, the FCC's environmental rules require that all licensees and applicants prepare and file with the FCC an Environmental Assessment (EA) if, among other things, their proposed facilities "may affect" or "are likely to jeopardize" listed or proposed threatened or endangered species or designated critical habitats.¹ In order to

¹ 47 C.F.R. § 1.1307(a)(3) requires the preparation of an EA for facilities that: "(i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued

Williams Letter

page 2

determine whether an EA is required, an applicant may need to request information from and informally consult with FWS. Moreover, the Note to Section 1.1307(a)(3) of the FCC's environmental rules² specifically authorizes FCC licensees and applicants and their representatives to contact FWS to determine whether their proposed facilities will affect threatened or endangered species or designated critical habitats. We understand that the FWS rules require parties that are engaged in informal consultation to include the information described in 50 C.F.R. § 402.12, which may be different from information required under the National Environmental Policy Act. Once it is established that threatened or endangered species or their critical habitats may be affected, licensees and applicants are required to base their analysis on the "best scientific and commercial data available." See 47 C.F.R. § 1.1311(a)(6).

Accordingly, under the FCC's environmental rules, all FCC licensees, applicants, tower companies and their representatives have a blanket designation and are authorized to contact and work with the FWS to ensure that any effects on threatened and endangered species and their critical habitats are evaluated in siting proposed communications facilities. The FCC intends to post this letter on the FCC website, <http://wireless.fcc.gov/siting>.

Sincerely,



Susan H. Steiman
Associate General Counsel

Cc: Richard Sayers, Endangered Species Division

existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973."

² 47 C.F.R. § 1.1307(a)(3) Note.

***Proof of United States Fish and Wildlife Service
(USFWS): Utah Ecological Services Office Submission***

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 9, 2024 5:25 PM
To: UtahFieldOfficeESA, FW6
Cc: Abby McKay
Subject: USFWS Section 7 informal consultation regarding a proposed telecommunication build VBBTS_306 – "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz; Bears Ears USFWS Sub 2.9.24.pdf

Importance: High

Tracking:	Recipient	Delivery
	UtahFieldOfficeESA, FW6	
	Abby McKay	Delivered: 2/9/2024 5:25 PM

To Whom It May Concern,

Please see the attached request for informal Section 7 review for the potential effect on Federally listed threatened and endangered species. We have determined a "No Effect (NE)" on one or more listed species of concern or their corresponding habitat(s).

You will find the official letter of request, site maps, site photos, and an informal biological assessment which has been completed by Lotis to aid you in your review. Lastly, I have attached a KMZ file which will give you the pin point location of the proposed undertaking on Google Earth. Should you need additional information please feel free to contact me by phone or by responding to this email.

Thank you for your time and consideration.

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
Mobile: 509.387.0700
McKay@thelotisgroup.com

***United States Fish and Wildlife Service (USFWS): Utah
Ecological Services Office's Information for Planning
and Conservation (IPaC) Letter(s)***



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Utah Ecological Services Field Office
2369 West Orton Circle, Suite 50
West Valley City, UT 84119-7603
Phone: (801) 975-3330 Fax: (801) 975-3331

In Reply Refer To:
Project Code: 2024-0028808
Project Name: Bears Ears US-UT-5059

February 06, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Utah Ecological Services Field Office

2369 West Orton Circle, Suite 50

West Valley City, UT 84119-7603

(801) 975-3330

PROJECT SUMMARY

Project Code: 2024-0028808

Project Name: Bears Ears US-UT-5059

Project Type: Communication Tower New Construction

Project Description: The proposed undertaking is located near Utah State Route 95, Lake Powell, San Juan County, Utah 84533 and consists of a 480-foot tall guyed telecommunication tower and associated equipment contained within a 585-foot by 670-foot lease area at the above property. The undertaking includes a 30-foot wide by 2226.2-foot long access/utility easement that extends south connecting with Utah State Road 95. In total the proposed undertaking is approximately 458,736.00 square feet. The proposed tower site is approximately 6759.5 feet above mean sea level (AMSL).

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.5670135,-109.93037297739767,14z>



Counties: San Juan County, Utah

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Navajo Sedge <i>Carex specuicola</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8579	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Lotis Environmental
Name: Miles Walz-Salvador
Address: 8899 Main St
Address Line 2: 107
City: Williamsville
State: NY
Zip: 14221
Email: nepa.nhpa@thelotisgroup.com
Phone: 3149130505

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Communications Commission

***United States Fish and Wildlife Service (USFWS): Utah
Ecological Services Office's Categorical Clearance
Statement***

From: [Weekley, George M](#)
To: [Abby McKay](#); [UtahFieldOfficeESA_FW6](#)
Subject: Re: [EXTERNAL] RE: USFWS Section 7 informal consultation regarding a proposed telecommunication build VBBTS_306 – "Bears Ears" US-UT-5059
Date: Thursday, April 18, 2024 2:31:03 PM
Attachments: [image002.png](#)
[image003.png](#)
[image008.png](#)
[image009.png](#)
[image004.png](#)

Yes,

That is correct. We do not respond to No Effect determinations.

George Weekley

Field Office Supervisor
Utah Ecological Services Field Office
U.S. Fish and Wildlife Service
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119
Cell: 801.554.7660
Office: 801.239.0561

To send official correspondence to our office, please email utahfieldoffice_esa@fws.gov

From: Abby McKay <Mckay@thelotisgroup.com>
Sent: Thursday, April 18, 2024 1:29 PM
To: [UtahFieldOfficeESA, FW6](mailto:UtahFieldOfficeESA_FW6) <UtahFieldOffice_ESA@fws.gov>
Cc: Weekley, George M <george_weekley@fws.gov>
Subject: [EXTERNAL] RE: USFWS Section 7 informal consultation regarding a proposed telecommunication build VBBTS_306 – "Bears Ears" US-UT-5059

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.


Sorry for another email – I realized that we have a note stating that your office may not respond to projects with No Effect Determinations. Is that still the case? As this project is a "No Effect" I am assuming that is why we didn't receive a response.

Thanks for your time and assistance!

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com
Find us on LinkedIn 

Phone: 716.580.7000
Mobile: 509.387.0700
Mckay@thelotisgroup.com
Find me on LinkedIn

From: Abby McKay
Sent: Thursday, April 18, 2024 2:16 PM
To: [UtahFieldOfficeESA, FW6](mailto:UtahFieldOfficeESA_FW6) <UtahFieldOffice_ESA@fws.gov>
Cc: george_weekley@fws.gov
Subject: RE: USFWS Section 7 informal consultation regarding a proposed telecommunication build VBBTS_306 – "Bears Ears" US-UT-5059
Importance: High

Good afternoon,


Just wanted to follow up on this as it has been over 30 days since submission. Please let me know if there is anything else you need to aid in your review.

Thanks,

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com
Find us on LinkedIn 

Phone: 716.580.7000
Mobile: 509.387.0700
McKay@thelotisgroup.com
Find me on LinkedIn

From: NEPA NHPA <NEPA.NHPA@thelotisgroup.com>

Sent: Friday, February 9, 2024 5:25 PM

To: UtahFieldOfficeESA, FW6 <UtahFieldOffice_ESA@fws.gov>

Cc: Abby McKay <McKay@thelotisgroup.com>

Subject: USFWS Section 7 informal consultation regarding a proposed telecommunication build VBBTS_306 – "Bears Ears" US-UT-5059

Importance: High

To Whom It May Concern,

Please see the attached request for informal Section 7 review for the potential effect on Federally listed threatened and endangered species. We have determined a "No Effect (NE)" on one or more listed species of concern or their corresponding habitat(s).

You will find the official letter of request, site maps, site photos, and an informal biological assessment which has been completed by Lotis to aid you in your review. Lastly, I have attached a KMZ file which will give you the pin point location of the proposed undertaking on Google Earth. Should you need additional information please feel free to contact me by phone or by responding to this email.

Thank you for your time and consideration.

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
Mobile: 509.387.0700
McKay@thelotisgroup.com

Utah Division of Wildlife Resources; Southeastern Region (UTDWR) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- *Proposed Project Summary*
- *Informal Biological Assessment*
- *State Species List (if applicable)*
- *Attachment 1 - Maps*
- *Attachment 2 - Photographs*

***Proof of Utah Division of Wildlife Resources;
Southeastern Region (UTDWR) Submission***

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 9, 2024 5:01 PM
To: klazenby@utah.gov; segibson@utah.gov
Cc: Abby McKay
Subject: Threatened and Endangered Species consultation for project VBBTS_306 – "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz; Bears Ears STATE Sub 2.9.24 .pdf

Importance: High

Tracking:	Recipient	Delivery
	klazenby@utah.gov	
	segibson@utah.gov	
	Abby McKay	Delivered: 2/9/2024 5:02 PM

To Whom It May Concern,

I am contacting you because I am completing environmental due diligence for a proposed construction of a telecommunications tower located in San Juan County, Utah. Please see the attached informal biological assessment (IBA), site photos, site maps, and KMZ file (for quick Google Earth aerial review). Lotis is seeking your comment for potential effect and mitigation, if needed, for state listed species and habitat of concern.

Should you have an additional request for information, please feel free to contact me via phone or by responding all to this email. We will do our best to supplement you with any additional documentation or information regarding the proposed undertaking.

Thank you for your time and consideration.

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
Mobile: 509.387.0700
McKay@thelotisgroup.com

***Utah Division of Wildlife Resources; Southeastern
Region (UTDWR) Threatened and Endangered Species
List***



Utah Division of Wildlife Resources
 Utah Natural Heritage Program
 1594 W. North Temple
 PO Box 146301
 Salt Lake City, UT 84116

Report Number: 15159
 February 5, 2024

Utah Natural Heritage Program Online Species Search Report

Project Information

Project Name

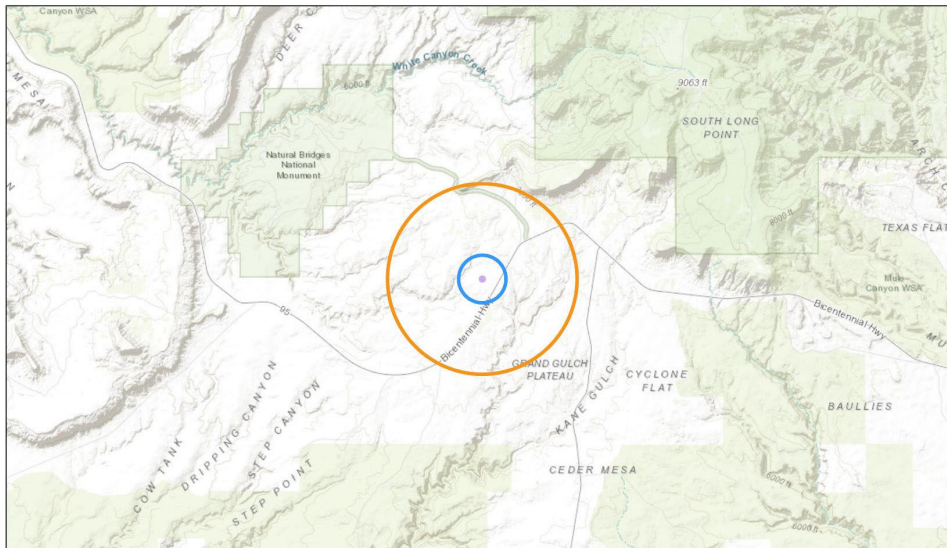
Bears Ears US-UT-5059

Project Description

A proposed 480' guyed telecommunications tower within a 585' by 670' lease area. Also includes a 30' by ~2,226.2 access/utility easement.

Location Description

North of Utah State Route 95, Lake Powell, San Juan County, Utah 84533



February 5, 2024

1:146,780
 0 1 2 4 mi
 0 1.5 3 6 km
 Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, USGS, NGA, EPA, USCA, FIPS

Animals within a 1/2 mile radius

Common Name	Scientific Name	State Status	U.S. ESA Status	Last Observation Year
-------------	-----------------	--------------	-----------------	-----------------------

No Species Found

Plants within a 1/2 mile radius

Common Name	Scientific Name	State Status	U.S. ESA Status	Last Observation Year
-------------	-----------------	--------------	-----------------	-----------------------

No Species Found

Animals within a 2 mile radius

Common Name	Scientific Name	State Status	U.S. ESA Status	Last Observation Year
Pinyon Jay	Gymnorhinus cyanocephalus	SGCN		2020

Plants within a 2 mile radius

Common Name	Scientific Name	State Status	U.S. ESA Status	Last Observation Year
-------------	-----------------	--------------	-----------------	-----------------------

No Species Found

Definitions

State Status

SGCN	Species of greatest conservation need listed in the Utah Wildlife Action Plan
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U.S. Endangered Species Act

LE	A taxon that is listed by the U.S. Fish and Wildlife Service as "endangered" with the probability of worldwide extinction
LT	A taxon that is listed by the U.S. Fish and Wildlife Service as "threatened" with becoming endangered
LE:XXN	An "endangered" taxon that is considered by the U.S. Fish and Wildlife Service to be "experimental and nonessential" in its designated use areas in Utah
C	A taxon for which the U.S. Fish and Wildlife Service has on file sufficient information on biological vulnerability and threats to justify it being a "candidate" for listing as endangered or threatened
PT/PE	A taxon "proposed" to be listed as "endangered" or "threatened" by the U.S. Fish and Wildlife Service

Disclaimer

The information provided in this report is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, any given response is only appropriate for its respective request.

The UDWR provides no warranty, nor accepts any liability, occurring from any incorrect, incomplete, or misleading data, or from any incorrect, incomplete, or misleading use of these data.

The results are a query of species tracked by the Utah Natural Heritage Program, which includes all species listed under the U.S. Endangered Species Act and species on the Utah Wildlife Action Plan. Other significant wildlife values might also be present on the designated site. Please [contact](#) UDWR's regional habitat manager if you have any questions.

For additional information about species listed under the Endangered Species Act and their Critical Habitats that may be affected by activities in this area or for information about Section 7 consultation under the Endangered Species Act, please visit <https://ecos.fws.gov/ipac/> or contact the [U.S. Fish and Wildlife Service Utah Ecological Services Field Office](#) at (801) 975-3330 or utahfieldoffice_esa@fws.gov.

Please contact our office at (801) 538-4759 or habitat@utah.gov if you require further assistance.

Your project is located in the following UDWR region(s): Southeastern region

Report generated for:

Miles Walz-Salvador
Lotis Environmental, LLC
8899 Main Street
Williamsville, NY 14221
(417) 840-5008
NEPA.NHPA@thelotisgroup.com



***Utah Division of Wildlife Resources; Southeastern
Region's (UTDWR) Response***

From: [Kade Lazenby](#)
To: [NEPA NHPA](#)
Cc: seqibson@utah.gov; [Abby McKay](#)
Subject: Re: Threatened and Endangered Species consultation for project VBBTS_306 – "Bears Ears" US-UT-5059
Date: Monday, February 12, 2024 2:21:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good afternoon,

Scott Gibson and I have reviewed the Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC Project. Although we did not see a proposed timing of construction, we would encourage a seasonal timing restriction for pinyon jays (February - July). The proposed area is prime pinyon jay habitat. With that being said, we agree that the proposed undertaking is not likely to adversely affect state listed species or their potential habitats.

Best regards

On Fri, Feb 9, 2024 at 4:01 PM NEPA NHPA <NEPA.NHPA@thelotisgroup.com> wrote:

To Whom It May Concern,

I am contacting you because I am completing environmental due diligence for a proposed construction of a telecommunications tower located in San Juan County, Utah. Please see the attached informal biological assessment (IBA), site photos, site maps, and KMZ file (for quick Google Earth aerial review). Lotis is seeking your comment for potential effect and mitigation, if needed, for state listed species and habitat of concern.

Should you have an additional request for information, please feel free to contact me via phone or by responding all to this email. We will do our best to supplement you with any additional documentation or information regarding the proposed undertaking.

Thank you for your time and consideration.

Abby McKay

NEPA/NHPA Specialist



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McKay@thelotisgroup.com

--

Kade Lazenby
Impact Analysis Biologist

M: (435) 820-6015



E: klazenby@utah.gov

Utah Department of Natural Resources
Division of Wildlife Resources

wildlife.utah.gov



The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party without the written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion so that we can ensure such a mistake does not occur in the future.

***2013 U.S. Fish and Wildlife Service (USFWS) Revised
Voluntary Guidelines for Communication Tower Design,
Siting, Construction, Operation, Retrofitting, and
Decommissioning***

2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning –

Suggestions Based on Previous USFWS Recommendations to FCC Regarding WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking, "Effects of Communication Towers on Migratory Birds" (2007), Docket No. 08-61, FCC's Antenna Structure Registration Program (2011), Service 2012 Wind Energy Guidelines, and Service 2013 Eagle Conservation Plan Guidance

Submitted by:

Albert M. Manville, II, Ph.D., C.W.B.
Senior Wildlife Biologist & Avian-Structural Lead
Division of Migratory Bird Management, U.S. Fish & Wildlife Service
4401 N. Fairfax Dr. -- MBSP-4107
Arlington, VA 22203
703/358-1963, albert_manville@fws.gov

Last updated: September 27, 2013

[Comm Tower 2013 Revised Guidance-to FCC-AMM.docx]

1. Collocation of the communications equipment on an existing communication tower or other structure (e.g., billboard, water and transmission tower, distribution pole, or building mount) is strongly recommended. Depending on tower load factors and communication needs, from 6 to 10 providers should collocate on an existing tower or structure provided that frequencies do not overlap/"bleed" or where frequency length or broadcast distance requires higher towers. New towers should be designed structurally and electronically to accommodate the applicant's antenna, and antennas of at least 2 additional users – ideally 6 to 10 additional users, if possible – unless the design would require the addition of lights and/or guy wires to an otherwise unlit and/or unguyed tower. This recommendation is intended to reduce the number of towers needed in the future.

