

COMMUNICATION SITE MANAGEMENT PLANS

HUALAPAI PEAK

HAYDEN PEAK

POTATO PATCH

ADDENDUM

EXHIBITS A THROUGH O¹

¹ There is no Exhibit N, see page 47 of plan (List of Exhibits).

Exhibit A

MOHAVE COUNTY ENGINEER - DEPARTMENT OF ENGINEERING

119 E. ANDY DEVINE AVENUE

KINGMAN • ARIZONA 86401

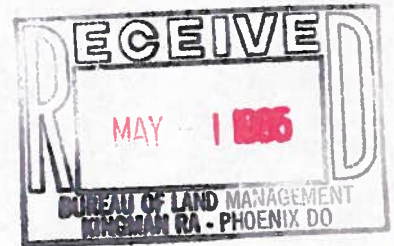
PHONE 753-9141 EXT. 227, 380



HAROLD J. GANYO
COUNTY ENGINEER

April 23, 1985

Re: Hayden Peak Road
License Agreement



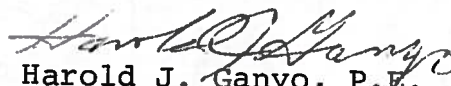
Roger M. Taylor
Bureau of Land Management
2475 Beverly Avenue
Kingman, Arizona 86401

Dear Roger:

Enclosed are two sets of proposed License Agreement for your review and approval.

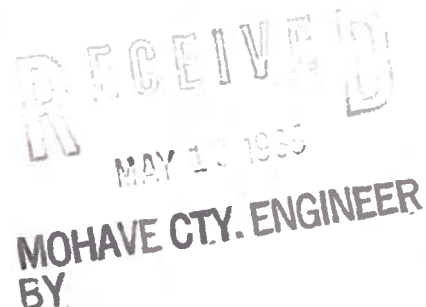
If the Agreement is approved, please sign both copies, retain one for your files and return the second one to the County.

Sincerely yours,


Harold J. Ganyo, P.E.
Director, Public Works

HJG:ep

Encs. - 2



LICENSE AGREEMENT

This License is granted this 16th day of May, 1985, by Mohave County, Arizona, a body politic and the bureau of Land Management, Department of Interior (BLM).

RECITALS

The County is the owner of certain real property located in the County of Mohave, State of Arizona, and more particularly described in exhibit "A".

The property described above includes a roadway leading from Hualapai Mountain Park to communication facilities on Hayden Peak and at the Potato Patch Site.

That the BLM desires access of said real property by way of the county owned roadway on the behalf of the users of communications facilities on Hayden Peak, and at Potato Patch, The Hualapai Mountain Users Association.

SECTION I

Mohave County hereby grants to the Bureau of Land Management a license for the use of the roadway from Hualapai Mountain Park to the Hayden Peak and Potato Patch communications facilities for the purpose of maintenance and operation of said facilities and for all purposes related thereto.

SECTION II

The BLM shall, pursuant to this license, permit various users and operators of communications facilities on Hayden Peak and at Potato Patch to have access by way of said county owned roadway.

SECTION III

The BLM shall have the right to perform routine maintenance to said roadway at its own expense for the purpose of insuring safe and adequate access to Hayden Peak.

SECTION IV

Mohave County makes no representations or guarantees as to the safety or condition of the roadway and the BLM and permitted users of the BLM agrees to indemnify Mohave County against all liability to themselves or their property when such injury is attributable to or arises from the condition of the roadway.

SECTION V

Either party may terminate this license by giving 30 days written notice to the other party.



MOHAVE COUNTY



THE BUREAU OF LAND MANAGEMENT

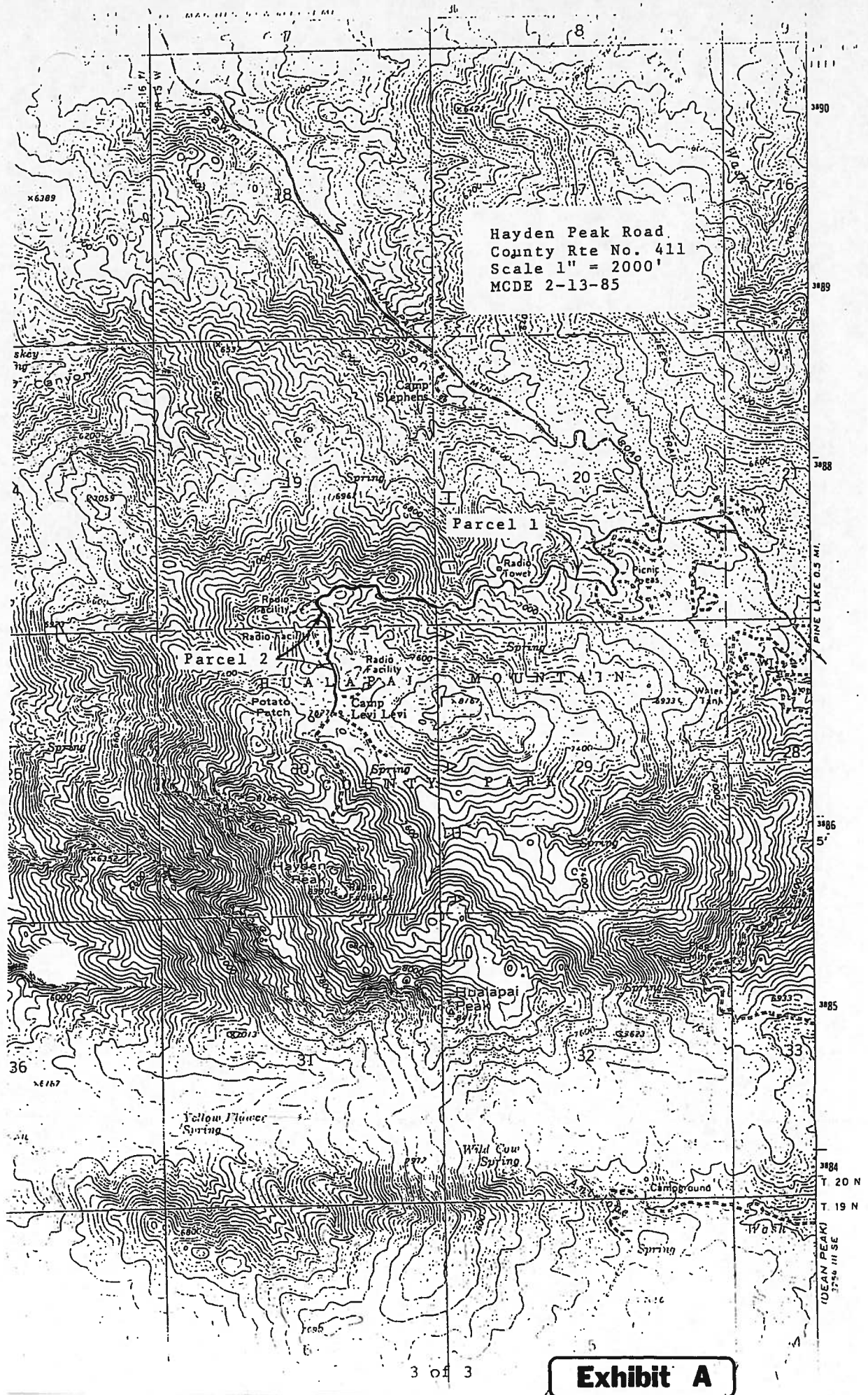


Exhibit B

Comment Documentation Worksheet

I, Mary Butterwick, in review of the above noted proposed action, have the following comments:

No federally listed or candidate plant species are presently known to occur within or near either of the communication sites. However, two species on the Arizona Natural Heritage Program's list of special plants, Mammillaria viridiflora and Cordylanthus nevinii, occur in the vicinity. During September populations of C. nevinii are flowering on Hualapai and Hayden peaks.

The flora of the Hayden-Hualapai peak area is described in the Hualapai Unit Resource Analysis. This area has tremendous botanical value both in terms of species diversity and noteworthy floristic elements. Botanical inventory of the upper Hualapais including the Hayden-Hualapai-Aspen peak area extended the range of some twenty three species into Mohave County.

Prior to future development of these sites a field botanical evaluation should be conducted. Particular care should be taken during construction of the communication facilities to assure minimal disturbance of the local vegetation.