2. If collocation is not feasible and a new tower or towers are to be constructed, it is strongly recommended that the new tower(s) should be not more than 199 feet above ground level (AGL), and that construction techniques should not require guy wires. Such towers should be unlighted if Federal Aviation Administration (FAA) regulations and lighting standards (FAA 2007, Patterson 2012, FAA 2013 lighting circular anticipated update) permit. Additionally, the Federal Communications Commission (FCC) through recent rulemaking now requires that new towers \geq 450 ft AGL contain no red-steady lights. FCC also recommends that new towers 350-450 ft AGL also contain no red-steady lights, and they will eventually recommend that new towers $<$ 350 ft AGL convert non-flashing lights to flash with existing flashing lights. LED lights are being suggested as replacements for all new construction and for retrofits, with the intent of future synchronizing the flashes. Given these dynamics, the Service recommends using lattice tower or monopole structures for all towers $<$ 200 ft AGL and for taller towers where feasible. The Service considers the less than 200 ft AGL option the "gold standard" and suggests that this

is the environmentally preferred industry standard for tower placement, construction and operation – i.e., towers that are unlit, unguyed, monopole or lattice, and less than 200 ft AGL.

3. If constructing multiple towers, the cumulative impacts of all the towers to migratory birds – especially to Birds of Conservation Concern (FWS 2008) and threatened and endangered species, as well as the impacts of each individual tower, should be considered during the development of a project.

4. The topography of the proposed tower site and surrounding habitat should be clearly noted, especially in regard to surrounding hills, mountains, mountain passes, ridge lines, rivers, lakes, wetlands, and other habitat types used by raptors, Birds of Conservation Concern, and state and federally listed species, and other birds of concern. Active raptor nests, especially those of Bald and Golden Eagles, should be noted, including known or suspected distances from proposed tower sites to nest locations. Nest site locations for Golden Eagles may vary between years, and unoccupied, inactive nests and nest sites may be re-occupied over multiple years. The Service's 2013 Eagle Conservation Plan Guidance, Module 1, Land-based Wind Energy, Version 2, available on our website, is a useful document (USFWS 2013).

5. If at all possible, new towers should be sited within existing "antenna farms" (i.e., clusters of towers), in degraded areas (e.g., strip mines or other heavily industrialized areas), in commercial agricultural lands, in Superfund sites, or other areas where bird habitat is poor or marginal. Towers should not be sited in or near wetlands, other known bird concentration areas (e.g., state of federal refuges, staging areas, rookeries, and Important Bird Areas), in known migratory, daily movement flyways, areas of breeding concentration, in habitat of threatened or endangered species, or key habitats for Birds of Conservation Concern (FWS 2008). Disturbance can result in effects to bird populations which may cumulatively affect their survival. The Service has recommended some disturbance-free buffers, e.g., 0.5 mi around raptor nests during the nesting season, and 1-mi disturbance free buffers for Ferruginous Hawks and Bald Eagles during nesting season in Wyoming (FWS WY Ecological Services Field Office, referenced in Manville 2007:23). The effects of towers on "prairie grouse," "sage grouse," and grassland and shrub-steppe bird species should also be considered since tall structures have been shown to result in abandonment of nest site areas and leks, especially for "prairie grouse" (Manville 2004). The issue of buffers is currently under review, especially for Bald and Golden Eagles. Additionally, towers should not be sited in areas with a high incidence of fog, mist, and low cloud ceilings.

6. If taller (> 199 ft AGL) towers requiring lights for aviation safety must be constructed, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA should be used. Unless otherwise required by the FAA, only white strobe or red strobe lights (red preferable since it is generally less displeasing to the human eye at night), or red flashing incandescent lights should be used at night, and these should be the minimum number, minimum intensity (< 2,000 candela), and minimum number of flashes per minute (i.e., longest duration between flashes/"dark phase") allowable by the FAA. The use of solid (non-flashing) warning lights at night should be avoided (Patterson 2012, Gehring et al. 2009) – see recommendation #2 above. Current research indicates that solid red lights attract night-migrating birds at a much higher rate than flashing lights (Gehring et al. 2009, Manville 2007, 2009). Recent research

indicates that use of white strobe, red strobe, or red flashing lights alone provides significant reductions in bird fatalities (Patterson 2012, Gehring et al. 2009).

7. Tower designs using guy wires for support, which are proposed to be located in known raptor or waterbird concentrations areas, daily movement routes, major diurnal migratory bird movement routes, staging areas, or stopover sites, should have daytime visual markers or bird deterrent devices installed on the wires to prevent collisions by these diurnally moving species. The efficacy of bird deterrents on guy wires to alert night migrating species has yet to be scientifically validated. For guidance on markers, see Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines -- State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, DC, and Sacramento, CA. 207 pp, and APLIC. 2012. *Reducing Avian Collisions with Power Lines -- the State of the Art in 2012*. Edison Electric Institute and APLIC. Washington, DC. 159 pp. Also see www.aplic.org, www.energy.ca.gov, or call 202-508-5000.

8. Towers and appendant facilities should be designed, sited, and constructed so as to avoid or minimize habitat loss within and adjacent to the tower "footprint." However, a larger tower footprint is preferable to the use of guy wires in construction. Several shorter, un-guyed towers are preferable to one, tall guyed, lighted tower. Road access and fencing should be minimized to reduce or prevent habitat fragmentation, disturbance, and the creation of barriers, and to reduce above ground obstacles to birds in flight.

9. If, prior to tower design, siting and construction, if it has been determined that a significant number of breeding, feeding and roosting birds, especially of Birds of Conservation Concern (FWS 2008), state or federally-listed bird species, and eagles are known to habitually use the proposed tower construction area, relocation to an alternate site is highly recommended. If this is not an option, seasonal restrictions on construction are advised in order to avoid disturbance, site and nest abandonment, especially during breeding, rearing and other periods of high bird activity.

10. Security lighting for on-ground facilities, equipment and infrastructure should be motion- or heat-sensitive, down-shielded, and of a minimum intensity to reduce nighttime bird attraction and eliminate constant nighttime illumination, but still allow safe nighttime access to the site (USFWS 2012, Manville 2011).

11. Representatives from the USFWS or researchers from the Research Subcommittee of the Communication Tower Working Group should be allowed access to the site to evaluate bird use; conduct dead-bird searches; place above ground net catchments below the towers (Manville 2002); and to perform studies using radar, Global Position System, infrared, thermal imagery, and acoustical monitoring, as necessary. This will allow for assessment and verification of bird movements, site use, avoidance, and mortality. The goal is to acquire information on the impacts of various tower types, sizes, configurations and lighting protocols.

12. Towers no longer in use, not re-licensed by the FCC for use, or determined to be obsolete should be removed from the site within 12 months of cessation of use, preferably sooner.

13. In order to obtain information on the usefulness of these guidelines in preventing bird strikes and better understanding impacts from habitat fragmentation, please advise USFWS personnel of the final location and specifications of the proposed tower, and which measures recommended in these guidelines were implemented. If any of these recommended measures cannot be implemented, please explain why they are not feasible. This will further advise USFWS in identifying any recurring problems with the implementation of the guidelines, which may necessitate future modifications.

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Migratory Bird Treaty Act of 1918

Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Migratory Bird Treaty Act of 1918

[Migratory Bird Treaty Act of 1918](#) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended by: Chapter 634; June 20, 1936; 49 Stat. 1556; P.L. 86-732; September 8, 1960; 74 Stat. 866; P.L. 90-578; October 17, 1968; 82 Stat. 1118; P.L. 91-135; December 5, 1969; 83 Stat. 282; P.L. 93-300; June 1, 1974; 88 Stat. 190; P.L. 95-616; November 8, 1978; 92 Stat. 3111; P.L. 99-645; November 10, 1986; 100 Stat. 3590 and P.L. 105-312; October 30, 1998; 112 Stat. 2956

The original 1918 statute implemented the 1916 Convention between the U.S. and Great Britain (for Canada) for the protection of migratory birds. Later amendments implemented treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Soviet Union (now Russia).

Specific provisions in the statute include:

- Establishment of a Federal prohibition, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird." (16 U.S.C. 703)

This prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and the Russia.

- Authority for the Secretary of the Interior to determine, periodically, when, consistent with the Conventions, "hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any . . . bird, or any part, nest or egg" could be undertaken and to adopt regulations for this purpose. These determinations are to be made based on "due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times of migratory flight." (16 U.S.C. 704)
- A decree that domestic interstate and international transportation of migratory birds which are taken in violation of this law is unlawful, as well as importation of any migratory birds which are taken in violation of Canadian laws. (16 U.S.C. 705)
- Authority for Interior officials to enforce the provisions of this law, including seizure of birds illegally taken which can be forfeited to the U.S. and disposed of as directed by the courts. (16 U.S.C. 706)
- Establishment of fines for violation of this law, including misdemeanor charges. (16 U.S.C. 707)
- Authority for States to enact and implement laws or regulations to allow for greater protection of migratory birds, provided that such laws are consistent with the respective Conventions and that open seasons do not extend beyond those established at the national level. (16 U.S.C. 708)

- A repeal of all laws inconsistent with the provisions of this Act. (16 U.S.C. 710)
- Authority for the continued breeding and sale of migratory game birds on farms and preserves for the purpose of increasing the food supply. (16 U.S.C. 711)

The 1936 statute implemented the Convention between the U.S. and Mexico for the Protection of Migratory Birds and Game Mammals. Migratory bird import and export restrictions between Mexico and the U.S. were also authorized, and in issuing any regulations to implement this section, the Secretary of Agriculture was required to consider U.S. laws forbidding importation of certain mammals injurious to agricultural and horticultural interests. Monies for the Secretary of Agriculture to implement these provisions were also authorized.

The 1960 statute (P.L. 86-732) amended the MBTA by altering earlier penalty provisions. The new provisions stipulated that violations of this Act would constitute a misdemeanor and conviction would result in a fine of not more than \$500 or imprisonment of not more than six months. Activities aimed at selling migratory birds in violation of this law would be subject to fine of not more than \$2000 and imprisonment could not exceed two years. Guilty offenses would constitute a felony. Equipment used for sale purchases was authorized to be seized and held, by the Secretary of the Interior, pending prosecution, and, upon conviction, be treated as a penalty.

Section 10 of the 1969 amendments to the Lacey Act (P.L. 91-135) repealed the provisions of the MBTA prohibiting the shipment of wild game mammals or parts to and from the U.S. or Mexico unless permitted by the Secretary of the Interior. The definition of "wildlife" under these amendments does not include migratory birds, however, which are protected under the MBTA.

The 1974 statute (P.L. 93-300) amended the MBTA to include the provisions of the 1972 Convention between the U.S. and Japan for the Protection of Migratory Birds and Birds in Danger of Extinction. This law also amended the title of the MBTA to read: "An Act to give effect to the conventions between the U.S. and other nations for the protection of migratory birds, birds in danger of extinction, game mammals, and their environment."

Section 3(h) of the Fish and Wildlife Improvement Act of 1978 (P.L. 95-616) amended the MBTA to authorize forfeiture to the U.S. of birds and their parts illegally taken, for disposal by the Secretary of the Interior as he deems appropriate. These amendments also authorized the Secretary to issue regulations to permit Alaskan natives to take migratory birds for their subsistence needs during established seasons. The Secretary was required to consider the related migratory bird conventions with Great Britain, Mexico, Japan, and the Soviet Union in establishing these regulations and to establish seasons to provide for the preservation and maintenance of migratory bird stocks.

Public Law 95-616 also ratified a treaty with the Soviet Union specifying that both nations will take measures to protect identified ecosystems of special importance to migratory birds against pollution, detrimental alterations, and other environmental degradations. (See entry for the Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment; T.I.A.S. 9073; signed on November 19, 1976, and approved by the Senate on July 12, 1978; 92 Stat. 3110.)

Public Law 99-645, the 1986 Emergency Wetlands Resources Act, amended the Act to require that felony violations under the MBTA must be "knowingly" committed.

P.L. 105-312, Migratory Bird Treaty Reform Act of 1998, amended the law to make it unlawful to take migratory game birds by the aid of bait if the person knows or reasonably should know that the area is

baited. This provision eliminates the "strict liability" standard that was used to enforce Federal baiting regulations and replaces it with a "know or should have known" standard. These amendments also make it unlawful to place or direct the placement of bait on or adjacent to an area for the purpose of taking or attempting to take migratory game birds, and makes these violations punishable under title 18 United States Code, (with fines up to \$100,000 for individuals and \$200,000 for organizations), imprisonment for not more than 1 year, or both. The new amendments require the Secretary of Interior to submit to the Senate Committee on Environment and Public Works and the House Committee on Resources a report analyzing the effect of these amendments and the practice of baiting on migratory bird conservation and law enforcement. The report to Congress is due no later than five years after enactment of the new law.

P.L. 105-312 also amends the law to allow the fine for misdemeanor convictions under the Migratory Bird Treaty Act to be up to \$15,000 rather than \$5000.

[Return to Resource Laws](#)

***2007 U.S. Fish and Wildlife Service (USFWS) National
Bald Eagle Guidelines***

NATIONAL BALD EAGLE MANAGEMENT GUIDELINES

U.S. Fish and Wildlife Service

May 2007

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INTRODUCTION

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (Eagle Act) and the Migratory Bird Treaty Act (MBTA). The MBTA and the Eagle Act protect bald eagles from a variety of harmful actions and impacts. The U.S. Fish and Wildlife Service (Service) developed these National Bald Eagle Management Guidelines to advise landowners, land managers, and others who share public and private lands with bald eagles when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. A variety of human activities can potentially interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Guidelines are intended to help people minimize such impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the Eagle Act.

The Guidelines are intended to:

- (1) Publicize the provisions of the Eagle Act that continue to protect bald eagles, in order to reduce the possibility that people will violate the law,
- (2) Advise landowners, land managers and the general public of the potential for various human activities to disturb bald eagles, and
- (3) Encourage additional nonbinding land management practices that benefit bald eagles (see Additional Recommendations section).

While the Guidelines include general recommendations for land management practices that will benefit bald eagles, the document is intended primarily as a tool for landowners and planners who seek information and recommendations regarding how to avoid disturbing bald eagles. Many States and some tribal entities have developed state-specific management plans, regulations, and/or guidance for landowners and land managers to protect and enhance bald eagle habitat, and we encourage the continued development and use of these planning tools to benefit bald eagles.

Adherence to the Guidelines herein will benefit individuals, agencies, organizations, and companies by helping them avoid violations of the law. However, the Guidelines themselves are not law. Rather, they are recommendations based on several decades of behavioral observations, science, and conservation measures to avoid or minimize adverse impacts to bald eagles.

The U.S. Fish and Wildlife Service strongly encourages adherence to these guidelines to ensure that bald and golden eagle populations will continue to be sustained. The Service realizes there may be impacts to some birds even if all reasonable measures are taken to avoid such impacts. Although it is not possible to absolve individuals and entities from liability under the Eagle Act or the MBTA, the Service exercises enforcement discretion to focus on those individuals, companies, or agencies that take migratory birds without regard for the consequences of their actions and the law, especially when conservation measures, such as these Guidelines, are available, but have not been implemented. The Service will prioritize its enforcement efforts to focus on those individuals or entities who take bald eagles or their parts, eggs, or nests without implementing appropriate measures recommended by the Guidelines.

The Service intends to pursue the development of regulations that would authorize, under limited circumstances, the use of permits if “take” of an eagle is anticipated but unavoidable. Additionally, if the bald eagle is delisted, the Service intends to provide a regulatory mechanism to honor existing (take) authorizations under the Endangered Species Act (ESA).

During the interim period until the Service completes a rulemaking for permits under the Eagle Act, the Service does not intend to refer for prosecution the incidental “take” of any bald eagle under the MBTA or Eagle Act, if such take is in full compliance with the terms and conditions of an incidental take statement issued to the action agency or applicant under the authority of section 7(b)(4) of the ESA or a permit issued under the authority of section 10(a)(1)(B) of the ESA.

The Guidelines are applicable throughout the United States, including Alaska. The primary purpose of these Guidelines is to provide information that will minimize or prevent violations only of *Federal* laws governing bald eagles. In addition to Federal laws, many states and some smaller jurisdictions and tribes have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines. If you are planning activities that may affect bald eagles, we therefore recommend that you contact both your nearest U.S. Fish and Wildlife Service Field Office (see the contact information on p.16) and your state wildlife agency for assistance.

LEGAL PROTECTIONS FOR THE BALD EAGLE

The Bald and Golden Eagle Protection Act

The Eagle Act (16 U.S.C. 668-668c), enacted in 1940, and amended several times since then, prohibits anyone, without a permit issued by the Secretary of the Interior, from “taking” bald eagles, including their parts, nests, or eggs. The Act provides criminal and civil penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” The Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” “Disturb” means:

"Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

A violation of the Act can result in a criminal fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

The Migratory Bird Treaty Act

The MBTA (16 U.S.C. 703-712), prohibits the taking of any migratory bird or any part, nest, or egg, except as permitted by regulation. The MBTA was enacted in 1918; a 1972 agreement supplementing one of the bilateral treaties underlying the MBTA had the effect of expanding the scope of the Act to cover bald eagles and other raptors. Implementing regulations define “take” under the MBTA as “pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect.”

Copies of the Eagle Act and the MBTA are available at: <http://permits.fws.gov/ltr/ltr.shtml>.

State laws and regulations

Most states have their own regulations and/or guidelines for bald eagle management. Some states may continue to list the bald eagle as endangered, threatened, or of special concern. If you plan activities that may affect bald eagles, we urge you to familiarize yourself with the regulations and/or guidelines that apply to bald eagles in your state. Your adherence to the Guidelines herein does not ensure that you are in compliance with state laws and regulations because state regulations can be more specific and/or restrictive than these Guidelines.

NATURAL HISTORY OF THE BALD EAGLE

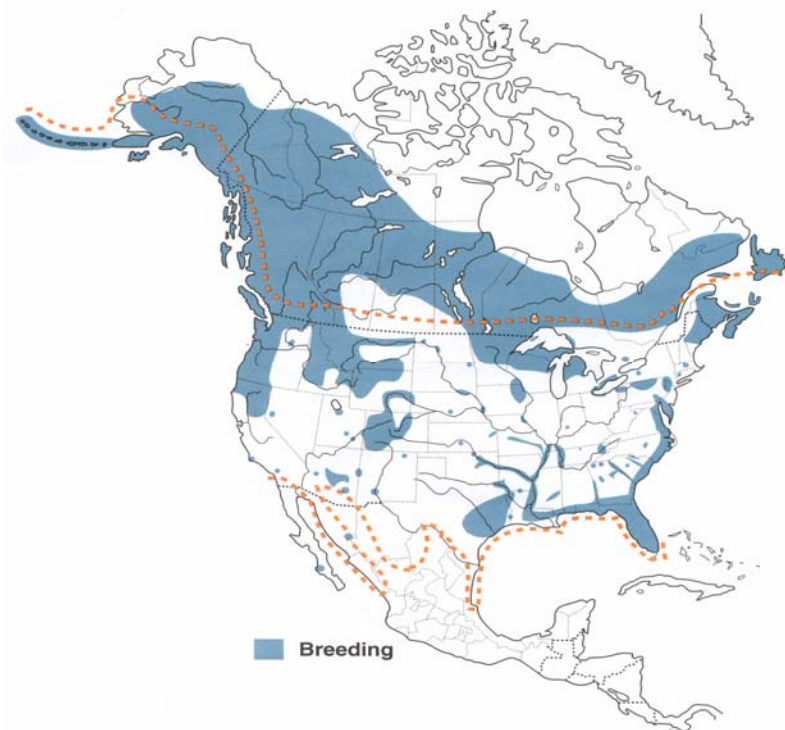
Bald eagles are a North American species that historically occurred throughout the contiguous United States and Alaska. After severely declining in the lower 48 States between the 1870s and the 1970s, bald eagles have rebounded and re-established breeding territories in each of the lower 48 states. The largest North American breeding populations are in Alaska and Canada, but there are also significant bald eagle populations in Florida, the Pacific Northwest, the Greater Yellowstone area, the Great Lakes states, and the Chesapeake Bay region. Bald eagle distribution varies seasonally. Bald eagles that nest in southern latitudes frequently move northward in late spring and early summer, often summering as far north as Canada. Most eagles that breed at northern latitudes migrate southward during winter, or to coastal areas where waters remain unfrozen. Migrants frequently concentrate in large numbers at sites where food is abundant and they often roost together communally. In some cases, concentration areas are used year-round: in summer by southern eagles and in winter by northern eagles.

Juvenile bald eagles have mottled brown and white plumage, gradually acquiring their dark brown body and distinctive white head and tail as they mature. Bald eagles generally attain adult plumage by 5 years of age. Most are capable of breeding at 4 or 5 years of age, but in healthy populations they may not start breeding until much older. Bald eagles may live 15 to 25 years in the wild. Adults weigh 8 to 14 pounds (occasionally reaching 16 pounds in Alaska) and have wingspans of 5 to 8 feet. Those in the northern range are larger than those in the south, and females are larger than males.

Where do bald eagles nest?

Breeding bald eagles occupy “territories,” areas they will typically defend against intrusion by other eagles. In addition to the active nest, a territory may include one or more alternate nests (nests built or maintained by the eagles but not used for nesting in a given year). The Eagle Act prohibits removal or destruction of both active and alternate bald eagle nests. Bald eagles exhibit high nest site fidelity and nesting territories are often used year after year. Some territories are known to have been used continually for over half a century.

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.



Copyright *Birds of North America*, 2000

The range of breeding bald eagles in 2000 (shaded areas). This map shows only the larger concentrations of nests; eagles have continued to expand into additional nesting territories in many states. The dotted line represents the bald eagle’s wintering range.

When do bald eagles nest?

Nesting activity begins several months before egg-laying. Egg-laying dates vary throughout the U.S., ranging from October in Florida, to late April or even early May in the northern United States. Incubation typically lasts 33-35 days, but can be as long as 40 days. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later.

The bald eagle breeding season tends to be longer in the southern U.S., and re-nesting following an unsuccessful first nesting attempt is more common there as well. The following table shows the timing of bald eagle breeding seasons in different regions of the country. The table represents the range of time within which the majority of nesting activities occur in each region and does not apply to any specific nesting pair. Because the timing of nesting activities may vary within a given region, you should contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16) and/or your state wildlife conservation agency for more specific information on nesting chronology in your area.

Chronology of typical reproductive activities of bald eagles in the United States.

Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
SOUTHEASTERN U.S. (FL, GA, SC, NC, AL, MS, LA, TN, KY, AR, eastern 2 of TX)											
Nest Building											
		Egg Laying/Incubation									
				Hatching/Rearing Young							
					Fledging Young						
CHESAPEAKE BAY REGION (NC, VA, MD, DE, southern 2 of NJ, eastern 2 of PA, panhandle of WV)											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
NORTHERN U.S. (ME, NH, MA, RI, CT, NY, northern 2 of NJ, western 2 of PA, OH, WV exc. panhandle, IN, IL, MI, WI, MN, IA, MO, ND, SD, NB, KS, CO, UT)											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
PACIFIC REGION (WA, OR, CA, ID, MT, WY, NV)											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
SOUTHWESTERN U.S. (AZ, NM, OK panhandle, western 2 of TX)											
				Nest Building							
					Egg Laying/Incubation						
						Hatching/Rearing Young					
								Fledging Young			
ALASKA											
					Nest Building						
							Egg Laying/Incubation				
								Hatching/Rearing Young			
Ing Young										Fledg-	
Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.

How many chicks do bald eagles raise?

The number of eagle eggs laid will vary from 1-3, with 1-2 eggs being the most common. Only one eagle egg is laid per day, although not always on successive days. Hatching of young occurs on different days with the result that chicks in the same nest are sometimes of unequal size. The overall national fledging rate is approximately one chick per nest, annually, which results in a healthy expanding population.

What do bald eagles eat?

Bald eagles are opportunistic feeders. Fish comprise much of their diet, but they also eat waterfowl, shorebirds/colonial waterbirds, small mammals, turtles, and carrion. Because they are visual hunters, eagles typically locate their prey from a conspicuous perch, or soaring flight, then swoop down and strike. Wintering bald eagles often congregate in large numbers along streams to feed on spawning salmon or other fish species, and often gather in large numbers in areas below reservoirs, especially hydropower dams, where fish are abundant. Wintering eagles also take birds from rafts of ducks at reservoirs and rivers, and congregate on melting ice shelves to scavenge dead fish from the current or the soft melting ice. Bald eagles will also feed on carcasses along roads, in landfills, and at feedlots.

During the breeding season, adults carry prey to the nest to feed the young. Adults feed their chicks by tearing off pieces of food and holding them to the beaks of the eaglets. After fledging, immature eagles are slow to develop hunting skills, and must learn to locate reliable food sources and master feeding techniques. Young eagles will congregate together, often feeding upon easily acquired food such as carrion and fish found in abundance at the mouths of streams and shallow bays and at landfills.

The impact of human activity on nesting bald eagles

During the breeding season, bald eagles are sensitive to a variety of human activities. However, not all bald eagle pairs react to human activities in the same way. Some pairs nest successfully just dozens of yards from human activity, while others abandon nest sites in response to activities much farther away. This variability may be related to a number of factors, including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair. The relative sensitivity of bald eagles during various stages of the breeding season is outlined in the following table.

Nesting Bald Eagle Sensitivity to Human Activities

Phase	Activity	Sensitivity to Human Activity	Comments
I	Courtship and Nest Building	Most sensitive period; likely to respond negatively	Most critical time period. Disturbance is manifested in nest abandonment. Bald eagles in newly established territories are more prone to abandon nest sites.
II	Egg laying	Very sensitive period	Human activity of even limited duration may cause nest desertion and abandonment of territory for the breeding season.
III	Incubation and early nestling period (up to 4 weeks)	Very sensitive period	Adults are less likely to abandon the nest near and after hatching. However, flushed adults leave eggs and young unattended; eggs are susceptible to cooling, loss of moisture, overheating, and predation; young are vulnerable to elements.
IV	Nestling period, 4 to 8 weeks	Moderately sensitive period	Likelihood of nest abandonment and vulnerability of the nestlings to elements somewhat decreases. However, nestlings may miss feedings, affecting their survival.
V	Nestlings 8 weeks through fledging	Very sensitive period	Gaining flight capability, nestlings 8 weeks and older may flush from the nest prematurely due to disruption and die.

If agitated by human activities, eagles may inadequately construct or repair their nest, may expend energy defending the nest rather than tending to their young, or may abandon the nest altogether. Activities that cause prolonged absences of adults from their nests can jeopardize eggs or young. Depending on weather conditions, eggs may overheat or cool too much and fail to hatch. Unattended eggs and nestlings are subject to predation. Young nestlings are particularly vulnerable because they rely on their parents to provide warmth or shade, without which they may die as a result of hypothermia or heat stress. If food delivery schedules are interrupted, the young may not develop healthy plumage, which can affect their survival. In addition, adults startled while incubating or brooding young may damage eggs or injure their young as they abruptly leave the nest. Older nestlings no longer require constant attention from the adults, but they may be startled by loud or intrusive human activities and prematurely jump from the nest before they are able to fly or care for themselves. Once fledged, juveniles range up to ¼ mile from the nest site, often to a site with minimal human activity. During this period, until about six weeks after departure from the nest, the juveniles still depend on the adults to feed them.

The impact of human activity on foraging and roosting bald eagles

Disruption, destruction, or obstruction of roosting and foraging areas can also negatively affect bald eagles. Disruptive activities in or near eagle foraging areas can interfere with feeding, reducing chances of survival. Interference with feeding can also result in reduced productivity (number of young successfully fledged). Migrating and wintering bald eagles often congregate at specific sites for purposes of feeding and sheltering. Bald eagles rely on established roost sites because of their proximity to sufficient food sources. Roost sites are usually in mature trees where the eagles are somewhat sheltered from the wind and weather. Human activities near or within communal roost sites may prevent eagles

from feeding or taking shelter, especially if there are not other undisturbed and productive feeding and roosting sites available. Activities that permanently alter communal roost sites and important foraging areas can altogether eliminate the elements that are essential for feeding and sheltering eagles.

Where a human activity agitates or bothers roosting or foraging bald eagles to the degree that causes injury or substantially interferes with breeding, feeding, or sheltering behavior and causes, or is likely to cause, a loss of productivity or nest abandonment, the conduct of the activity constitutes a violation of the Eagle Act's prohibition against disturbing eagles. The circumstances that might result in such an outcome are difficult to predict without detailed site-specific information. If your activities may disturb roosting or foraging bald eagles, you should contact your local Fish and Wildlife Service Field Office (see page 16) for advice and recommendations for how to avoid such disturbance.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT NEST SITES

In developing these Guidelines, we relied on existing state and regional bald eagle guidelines, scientific literature on bald eagle disturbance, and recommendations of state and Federal biologists who monitor the impacts of human activity on eagles. Despite these resources, uncertainties remain regarding the effects of many activities on eagles and how eagles in different situations may or may not respond to certain human activities. The Service recognizes this uncertainty and views the collection of better biological data on the response of eagles to disturbance as a high priority. To the extent that resources allow, the Service will continue to collect data on responses of bald eagles to human activities conducted according to the recommendations within these Guidelines to ensure that adequate protection from disturbance is being afforded, and to identify circumstances where the Guidelines might be modified. These data will be used to make future adjustments to the Guidelines.

To avoid disturbing nesting bald eagles, we recommend (1) keeping a distance between the activity and the nest (distance buffers), (2) maintaining preferably forested (or natural) areas between the activity and around nest trees (landscape buffers), and (3) avoiding certain activities during the breeding season. The buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. Ideally, buffers would be large enough to protect existing nest trees and provide for alternative or replacement nest trees.

The size and shape of effective buffers vary depending on the topography and other ecological characteristics surrounding the nest site. In open areas where there are little or no forested or topographical buffers, such as in many western states, distance alone must serve as the buffer. Consequently, in open areas, the distance between the activity and the nest may need to be larger than the distances recommended under Categories A and B of these guidelines (pg. 12) if no landscape buffers are present. The height of the nest above the ground may also ameliorate effects of human activities; eagles at higher nests may be less prone to disturbance.

In addition to the physical features of the landscape and nest site, the appropriate size for the distance buffer may vary according to the historical tolerances of eagles to human activities in particular localities, and may also depend on the location of the nest in relation

to feeding and roosting areas used by the eagles. Increased competition for nest sites may lead bald eagles to nest closer to human activity (and other eagles).

Seasonal restrictions can prevent the potential impacts of many shorter-term, obtrusive activities that do not entail landscape alterations (e.g. fireworks, outdoor concerts). In proximity to the nest, these kinds of activities should be conducted only outside the breeding season. For activities that entail both short-term, obtrusive characteristics and more permanent impacts (e.g., building construction), we recommend a combination of both approaches: retaining a landscape buffer *and* observing seasonal restrictions.

For assistance in determining the appropriate size and configuration of buffers or the timing of activities in the vicinity of a bald eagle nest, we encourage you to contact the nearest U.S. Fish and Wildlife Service Field Office (see page 16).

Existing Uses

Eagles are unlikely to be disturbed by routine use of roads, homes, and other facilities where such use pre-dates the eagles' successful nesting activity in a given area. Therefore, in most cases *ongoing* existing uses may proceed with the same intensity with little risk of disturbing bald eagles. However, some *intermittent, occasional, or irregular* uses that pre-date eagle nesting in an area may disturb bald eagles. For example: a pair of eagles may begin nesting in an area and subsequently be disturbed by activities associated with an annual outdoor flea market, even though the flea market has been held annually at the same location. In such situations, human activity should be adjusted or relocated to minimize potential impacts on the nesting pair.

ACTIVITY-SPECIFIC GUIDELINES

The following section provides the Service's management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests. Activities are separated into 8 categories (A – H) based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. Activities with similar or comparable impacts are grouped together.

In most cases, impacts will vary based on the visibility of the activity from the eagle nest and the degree to which similar activities are already occurring in proximity to the nest site. Visibility is a factor because, in general, eagles are more prone to disturbance when an activity occurs in full view. For this reason, we recommend that people locate activities farther from the nest structure in areas with open vistas, in contrast to areas where the view is shielded by rolling topography, trees, or other screening factors. The recommendations also take into account the existence of similar activities in the area because the continued presence of nesting bald eagles in the vicinity of the existing activities indicates that the eagles in that area can tolerate a greater degree of human activity than we can generally expect from eagles in areas that experience fewer human impacts. To illustrate how these factors affect the likelihood of disturbing eagles, we have incorporated the recommendations for some activities into a table (categories A and B).

First, determine which category your activity falls into (between categories A – H). If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity represented.

If your activity is under A or B, our recommendations are in table form. The vertical axis shows the degree of visibility of the activity from the nest. The horizontal axis (header row) represents the degree to which similar activities are ongoing in the vicinity of the nest. Locate the row that best describes how visible your activity will be from the eagle nest. Then, choose the column that best describes the degree to which similar activities are ongoing in the vicinity of the eagle nest. The box where the column and row come together contains our management recommendations for how far you should locate your activity from the nest to avoid disturbing the eagles. The numerical distances shown in the tables are the closest the activity should be conducted relative to the nest. In some cases we have included additional recommendations (other than recommended *distance* from the nest) you should follow to help ensure that your activity will not disturb the eagles.

Alternate nests

For activities that entail permanent landscape alterations that may result in bald eagle disturbance, these recommendations apply to both active and alternate bald eagle nests. Disturbance becomes an issue with regard to alternate nests if eagles return for breeding purposes and react to land use changes that occurred while the nest was inactive. The likelihood that an alternate nest will again become active decreases the longer it goes unused. If you plan activities in the vicinity of an alternate bald eagle nest and have information to show that the nest has not been active during the preceding 5 breeding seasons, the recommendations provided in these guidelines for avoiding disturbance around the nest site may no longer be warranted. The nest itself remains protected by other provisions of the Eagle Act, however, and may not be destroyed.

If special circumstances exist that make it unlikely an inactive nest will be reused before 5 years of disuse have passed, and you believe that the probability of reuse is low enough to warrant disregarding the recommendations for avoiding disturbance, you should be prepared to provide all the reasons for your conclusion, including information regarding past use of the nest site. Without sufficient documentation, you should continue to follow these guidelines when conducting activities around the nest site. If we are able to determine that it is unlikely the nest will be reused, we may advise you that the recommendations provided in these guidelines for avoiding disturbance are no longer necessary around that nest site.

This guidance is intended to minimize disturbance, as defined by Federal regulation. In addition to Federal laws, most states and some tribes and smaller jurisdictions have additional laws and regulations protecting bald eagles. In some cases those laws and regulations may be more protective (restrictive) than these Federal guidelines.

Temporary Impacts

For activities that have temporary impacts, such as the use of loud machinery, fireworks displays, or summer boating activities, we recommend seasonal restrictions. These types of activities can generally be carried out outside of the breeding season without causing disturbance. The recommended restrictions for these types of activities can be lifted for alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched (depending on the distance between the alternate nest and the active nest).

In general, activities should be kept as far away from nest trees as possible; loud and disruptive activities should be conducted when eagles are not nesting; and activity between the nest and the nearest foraging area should be minimized. If the activity you plan to undertake is not specifically addressed in these guidelines, follow the recommendations for the most similar activity addressed, or contact your local U.S. Fish and Wildlife Service Field Office for additional guidance.

If you believe that special circumstances apply to your situation that increase or diminish the likelihood of bald eagle disturbance, or if it is not possible to adhere to the guidelines, you should contact your local Service Field Office for further guidance.

Category A:

- Building construction, 1 or 2 story, with project footprint of ½ acre or less.
- Construction of roads, trails, canals, power lines, and other linear utilities.
- Agriculture and aquaculture – new or expanded operations.
- Alteration of shorelines or wetlands.
- Installation of docks or moorings.
- Water impoundment.

Category B:

- Building construction, 3 or more stories.
- Building construction, 1 or 2 story, with project footprint of more than ½ acre.
- Installation or expansion of marinas with a capacity of 6 or more boats.
- Mining and associated activities.
- Oil and natural gas drilling and refining and associated activities.