Mary Butterwick
05-31-85

Incorporated in record (YES) (NO)

If not state rationale:

Writer or Area Manager

Exhibit C

Case #Communication Site
Potato Patch
T. 20N., R. 15W., Sec. 30
NW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$,
Approximately - 10 acres
Elevation - 7680

COMMENT DOCUMENTATION WORKSHEET

Rebecca L. Peck, Wildlife Biologist, in review of the
above-noted Proposed Action, have the following comments:

SP An onsite field inspection was conducted on 04-18-85. This area was field checked specifically to search for Hualapai Mexican Vole Sign (Microtus mexicanus hualpaiensis). This site is on a small knoll and is covered with a young stand of ponderosa pine. The pine stand consists of trees mostly 5-25 feet tall. There are taller trees on the peak itself. The Northeast and Northwest slopes are grassy, but the grass is heavily utilized at 80%+ use. There are quite a few granite boulder outcrops. The area was searched for vole sign, (runways, grass clippings, fecal droppings) - none were found. The search was hampered by a light covering of snow.

If this area were ungrazed, allowing the grass to increase in frequency, vigor and cover this area would probably be excellent vole habitat. This habitat would be especially good on the cooler Northeast facing slopes. Voles require a grassy aspect within which they move about, consume and live in. It is thought that they also den under old logs, rock outcrops and in holes in the soil.

Incorporated in record (yes) (no)

If "no" state rationale:

5-10-85

Rebecca L. Peck
Writer or Area Manager

RECOMMENDATIONS

1. A specific site by site clearance should be conducted as each new communication site (within the potato patch) is applied for.
2. When the communication equipment is installed clearing disturbance should be kept to an absolute minimum including disturbance of grass and trees.
3. The Northeast slope should be the last area to be developed.
4. As an area is developed, Ponderosa trees should only be removed if absolutely necessary.
5. Before installation occurs the BLM should go in and site in roads and facilities while they are being built.
6. Trees cut down in the area should be left on the ground as litter.
7. New and existing roads should be designed to prevent downstream erosion.

These recommendations are suggested because of the tenuous situation that the vole is in. Its habitat, Ponderosa-Pine is limited in the Hualapais and the animal may be endangered. Voles, (Microtus sp.) are normally considered to be a "boom and bust" species. This means that this species may be able to extend into suitable habitats in favorable years or with an improvement in range condition. If this species of vole is a "boom and bust" species, we need to give this animal the opportunity to "boom" when conditions are right. Therefore, the ponderosa habitat becomes crucial to their survival and disturbance in this habitat should be kept in check.

Lebesa L. Peck
5-8-85

Hayden Peak Communication Site
T. 20N., R. 15W., Sec. 30
SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
Approximately: 22.5 acres
Elevation: 8390 feet

The same Recommendations apply to Hayden Peak as to the Potato Patch Site with the following additions:

1. Wet spots should remain undeveloped.
2. Aspen stands should remain undisturbed.

ASPEN NOT IN 22.5 AC. SITE
YAG 8/17/85

The Hayden Peak area was trapped for voles in June of 1979 by R. Peck and T. Bergstedt. No voles were trapped. In the fall of 1984, Barry Spicer of the AGFD trapped on nearby Hualapai Peak where a vole had been trapped by E.A. Goldman in 1938. Spicers trapping effort turned up no voles.

The Hayden Peak site appears to be less suitable for voles than the Potato Patch Site but it appears that Hayden Peak may have been historical vole range. Therefore, the same stipulations should apply at this site as at Potato Patch.

The Gilbert's Skink, State Listed Group 4, has been collected from Section 30. The mitigation measures that apply to voles will also apply to skinks.

Rebecca L. Peck

5-8-85

Exhibit D

EVALUATION OF PROPOSED FM FACILITY ON HAYDEN PEAK

Ron Ray

Notes

Project Name: Hayden Peak Community Site Proposed (PENDING FM APPLN. A-20919)

Legal Description: T. 30 N., R. 15 W., G&SRM

Section 30 SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

VRM: Scenery Quality: A

Sensitivity: H

VRM: Class II

138 foot tower, FM Broadcast Station, 4 legged antenna with 15' x 15' base, 12' x 15' building. If 50 foot separation from other users is needed tower height would be at least 180 feet.

Phoenix District

Hualapai Planning Unit

Activity 4211 11 FLAE

Critical View Points: 1. Hualapai Recreation Area
2. Kingman

Variable Factors:

A. Distance- Hayden Peak is surrounded by Hualapai Recreation Area. Distance from Kingman is approximately 12 miles.

B. Angle of Observation- If proposed facilities are constructed the angle of observation will be approximately 45 degrees to 75 degrees from areas within Hualapai Recreation Area. The angle of view from Kingman would be approximately 25 degrees.

C. Length of Time Project is in View- The site can be seen from several points along the road leading to the Recreation Area, and from several areas within the Recreation Area. The trees in the Recreation Area and the land form provide some screening of views toward proposed site. However, when tower extends above the skyline, the towers will be in view for possibly several hours.

D. Relative Size or Scale- The proposed 138 foot tower would be quite large in comparison to nearby trees and shrubs. There are exciting buildings and towers. The highest tower is approximately 80 foot tall.

E. Season of the Year- Spring through fall are the seasons most likely to have visitors to the Recreation Area.

F. Light- The site is exposed and in direct sunlight most of the day. Sky (normally light hazy blue) will be the background.

G. Time for Rehab Work to Heal- If only shrubs or ground covers are disturbed, the time for rehab would be relatively quick.

H. Screening- Some topography screening is available. The site is not level and

contains some lower areas so that buildings (if located there) could be screened by nearby boulder covered peaks.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET

Date

June 21, 1985

District

Phoenix

Resource Area

Kingman

Activity (program)

4211 11 FLAE

SECTION A. PROJECT INFORMATION

1. Project Name Hayden Peak Community Site Proposal	4. Location Township <u>20 N.</u> Range <u>15 W.</u> Section <u>30</u>	5. Location Sketch
2. Key Observation Point Hualapai Recreation Area		
3. VRM Class II high sensitivity		

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Peaked mountain tops	Ponderosa, mountain shrub	Restrooms, tables, towers, buildings
LINE	Angular, steep	Irregular patches	Rectangular, linear
COLOR	Grey, light brown	Greens, browns	Browns, greens, greys
TEXTURE	Medium to coarse gravel to boulders	Medium to coarse	Smooth to medium

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Minor site leveling	Minor clearing of vegetation	138 or 180 foot tower, FM Broadcast Station, 4 legged antenna with at least 15'x15' base.
LINE			12'x15' building Angular, straight, lattice, rectangular
COLOR			Assume: non-specular grey for tower, but dark shadow lines. Earth tones for color of building
TEXTURE			smooth

SECTION D. CONTRAST RATING ☐ SHORT TERM ☒ LONG TERM

DEGREE OF CONTRAST	FEATURES												2. Levels of Change <input type="checkbox"/> Very Low, <input type="checkbox"/> Low, <input type="checkbox"/> Moderate, <input checked="" type="checkbox"/> High	
	LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					
	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None		
Form			X					X		X				3. Does project design meet visual resource management objectives? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explain: (Continue on reverse, if necessary)
Line				X			X		X					
Color			X				X		X					
Texture			X				X				X			
													4. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Use reverse side if "yes".)	

SECTION D. (Continued)

Continuation of comments from item 3.

(Same comments as written for Potato Patch Site)

Additional Mitigating Measures (See item 4)

Suggestions for Hayden Peak Site:

1. Limit tower height to a maximum of 25 feet above skyline from views from hiking trails and picnic sites in Hualapai Recreation Area. Depending on where towers are located this would be approximately 80 foot tall. Suggest finding a less sensitive site (away from the Recreation Area) for taller towers.
2. Use non-specular grey color for towers.
3. Use predominant soil or vegetation colors for buildings and other structures.
4. Allow no cuttings or very selective cutting of any trees to preserve possible structures.
5. Try to locate structures when feasible in a low area on site to take advantage of topography screening and to avoid skyline effects.
6. Combine facilities whenever possible.
7. Clean up debris on site.