	<i>If there is no similar activity within 1 mile of the nest</i>	<i>If there is similar activity closer than 1 mile from the nest</i>
<i>If the activity will be visible from the nest</i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i>If the activity will not be visible from the nest</i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Category C. Timber Operations and Forestry Practices

- Avoid clear cutting or removal of overstory trees within 330 feet of the nest at any time.
- Avoid timber harvesting operations, including road construction and chain saw and yarding operations, during the breeding season within 660 feet of the nest. The distance may be decreased to 330 feet around alternate nests within a particular territory, including nests that were attended during the current breeding season but not used to raise young, after eggs laid in another nest within the territory have hatched.
- Selective thinning and other silviculture management practices designed to conserve or enhance habitat, including prescribed burning close to the nest tree, should be undertaken outside the breeding season. Precautions such as raking leaves and woody debris from around the nest tree should be taken to prevent crown fire or fire climbing the nest tree. If it is determined that a burn during the breeding season would be beneficial, then, to ensure that no take or disturbance will occur, these activities should be conducted only when neither adult eagles nor young are present at the nest tree (i.e., at the beginning of, or end of, the breeding season, either before the particular nest is active or after the young have fledged from that nest). Appropriate Federal and state biologists should be consulted before any prescribed burning is conducted during the breeding season.
- Avoid construction of log transfer facilities and in-water log storage areas within 330 feet of the nest.

Category D. Off-road vehicle use (including snowmobiles). No buffer is necessary around nest sites outside the breeding season. During the breeding season, do not operate off-road vehicles within 330 feet of the nest. In open areas, where there is increased visibility and exposure to noise, this distance should be extended to 660 feet.

Category E. Motorized Watercraft use (including jet skis/personal watercraft). No buffer is necessary around nest sites outside the breeding season. During the breeding season, within 330 feet of the nest, (1) do not operate jet skis (personal watercraft), and (2) avoid concentrations of noisy vessels (e.g., commercial fishing boats and tour boats), except where eagles have demonstrated tolerance for such activity. Other motorized boat traffic passing within 330 feet of the nest should attempt to minimize trips and avoid stopping in the area where feasible, particularly where eagles are unaccustomed to boat traffic. Buffers for airboats should be larger than 330 feet due to the increased noise they generate, combined with their speed, maneuverability, and visibility.

Category F. Non-motorized recreation and human entry (e.g., hiking, camping, fishing, hunting, birdwatching, kayaking, canoeing). No buffer is necessary around nest sites outside the breeding season. If the activity will be visible or highly audible from the nest, maintain a 330-foot buffer during the breeding season, particularly where eagles are unaccustomed to such activity.

Category G. Helicopters and fixed-wing aircraft.

Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season, except where eagles have demonstrated tolerance for such activity.

Category H. Blasting and other loud, intermittent noises.

Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area. This recommendation applies to the use of fireworks classified by the Federal Department of Transportation as Class B explosives, which includes the larger fireworks that are intended for licensed public display.

RECOMMENDATIONS FOR AVOIDING DISTURBANCE AT FORAGING AREAS AND COMMUNAL ROOST SITES

1. Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas.
2. Locate long-term and permanent water-dependent facilities, such as boat ramps and marinas, away from important eagle foraging areas.
3. Avoid recreational and commercial boating and fishing near critical eagle foraging areas during peak feeding times (usually early to mid-morning and late afternoon), except where eagles have demonstrated tolerance to such activity.
4. Do not use explosives within ½ mile (or within 1 mile in open areas) of communal roosts when eagles are congregating, without prior coordination with the U.S. Fish and Wildlife Service and your state wildlife agency.
5. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites.

ADDITIONAL RECOMMENDATIONS TO BENEFIT BALD EAGLES

The following are additional management practices that landowners and planners can exercise for added benefit to bald eagles.

1. Protect and preserve potential roost and nest sites by retaining mature trees and old growth stands, particularly within ½ mile from water.
2. Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site.
3. To avoid collisions, site wind turbines, communication towers, and high voltage transmission power lines away from nests, foraging areas, and communal roost sites.
4. Employ industry-accepted best management practices to prevent birds from colliding with or being electrocuted by utility lines, towers, and poles. If possible, bury utility lines in important eagle areas.
5. Where bald eagles are likely to nest in human-made structures (e.g., cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the eagles, equip the structures with either (1) devices engineered to discourage bald eagles from building nests, or (2) nesting platforms that will safely accommodate bald eagle nests without interfering with structure performance.
6. Immediately cover carcasses of euthanized animals at landfills to protect eagles from being poisoned.
7. Do not intentionally feed bald eagles. Artificially feeding bald eagles can disrupt their essential behavioral patterns and put them at increased risk from power lines, collision with windows and cars, and other mortality factors.
8. Use pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and state laws.
9. Monitor and minimize dispersal of contaminants associated with hazardous waste sites (legal or illegal), permitted releases, and runoff from agricultural areas, especially within watersheds where eagles have shown poor reproduction or where bioaccumulating contaminants have been documented. These factors present a risk of contamination to eagles and their food sources.

CONTACTS

The following U.S. Fish and Wildlife Service Field Offices provide technical assistance on bald eagle management:

<u>Alabama</u>	Daphne	(251) 441-5181	<u>New Hampshire</u>	Concord	(603) 223-2541
<u>Alaska</u>	Anchorage	(907) 271-2888	<u>New Jersey</u>	Pleasantville	(609) 646-9310
	Fairbanks	(907) 456-0203	<u>New Mexico</u>	Albuquerque	(505) 346-2525
	Juneau	(907) 780-1160	<u>New York</u>	Cortland	(607) 753-9334
<u>Arizona</u>	Phoenix	(602) 242-0210		Long Island	(631) 776-1401
<u>Arkansas</u>	Conway	(501) 513-4470	<u>North Carolina</u>	Raleigh	(919) 856-4520
<u>California</u>	Arcata	(707) 822-7201		Asheville	(828) 258-3939
	Barstow	(760) 255-8852	<u>North Dakota</u>	Bismarck	(701) 250-4481
	Carlsbad	(760) 431-9440	<u>Ohio</u>	Reynoldsburg	(614) 469-6923
	Red Bluff	(530) 527-3043	<u>Oklahoma</u>	Tulsa	(918) 581-7458
	Sacramento	(916) 414-6000	<u>Oregon</u>	Bend	(541) 383-7146
	Stockton	(209) 946-6400		Klamath Falls	(541) 885-8481
	Ventura	(805) 644-1766		La Grande	(541) 962-8584
	Yreka	(530) 842-5763		Newport	(541) 867-4558
<u>Colorado</u>	Lakewood	(303) 275-2370		Portland	(503) 231-6179
	Grand Junction	(970) 243-2778		Roseburg	(541) 957-3474
<u>Connecticut</u>	(See New Hampshire)		<u>Pennsylvania</u>	State College	(814) 234-4090
<u>Delaware</u>	(See Maryland)		<u>Rhode Island</u>	(See New Hampshire)	
<u>Florida</u>	Panama City	(850) 769-0552	<u>South Carolina</u>	Charleston	(843) 727-4707
	Vero Beach	(772) 562-3909	<u>South Dakota</u>	Pierre	(605) 224-8693
	Jacksonville	(904) 232-2580	<u>Tennessee</u>	Cookeville	(931) 528-6481
<u>Georgia</u>	Athens	(706) 613-9493	<u>Texas</u>	Clear Lake	(281) 286-8282
	Brunswick	(912) 265-9336	<u>Utah</u>	West Valley City	(801) 975-3330
	Columbus	(706) 544-6428	<u>Vermont</u>	(See New Hampshire)	
<u>Idaho</u>	Boise	(208) 378-5243	<u>Virginia</u>	Gloucester	(804) 693-6694
	Chubbuck	(208) 237-6975	<u>Washington</u>	Lacey	(306) 753-9440
<u>Illinois/Iowa</u>	Rock Island	(309) 757-5800		Spokane	(509) 891-6839
<u>Indiana</u>	Bloomington	(812) 334-4261		Wenatchee	(509) 665-3508
<u>Kansas</u>	Manhattan	(785) 539-3474	<u>West Virginia</u>	Elkins	(304) 636-6586
<u>Kentucky</u>	Frankfort	(502) 695-0468	<u>Wisconsin</u>	New Franken	(920) 866-1725
<u>Louisiana</u>	Lafayette	(337) 291-3100	<u>Wyoming</u>	Cheyenne	(307) 772-2374
<u>Maine</u>	Old Town	(207) 827-5938		Cody	(307) 578-5939
<u>Maryland</u>	Annapolis	(410) 573-4573			
<u>Massachusetts</u>	(See New Hampshire)				
<u>Michigan</u>	East Lansing	(517) 351-2555			
<u>Minnesota</u>	Bloomington	(612) 725-3548			
<u>Mississippi</u>	Jackson	(601) 965-4900			
<u>Missouri</u>	Columbia	(573) 234-2132			
<u>Montana</u>	Helena	(405) 449-5225			
<u>Nebraska</u>	Grand Island	(308) 382-6468			
<u>Nevada</u>	Las Vegas	(702) 515-5230			
	Reno	(775) 861-6300			

<p><u>National Office</u> U.S. Fish and Wildlife Service Division of Migratory Bird Management 4401 North Fairfax Drive, MBSP-4107 Arlington, VA 22203-1610 (703) 358-1714 http://www.fws.gov/migratorybirds</p>
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State Agencies

To contact a state wildlife agency, visit the Association of Fish & Wildlife Agencies' website at http://www.fishwildlife.org/where_us.html

GLOSSARY

The definitions below apply to these National Bald Eagle Management Guidelines:

Communal roost sites – Areas where bald eagles gather and perch overnight – and sometimes during the day in the event of inclement weather. Communal roost sites are usually in large trees (live or dead) that are relatively sheltered from wind and are generally in close proximity to foraging areas. These roosts may also serve a social purpose for pair bond formation and communication among eagles. Many roost sites are used year after year.

Disturb – To agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle=s return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering habits and causes, or is likely to cause, a loss of productivity or nest abandonment.

Fledge – To leave the nest and begin flying. For bald eagles, this normally occurs at 10-12 weeks of age.

Fledgling – A juvenile bald eagle that has taken the first flight from the nest but is not yet independent.

Foraging area – An area where eagles feed, typically near open water such as rivers, lakes, reservoirs, and bays where fish and waterfowl are abundant, or in areas with little or no water (i.e., rangelands, barren land, tundra, suburban areas, etc.) where other prey species (e.g., rabbit, rodents) or carrion (such as at landfills) are abundant.

Landscape buffer – A natural or human-made landscape feature that screens eagles from human activity (e.g., strip of trees, hill, cliff, berm, sound wall).

Nest – A structure built, maintained, or used by bald eagles for the purpose of reproduction. An **active** nest is a nest that is attended (built, maintained or used) by a pair of bald eagles during a given breeding season, whether or not eggs are laid. An **alternate** nest is a nest that is not used for breeding by eagles during a given breeding season.

Nest abandonment – Nest abandonment occurs when adult eagles desert or stop attending a nest and do not subsequently return and successfully raise young in that nest for the duration of a breeding season. Nest abandonment can be caused by altering habitat near a nest, even if the alteration occurs prior to the breeding season. Whether the eagles migrate during the non-breeding season, or remain in the area throughout the non-breeding season, nest abandonment can occur at any point between the time the eagles return to the nesting site for the breeding season and the time when all progeny from the breeding season have

dispersed.

Project footprint – The area of land (and water) that will be permanently altered for a development project, including access roads.

Similar scope – In the vicinity of a bald eagle nest, an existing activity is of similar scope to a new activity where the types of impacts to bald eagles are similar in nature, and the impacts of the existing activity are of the same or greater magnitude than the impacts of the potential new activity. Examples: (1) An existing single-story home 200 feet from a nest is similar in scope to an additional single-story home 200 feet from the nest; (2) An existing multi-story, multi-family dwelling 150 feet from a nest has impacts of a greater magnitude than a potential new single-family home 200 feet from the nest; (3) One existing single-family home 200 feet from the nest has impacts of a lesser magnitude than three single-family homes 200 feet from the nest; (4) an existing single-family home 200 feet from a communal roost has impacts of a lesser magnitude than a single-family home 300 feet from the roost but 40 feet from the eagles' foraging area. The existing activities in examples (1) and (2) are of similar scope, while the existing activities in example (3) and (4) are not.

Vegetative buffer – An area surrounding a bald eagle nest that is wholly or largely covered by forest, vegetation, or other natural ecological characteristics, and separates the nest from human activities.

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Appendix **C**

Utah State History (SHPO) Consultation

Utah State History (SHPO) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Form 620/621***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***
- ***Attachment 3 - Areas of Potential Effects (Cultural Resource Report)***
- ***Attachment 4 - Historic Properties Identified in the APE for Direct Effects***
- ***Attachment 5 - Historic Properties Identified in the APE for Visual Effects***
- ***Attachment 6 - Tribal/NHO Involvement***
- ***Attachment 7 - Local Government Involvement***
- ***Attachment 8 - Public Involvement***
- ***Attachment 9 - Curricula Vitae***
- ***Attachment 10 - SHPO Specific Documentation (If required)***



May 23, 2024

Utah State History
Attn: Ryan McGrath
300 Rio Grande,
Salt Lake City, UT 84101

RE: **Proposed Telecommunications Tower Undertaking “Bears Ears” in San Juan County, Utah, VB BTS II, LLC; TCNS #: 274603_274287**

To Whom It May Concern:

VB BTS II, LLC (VB BTS II), is proposing to construct a tower installation and associated equipment near Utah State Route 95, Lake Powell, San Juan County, Utah 84533. Lotis Environmental, LLC (Lotis), is preparing a cultural resource and environmental review on behalf of VB BTS II as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence as an invitation to the SHPO to comment on the possible direct or visual effects the proposed undertaking may have on eligible/listed sites or structures of historic significance within the Area of Potential Effect (APE).

By providing your signature or stamp of approval, you concur with Lotis' recommendation finding of *No Adverse Effect* on eligible/listed sites or structures of historic significance within the APE.

Attached, please find the Federal Communications Commission's (FCC) completed Form 620 and corresponding attachments for the proposed undertaking.

Should you require further information, please do not hesitate to contact me at (716) 580-7000 or NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in these regards.

Sincerely,

Lotis Environmental, LLC

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC

Enclosures



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

***Advisory Council on Historic Preservation (ACHP)
Delegation of Authority for the Section 106 Review of
Telecommunication Projects***

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

September 21, 2000

MEMORANDUM

TO: Federal Communications Commission
State Historic Preservation Officers (SHPOs)
Tribal Historic Preservation Officers (THPOs)

From: Executive Director

Subject: Delegation of Authority for the Section 106 Review of Telecommunications
Projects

As a result of ongoing discussions with the Federal Communications Commission (FCC) and other stakeholders involved in the coordination and implementation of telecommunications projects, the Council has determined that it is consistent with 36 CFR Section 800.2(c)(5) of our regulations, "Protection of Historic Properties" (36 CFR Part 800), for licensees, applicants, and their authorized representatives¹ to act on behalf of FCC when complying with certain provisions of our regulations. Accordingly, effective immediately, applicants, licensees, tower construction companies, and their authorized representatives may consult with the State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) to initiate the Section 106 review process; identify and evaluate historic properties; and assess effects. FCC, however, will remain responsible for participating in the consultation process when:

- it is determined that the *Criteria of Adverse Effect* apply to an undertaking;
- there is a disagreement between the licensee, applicant, tower construction company, or their authorized representatives and the SHPO/THPO regarding identification and evaluation, and/or assessment of effects;
- there is an objection from consulting parties or the public regarding findings and determinations, the implementation of agreed upon provisions, or their

¹When consulting with SHPOs/THPOs, authorized representatives of applicants, licensees and tower construction companies should identify the organization they are representing, including an appropriate contact person within the organization, and the undertaking for which they have been hired to coordinate the Section 106 review.

- involvement in a Section 106 review; or,
there is the potential for a foreclosure situation or anticipatory demolition as specified in Section 110(k) of the National Historic Preservation Act.

In accordance with 36 CFR Section 800.2(c)(3), FCC shall ensure that all consultations with Indian Tribes are conducted in a sensitive manner respectful of tribal sovereignty and the government to government relationship between the Federal government and Indian Tribes. This Memorandum, therefore, is not intended to modify or limit such requirements nor mandate that Indian Tribes consult with licensees and applicants or provide information if the Indian Tribes conclude that consultation should be directly with FCC.

It, therefore, is important that Section 106 reviews be conducted within the time frames set forth within 36 CFR Part 800, and that the exchange of documentation and consultations between the consulting parties be carried out in a consistent and predictable manner. To this end, FCC should coordinate with the telecommunications industry to carry out the process set forth in this Memorandum.



John M. Fowler

Proof of Utah State History (SHPO) Submission



Michelle E. McConkie
Executive Director

102 South 200 East, #600
Salt Lake City, Utah 84111
801-538-5100 Fax 801-355-0922
trustlands.utah.gov

May 1, 2024

Mr. Ryan McGrath
SHPO Compliance Archaeologist
Utah State Historic Preservation Office (Utah SHPO)
3760 S. Highland Drive
Salt Lake City, Utah 84106

RE: SULA 2009 - A Class III Cultural Resources Survey & Visual Effects Analysis of Lotis Environmental Group's Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on TLA Lands, San Juan County, Utah; and submission of U23MQ0468 for proposed telecommunications lease [SULA 2009]

Dear Mr. McGrath,

The State of Utah School and Institutional Trust Lands Administration (the "Trust Lands Administration" or "TLA") intends to allow Lotis Environmental Group to construct, operate and maintain a telecommunications tower containing a solar array, guy wires and utilities/ access easement within a small lease footprint area within Bears Ears near Natural Bridges in San Juan County. The proposed location of this lease is on approximately 10 acres of TLA surface managed lands in Township 37 South, Range 18 East, Section 16. Within this acreage will be a tower facility 460' tall, guyed tower with microwave and cellular antennas enclosed in a 200' x 250' fence area where the ground equipment will be housed and the access/ utility easement will be 20' wide and 2,226 ft. long. Included with this consultation request please find the digital files for the survey report (U23MQ0468) which includes this proposed lease area and site forms completed by Montgomery Archaeological Consultants (MOAC) for this undertaking. These files are being submitted on behalf of MOAC and TLA in fulfillment of their obligations. I ask that you refer to this report in support of this U.C.A. § 9-8-404 consultation.

As the report details, MOAC surveyed the direct area of potential effect (APE) which is the proposed tower area and utility easement along an existing ranch road. Please note the rest of the solar arrays in the lease area are part of the visual effects analysis for the indirect APE which is not a part of the TLA undertaking for SULA 2009 and therefore not part of this consultation. MOAC identified and assessed one National Register of Historic Places (NRHP) *eligible* site (42SA35017) within the direct APE and two NRHP recommended *ineligible* sites (42SA35016 and 42SA35018) also located in the direct APE. The recommended eligible site, 42SA35017, is a prehistoric Ancestral Puebloan PII-PIII temporary camp containing features and a diverse artifact assemblage evaluated as eligible for inclusion in the National Register under Criterion D. The TLA concurs with MOAC's determinations of eligibility and finding of effects for the three sites identified in the direct APE. As site 42SA35017 is recommended eligible under Criterion D, the proposed new installation of the tower and associated facilities will not impact the integrity of the site that allows it to convey its significance under this criterion. Furthermore, this site will be avoided as none of the proposed guy anchor lines for the tower cross over site 42SA35017 and the fenced enclosure containing the cell tower is 60 ft. away from the site. Therefore, the proposed project undertaking will have **No Adverse Effect to historic properties**. However, TLA recommends cultural resources monitoring or use of a temporary barrier during construction activities to ensure the site is avoided.

Please concur with our agency's finding of effect at your earliest convenience. Thank you very much in advance for your time on this case. Should you need any additional information or assistance, please do not hesitate to contact me either in writing at the above address, or by email at lisabeck@utah.gov or by telephone at 801-538-5174.

Sincerely,



Lisa E. Beck
TLA Staff Archaeologist

Reference Cited

Meinhart, Brian J., Jessica Del Bozque, and Jody J. Patterson

2023 *Class III Cultural Resource Survey and Visual Effects Analysis of Lotis Environmental Group's Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land in San Juan County, Utah*. Montgomery Archaeological Consultants, Moab, Utah. Utah Project No. U23MQ0468.

Federal Communications Commission (FCC) Form 620

Notification Date: 7AM EST 02/20/2024

New Tower ("NT") Submission Packet

See instructions for
public burden estimates

File Number: 0010925007

General Information

1) (Select only one) (NE) NE – New UA – Update of Application WD – Withdrawal of Application	
2) If this application is for an Update or Withdrawal, enter the file number of the pending application currently on file.	File Number:

Applicant Information

3) FCC Registration Number (FRN): 0032604886
4) Name: VB BTS II, LLC

Contact Name

5) First Name: Morris	6) MI:	7) Last Name: Mickelson	8) Suffix:
9) Title:			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 750 Park of Commerce Drive, Suite 200	
12) City: Boca Raton		13) State: FL	14) Zip Code: 33487
15) Telephone Number: (716)580-7000		16) Fax Number:	
17) E-mail Address: NEPA.NHPA@theLotisGroup.com			

Consultant Information

18) FCC Registration Number (FRN): 0031051642
19) Name: Lotis Environmental

Principal Investigator

20) First Name: Jody	21) MI: J	22) Last Name: Patterson	23) Suffix:
24) Title: Principal Investigator			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 8899 Main Street - Suite 107	
27) City: Williamsville		28) State: NY	29) Zip Code: 14221
30) Telephone Number: (716)580-7000		31) Fax Number:	
32) E-mail Address: NEPA.NHPA@theLotisGroup.com			

Professional Qualification

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
34) Areas of Professional Qualification: <input checked="" type="checkbox"/> Archaeologist <input type="checkbox"/> Architectural Historian <input type="checkbox"/> Historian <input type="checkbox"/> Architect <input type="checkbox"/> Other (Specify) _____	

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
--	--

If "YES," complete the following:

36) First Name: Jessica	37) MI:	38) Last Name: Del Bozque	39) Suffix:
--------------------------------	---------	----------------------------------	-------------

40) Title: Field Archaeologist and Report Author

41) Areas of Professional Qualification: <input checked="" type="checkbox"/> Archaeologist <input type="checkbox"/> Architectural Historian <input type="checkbox"/> Historian <input type="checkbox"/> Architect <input type="checkbox"/> Other (Specify) _____

36) First Name: Brian	37) MI: J	38) Last Name: Meinhart	39) Suffix:
------------------------------	------------------	--------------------------------	-------------

40) Title: Report Author

41) Areas of Professional Qualification: <input checked="" type="checkbox"/> Archaeologist <input type="checkbox"/> Architectural Historian <input type="checkbox"/> Historian <input type="checkbox"/> Architect <input type="checkbox"/> Other (Specify) _____

Site Information

Tower Construction Notification System

1) TCNS Notification Number: **274603**

Site Information

2) Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: () Yes (**X**) No

3) Site Name: **Bears Ears**

4) Site Address: **near Utah State Route 95**

5) Detailed Description of Project:

A proposed telecommunication tower known as BEAR EARS and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

6) City: **Lake Powell**

7) State: **UT**

8) Zip Code: **84533**

9) County/Borough/Parish: **SAN JUAN**

10) Nearest Crossroads: **Utah State Route 95 and Natural Bridges Road**

11) NAD 83 Latitude (DD-MM-SS.S): **37-34-10.5**

(**X**) N or () S

12) NAD 83 Longitude (DD-MM-SS.S): **109-55-53.2**

() E or (**X**) W

Tower Information

13) Tower height above ground level (include top-mounted attachments such as lightning rods): **146.3** () Feet (**X**) Meters

14) Tower Type (Select One):

(**X**) Guyed lattice tower

() Self-supporting lattice

() Monopole

() Other (Describe):

Project Status

15) Current Project Status (Select One):

(**X**) Construction has not yet commenced

() Construction has commenced, but is not completed

Construction commenced on: _____

() Construction has been completed

Construction commenced on: _____

Construction completed on: _____

Determination of Effect

14) Direct Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

- No Historic Properties in Area of Potential Effects (APE)
- No Effect on Historic Properties in APE
- No Adverse Effect on Historic Properties in APE
- Adverse Effect on one or more Historic Properties in APE

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Blackfeet Nation

Contact Name

5) First Name: Gheri	6) MI:	7) Last Name: Hall	8) Suffix:
9) Title: Deputy THPO			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied <u>01/17/2024</u>
(<input type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input checked="" type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Crow Tribe

Contact Name

5) First Name: Aaron	6) MI: B	7) Last Name: Brien	8) Suffix:
9) Title: THPO			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Eastern Shoshone Tribe

Contact Name

5) First Name: Josh	6) MI:	7) Last Name: Mann	8) Suffix:
9) Title: THPO			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Kaibab Band of Paiute Indians

Contact Name

5) First Name: Daniel	6) MI:	7) Last Name: Bulletts	8) Suffix:
9) Title: Environmental Program Director			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Kiowa Indian Tribe THPO

Contact Name

5) First Name: Amanda	6) MI:	7) Last Name: Hill	8) Suffix:
9) Title: THPO			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Northwestern Band of Shoshone Nation

Contact Name

5) First Name: Montana & Associates	6) MI:	7) Last Name: LLC	8) Suffix:
9) Title: Attorney			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Pueblo of Zuni

Contact Name

5) First Name: Cindy	6) MI: K	7) Last Name: Dongoske	8) Suffix:
9) Title: Projects Manager			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: San Juan Southern Paiute Tribe

Contact Name

5) First Name: Jack	6) MI:	7) Last Name: Conovaloff	8) Suffix:
9) Title: Tribal Administrator			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Shoshone-Bannock Tribes Heritage Tribal Office (HeTO)

Contact Name

5) First Name: Anna	6) MI: M	7) Last Name: Bowers	8) Suffix:
9) Title: Cultural Resources Tech II			

Dates & Response

10) Date Contacted <u>12/13/2023</u>	11) Date Replied <u>12/27/2023</u>
(<input type="checkbox"/>) No Reply	
(<input checked="" type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Skull Valley Band Goshute

Contact Name

5) First Name: Candace	6) MI:	7) Last Name: Bear	8) Suffix:
9) Title: Chairman			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Southern Ute Tribe

Contact Name

5) First Name: SUIT	6) MI:	7) Last Name: NAGPRA	8) Suffix:
9) Title:			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Ute Indian Tribe

Contact Name

5) First Name: Betsy	6) MI: L	7) Last Name: Chapoose	8) Suffix:
9) Title: Cultural Rights & Protection Director			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>274603</u>	Number of Tribes/NHOs: <u>13</u>
2b) Tribes/NHOs contacted through an alternate system:	Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Ute Mountain Ute Tribe

Contact Name

5) First Name: Terry	6) MI:	7) Last Name: Knight	8) Suffix:
9) Title: NAGPRA Coordinator			

Dates & Response

10) Date Contacted <u>12/14/2023</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name:

Contact Name

3) First Name:	4) MI:	5) Last Name:	6) Suffix:
7) Title:			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:		
10) City:		11) State:	12) Zip Code:	
13) Telephone Number:		14) Fax Number:		
15) E-mail Address:				
16) Preferred means of communication: <input type="checkbox"/> E-mail <input type="checkbox"/> Letter <input type="checkbox"/> Both				

Dates & Response

17) Date Contacted _____	18) Date Replied _____
<input type="checkbox"/> No Reply <input type="checkbox"/> Replied/No Interest <input type="checkbox"/> Replied/Have Interest <input type="checkbox"/> Replied/Other	

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA35017
5) SHPO Site Number:

Property Address

6) Street Address: 60 feet northwest of proposed site		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA8029 Historic Hole-in-the-Rock Trail
5) SHPO Site Number: U10NY0727 U11AS1013

Property Address

6) Street Address: adjacent to SR-95, 1,790' to Tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: <u>Historic Hole-in-the-Rock Trail 75000165</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA26581
5) SHPO Site Number: U05NY0992

Property Address

6) Street Address: 1,760' from SR-95 and 7,900' from tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO # U05NY0992</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	(<input type="checkbox"/>) <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA26582
5) SHPO Site Number: U05NY0992

Property Address

6) Street Address: 1,760' from SR-95 and 7,680' to Tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	(<input type="checkbox"/>) <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO # U05NY0992</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es (<input type="checkbox"/>) <u>N</u> o
13) Is this property a National Historic Landmark?	(<input type="checkbox"/>) <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA32164
5) SHPO Site Number: U16TD0787

Property Address

6) Street Address: 80' from Sr-95 and 1,930' to tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO # U16TD0787</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA32165
5) SHPO Site Number: U16TD0787

Property Address

6) Street Address: 28' from SR-95 and 4,380' to tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO #U16TD0787</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA32166
5) SHPO Site Number: U16TD0787

Property Address

6) Street Address: 50' from SR-95 and 7,400' to Tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO #U16TD0787</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA32167
5) SHPO Site Number: U16TD0787

Property Address

6) Street Address: 100' from SR-95 and 7,800' to Tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO # U16TD0787</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

Historic Property

4) Property Name: 42SA34514
5) SHPO Site Number: U21HT0282

Property Address

6) Street Address: 1,155' to SR-95 and 2,236' to Tower		
7) City: Lake Powell	8) State: UT	9) Zip Code: 84533
10) County/Borough/Parish: SAN JUAN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o
12) Is this property eligible for listing on the National Register? Source: <u>Class III Cultural Resource Survey and Visual Effects Analysis of the Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah, SHPO # U21HT0282</u>	(<input checked="" type="checkbox"/>) <u>Y</u> es () <u>N</u> o
13) Is this property a National Historic Landmark?	() <u>Y</u> es (<input checked="" type="checkbox"/>) <u>N</u> o

14) Direct Effects (Select One): <input checked="" type="checkbox"/> No Effect on this Historic Property in APE <input type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): <input type="checkbox"/> No Effect on this Historic Property in APE <input checked="" type="checkbox"/> No Adverse Effect on this Historic Property in APE <input type="checkbox"/> Adverse Effect on this Historic Property in APE

Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):

2) Name: **San Juan County**

Contact Name

3) First Name: **Cleal**

4) MI:

5) Last Name: **Bradford**

6) Suffix:

7) Title:

Contact Information

8) P.O. Box: **P.O. Box 804**

And
/Or

9) Street Address:

10) City: **Blanding**

11) State: **UT**

12) Zip Code: **84511**

13) Telephone Number: **(435)678-4000**

14) Fax Number:

15) E-mail Address: **clealbradford@yahoo.com**

16) Preferred means of communication:

() E-mail

() Letter

() Both

Dates & Response

17) Date Contacted **02/16/2024**

18) Date Replied _____

() No Reply

() Replied/No Interest

() Replied/Have Interest

() Replied/Other

Additional Information

19) Information on local government's role or interest (optional):

Other Consulting Parties

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
--	---

Consulting Party

2) FCC Registration Number (FRN):
3) Name: San Juan County Historical Commission

Contact Name

4) First Name: To Whom It	5) MI:	6) Last Name: May Concern	7) Suffix:
8) Title:			

Contact Information

9) P.O. Box:	And /Or	10) Street Address: 117 South Main
11) City: Monticello	12) State: UT	13) Zip Code: 84535
14) Telephone Number: (435)587-3223	15) Fax Number:	
16) E-mail Address: history@sanjuancounty.org		
17) Preferred means of communication: (<input checked="" type="checkbox"/>) E-mail (<input type="checkbox"/>) Letter (<input type="checkbox"/>) Both		

Dates & Response

18) Date Contacted 02/16/2024	19) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Additional Information

20) Information on other consulting parties' role or interest (optional):

Designation of SHPO/THPO

1) Designate the Lead State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) based on the location of the tower.

SHPO/THPO

Name: Utah State Historical Society

2) You may also designate up to three additional SHPOs/THPOs if the APEs include multiple states. If the APEs include other countries, enter the name of the National Historic Preservation Agency and any state and provincial Historic Preservation Agency.

SHPO/THPO Name: _____

SHPO/THPO Name: _____

SHPO/THPO Name: _____

Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.

Party Authorized to Sign

First Name: **Abby**

MI:

Last Name: **McKay**

Suffix:

Signature: **Abby McKay**

Date: **02/16/2024**

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Attachments :

Type	Description	Date Entered
Map Documents	Maps	02/09/2024
Photographs	Photos	02/09/2024
Area of Potential Effects	APE	02/09/2024
Tribal/NHO Involvement	Tribal/ NHO	02/09/2024
Resumes/Vitae	Resumes	02/09/2024
Public Involvement	ITC	02/09/2024
Local Government Involvement	Local Gov	02/09/2024
Historic Properties for Direct Effects	Direct Effects	02/15/2024
Historic Properties for Visual Effects	Visual Effects	02/15/2024
Confidential	Cultural Resource Report	02/16/2024
Cultural Resources Report	CRS report	02/16/2024

***Electronic Section 106 (E-106) Submission
Confirmation Email***

NEPA NHPA

From: towernotifyinfo@fcc.gov
Sent: Friday, February 16, 2024 2:17 PM
To: NEPA NHPA
Subject: Section 106 New Filing Submitted- Email ID #9399926

The following new Section 106 filing has been submitted:

File Number: 0010925007
TCNS Number: 274603
Purpose: New Tower Submission Packet

Notification Date: 7AM EST 02/20/2024

Applicant: VB BTS II, LLC
Consultant: Lotis Environmental
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Bears Ears
Site Address: near Utah State Route 95
Detailed Description of Project: A proposed telecommunication tower known as BEAR EARS and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.
Site Coordinates: 37-34-10.5 N, 109-55-53.2 W
City: Lake Powell
County: SAN JUAN
State:UT
Lead SHPO/THPO: Utah State Historical Society

Consultant Contact Information:
Name: Lotis Environmental
Title: Principal Investigator
PO Box:
Address: 8899 Main Street - Suite 107
City: Williamsville
State: NY
Zip: 14221
Phone: 716-580-7000
Fax:
Email: NEPA.NHPA@theLotisGroup.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE
Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

Utah State History's (SHPO) Response



Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Donna Law
Interim Executive Director



Christopher Merritt
State Historic Preservation Officer
Utah State Historic Preservation Office

May 21, 2024

Lisa E. Beck
Staff Archaeologist
School and Institutional Trust Lands Administration
675 East 500 South
Suite 500
Salt Lake City, Utah 84102

RE: Class III Cultural Resource Survey and Visual Effects Analysis of Lotis Environmental Group's Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah (SULA 2009)

For future correspondence, please reference Case No. 24-0751

Dear Mrs Beck,

The Utah State Historic Preservation Office received your request for our comment on the above-referenced undertaking on May 10, 2024.

We concur with your determinations of eligibility and effect for this undertaking.

Utah Code 9-8-404(1)(a) denotes that your agency is responsible for all final decisions regarding cultural resources for this undertaking. Our comments here are provided as specified in U.C.A. 9-8-404(3)(a)(i). If you have questions, please contact me at (801) 535-2502 or by email at rmcgrath@utah.gov.

Sincerely,

Ryan McGrath
Compliance Archaeologist



Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Donna Law
Interim Executive Director



Christopher Merritt
State Historic Preservation Officer
Utah State Historic Preservation Office

May 29, 2024

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
8899 Main Street, Suite 107
Williamsville, NY 14221

RE: Class III Cultural Resource Survey and Visual Effects Analysis of Lotis Environmental Group's Proposed US-UT-5059 Bears Ears Solar Arrays and Tower on SITLA Land, San Juan County, Utah (SULA 2009)

For future correspondence, please reference Case No. 24-0751

Dear Mrs Beck,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on May 10, 2024.

We concur with your visual and direct Area of Potential effects, and your finding of “No Adverse Effect” for this undertaking.

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at (801) 535-2502 or by email at cmerritt@utah.gov.

Sincerely,

Christopher W. Merritt, Ph.D.
State Historic Preservation Officer

***Utah School and Institutional Trust Lands
Administration (SITLA) Clearance***

Abby McKay

From: Jessica DelBozque <jdelbozque@montarch.com>
Sent: Tuesday, June 4, 2024 11:21 AM
To: Miles Walz-Salvador
Cc: Abby McKay; Jody Patterson
Subject: FW: Draft forms and report for MOAC 23-023-U23MQ0468

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Miles,

I think the correspondence below is what you're looking for.