Signature

Randall W. Ray

Date

10-28-85

Exhibit E

Ron Ray

Notes

Project Name: Potato Patch Communication Site

Legal Description: T. 20 N., R. 15 W., G&SRM
Section, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ VRM: Scenery Quality = A
VRM: Class II2 microwave facilities, one tower with four dishes
9' to 12' in diameter, 2 FM translator (small poles
on top of small poles). 140' tower height maximumPhoenix District
Hualapai Planning Unit
Activity 4211 11 FLAECritical Viewpoints: 1. Hualapai Mountain Recreation Area
2. Kingman

Variable Factors:

- A. Distance- Potato Patch site is surrounded by Hualapai Recreation Area.
Distance from Kingman is approximately 12 miles.
- B. Angle of Observation- If facilities are constructed, the angle of
observation will be from approximately 60 degrees to
90 degrees from areas within the Hualapai Recreation
Area. The angle of view from Kingman would be
approximately 25 degrees.
- C. Length of Time Project is in View- The Recreation Area is visited frequently.
The site can be seen from several points
along the road leading to the Recreation
Area, and from some points in the Recre-
ation Area. The trees around the site
and topography provide some screening of
views. However, when tower height exceed
tree height, the towers will be in view for
possibly several hours.
- D. Relative Size or Scale- The 140 foot tower would be quite large in comparison
to surrounding trees and shrubs. There is an existing
140 foot tower which is obvious and draws attention
to the area.
- E. Season of the Year- Spring through fall are the seasons most likely to have
visitors.
- F. Light- The site is exposed except for some ponderosa pine cover and is in
direct sunlight of most of the day. Sky (normally light hazy blue)
will be the background.
- G. Time for Rehab Work to Heal- If any ponderosa are cut down, rehab would be
slow in returning tree cover to original heights.

H. Screening- Some topographic screening is apparent and when combined with the ponderosa tree cover, buildings and other structures less than 50 foot tall would be screened from most views.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

VISUAL CONTRAST RATING WORKSHEET

Date

June 21, 1985

District

Phoenix

Resource Area

Kingman

Activity (program)

4211 11 FIAF

SECTION A. PROJECT INFORMATION

1. Project Name Potato Patch Community Site Proposal	4. Location Township 10 N. Range 15 W. Section 30	5. Location Sketch
2. Key Observation Point Hualapai Recreation Area		
3. VRM Class II, high sensitivity		

SECTION B. CHARACTERISTIC LANDSCAPE DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Peaked mountain tops	Ponderosa, mountain shrub	restrooms, tables, towers, buildings
LINE	Angular, steep	Irregular patches	Rectangular, linear
COLOR	Grey, light brown	Greens, browns	Browns, greens, greys
TEXTURE	Medium to coarse Gravel to boulders	medium to coarse	Smooth to medium

SECTION C. PROPOSED ACTIVITY DESCRIPTION

	1. LAND/WATER	2. VEGETATION	3. STRUCTURES
FORM	Site leveling to small degree	Minor clearing of vegetation	2 microwave facilities, one 140 ft. tower, 4 dishes, 2 FM translators, small poles
LINE			Angular, straight, lattice, rectangular
COLOR			Assume: non-specular grey but shadowing gives dark lines
TEXTURE			smooth

SECTION D. CONTRAST RATING ☐ SHORT TERM ☒ LONG TERM

ELEMENT	DEGREE OF CONTRAST	FEATURES												2. Levels of Change <input type="checkbox"/> Very Low, <input type="checkbox"/> Low, <input type="checkbox"/> Moderate, <input checked="" type="checkbox"/> High	
		LAND/WATER BODY (1)				VEGETATION (2)				STRUCTURES (3)					
		Strong	Moderate	Weak	None	Strong	Moderate	Weak	None	Strong	Moderate	Weak	None		
Line				X				X		X				4. Additional mitigating measures recommended <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Use reverse side if "yes".)	
Color				X				X		X					
Texture				X				X				X			

SECTION D. (Continued)

inuation of comments from item 3.

Radio and communication towers are so foreign to the natural landscape that it is extremely difficult to meet VRM guidelines for VRM Class II areas. When the towers are built so they can be seen above the tree heights or skyline they attract attention and detract from the scenery quality. The more skyline, the more contrast. From looking at existing towers, the ones that are skylined more than 25' above tree cover or land forms are particularly noticeable even from a few miles away.

Additional Mitigating Measures (See item 4)

Suggestions for Potato Patch Site:

1. Limit tower height to a maximum of 75 feet. (Seventy-five feet is approximately the tree height plus twenty-five feet. Perhaps a less sensitive site could be found for operators requiring taller towers.)
2. Use non-specular grey color for towers.
3. Use predominant soil or vegetation colors for buildings and other structures below tree height.
4. Since the ponderosa pines provide much screening, allow no or only very selective cutting of trees to maintain tree screening effects.
5. Try to locate any new buildings when feasible in low areas to take advantage of topography screening and to avoid skyline effects.
6. Combine facilities whenever possible.

Signature

Ronald W. Ray

Date

6-28-85

Exhibit F

April 12, 1984

Mr. William D. Bixby,
County Administrator
Mohave County Board of Supervisors
Post Office Box 390
Kingman, Arizona 86402

Re: Hualapai Mountain Park Compliance Examination

Dear Mr. Bixby:

We have completed our examination of the developments and activities associated with the Hualapai Mountain Park which was acquired, in part, from the United States under Patents 1104903 and 1178252. We have concluded the following:

1. The operation of the Girl and Boy Scout camps, although not providing facilities to the general public, is not in violation of the terms and conditions of the patents. The operation of the Girl Scout encampment at Camp Stephens does not appear to be in conflict with adjacent general-use public facilities. However, there does exist the opportunity for use by other youth groups who apparently do not have written authorization to utilize the camp. Upon reviewing the development plans associated with the Camp Levi Levi Boy Scout encampment, it was the intent of the scout council to operate a "wilderness camp." Whereas, the public use of the mountain park was somewhat less in 1954 compared to today's public use demands, it is questionable whether the camp can retain its "wilderness" character in the near future.

We would encourage the Boy Scouts to relocate to a more favorable site where wilderness values are less apt to be disrupted by general-use camp and recreation facilities. We would be available to help in any way we can should the Boy Scouts wish to pursue this endeavor.

2. The restricted access routes through park lands south of the Getz Peak and along the Hayden/Hualapai Peak road are not contrary to the terms and conditions of the patents, when the term "alienate" is meant "to transfer ownership" as in the context of the reverter clause. However, such obstacles do inhibit general public use of the Park. It is understandable that such obstacles are necessary to protect scout and communication facilities. However, with the crowded conditions occurring during the summer months in those locations that are available for general public use, there appears to be an immediate need to open-up other areas of the Park and initiate a development plan to serve those needs.
3. Following our review of the communication site authorizations approved by the Mohave County Board of Supervisors, we find that the County has

violated the terms and conditions of the patents on a number of occasions. In particular, the County approved leases to El Paso Natural Gas Company (No. 121 of October 1, 1951) and Four Corners Pipeline Company (No. 226 of October 7, 1957), both of which represent private commercial users operating for individual convenience.

The County Board of Supervisors were aware of the possible conflicts associated with the County's communication site authorizations and the terms and conditions of the patents which specify:

This patent is issued upon the express condition that if the County of Mohave, Arizona, shall, at any time, cease to use this property for a public park and recreational site and for such similar and related municipal purposes, or shall alienate or attempt to alienate this property, title thereto shall revert to the United States.

This concern was expressed in Resolution No. 647 approved by the Board of Supervisors on April 5, 1971. With respect to the communication site authorizations, the Board set policy to "deny all requests for rights-of-way, leases and special use permits in said park until such time as a comprehensive and long range development and utilization plan can be completed and approved by the Mohave County Board of Supervisors." This Resolution was quoted in a July 7, 1972 letter to the Four Corners Pipeline Company denying their right to assign (sell) their ground lease (No. 226). The letter concluded the following:

Mohave County can not assign or use this property for other than a public park and recreational site and for such similar and related municipal purposes. To do so would jeopardize the county's interest, possibly resulting in the loss of this park property.

In closing, the County declared the Four Corner's lease "Null and Void."

On September 1, 1972, contrary to Resolution No. 647 and the County's position in their letter of July 7, 1972, the Mohave County Board of Supervisors approved License No. 730 thereby authorizing the assignment (purchase) by the Black Mesa Pipeline Company of the Four Corner's lease. The Black Mesa Pipeline Company is considered a private interest conducting business for individual convenience.

On July 17, 1972, the Mohave County Board of Supervisors approved Resolution No. 771 thereby authorizing the expansion of the Western Electronics and Communications Lease No. 653 from 0.285 acres to 40 acres. No consideration was given to the self imposed moratorium established by Resolution No. 647. Western Electronics has since provided space for users who conduct business for individual convenience.

On August 3, 1979, the Phoenix District Manager forwarded a letter to the Mohave County Board of Supervisors notifying the Board that "the use of parklands for private, commercial communications use would not be consistent with the terms and conditions of the patents." The letter

further requested that the County analyze the kind of communications facilities in the Park and to notify BLM of those uses deemed appropriate and those believed to be inconsistent with the terms and conditions of the patent(s). The Bureau of Land Management did not receive a response.