-Jessica

Jessica Del Bozque, M.A.
Project Archaeologist
Montgomery Archaeological Consultants, Inc.
435-259-5764 (Office)
541-908-3045 (Mobile)
jdelbozque@montarch.com

From: Kristine Curry <kristinecurry@utah.gov>
Sent: Wednesday, November 29, 2023 5:19 PM
To: Jessica DelBozque <jdelbozque@montarch.com>
Subject: Re: Draft forms and report for MOAC 23-023-U23MQ0468

Hi Jessica,

Sorry about the delay - things have been a bit hectic the past couple of weeks. The revised plan looks fine. The 60 ft should be enough, but if they are worried about accidentally encroaching onto the site, then a monitor during construction would be a good idea.

Thanks again for all the hard work you all have put into this project.

Kristine



Kristine Curry
ARCHAEOLOGIST
O: 801-538-5181
kristinecurry@utah.gov
102 South 200 East, #600, SLC UT 84111
trustlands.utah.gov

Appendix **D**

Tribal/NHO Consultation(s)

Federal Recognized Tribal/NHO Correspondence Summary

	Tribe/NHO	First Tribal Contact	Second Tribal Contact	Referred to FCC	Tribal Clearance Date	Response Outcome
1	Pueblo of Zuni	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
2	Southern Ute Tribe	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
3	Ute Mountain Ute Tribe	12/15/2023	2/20/2024	N/A	1/14/2024	If the applicant/tower builder receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the proposed site.
4	Kiowa Indian Tribe	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
5	Blackfeet Nation	12/15/2023	2/20/2024	4/4/2024	4/19/2024	Per the FCC referral letter, consultation is complete
6	Crow Tribe	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
7	Eastern Shoshone Tribe	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
8	Kaibab Band of Paiute Indians	12/15/2023	2/20/2024	N/A	1/14/2024	If the applicant/tower builder receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the proposed site.
9	San Juan Southern Paiute Tribe	12/15/2023	2/20/2024	N/A	1/14/2024	If the applicant/tower builder receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the proposed site.
10	Skull Valley Band Goshute	12/15/2023	2/20/2024	N/A	1/14/2024	If the applicant/tower builder receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the proposed site.
11	Ute Indian Tribe	12/15/2023	2/20/2024	3/28/2024	4/12/2024	Per the FCC referral letter, consultation is complete
12	Shoshone-Bannock Tribes Heritage Tribal Office	12/15/2023	2/20/2024	N/A	1/14/2024	If the applicant/tower builder receives no response from the Tribe within 30 days after notification through TCNS, the Tribe has no interest in participating in pre-construction review for the proposed site.

The Applicant/tower builder, however, must immediately notify all tribal consulting parties in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

* Denotes tribe had indicated through TCNS that if no response had been received within 30 days that the tribe had no interest in the project. No response was received by Lotis within the required 30 days; therefore Section 106 review is complete for this tribe.

Notes:

1. First Tribal contact was made through the FCC's TCNS system.

Tribal/NHO Submission(s)

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***
- ***Attachment 3 - Cultural Resource Report***
- ***Form 620/621(if requested)***
- ***SHPO Response (if requested)***



February 9, 2024

Pueblo of Zuni

Attn: Projects Manager Cindy K Dongoske
PO Box: 1149
Zuni, NM 87327

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

VB BTS II, LLC (VB BTS II), is proposing to construct a tower installation near Utah State Route 95, Lake Powell, San Juan County, Utah 84533. Lotis Environmental, LLC (Lotis) has prepared an environmental and cultural resource review on behalf of VB BTS II as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 274603_274287). Lotis is providing you the opportunity to review and comment on the possible effects the proposed undertaking may have on sites or structures of current or historical significance affiliated with your tribe. Should you identify an area/property which will be adversely impacted, please submit this information to us at the time of your response so that we may determine our client's options on how to proceed. To aid you in your review please see the proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all four directions (north, south, east, and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620 (if requested).

Lotis contracted Montgomery Archaeological Consultants, Inc. to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Montgomery Archaeological Consultants, Inc. conducted site reconnaissance, per SHPO and tribal protocols, and found thirty-nine (39) archaeological sites or historic properties within the Visual APE, and three (3) archaeological sites or historic properties within the Direct APE. Montgomery Archaeological Consultants, Inc. have recommended that the proposed undertaking will have No Adverse Effect on the identified historic archaeological sites or historic properties and recommends that the project be allowed to proceed as planned without further surveying. A copy of the cultural resource report and other requested documentation is included for your review.



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221



As part of our research, Lotis has or will shortly be consulting with the Utah State History (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO's response to be sent with the review materials, Lotis will forward the letter once it has been received.

Per the FCC Second Report and Order, released on March 30, 2018, and implemented on July 2, 2018, "... we clarify that applicants have no legal obligation to pay up-front fees when providing Tribal Nations and NHOs with an opportunity to comment on proposed facilities deployments". Please note, this letter is not a request for review but an invitation giving the tribe the opportunity to review impact to affiliated areas/properties within the APE. Therefore, per the applicant's request, Lotis will not be submitting any requested upfront review fees in exchange for review or comment of the proposed undertaking and will be following the FCC protocols for Section 106 consultation with Tribal Nations and NHOs. Lotis apologizes for any inconvenience this may cause.

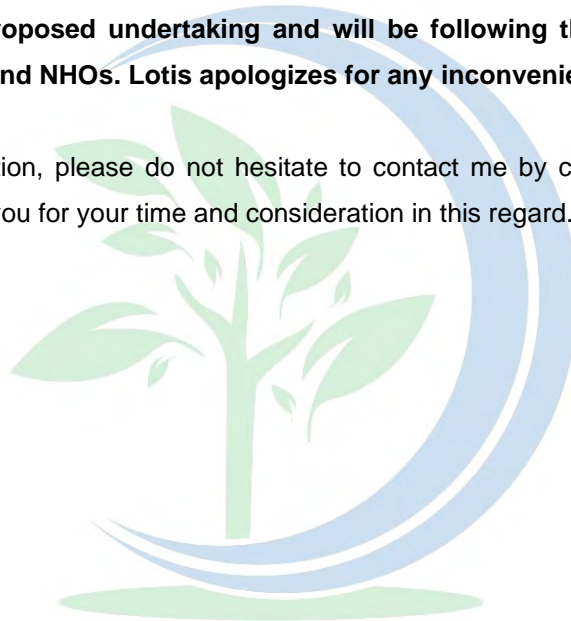
Should you require further information, please do not hesitate to contact me by calling (509)-387-0700 or by email at McKay@thelotisgroup.com. Thank you for your time and consideration in this regard.

Sincerely,

Lotis Environmental, LLC

A handwritten signature in black ink that reads "Abby McKay".

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com



Enclosures



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221



February 9, 2024

Southern Ute Tribe

Attn: SUIT NAGPRA

PO Box: 737

Ignacio, CO 81137

Submitted via: sunagpra@southernute-nsn.gov; sthompson@southernute-nsn.gov and mailed hardcopy

RE: Proposed Telecommunications Tower Undertaking “Bears Ears” in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

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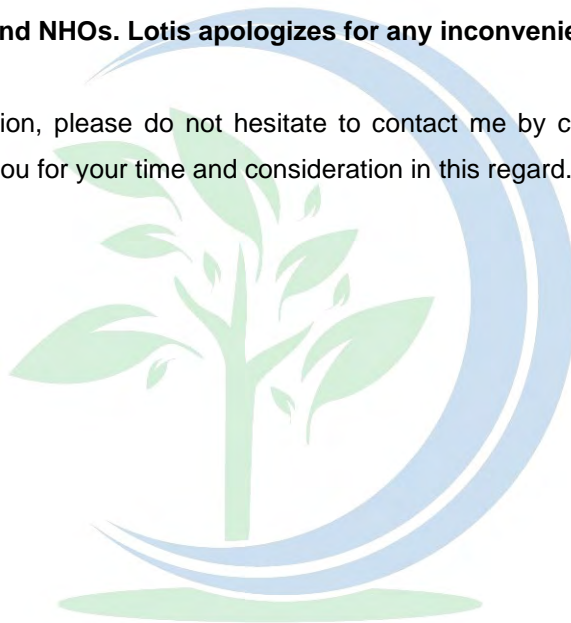
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Lotis Environmental, LLC

A handwritten signature in black ink that reads "Abby McKay".

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures



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Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221



February 9, 2024

Kiowa Indian Tribe

Attn: THPO Amanda Hill

PO Box: 369

Carnegie, OK 73015

Submitted via: thpo@kiowatribe.org; ahill@kiowatribe.org

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

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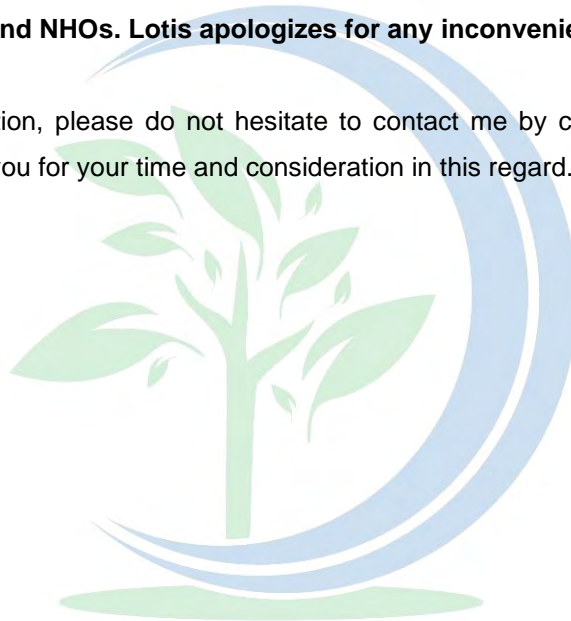
Sincerely,

Lotis Environmental, LLC

A handwritten signature in black ink that reads "Abby McKay".

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures





February 9, 2024

Blackfeet Nation

Attn: Deputy THPO Gheri Hall

P.O. Box 850

Browning, Montana 59417

Submitted via: g.hall@blackfeetnation.com and mailed hardcopy

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

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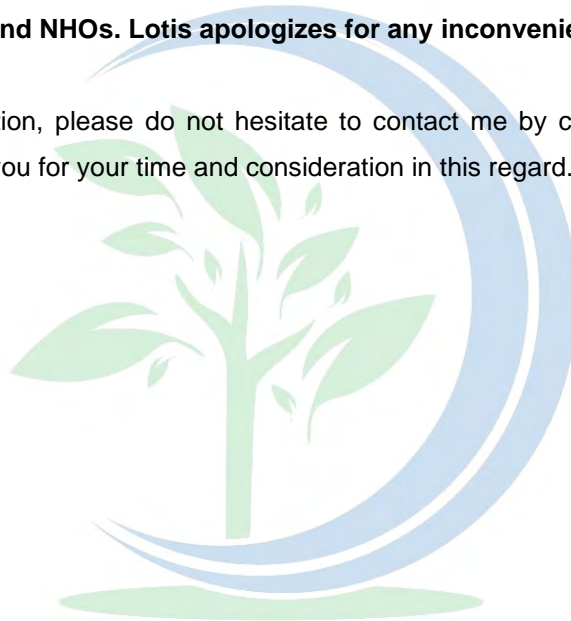
Sincerely,

Lotis Environmental, LLC

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Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures



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Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221



February 9, 2024

Crow Tribe

Attn: THPO Aaron B. Brien

PO Box: 159

Crow Agency, MT 59022

Submitted via: aaron.brien@crow-nsn.gov; john.birdinground@crow-nsn.gov

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

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Williamsville, NY 14221



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Should you require further information, please do not hesitate to contact me by calling (509)-387-0700 or by email at McKay@thelotisgroup.com. Thank you for your time and consideration in this regard.

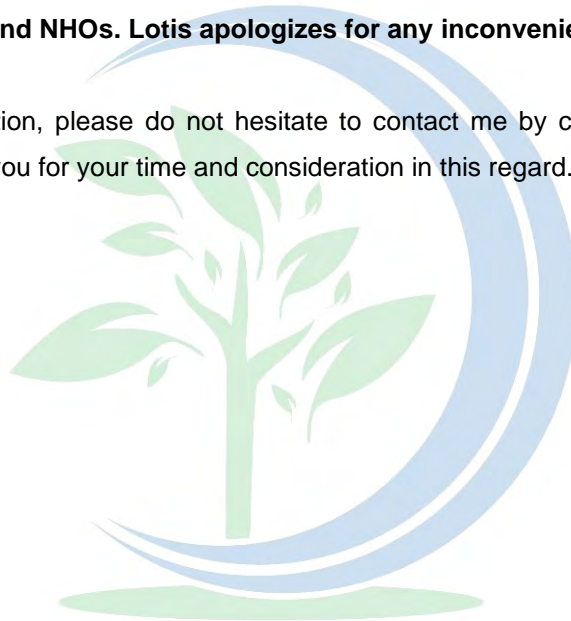
Sincerely,

Lotis Environmental, LLC

A handwritten signature in black ink that reads "Abby McKay".

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures



(716)580-7000



www.thelotisgroup.com



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8899 Main Street, Suite 107
Williamsville, NY 14221



February 9, 2024

Eastern Shoshone Tribe

Attn: THPO Josh Mann
PO Box 538
Fort Washakie, WY 82514
Submitted via:

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

VB BTS II, LLC (VB BTS II), is proposing to construct a tower installation near Utah State Route 95, Lake Powell, San Juan County, Utah 84533. Lotis Environmental, LLC (Lotis) has prepared an environmental and cultural resource review on behalf of VB BTS II as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 274603_274287). Lotis is providing you the opportunity to review and comment on the possible effects the proposed undertaking may have on sites or structures of current or historical significance affiliated with your tribe. Should you identify an area/property which will be adversely impacted, please submit this information to us at the time of your response so that we may determine our client's options on how to proceed. To aid you in your review please see the proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all four directions (north, south, east, and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620 (if requested).

Lotis contracted Montgomery Archaeological Consultants, Inc. to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Montgomery Archaeological Consultants, Inc. conducted site reconnaissance, per SHPO and tribal protocols, and found thirty-nine (39) archaeological sites or historic properties within the Visual APE, and three (3) archaeological sites or historic properties within the Direct APE. Montgomery Archaeological Consultants, Inc. have recommended that the proposed undertaking will have No Adverse Effect on the identified historic archaeological sites or historic properties and recommends that the project be allowed to proceed as planned without further surveying. A copy of the cultural resource report and other requested documentation is included for your review.



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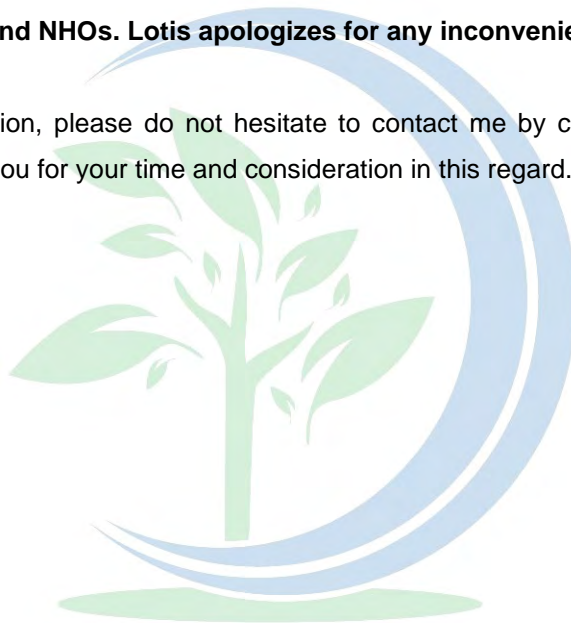
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8899 Main Street, Suite 107
Williamsville, NY 14221



February 9, 2024

Ute Indian Tribe

Attn: Cultural Rights & Protection Director Betsy L Chapoose

PO Box: 190

Ft. Duchesne, UT 84026

Submitted via:

RE: Proposed Telecommunications Tower Undertaking "Bears Ears" in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

To Whom It May Concern:

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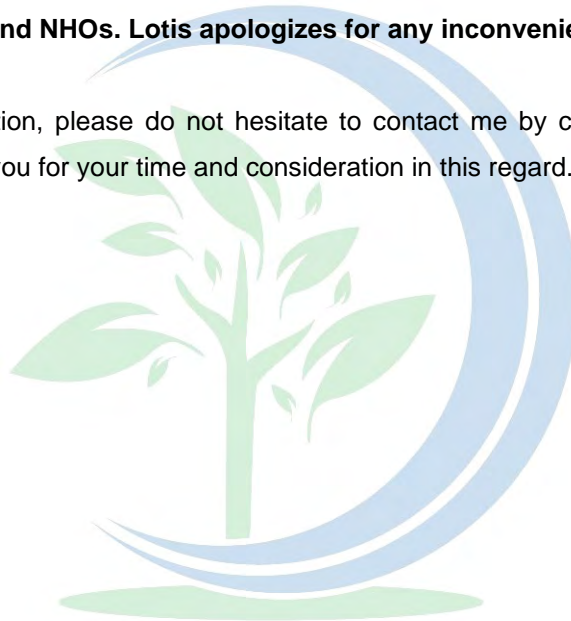
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NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures





February 9, 2024

Northwestern Band of Shoshone Nation

Attn: Attorney Gary Montana

N 12923 North Prairie Road

Osseo, Wisconsin 54758

Submitted via: Northwesternbandshoshonetcnsfcc@outlook.com; garymontana@montanaandassociates.com

RE: Proposed Telecommunications Tower Undertaking “Bears Ears” in San Juan County, Utah; VB BTS II, LLC; TCNS #: 274603_274287

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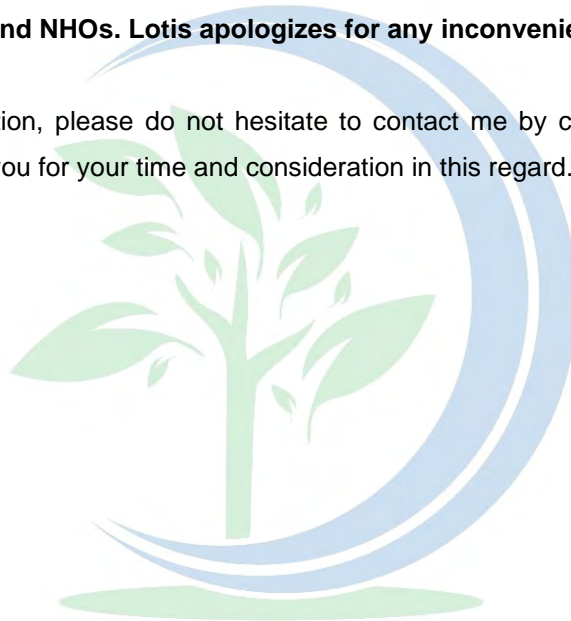
Sincerely,

Lotis Environmental, LLC

A handwritten signature in black ink that reads "Abby McKay".