On July 8, 1981, WECOM (Western Electronics & Communications) requested that the Board of Supervisors take action to approve a 10-year renewal of their License No. 847 (previously Citizens Utilities Lease No 314). Prior to acting on the request, the County Administrator requested an opinion from the County Attorney. The County record indicates that the County Attorney responded on August 3, 1981 as follows:

Last year we received a letter indicating that the quasi commercial uses in the park were not appropriate. The letter stated that these uses should be ceased at the expiration of the existing leases. Were we to continue the leases the federal gov't said they may declare a breach of the park grant.....

We maintain that the County has authorized certain communications facilities which are contrary to the terms and conditions of the patents with full knowledge of the possible consequences. We therefore recommend that the Mohave County Board of Supervisors consider the relinquishment of the following Park property. Such a relinquishment could be accomplished by submitting a Quit Claim Deed to the United States.

Gila and Salt River Meridian

T. 20 N., R. 15 W.,

section 30, NW¹/₄NE¹/₄, SE¹/₄NE¹/₄,
E¹/₂SW¹/₄SE¹/₄, S¹/₂NE¹/₄SW¹/₄,
and SE¹/₄SW¹/₄SE¹/₄.

Comprising 32.5 acres, more or less.

The lands described above involve a 10-acre area at the DPS site and a 22.5 acre area on Hayden Peak. To avoid the loss of a third area, we recommend that the County issue Black Mesa Pipeline Company a 5-year notice to terminate their lease, No. 730. At some time during this period, Black Mesa would be expected to relocate to one of the two communication sites described above.

Should the Board determine to relinquish the properties described herein, the County would be required to terminate all communication authorizations, within the particular areas, over an agreed upon transition period. The Bureau of Land Management would recognize the rights of the occupants and develop site plans accordingly. The County would be consulted during the preparation of such plans to ensure conformity with the continued operation of Hualapai Mountain Park and to develop road use/maintenance agreements. The Bureau would also establish fair market rent which would be assessed on a case-by-case basis, including the period of use allowed the Black Mesa Pipeline Company.

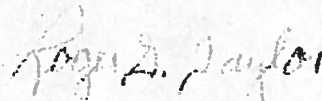
Subject

4

To ensure that a continuous line of communication is established, the County would be required to submit annual Park management/development reports beginning on January 1, 1985 and continuing through January 1, 1990. We feel that such a report is necessary to ensure compatibility of communication site developments and future Park development.

We request that the Board of Supervisors take our recommendations under advisement and consider an immediate resolution of the communication site improprieties. If you have any questions concerning our findings, you may contact myself or Mike Thompson at 757-3163.

Sincerely,



Roger G. Taylor
Area Manager

HTThompson:sw

* A G E N D A *

APRIL 16, 1984

9:00 A.M. EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S. 38-421 TO DISCUSS ITEMS NOTICED ON THE AGENDA WITH ASTERISK.

10:00 A.M. MEETING CALLED TO ORDER WITH PLEDGE OF ALLEGIANCE.

ANNOUNCE BY CHAIRMAN THAT THE BOARD OF SUPERVISORS WILL BE SITTING AS A BOARD OF EQUALIZATION ON APRIL 23, 1984.

APPROVAL OF THE MINUTES OF THE BOARD OF SUPERVISORS MEETINGS HELD MARCH 23, APRIL 2, 6, 198 (If ready)


1. Citizens In-put

PUBLIC HEARINGS:

2. Continued hearing for the rezoning of Lots 426 through 428, Riviera Mobile Gardens #2, From: SD/R-M (Special Development/Multiple Family Residential/Up to Four Units per Lot) zone, proposed To Be: R-M (Multiple Family Residential) zone, located in the North Mohave Valley area. (84-28 DENIAL)
3. Evaluation of a request for a Zoning Use Permit to establish a mobile home as a residence in a C-1 (Neighborhood Commercial) zone on Lot 2, Lake Havasu Highlands, Tract 1049, located in the Lake Havasu area (84-69 CONDITIONAL APPROVAL)
4. Evaluation of a request for a Zoning Use Permit to permit a single day circus event in a C-2 (General Commercial) zone on Lot 48, Lakeside Estates, Tract 4004, located in the North Mohave Valley area (84-48 CONDITIONAL APPROVAL)
5. Evaluation of a request for a Zoning Use Permit to establish a wastewater lift station in an R-1 (Single Family Residential/Mobile Homes Allowed) zone on Lot 20, Block 2, Buena Vista, Tract 1147, located in the North Mohave Valley area. (84-49 CONDITIONAL APPROVAL)
6. Evaluation of a request for a Zoning Use Permit to establish a mobile home park in an A-R (Agricultural-Residential) zone on the NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ and S $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 24, Township 20 North, Range 22 West, located in the North Mohave Valley area (84-50 DENIAL)
7. Evaluation of a request for a Zoning Use Permit to establish a mobile home as a residence in a C-2 (General Commercial) zone on Lot 23, Block 4, Bullhead City, Unit #1, located in the North Mohave Valley area (84-77 APPROVAL)
8. Evaluation of a request for a Zoning Use Permit to establish a microwave tower in an A-R (Agricultural-Residential) zone on a portion of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 34, Township 29 North, Range 17 West, located in the Meadview area (84-52 APPROVAL)
9. Evaluation of a request for a Zoning Use Permit to establish a telephone tower site in an R-E (Residential-Recreation) zone on the E $\frac{1}{2}$ of Lot 506 and on Lot 507, Meadview Unit #2, located in the Meadview area (84-53 APPROVAL)
10. Evaluation of a request for a Zoning Use Permit to establish a mobile home as a residence in a R-M/1A (Multiple Family Residential/One Acre Minimum Lot Size) zone on Lot 501, Golden Horseshoe Ranchos, Unit #4, located in the Dolan Springs area (84-70 CONDITIONAL APPROVAL)
11. Evaluation of a request for a Zoning Use Permit to establish a swap meet and outdoor Arts and Crafts in an A (General) zone on Lot 108, Gateway Acres, Unit 10 Section 19, Township 25 North, Range 19 West, located in the Dolan Springs area (84-71 CONDITIONAL APPROVAL)
12. Evaluation of a request for a Zoning Use Permit to establish a residence in a C-2 (General Commercial) zone on Lot 8, Block F, Lake Mohave Ranchos, Dolan Springs Estates, Unit #1, Tract 1033, located in the Dolan Springs area. (84-72 CONDITIONAL APPROVAL)
13. Evaluation of a request for a Zoning Use Permit to establish a radio transmitter station and tower in an R-E (Residential-Recreation) zone on a portion of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 20, Township 21 North, Range 17 West, located in the Kingman area (84-54 APPROVAL)
14. Evaluation of a request for a Zoning Use Permit to establish a church in an SD/C-2 (Special Development/General Commercial) zone on Lots 109, Block 228, New Kingman Addition #11, located in the Kingman area (84-73 APPROVAL)

15. Evaluation of a request for a Zoning Use Permit to establish a mobile home as a residence in a C-1 (Neighborhood Commercial) zone on Lot 25, Block 230 of New Kingman Addition #11, located in the Kingman area (84-74 APPROVAL)
16. Evaluation of a request for a Zoning Use Permit to establish a mobile home as a residence in an R-M (Multiple Family Residential) zone on Lots 3 and 4, Block 192, New Kingman Addition #11, Tract 1104, located in the Kingman area. (84-76 APPROVAL)
17. Evaluation of a request for an extension of time to complete all required site improvements and for the assurance for the Lagoon Condominiums, a subdivision of air-space upon Lots 6-12 of Block A, Peterson's Acres, located in the North Mohave Valley area. (84-57 APPROVAL)
18. Evaluation of a request for an extension of time to complete the required subdivision improvements and for the assurances for Cerbat Ranches, Tract 3002, a subdivision of a portion of Section 12, Township 22 North, Range 17 West, located in the Kingman area. (84-60 CONDITIONAL APPROVAL)
19. Evaluation of the final subdivision plan for Rio Lindo Condominiums, Tract 4044, a proposed subdivision of Section 13, Township 20 North, Range 23 West, located in the North Mohave Valley area.
20. Acceptance of roadway and utility easements as depicted on the Parcel Plat for Peacock Mountain Ranch Unit #1, located in the Mohave County General area. (if ready)

OFFICIAL BUSINESS TO COME BEFORE THE BOARD:

21. Approval of Sheriff's request.
22. Regulatory Signs.
23. Quit Claim Deed - Hualapai Mountain Communication Site. 
24. Acceptance of Quit Claim Deed from the City of Kingman, portion of N. 4th St. between Maple St. and Pine street being 80 feet wide and 125 feet long.
25. Adoption of Resolution approving the Interagency agreement with State of Arizona, Department of Economic Security, Aging & Adult Administration, participant in Title V Program.
26. Permission to Finance Director, to go to bid for Janitorial Services for 1984-85.
27. BOARD TO SIT AS BOARD OF DIRECTORS HORIZON SIX IMPROVEMENT DISTRICT:
 1. Consideration of Resolution extending the term of the bond anticipation note and authorizing the borrowing of interest from Farmers Home Administration.
28. Permission to Mohave County Treasurer to issue Duplicate Certificate of Purchase to State of Arizona assigned to Michael F. Gillen #83-1916.
29. Approval of New Hires & Re-Hires, New Hires & Re-Hires Temporary, Classification Changes, Transfers, Promotions, & Demotions.
30. LIQUOR LICENSES:
 1. Person to Person Transfer for Gerald Kuntz, DBA Lake Mohave Ranch Club, Pierce Ferry Road & 11th St. Dolan Springs Az. Series No. 10.
 2. Original for Donald Brimlow, DBA My Place, 5410 Hwy 95, Mohave Valley, Bullhead City Arizona, Series No. 16.
 3. Person to Person Transfer for Shirley Burke, DBA Oasis Cocktail Lounge, 1547 Mohave Road, Riviera Arizona, Series No. 6.
 4. Person to Person Transfer for Joseph Morgan, DBA Bingo Fuel Stop, 12 miles East of Kingman on I-40, Peacock Interchange Mile Marker 66, Kingman Arizona, Series No. 11.
31. NOTARY BOND APPLICATIONS: For the following: Albert Lee, A. B. Palmer, Marshall Nelson, Judith J. Kaiser, Jill C. Youkel, Elaine Truelove, Beth Warden, Marilyn Dano, Sally A. Dempsey, Montai Foehr, Kerry E. Nakayama, Kevin F. Warren, Sandra A. Snider, Michael W. Smith, Edwina J. Hamilton, Michael Robbins, Sheldon H. Weisberg.
32. APPOINTMENTS: Acceptance of resignation of Elmer Butler and recognition of service as Planning and Zoning Commissioner District I, and appointment of Scott Dunton to unexpired term to September 21, 1985.

T I M E S E T

33. 10:45 A.M. Public Hearing- acceptance into the Mohave Co. Road System for maintenance: Lake Havasu Heights, Tract 1029, Section 7, T15N, R19W, Mohave County Arizona.
34. 10:50 A.M. BOARD TO SIT AS A BOARD OF EQUALIZATION: (See Attached Agenda)

NEWS MEDIA QUESTION AND ANSWER

ADJOURNMENT

BOARD OF EQUALIZATION

* APRIL 16, 1984 *

APPLICANT:PARCEL NO:(As continued from April 6, 1984 meeting;

1. Robert Langejans	106-23-060 7
2. William L. Nugent	324-10-021 6
3. William L. Nugent	324-10-021 B
4. William L. Nugent	324-10-021 D
<hr/>	
5. William L. Nugent	304-18-009 C
6. William L. Nugent	304-18-009 13
7. William L. Nugent	304-18-009 E
8. William L. Nugent	304-18-009 A
9. William L. Nugent	304-18-009 D
10. George H. Pfaff Jr.	106-24-068 4
Interform, Inc.	115-14-001
12. Dianna LaCour	210-26-362 A2
13. Elliot Glasser	107-08-009 4
14. Stonebridge Fairways Condo- miniums - John Blair	105-22-007 4
15. Stonebridge Fairways Condo- miniums - John Blair	105-22-008 7
16. Stonebridge Fairways Condo- miniums - John Blair	105-22-009 0
17. Stonebridge Fairways Condo- miniums - John Blair	105-22-010 2
18. Stonebridge Fairways Condo- miniums - John Blair	105-22-011 5
19. Stonebridge Fairways Condo- miniums - John Blair	105-22-012 8
20. Stonebridge Fairways Condo- miniums - John Blair	105-22-017 3
21. Stonebridge Fairways Condo- miniums - John Blair	105-22-018 6
22. Stonebridge Fairways Condo- miniums - John Blair	105-22-019 9
23. Stonebridge Fairways Condo- miniums - John Blair	105-22-020 1
24. Stonebridge Fairways Condo- miniums - John Blair	105-22-021 4
25. Stonebridge Fairways Condo- miniums - John Blair	105-22-022 7
26. Stonebridge Fairways Condo- miniums - John Blair	105-22-023 0
27. Stonebridge Fairways Condo- miniums - John Blair	105-22-024 3
28. Stonebridge Fairways Condo- miniums - John Blair	105-22-025 6
29. Stonebridge Fairways Condo- miniums - John Blair	105-22-026 9
30. Stonebridge Fairways Condo-	105-22-013 1

Exhibit G

HAYDEN PEAK USERS

DECEMBER 19, 1984

A G E N D A

- INTRODUCTION OF USERS AND INTERESTED PARTIES.
- SUMMARY OF ACTIONS LEADING TO THE FEDERAL ACQUISITION OF THE SUBJECT COMMUNICATION SITES.
- FEDERAL RIGHT-OF-WAY REGULATIONS AND REQUIREMENTS.
- USE MUST BE COMPATIBLE WITH COUNTY PARK DEVELOPMENT. COUNTY PARKS DIRECTOR INVOLVEMENT.
- DISCUSSION OF EXISTING PROBLEMS, ie. ELECTRONIC INTERFERENCE, ROAD MAINTENANCE, ETC.
- BLM'S MANDATE TO MANAGE COMMUNICATION SITES TO OPTIMUM POTENTIAL WITH THE LEAST AMOUNT OF USER CONFLICTS.
 - DEVELOPMENT OF USER ASSOCIATION
 - DEVELOPMENT OF SITE PLANS
 - SITE MANAGER CONCEPT
- DISCUSSION OF PENDING USER PROPOSALS, ie. FM TRANSMITTERS, FM TRANSLATORS, ETC.
- CLOSE-OUT AND CONCURRENCE FOR NEXT MEETING DATE AND PLACE.

EXISTING SITE USERS

Right-of-Way Application

Requirements

- Submission of Form 299
- Copy of all FCC Licenses/IRAC Licenses
- List of users utilizing your facility
- *List of all frequencies by user and type of use
- If non-governmental user, submission of \$100.00 advance rental is required. Applicants must specify that they request the grant be issued subsequent to an appraisal by the Bureau of Land Management (BLM) and agree to pay BLM, upon demand, those fees determined by appraisal to represent the fair market rental.

*Note that failure to identify existing users and frequencies may result in interference problems created by new user authorizations. In such cases, the newly authorized user would not be required to compensate the prior user or otherwise mitigate the interference problem.

January 14, 1985

Re: Hualapai Mountain-Potato Patch & Hayden Peak Communication Sites

Dear :

In addition to the communication materials handed out at the December 19, 1984 users meeting, we have enclosed location maps and legal descriptions of the above sites, as well as an example of minimum site standards that would be incorporated in our site plans. As a follow-up to the December meeting and in preparation for the next users meeting to be held in Kingman, 2475 Beverly Avenue, at 10:00 a.m. Wednesday, February 27, 1985, we hope to meet with the county engineer to consider the designation of the Hayden Peak access road as a public road.

With increasing public interest in the potential availability of the communication sites, it will be necessary to conduct a public meeting to discuss possible management alternatives. We tentatively plan to conduct the meeting in Kingman on the evening of February 26, 1985. The purpose of the meeting is to solicit public comments to determine public demand and need for available communication space. We would notify all existing and adjacent communication users in advance of any such meeting.

Those private-owned site users, who have not yet submitted a right-of-way application, are reminded to complete form SF-299 (copy enclosed), including a rental advance of \$100.00 and a copy of their FCC license(s). County, State, and Federal site users should complete Form SF-229 and include a copy of their FCC/IRAC authorization(s).

If you have any questions or concerns prior to the February 27th meeting, you may contact myself or Mike Thompson at (602) 757-3161.

Sincerely,

Roger G. Taylor
Area ManagerEnclosures: (3)
Site Locations
Minimum Standards
SF-299

WThompson:rl:d

ORIGINALS OF THIS LETTER SENT TO THOSE ON THE ATTACHED LIST.

Mr. Carl Robison
A.T.&T. Communications
Suite 3, Box 190
Flagstaff, Arizona 86001

Ms. Cathi Ashton
Department of Energy
Western Area Power Administration
Post Office Box 6457
Phoenix, Arizona 85005

Mr. Don Harvey
Department of Energy
Western Area Power Administration
Post Office Box 6457
Phoenix, Arizona 85005

Mr. Ron Meyer
A.T.&T. Communications
501 North Third Street
Kingman, Arizona 86401

Harold Wirth
EPNG Company
3920 East El Paso Drive
Flagstaff, Arizona 86001

Henry J. Henzler
Post Office Box 1492
El Paso, Texas 79978

Mr. Edward Dwyer
Arizona Public Service
Post Office Box 21666
Phoenix, Arizona 85036

Mr. Bob Richmond
Arizona Public Service
Post Office Box 21666/MS 3362
Phoenix, Arizona 85036

Mr. Terry Chester
Arizona Public Service
Post Office Box 21666/MS 4422
Phoenix, Arizona 85036

Mr. Neil Baerwald
Arizona Public Service
Post Office Box 21666/MS 9600
Phoenix, Arizona 85036

Mr. L.J. Simpson
Black Mesa Pipeline, Incorporated
1509 East Butler
Flagstaff, Arizona 86001

Mr. Ken Nelson
Arizona Department of Public Safety
1100 West Kaibab Lane
Flagstaff, Arizona 86001

Mr. Jack Trahan
WECOM
2332 Kingman Avenue
Kingman, Arizona 86401



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
KINGMAN RESOURCE AREA
2475 Beverly Avenue
Kingman, Arizona 86401

2860 (026)
MJT

February 28, 1985

Dear Association Member:

We have enclosed a copy of the minutes taken at the February 27, 1985, Hualapai Mountain Users Association meeting. For your information, we have also enclosed copies of the attendance list for the public meeting held February 26, 1985, and a copy of an article published in the Kingman paper on February 27, 1985.

If you have any questions concerning the minutes, please contact me in Kingman at 757-3161.

Sincerely,



Michael J. Thompson
FOR Roger G. Taylor, Area Manager

Enclosures

HUALAPAI MOUNTAIN USERS
ASSOCIATION MEETING

MINUTES OF FEBRUARY 27, 1985

Meeting called to order by Roger G. Taylor, Area Manager, Kingman Resource Area.

Following discussions pertaining to road easement dedications by the County and the Bureau's intent to initiate site management development plans, the motion was introduced to solicit group interest in forming a user association, to be named the Hualapai Mountain Users Association.

Mr. Taylor requested a vote by those present representing six of the seven existing site users on the Hayden Peak and Potato Patch Sites. The vote was carried as follows concerning the user association formation:

DPS - Yes
DOE - Yes
APS - Yes
El Paso - Yes
AT&T - Yes
BLM - (No Vote)
WECOM - Not Present

Upon approval of the motion to form a users association and following a discussion as to the number of officers necessary to assure the functional operation of the association, Mr. Taylor opened the floor to nominations for association President.

Nominations for President:

1. Jim Charters (DOE) nominated Bob Richmond (APS).
Nomination was seconded by Carl Robinson (AT&T).
2. Bob Richmond (APS) nominated Ken Nelson (DPS).
Nomination was seconded by Roger Taylor (BLM).

Bob Richmond was elected President for a 1-year term.

Mr. Richmond assumed the duties of carrying on the business of the day, ie. election of Vice President and Secretary-Treasurer.

Mr. Richmond opened the floor for nominations for Vice-President.

Nominations for Vice-President:

1. Jim Charters (DOE) nominated Carl Robinson (AT&T).

Harold Wirth (El Paso) seconded the nomination.

Jim Moffat (DPS) moved that the nominations be closed.
Ken Nelson (DPS) seconded the motion.

Carl Robinson was elected as the Vice-President.

Mr. Richmond opened the floor for the nomination of Secretary-Treasurer.

Nominations for Secretary-Treasurer:

1. Carl Robinson (AT&T) nominated Jim Charters (DOE).
Ken Nelson (DPS) seconded the nomination.

Harold Wirth (El Paso) moved that the nominations be closed.
Ken Nelson (DPS) seconded the motion.

Jim Charters was elected Secretary-Treasurer.

Mr. Richmond requested comments as to new business to be considered.

Jim Charters (DOE) requested the association consider the formation of two (2) committees.

1. Preparation of Association Constitution and By-Laws.
2. Technical Review.

Carl Robinson (AT&T) recommended that DOE prepare constitution and by-laws. Jim Charters (DOE) agreed and assigned R. C. Ashton (DOE) as the Chairwoman of the Constitution and By-Laws Committee.

Ken Nelson (DPS) recommended that one individual from each site user be a committee representative.

Roll call was taken and the following members assigned to the Constitution and By-Laws Committee:

DOE - R.C. Ashton (Chairwoman)
APS - Ken Dunlap
DPS - Ken Nelson
El Paso - Harold Wirth
AT&T - Carl Robinson
BLM - Mike Thompson
WECOM - To Receive Invitation
Black Mesa - Jim Simpson (Added as a member in good standing
by the association).

R. C. Ashton stated that a final draft of the constitution and by-laws should be completed in 3-4 weeks.

Mr. Richmond opened the floor for nominations or a volunteer to chair the Site Technical Review Committee:

Carl Robinson (AT&T) nominated Ken Nelson (DPS) as Chairman.
Mr. Richmond seconded the nomination.
Ken Nelson accepted the nomination.

Roll call was again taken and the following members were assigned to the Site Technical Review Committee:

DPS - Ken Nelson (Chairman)
APS - Terry Chester
DOE - R. C. Ashton
El Paso - Harold Wirth
AT&T - Carl Robinson
BLM - Len Stears, Idaho Falls, ID
WECOM - To Receive Invitation
Black Mesa - Jim Simpson

J. C. Brown (Black Mesa) requested that the by-laws include a provision to make Black Mesa a non-voting member of the association.

Roger Taylor noted that Black Mesa has an agreement to relocate to one of the two communication sites in 5 years. BLM has stated that Black Mesa has a preference right which will be exercised on the Potato Patch site at a later date. Black Mesa has also been a contributor to the county's road maintenance fund.

Mr. Richmond made a motion to accept Black Mesa as a full-fledged member. Ken Nelson seconded the motion. All members voted their approval.

Mr. Richmond stated that the association should secure an interest-free checking account and issue cards to the officers. In addition, the Constitution and By-Laws Committee is to determine road maintenance fee projections for each user depending on their site location, ie. Hayden Peak versus Potato Patch.

Mr. Richmond proposed that annual meetings be scheduled for the month of February. Committee contacts and meetings will, however, commence immediately.

Ken Nelson, Site Technical Committee Chairman, set a committee meeting date of March 6, 1985, in the El Paso Natural Gas Office in Flagstaff. Ken can be reached at 774-4561.

Mr. Richmond closed the meeting stating that an association meeting may be necessary at a later date.

Motion to close was seconded by Carl Robinson (AT&T).

from local government people that cars were being sold...and maneuvers were being made to skip the (city's) 2 percent tax" on vehicles sold within city limits, Smith said.

The approximation of unpaid city taxes from local car dealers has been revised downward for "a number of reasons," Smith said, adding he could not elaborate on the department's auditing methods because it would reveal which businesses were being audited.

Smith said there was no single reason for the estimate reduction, but added that after some investigation, it was determined that many of the suspect car-sales transactions were handled properly as far as sales taxes were concerned.

Smith said the department does not consider the unpaid taxes to be a form of tax evasion because in some cases, the businesses may have thought it was alright not to pay the entire 2 percent city sales tax.

"There may not necessarily been intent to evade the

...to check the odometer.

"If a car had been picked up in a city outside of Kingman or in an unincorporated area, we would make an allowance of 40 miles.

"If it was over 40 miles," he said, "It could have been purchased and driven there. If it was under 40 miles, it (was probably) delivered there."

According to state and city officials, the revenue department's auditing may have been made more complicated because state and city sales tax laws differed slightly with regard to out-of-state transactions on orders placed in Kingman.

City Attorney Jim Chavez said that before a January change in the city's ordinance, cars ordered in Kingman but delivered in another state were subject to city sales tax but not to the state tax.

"We were not consistent with the state laws," Chavez

• Taxes — Page 2

Finally hon

U.S. Air force Maj. Gen. ... commander-in-chief ... accepts an American ... Hawaii, from Air Force

Safety of high-power transmitters on peaks questioned at hearing

Some operators of low-power radio transmitters in the Hualapai Mountains claim the addition of high-power transmitters there could threaten the lives of powerline workers and public-safety officers.