Abby McKay
NEPA/NHPA Specialist
Lotis Environmental, LLC
McKay@thelotisgroup.com

Enclosures



Proof of Tribal/NHO Submission(s)

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: g.hall@blackfeetnation.com
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS# VBBTS_306– "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz
Importance: High

To Whom It May Concern,

Please see the Dropbox link for the submission of the above addressed TCNS project known as "Bears Ears" located in San Juan County, Utah for the proposed undertaking. Once you have selected the link, a tab will open in your browser and load our PDF submission. This PDF submission will include a cover letter, project summary, site photos, site maps, and a cultural resource survey report which will detail the investigation conducted on identifying cultural resources/properties located in both the Direct and Visual APE of the proposed undertaking. Additionally, it will have a recommendation of effect which we are providing to you as an opportunity to review and comment. Lastly, I have also attached a .kmz file. Once selected, this file will upload to Google Earth (in the temporary folder) and bring you directly to the "pinpoint" coordinates of the proposed tower location. I have included this file so you can review the surrounding habitat/area in its current state (or near current state) without the confined limitations of the aerial photos provided in Attachment 2. In order to keep consultation to a timely manner, if requested, we will be submitting the SHPO response to you once it has been received.

Submittal Link: <https://www.dropbox.com/sc/1fi/d3cox8n4dknpiyj1mem51/Blackfeet-Nation.pdf?rlkey=dgz3d4u6l2orlvgm0nfrgc2c&dl=0>

Should you have an additional request for information, please feel free to contact me via phone at (509)-387-0700 or by responding all to this email. We will do our best to supplement you with any additional documentation or information regarding the proposed undertaking.

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Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107
Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
Mobile: 509.387.0700
McKay@thelotisgroup.com

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: sunagpra@southernute-nsn.gov; sthompson@southernute-nsn.gov
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS# VBBTS_306– "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz
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Submittal Link: <https://www.dropbox.com/sc/fi/zkfrds59so6th3h1nj3mh/Southern-Ute-Tribe.pdf?rlkey=lqpfabm19hbqch59m617y6pkc&dl=0>

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Abby McKay

NEPA/NHPA Specialist

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: thpo@kiowatribe.org; ahill@kiowatribe.org
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS# VBBTS_306– "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz
Importance: High

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Submittal Link: <https://www.dropbox.com/scl/fi/cf2v1ylvqj12n15yfvqm7/Kiowa-Indian-Tribe.pdf?rlkey=s0do5yi128w6aobxn1n2dff0b&dl=0>

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Abby McKay

NEPA/NHPA Specialist

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: 'aaron.brien@crow-nsn.gov'; 'john.birdinground@crow-nsn.gov'
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS# VBBTS_306– "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz
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NEPA/NHPA Specialist

NEPA NHPA

From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: 'betsyc@utetribes.com'
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS# VBBTS_306- "Bears Ears" US-UT-5059
Attachments: Bears Ears US-UT-5059.kmz
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From: NEPA NHPA
Sent: Friday, February 16, 2024 2:33 PM
To: Northwesternbandshoshonetcnsfcc@outlook.com;
garymontana@montanaandassociates.com
Subject: THPO Section 106 for TCNS# 274603 proposed telecommunication project LOTIS#
VBBTS_306- "Bears Ears" US-UT-5059
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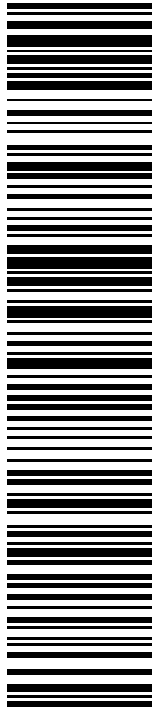
NEPA/NHPA Specialist

From: [XTIRI](#)
To: [NEPA.NHPA](#)
Subject: Project Application Confirmation
Date: Saturday, February 17, 2024 10:00:46 AM

Your Project Application has been received
for Bears Ears, US-UT-5059, 274603 -
Thank You!


powered by [xtiri](#)

This email was sent to NEPA.NHPA@thelotigroup.com [unsubscribe from this list](#)



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	Total:	\$7.99

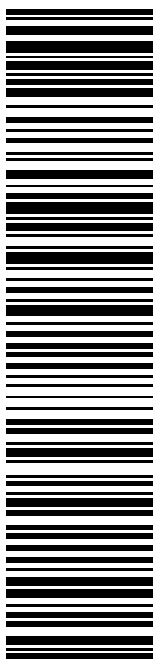
From: LOTIS ENVIRONMENTAL, LLC
 KELLY R REIDY
 8899 MAIN ST STE 107
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To: PUEBLO OF ZUNI
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	Fees:	<u>\$0.00</u>
	Total:	\$7.99

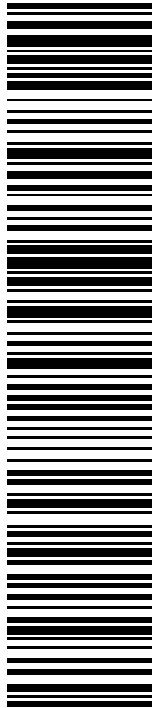
From: LOTIS ENVIRONMENTAL, LLC
KELLY R REIDY
8899 MAIN ST STE 107
WILLIAMSVILLE NY 14221-7628

To: UTE INDIAN TRIBE
BETSY L CHAPOOSE
PO BOX 109
FORT DUCHESNE UT 84026

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BLACKFEET NATION

ATTN: DEPUTY THPO GHERI HALL

PO BOX 850

BROWNING MT 59417-0850



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	Fees:	\$0.00
	Total:	\$7.99

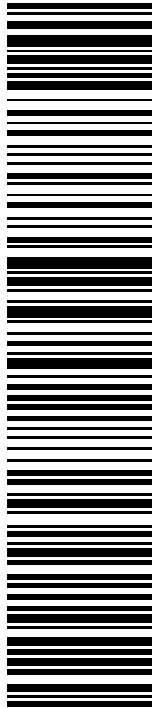
From: LOTIS ENVIRONMENTAL, LLC
 KELLY R REIDY
 8899 MAIN ST STE 107
 WILLIAMSVILLE NY 14221-7628

To: BLACKFEET NATION
 ATTN: DEPUTY THPO GHERI HALL
 PO BOX 850
 BROWNING MT 59417-0850

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SOUTHERN UTE TRIBE
ATTN: SUIT NAGPRA
PO BOX 737
IGNACIO CO 81137-0737

02/12/2024
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KELLY R REIDY
8899 MAIN ST STE 107
WILLIAMSVILLE NY 14221-7628

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Print Date: 2024-02-09	PRIORITY MAIL®	\$7.99
Ship Date: 2024-02-09	Extra Services:	\$0.00
	Fees:	\$0.00
	Total:	\$7.99

From: LOTIS ENVIRONMENTAL, LLC
KELLY R REIDY
8899 MAIN ST STE 107
WILLIAMSVILLE NY 14221-7628

To: SOUTHERN UTE TRIBE
ATTN: SUIT NAGPRA
PO BOX 737
IGNACIO CO 81137-0737

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Tribal/NHO Response(s)

Tower Construction Notification

[FCC](#) > [WTB](#) > Tower Construction Notification

[FCC Site Map](#)

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Tower Construction Notification Notification Reply

[Notifications Home](#) ▶ [Notification Replies](#)

The replies for Notification ID 274603 are shown.

Reply Information

 Reply Date: **12/27/2023**

 Name of Replier: **Anna M Bowers, Shoshone-Bannock Tribes Heritage Tribal Office (HeTO)**

Message

We have no interest in this site. However, if the Applicant discovers archaeological remains or resources during construction, the Applicant should immediately stop construction and notify the appropriate Federal Agency and the Tribe.

ASR Help	ASR License Glossary - FAQ - Online Help - Documentation - Technical Support
ASR Online Systems	TOWAIR - CORES/ASR Registration - ASR Online Filing - Application Search - Registration Search
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Washington, DC 20554
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TTY: 1-717-338-2824
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- [Required Browser Plug-ins](#)
- [Customer Service Standards](#)
- [Freedom of Information Act](#)

NEPA NHPA

From: towernotifyinfo@fcc.gov
Sent: Thursday, March 28, 2024 9:01 AM
To: NEPA NHPA
Cc: tcnsweekly@fcc.gov
Subject: Proposed Construction of Communications Facilities Notification of Final Contacts - Email ID #35771

Shield Enterprises LLC
Miles C Walz Salvador
8899 Main Street, Suite 107
Williamsville, NY 14221

Dear Applicant:

This letter addresses the proposed communications facilities listed below that you have referred to the Federal Communications Commission (Commission) for purposes of contacting federally recognized Indian Tribes, including Alaska Native Villages (collectively Indian Tribes), and Native Hawaiian Organizations (NHOs), as specified by Section IV.G of the Nationwide Programmatic Agreement (NPA). Consistent with the procedures outlined in the Commission's Wireless Infrastructure Second Report and Order (1), we have contacted the Indian Tribes or NHOs identified in the attached Table for the projects listed in the attached Table. You referred these projects to us between 03/21/2024 and 03/28/2024. Our contact with these Tribal Nations or NHOs was sent on 03/28/2024.

Thus, as described in the Wireless Infrastructure Second Report and Order (2), if you or Commission staff do not receive a statement of interest regarding a particular project from any Tribe or NHO within 15 calendar days of 03/28/2024, your obligations under Section IV of the NPA with respect to these Tribal Nations or NHOs are complete. If a Tribal Nation or NHO responds that it has concerns about a historic property of traditional religious and cultural significance that may be affected by the proposed construction within the 15 calendar day period, the Applicant must involve it in the review as set forth in the NPA, and may not begin construction until the process set forth in the NPA is completed.

You are reminded that Section IX of the NPA imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review. In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Tribal Nation or NHO. A Tribal Nation's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Hence, an Applicant is still required to notify any potentially affected Tribal Nation or NHO of any such finds pursuant to Section IX or other applicable law.

Sincerely,
Jill Springer
Federal Preservation Officer
Federal Communications Commission
jill.springer@fcc.gov

-
- 1) See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, Second Report and Order, FCC 18-30 (Mar. 30, 2018) (Wireless Infrastructure Second Report and Order).
2) See *id.* at paras. 111-112.

LIST OF PROPOSED COMMUNICATIONS TOWERS

TCNS# 274260 Referred Date: 03/25/2024 Location: near 1855A S. Schuyler Ave., Kankakee, IL

Detailed Description of Project: A proposed telecommunication tower known as KANKAKEE and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

- Tribe Name: Chippewa Cree Tribe of the Rocky Boy's Reservation
- Tribe Name: Citizen Potawatomi Nation
- Tribe Name: Forest County Potawatomi Community
- Tribe Name: Ho-Chunk Nation
- Tribe Name: Iowa Tribe of Oklahoma
- Tribe Name: Kaw Nation
- Tribe Name: Kickapoo Tribe of Oklahoma
- Tribe Name: Omaha Tribe of Nebraska
- Tribe Name: Otoe-Missouria Tribe of Indians
- Tribe Name: Ottawa Tribe of Oklahoma
- Tribe Name: Peoria Tribe of Indians of Oklahoma
- Tribe Name: Ponca Tribe of Indians of Oklahoma
- Tribe Name: Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Tribe Name: Sac & Fox Tribe of the Mississippi in Iowa
- Tribe Name: Santee Sioux Nation of Nebraska
- Tribe Name: Shawnee Tribe
- Tribe Name: Wyandotte Nation

TCNS# 274603 Referred Date: 03/22/2024 Location: near Utah State Route 95, Lake Powell, UT

Detailed Description of Project: A proposed telecommunication tower known as BEAR EARS and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

- Tribe Name: Northwestern Band of Shoshone Nation
- Tribe Name: Southern Ute Tribe
- Tribe Name: Ute Indian Tribe
- Tribe Name: Crow Tribe
- Tribe Name: Eastern Shoshone Tribe
- Tribe Name: Kiowa Indian Tribe THPO

TCNS# 276442 Referred Date: 03/25/2024 Location: near 30351 Business 77, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHEILD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

- Tribe Name: Apache Tribe of Oklahoma
- Tribe Name: Eastern Shoshone Tribe
- Tribe Name: Kiowa Indian Tribe THPO
- Tribe Name: Mescalero Apache Tribe
- Tribe Name: Northwestern Band of Shoshone Nation
- Tribe Name: Tonkawa Tribe

TCNS# 276440 Referred Date: 03/25/2024 Location: near 1120 E Expressway 83, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHIELD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

- Tribe Name: Apache Tribe of Oklahoma
- Tribe Name: Eastern Shoshone Tribe
- Tribe Name: Kiowa Indian Tribe THPO
- Tribe Name: Mescalero Apache Tribe
- Tribe Name: Northwestern Band of Shoshone Nation
- Tribe Name: Tonkawa Tribe

TCNS# 276440 Referred Date: 03/27/2024 Location: near 1120 E Expressway 83, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHIELD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Northern Cheyenne Tribe

TCNS# 276442 Referred Date: 03/27/2024 Location: near 30351 Business 77, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHEILD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Northern Cheyenne Tribe

TCNS# 274260 Referred Date: 03/27/2024 Location: near 1855A S. Schuyler Ave., Kankakee, IL

Detailed Description of Project: A proposed telecommunication tower known as KANKAKEE and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Miami Tribe of Oklahoma

Tribe Name: Northern Cheyenne Tribe

TCNS# 274603 Referred Date: 03/27/2024 Location: near Utah State Route 95, Lake Powell, UT

Detailed Description of Project: A proposed telecommunication tower known as BEAR EARS and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Pueblo of Zuni

LEGEND:

* - Notification numbers are assigned by the Commission staff for sites where initial contact was not made through TCNS.

NEPA NHPA

From: towernotifyinfo@fcc.gov
Sent: Thursday, April 4, 2024 9:01 AM
To: NEPA NHPA
Cc: tcnsweekly@fcc.gov
Subject: Proposed Construction of Communications Facilities Notification of Final Contacts - Email ID #35780

VB BTS II, LLC
Miles C Walz Salvador
8899 Main Street, Suite 107
Williamsville, NY 14221

Dear Applicant:

This letter addresses the proposed communications facilities listed below that you have referred to the Federal Communications Commission (Commission) for purposes of contacting federally recognized Indian Tribes, including Alaska Native Villages (collectively Indian Tribes), and Native Hawaiian Organizations (NHOs), as specified by Section IV.G of the Nationwide Programmatic Agreement (NPA). Consistent with the procedures outlined in the Commission's Wireless Infrastructure Second Report and Order (1), we have contacted the Indian Tribes or NHOs identified in the attached Table for the projects listed in the attached Table. You referred these projects to us between 03/28/2024 and 04/04/2024. Our contact with these Tribal Nations or NHOs was sent on 04/04/2024.

Thus, as described in the Wireless Infrastructure Second Report and Order (2), if you or Commission staff do not receive a statement of interest regarding a particular project from any Tribe or NHO within 15 calendar days of 04/04/2024, your obligations under Section IV of the NPA with respect to these Tribal Nations or NHOs are complete. If a Tribal Nation or NHO responds that it has concerns about a historic property of traditional religious and cultural significance that may be affected by the proposed construction within the 15 calendar day period, the Applicant must involve it in the review as set forth in the NPA, and may not begin construction until the process set forth in the NPA is completed.

You are reminded that Section IX of the NPA imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review. In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Tribal Nation or NHO. A Tribal Nation's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Hence, an Applicant is still required to notify any potentially affected Tribal Nation or NHO of any such finds pursuant to Section IX or other applicable law.

Sincerely,
Jill Springer
Federal Preservation Officer
Federal Communications Commission
jill.springer@fcc.gov

-
- 1) See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, Second Report and Order, FCC 18-30 (Mar. 30, 2018) (Wireless Infrastructure Second Report and Order).
2) See *id.* at paras. 111-112.

LIST OF PROPOSED COMMUNICATIONS TOWERS

TCNS# 276793 Referred Date: 04/03/2024 Location: near 12000 153rd Street SE, Velva, ND

Detailed Description of Project: A proposed telecommunication tower known as TOM and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Flandreau Santee Sioux Tribe

Tribe Name: Northern Cheyenne Tribe

TCNS# 274603 Referred Date: 04/03/2024 Location: near Utah State Route 95, Lake Powell, UT

Detailed Description of Project: A proposed telecommunication tower known as BEAR EARS and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Blackfoot Nation

TCNS# 276440 Referred Date: 03/28/2024 Location: near 1120 E Expressway 83, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHIELD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Comanche Nation

TCNS# 276442 Referred Date: 03/28/2024 Location: near 30351 Business 77, San Benito, TX

Detailed Description of Project: An existing telecommunication tower known as SHEILD ENTERPRISES TOWER 2 and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Comanche Nation

TCNS# 276793 Referred Date: 03/28/2024 Location: near 12000 153rd Street SE, Velva, ND

Detailed Description of Project: A proposed telecommunication tower known as TOM and associated equipment within a leased area that includes an access, utility, and guy wire (if applicable) easements.

Tribe Name: Chippewa Cree Tribe of the Rocky Boy's Reservation

Tribe Name: Crow Tribe

Tribe Name: Eastern Shoshone Tribe

Tribe Name: Fort Peck Tribes

Tribe Name: Lower Brule Sioux Tribe

Tribe Name: Ponca Tribe of Indians of Oklahoma

Tribe Name: Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin

Tribe Name: Rosebud Sioux Tribe

Tribe Name: Sisseton-Wahpeton Oyate of the Lake Traverse Reservation

Tribe Name: Three Affiliated Tribes

Tribe Name: Yankton Sioux Tribe

LEGEND:

* - Notification numbers are assigned by the Commission staff for sites where initial contact was not made through TCNS.

Appendix **E**

***Federal Emergency Management Agency (FEMA) Flood
Insurance Rate Map (FIRMette) & Other Relevant
Documentation***

FEMA Flood Map Service Center: Search By Address

Navigation

Search

- MSC Home (/portal/)
- MSC Search by Address (/portal/search)
- MSC Search All Products (/portal/advanceSearch)
- ▼ MSC Products and Tools (/portal/resources/productsandtools)
 - Hazus (/portal/resources/hazus)
 - LOMC Batch Files (/portal/resources/lomc)
 - Product Availability (/portal/productAvailability)
- MSC Frequently Asked Questions (FAQs) (/portal/resources/faq)
- MSC Email Subscriptions (/portal/subscriptionHome)
- Contact MSC Help (/portal/resources/contact)

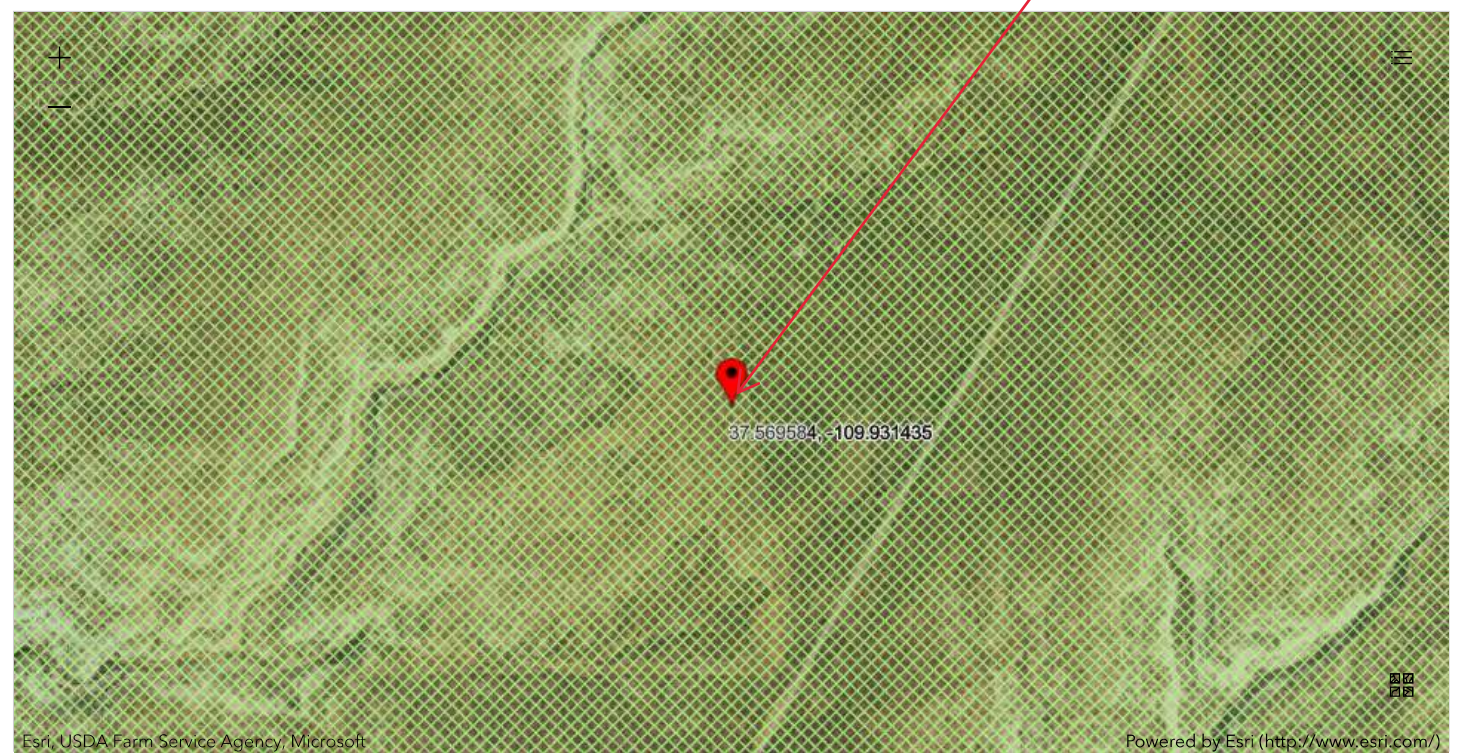
Enter an address, place, or coordinates: ?

-109.931435 37.569584 Search

Whether you are in a high risk zone or not, you may need [flood insurance](https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [steps you can take](https://www.fema.gov/what-mitigation) to reduce flood risk damage.

Site Location



Esri, USDA Farm Service Agency, Microsoft

Powered by Esri (<http://www.esri.com/>)

<p>PIN</p> <ul style="list-style-type: none"> Approximate location based on user input and does not represent an authoritative property location <p>MAP PANELS</p> <ul style="list-style-type: none"> Selected FloodMap Boundary Digital Data Available No Digital Data Available Unmapped <p>OTHER AREAS</p> <ul style="list-style-type: none"> NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area Coastal Barrier Resource System Area 	<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, V, AB9 With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR <p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation 17.5 Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature <p>GENERAL STRUCTURES</p> <ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
--	---	---

***Utah Geological Survey Statement of Historical Data
Regarding Flooding***

From: [Tyler Knudsen](#)
To: [Abby McKay](#)
Subject: Re: No flood map available VBBTS_306 – "Bears Ears" US-UT-5059
Date: Monday, April 8, 2024 10:12:22 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Abby -- I am a geologist in the Utah Geological Survey's Geologic Hazards Program that is responsible for producing geologic-hazard maps which sometimes include flooding hazards. We base our flood-hazard mapping on geologic mapping and topography. I'm not aware of any flood data or mapping for this particular area. Unfortunately there does not appear to be adequate geologic mapping that covers this area, so we would not be able to fully assess flood potential. But, based on topography alone (USGS 1:24,000 scale topographic map of Kane Gulch) and viewing aerial photography, I can make some general observations on flood potential. My responses are in red:

1. is this area prone to flooding? **The waypoint provided plots on a topographically high ridge and is not near any significant drainage. The upslope drainage area that would contribute surface water during a heavy precipitation event appears to be minimal. Thus, riverine (stream) flooding is unlikely to occur at the subject area. The relatively great distance from any significant upslope drainage indicates a low likelihood of alluvial-fan or debris-flow-type flooding. Due to potential low-permeability conditions at the surface, shallow (likely less than a few inches in depth) sheet flooding (unconfined laminar flow) is the most likely type of flooding to occur here during a heavy precipitation event.**
2. Or have there been any floods previously in this area or nearby? **There is no record of flooding on the ridge where the coordinates plot. The adjacent drainages of Armstrong Canyon (~1/3 mile to the north) and the tributaries of Grand Gulch (>1/2 mile to the south) certainly convey flash floods whenever there are heavy precipitation events in the area.**
3. Are any new maps forthcoming? **I'm not aware of any plans for flood-hazard mapping in this area. In order for the UGS to conduct geologic-hazard mapping (including flood hazard) in this area, we would first need detailed geologic mapping (at 1:24,000 scale), so any new mapping in this area would be several years away.**

Hope this helps. Due to sparse population and infrastructure, southeastern Utah has the poorest coverage of geology/hazard mapping in the state. We are hoping to prioritize geologic mapping (followed by hazard mapping) in coming decades that will focus on the national parks & monuments, and surrounding communities.

-Tyler



Tyler Knudsen (he/him)
Senior Geologist | P.G.

O: (435) 865-9036

E: tylerknudsen@utah.gov



Utah Department of Natural Resources
Utah Geological Survey, Southern Regional Office - Cedar City

geology.utah.gov

On Mon, Apr 1, 2024 at 8:58 PM Abby McKay <Mckay@thelotisgroup.com> wrote:

Good evening,

We were mapping a project area using the FIRMette tool and received the results attached for an unmapped area. We were hoping for your help to move the project forward. Would you please take a moment to review the following questions and let us know if you have any helpful information?

To your knowledge,

1. is this area prone to flooding?
2. Or have there been any floods previously in this area or nearby?
3. Are any new maps forthcoming?

I have attached a KMZ file for your convenience to show the general location of the project, the coordinates are: 37.56958, -109.93143 (Township: 37S, Range: 18E, Section: 16) in San Juan County.

If I am contacting the incorrect person/department, please point me in the right direction. I already reached out to the local emergency management office, and they didn't have any information. In addition, I reached out to the BLM Field office, and the Trust Lands Administration who suggested I reach out to the UGS.

Any information helps!

Thank you for your time.

Abby McKay

NEPA/NHPA Specialist



8899 Main Street – Suite 107

Phone: 716.580.7000

Williamsville, NY 14221

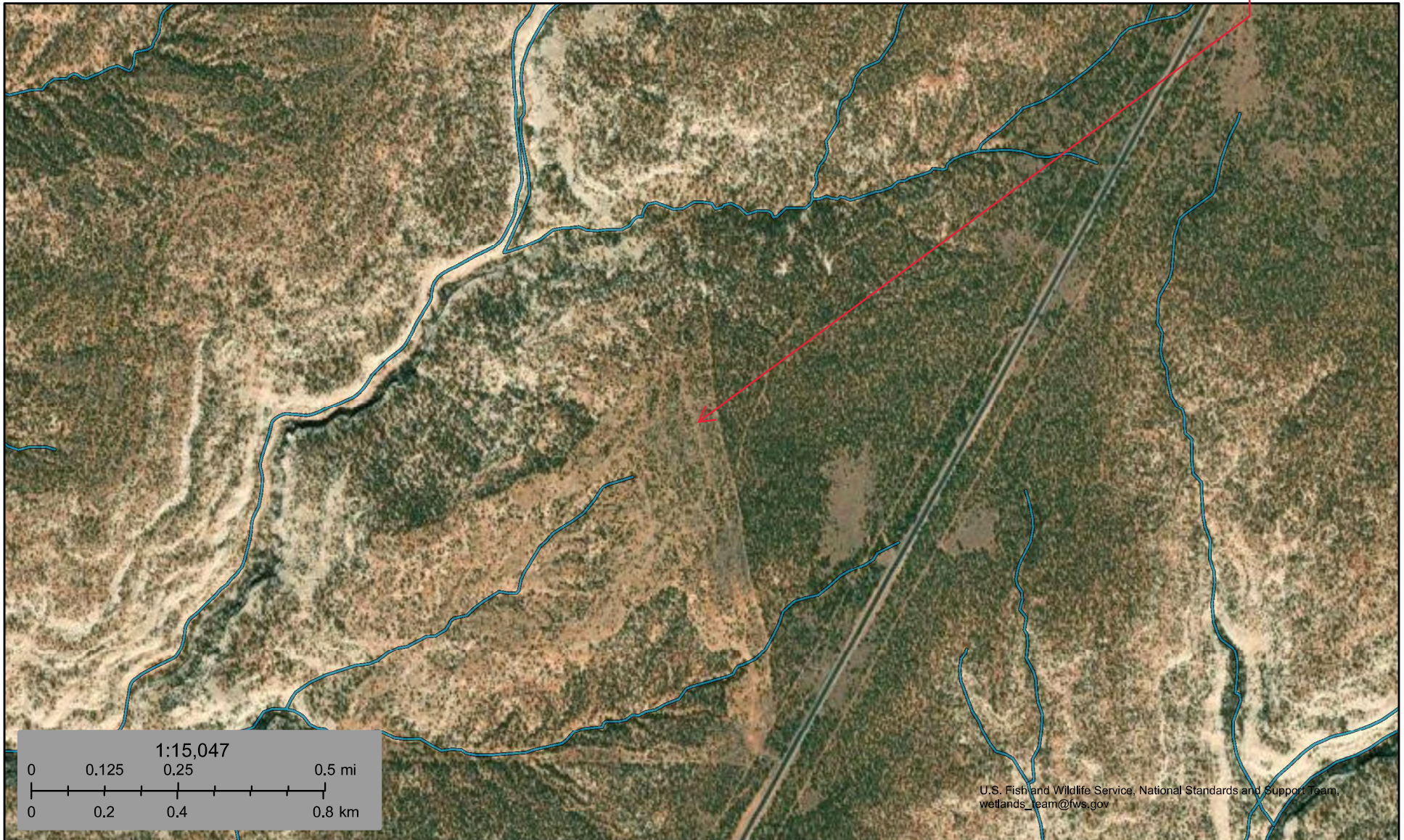
Mobile: 509.387.0700

www.thelotisgroup.com

Mckay@thelotisgroup.com

Appendix **F**

***United States Fish and Wildlife Service (USFWS)
National Wetland Inventory Map (NWIM)***



November 30, 2023

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Estuarine and Marine Wetland
- Freshwater Forested/Shrub Wetland
- Other
- Freshwater Pond
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Appendix **G**

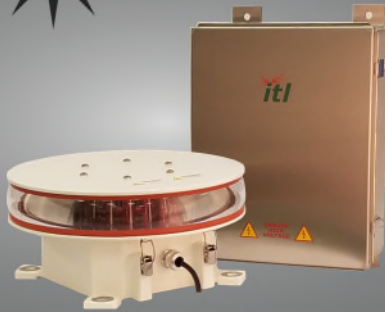
***Proposed Lighting System Specifications & Bird
Diverter Specifications***

Lighting System Specifications

ILS-1900-0IR

L-864(L) / L-810(L)
Red LED with Infrared (IR)
Obstruction Lighting Systems

WHERE ENGINEERING
MEETS PASSION.™



ILS-1900-0IR Red LED Obstruction Lighting Systems are complete control solutions for FAA Styles A0 and A1 through A6. Housed in a stainless steel enclosure, the controller can operate up to six L-864 LED -810 LED Obstruction Lights. Multiple

than six L- -C dry-contact alarm relays are available standard. ITL's MON-2682 wireless monitoring system seamlessly integrates to provide SNMP, HTTP, and ITL ADP™ communication.

Features

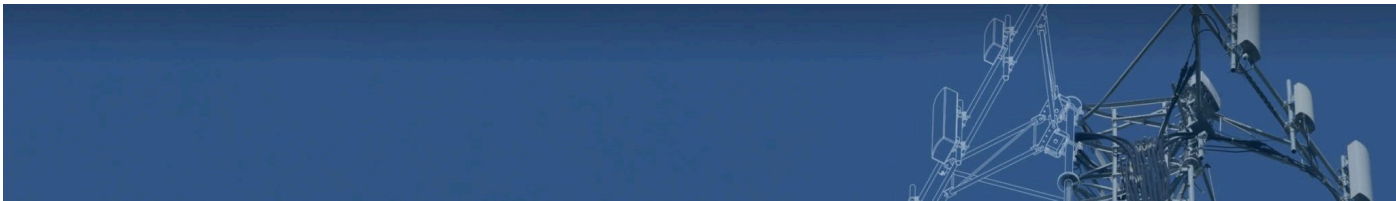
- Complete solution for FAA Style **A0 and A1**, to **A6** towers. requiring more than six L-
- **Flexible architecture** allows any of the three channels to control two L-864(L) or Up to four L-810(L) obstruction lights.
- MON-2682 Option for seamless integration of **SNMP, HTTP** and **ITL ADP™** communication.
- **Alarm Threshold Setup** function provides automated de-
- An **RF Filter** is integrated into each obstruction light control channel for broadcast applications.
- **GPS Option** obstruction lighting systems.
- One Form-C dry-contact Main Alarm provided for indication of any alarm condition.
- Door mounted **Alarm Board** provides an additional 10 Form-C dry-contact alarms.
- Manual Mode Override switch.
- Utilizes industry standard photocell to automatically turn on/ levels.
- Built-in fusing for each channel and photoelectric cell (PEC).
- 120VAC and 230VAC International versions available.

Specifications

Standards:	-43, Type L-864(L), L-810(L) TVOC Transport Canada CAR 621
Flash Head(s):	IFH-1900-0IR, L-864(L), Up to Two per channel 264 mW/sr (min), 800-900nm, Infrared 120 Vac, 60 Hz, 24 VA each Height: 11" (28 cm), Diameter: 16.5" (42 cm) 28lbs (14 kg) each
Side Lights:	MKR-LTG1-0IR, L-810(L), Up to Four per channel (See MKR-LTG1-
Controller:	RLC-1903-000 120 Vac, 60 Hz, 6 VA each 16.63" (42.2 cm) x 11.57" (29.4 cm) x 6.55" (16.6 cm) 17 lbs. (7.7 kg) each
Alarm Relays:	120 / 230 VAC, 1 Amp
PEC:	120 VAC, 50 / 60 Hz, 1 VA
Suppression:	300 Joule, 275 V, Power and each Control Channel 70 Joule, 275 V, PEC 45 Joule, 275 V, All Dry-Contact Alarms
Temperature:	-40°C to +55°C
Humidity:	Less than 95%, non-condensing



Bird Diverter Specifications



[Return to products](#)



Bird Flight Diverters

Makes guyed structures visible to birds, providing an economic means of reducing the hazard to both birds and guy strands. Manufactured from rigid 0.375" and 0.5" high impact PVC, the diverter retains good physical characteristics in the most extreme temperatures. Spacing distances of 15' intervals are recommended for the best results. Material color is yellow.*

Contact Sales

Product

Stock Code

Market Part Number

PDF

BIRD FLIGHT DIVERTER, FOR 1/2" AND 9/16" GUY STRAND

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BIRD FLIGHT DIVERTER, FOR 1/4" AND 5/16" GUY STRAND

C40083002

BIRD FLIGHT DIVERTER, FOR 3/16" GUY STRAND

C40083001

BIRD FLIGHT DIVERTER, FOR 3/4" GUY STRAND

C40083006

BIRD FLIGHT DIVERTER, FOR 3/8" AND 7/16" GUY STRAND

C40083003

BIRD FLIGHT DIVERTER, FOR 5/8" AND 3/4" GUY STRAND

C40083005

BIRD FLIGHT DIVERTER, FOR 7/8" GUY STRAND

C40083007





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