The U.S. Bureau of Land Management held a public meeting Tuesday night to hear the public's views on the possible placement of high-power transmitters on peaks in Hualapais.

Mohave County relinquished 32.5 acres in the Hualapais to BLM on Aug. 24. The federal agency requested in April 1984 that the county relinquish the two sites because of violations of a federal patent that stipulated uses be limited to recreation and municipal purposes.

Several of the uses were deemed by BLM to be for commercial purposes.

Now that BLM has taken over the sites, they will be opened to multiple uses, meaning high-power transmitters could be permitted, said Roger Taylor, area manager for BLM's Kingman resource area office.

BLM officials told about 35 people at Tuesday's meeting that high-power FM uses might be approved for the sites in the future. Presently, only low-power transmitters are on the two sites.

The 22.5 acre Hayden Peak,

transmitters and relays are being operated by the U.S. Department of Energy, El Paso Natural Gas Co., Western Electronics & Communications and BLM.

The Arizona Department of Public Safety, Arizona Public Service Co. and American Telephone & Telegraph Co. operate transmitters at the 10-acre Potato Patch site.

Mike Thompson, a realty specialist for BLM's Kingman office, told the group that the federal agency now has begun to accept applications for new transmitters and relays on the sites.

That is a matter of concern to some operators of low-power facilities because their signals could be drowned out by high-power FM transmitters.

"We're very concerned about this," said James H. Charters, director of communications and control for the Western Area Power Administration. The administration operates a microwave transmitter for Arizona Public Service linemen who need two-way communications for repair purposes.

The lives of workmen could be placed in jeopardy because of interference from FM transmitters, Charters said.

— By Emil Venere

\$200,000 hospit Temporary facility housing

By EMIL VENERE
Miner Staff Writer

Kingman Hospital Inc. officials are planning to construct a \$200,000, 3,500-square-foot addition to Kingman Regional Hospital's now-cramped X-ray department.

The KHI executive board of directors on Tuesday unanimously voted to direct its policy and planning committee to work with its building and grounds panel in developing a plan for the addition. Officials said they hoped the plan would be ready for review by the next executive board meeting on March 26.

KHI President Don Logue said the expansion is needed for two major reasons.

The first, he said, is that the city of Kingman has notified KHI that a temporary building now housing a new computerized tomography (CT) scanner falls short of the city's building code requirements.

Also, the hospital plans to purchase additional X-ray equipment this year and a larger department would be needed to house the machines.

Dr. Arthur Arnold, a long-time Kingman physician and a member of the executive board, suggested that the hospital build the addition. He estimated construction costs for the proposed 50-by-70-foot building at from \$50 to \$55 a square foot.

It would extend east of the hospital's eastern wing, where the X-ray department presently is housed. Equipment presently sits in hallways of the cramped depart-

ment.

A portion of the additional cost, estimated at less than \$1 million, would be funded through million in left-over income development bonds KHI issued last year, Logue said.

Including the new equipment plans to purchase, the represents a "million dollar investment," said H.I. chairman of KHI's policy committee.

Logue said the hospital would buy about \$800,000 in new equipment to replace old machines.

"It's old, it's breaking," said Dr. Earl Gilbert, radiologist and former hospital's radiology department.

Meanwhile, the city is waiting more than two years for the building's design. Burns, a Kingman building official, said the temporary building — a mobile home — was placed adjacent to the east wing of the hospital on Dec. 13 to house the scanner. The scanner, he said, would be the only such device in Mohave County, takes detailed cross-sections of the human body, pinpointing tumors and other abnormalities. The nearly \$700,000 scanner has been in operation for several weeks.

Burns said KHI officials plan to complete the building by December to have the building completed within 30 days. He also agreed to complete a permanent building within six months, he said.

HUALAPAI MOUNTAIN USERS
ASSOCIATION

FEBRUARY 27, 1985
LIST OF ATTENDEES

Roger G. Taylor - Kingman Resource Area Manager
Michael J. Thompson - Realty Specialist, Kingman BLM
Len Stears - Communication Site Specialist, Idaho BLM
Robert Richmond - APS
Terry O. Chester - APS
L. J. Simpson - Black Mesa
J. C. Brown - Black Mesa
J. H. Charters - WAPA
R. C. Ashton - WAPA
Neil Baerwald - APS
Harold Wirth - El Paso
Carl Robinson - AT&T
Ken Nelson - DPS
Jim Moffat - DPS
Representatives from WECOM were not in attendance.

HAYDEN PEAK & POTATO PATCH USERS MEETING

FEBRUARY 27, 1985

LIST OF ATTENDEES

NAME	COMPANY/AGENCY	ADDRESS	PHONE NO.
Ed Richmond	APS	PHX 85034 P.O. Box 51666 - MS 3862	271-7274
Terry O. Chester	"	" MS 4422	"
L.J. Simpson	BLACK MESA PIPELINE	1509 E BUTLER FLAGSTAFF AZ 86001	774-5076
J.H. CHARTERS	WESTERN AREA POWER ADMIN	615 S. 43rd AVE P.O. Box 6457 Phoenix, AZ 85005	261-4586
R.S. HIGHTON	WESTERN AREA POWER ADMIN	P.O. Box 6457 PHX 85005	261-4589
NEIL BAERWALD	APS	P.O. Box 21666 PHX, AZ M.S. # 5464 85036	271-7563
AROLD WIRTH	EPNG	FLAGSTAFF, AZ. 3920 E. FLORADO	526-0870
CARL ROBISON	RT&T	RTS BOX 1111 FLAGSTAFF 86001	526-3270
KEN NELSON	AZ DPS	1100 West Kaibab Ln Flagstaff 86001	274-4156
Jim Moffat	AZ DPS	2310 N 20 Ave Phoenix	262-8257

March 26, 1985

Mr. Len Stears
Bureau of Land Management
Idaho Falls District Office
940 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Stears:

I would like to express my gratitude and appreciation for your time and assistance in participating in our communication site public meeting of February 26th and users meeting of February 27, 1985. You had to travel a considerable distance, as well as take time out from your duties in the Idaho District.

Your insight and expertise were very helpful toward our preparation for the meetings. In addition, we felt your presence was very important as you provided the technical expertise in fielding questions from the audience.

As we continue with our drafting of site plans, we will keep you advised of our progress. It is our hope that we can learn from our experiences and share our successes and shortcomings with other states. We also hope to involve Mr. William Lieske, Private Consultant, in the site evaluations and will keep you advised of his findings and recommendations.

Again we thank you for your assistance and encouragement.

Sincerely,



Roger G. Taylor
Area Manager

cc: O'dell A. Frandsen, District Manager, Bureau of Land Management,
Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, ID 83401

MThompson:sw

HAYDEN PEAK & POTATO PATCH USERS MEETING

FEBRUARY 27, 1985

LIST OF ATTENDEES

<u>NAME</u>	<u>COMPANY/AGENCY</u>	<u>ADDRESS</u>
Bob Richmond	APS	PHX 85034 P.O. Box 21666 - MS 3862
Terry O. Chester	"	" " MS 4422
L.J. SIMPSON	BLACK MESA PIPELINE	1509 E BUTLER FLAGSTAFF AZ 86001
J.H. CHARTERS	WESTERN AREA POWER ADMIN	615 S. 43rd AVE P.O. Box 6457 PHOENIX, AZ 85025
R.C. ASHTON	WESTERN AREA POWER ADMIN.	P.O. Box 6457 PHX 85001
NEIL BAERWALD	APS	P.O. Box 21666 PHX, AZ M.S. # 5464 85036
HAROLD WIRTH	EPNG	FLAGSTAFF, AZ. 3920 E. EL PASO RD
CARL Robinson	RT&T	RT3 Box 190 Flagstaff 86001
Ken Nelson	Az DPS	1100 West Kaibab Ln Flagstaff 86001
Jim Moffat	AZ APS	2300 N 20 Ave Phoenix

Exhibit H

HUALAPAI MOUNTAIN USERS ASSOCIATION
CONSTITUTION

ARTICLE I

SECTION 1: Identification

This organization shall be called the Hualapai Mountain Users' Association, hereinafter referred to as "the Association".

SECTION 2: Purpose

The purpose of this organization shall be threefold:

To provide a cooperative forum for all users to resolve existing and possible future electro-magnetic interference problems;

To provide coordination of funds and labor for maintenance and snow removal on the portion of the site access road which must be maintained by and for existing users; and

To provide recommendations on behalf of all users to the Site Manager, the United States Bureau of Land Management ("Bureau"), regarding compatibility of proposed equipment additions or modifications, and any other matter relating to the users' use and occupancy of Hualapai Mountain.

SECTION 3: Scope

This Association shall include the four sites described in Exhibit A, known as the Hayden Peak, Potato Patch, Potato Patch II, and Getz Peak sites.

ARTICLE II

SECTION 1: Membership Qualifications

All primary users of the four sites shall be members in good standing of the Association, as required in the Bureau's Right of Way Agreement.

SECTION 2: Definition of "Good Standing"

Members shall be in good standing when all Association fees and assessments are paid, and when they are in compliance with the Association's Constitution and By-laws.

HUALAPAI MOUNTAIN USERS ASSOCIATION
CONSTITUTION
page 2

SECTION 3:Definition of "Primary User".

A Primary User is the site owner of a single-user site or the site manager of a Multiple-user site. The Primary user is ultimately responsible for site maintenance, payment of fees, assuring compliance of all secondary users, and making proper advance notification to the Association of new facilities contemplated.

ARTICLE III

SECTION 1:Association Offices

The Association shall be coordinated and guided by a panel of Officers consisting of President, Vice President, and Secretary/Treasurer. Each office shall be assigned to the elected organization. The member organization shall be responsible for reassigning the Association Officership within itself when its representative changes employment or duties.

SECTION 2:Elections

Officers shall be elected by majority vote at the annual meeting, and shall hold office until the next annual meeting. The outgoing officers shall conduct the annual meeting, brief the new officers, relinquish all pertinent documentation, and then transfer control to the New officers.

ARTICLE IV

SECTION 1:Voting

Each member or member organization in good standing who is also a Primary User shall have one vote.

SECTION 2:Amendments

Amendments to the Constitution may be made at the annual meeting only. Proposed changes must be distributed to all Primary Users and any other directly affected parties at least 30 days before the meeting.

HUALAPAI MOUNTAIN USERS ASSOCIATION
CONSTITUTION
page 3

An amendment must be passed by a two-thirds majority all votes cast. Votes may be cast in person, by written proxy carried by an attending member, or by a pre-written decision. If there are any votes cast by pre-written decision, however, and those votes are part of the two-thirds majority, the amendment must be passed exactly as it was written in the advance notice.

This Constitution is as amended by vote of the membership at the annual meeting held February 23, 1994.

HUALAPAI MOUNTAIN USERS' ASSOCIATION
BYLAWS

ARTICLE I

SECTION 1:President's Duties

1. Arrange for and preside at the annual meeting the Association.
2. Represent the Association in public meetings and meetings with the Bureau of Land Management.
3. Supervise the work of the other officers to assure coordination of efforts and on-time completion.
4. Approves and signs all Association expenditures greater than \$100.00.

SECTION 2:Vice-President's Duties

1. Assume any or all of the President's duties, given appropriate notice, if the president is not able to fulfill them.
2. Monitor site inspections to assure fair and impartial results.
3. Coordinate and direct committee work.
4. Promote cooperation among users.

SECTION 3:Secretary-Treasurer's Duties

1. Prepare outgoing Association correspondence and present to President for approval and distribution.
2. Disseminate incoming correspondence to directly affected users.
3. Record minutes at annual meeting, and keep members apprised of meetings and planned activities which affect the Association, including annual and public meetings.
4. Maintain all files, records, and accounts, keeping them current and accurate. All Association documents shall be open for inspection by any member.

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 2

5. Pay all routine and ordinary expenses such as office supplies and postage that are less than \$100.00. Prepare all checks for payments greater than \$100.00 and present to the President for approval and signature. Record all transactions, including date, amount received or disbursed, from or to whom, and for what purpose.

ARTICLE II

SECTION 1: The Financial Committee shall be an ad hoc committee, appointed by the President, which shall audit the Treasurer's financial records just prior to the annual meeting, and present a report of its findings at that meeting.

SECTION 2: The Technical Committee shall be a standing committee which prepares and maintains the Technical Guidelines with which all users must ultimately conform. It shall consist of members of the Association, one representing each Primary User. The committee shall select a Chairman, who shall represent the Association in technical matters. The committee shall also help the Bureau conduct annual site inspections and prepare a report of the results, to be presented at the following annual meeting. It shall perform other duties of a technical nature as deemed necessary, like evaluating the compatibility of proposed additions or modifications and recommending acceptance or rejection to the Bureau.

SECTION 3: The Road Committee shall be a standing committee which monitors the condition of the Hayden Peak, Potato Patch, and Potato Patch II road and prepares a report for each annual meeting. It shall consist of members appointed from Association members who are users of Hayden Peak, Potato Patch, and Potato Patch II sites. When the Association decides that conditions warrant repair or snow removal the Committee shall research the work, exploring all cost, complexity, and contracting options. This committee shall be responsible for providing not less than 120 days notice of work to the BLM and BLM will be responsible for obtaining approval from the Department of Fish & Game. The Road Committee shall present its findings to the Association and implement the approved plan of action. In emergencies, the Vice-President may evaluate the

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 3

immediate need and, with the President's approval, implement appropriate action.

ARTICLE III

SECTION 1: Assessments

An annual assessment shall be made upon all Primary Users to provide funds for operational expenses. Special assessments may be made and apportioned as approved by the membership.

SECTION 2: Maximum and Actual Assessment

The total annual assessment, comprised of all Primary User assessments, shall not exceed \$10,000.00. Setting a maximum simplifies fiscal planning for all members. The actual annual assessment shall be based on recommendations made by the Treasurer and Road Committee at the Annual Meeting, and shall be approved by a simple majority of the eligible members present.

SECTION 3: Formula

A. Administrative expenses.

The administrative expenses shall be divided equally among all the Primary Users.

B. Road maintenance expenses.

1. Hayden Peak and Potato Patch Road. The road maintenance expenses for this road shall be divided among all Primary Users of the Hayden Peak and Potato Patch sites according to the following formula: 50% of the total shall be divided evenly among the Primary Users. This amount is the site charge. The remaining 50% shall be divided by the total number of transmitters, and the resulting quotient is the cost per transmitter. This cost will therefore consist of two parts: the site charge, and the cost per transmitter multiplied by that user's total number of transmitters.

2. Getz Peak Road. The Association will not be liable for any maintenance of this road and the Getz Peak users shall be responsible for sharing this cost among themselves.

3. Each Primary User's annual assessment will therefore consist their portion of the administrative expenses and any road maintenance assessments that apply to the location of their site.

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 4

SECTION 4: Proration, late penalties, enforcement, collection.

A. Assessments for new members shall be prorated to reflect the number of months that their sites were under construction or in use during the assessment period.

B. Assessments shall be due 30 days after the invoice date. After 30 days, a late fee of 1 1/2 percent per month shall be added to the amount due. This penalty shall not reflect in the maximum assessment figure as stated in Section 2 above.

C. Enforcement and collection action will be with the cooperation of the BLM. As a member that has not paid the assessments is considered as a member "not in good standing" and is therefore in violation of the BLM Right-of-Way Agreement. The member will be reported by the Treasurer to the BLM after six (6) months delinquency. Upon receiving this report the BLM is requested to begin action to revoke the Members Right-of-Way agreement.

ARTICLE IV

SECTION 1: Technical Standards

Adherence to these Standards will minimize physical damage and of interference, thus providing for improved electromagnetic compatibility of all users.

INSTALLATION DATA SHEETS

All users are required to complete a BLM data sheet for each transmitter prior to its installation. The data sheet shall be submitted to the Secretary with payment of the proper processing fee. Installation may not begin until 30 days following distribution of the data sheet to all members by the Secretary. Any objections to the new installation must be filed with the Technical Committee Chairman during this period.

Processing Fee Schedule:

Up to 3 Data Sheets \$15.00

Each additional sheet \$5.00

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
Page 5

TRANSMITTERS

- A. All transmitters shall be FCC Type Accepted or meet Type Acceptance criteria.
- B. All transmitters shall have protective devices, designed-in or externally installed, to prevent interference to others:
 - 1. Direct radiation of out-of-band emissions (i.e. transmitter wideband noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by using bandpass, low-pass, and/or harmonic filtering. Band-reject filtering may be required in certain applications.
 - 2. Re-radiation of signals from a transmitter and its associated antenna system shall be prevented by installing appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25db.
- C.
 - 1. Transmitter Power for Hayden Peak and Potato Patch sites:
Transmitter power output shall not exceed 120 Watts. The Effective Radiated Power (ERP) shall not exceed 1,200 Watts. Microwave point-to-point systems shall be exempt from this requirement.
 - 2. Transmitter Power for Getz Peak:
Transmitters on this site shall comply with their FCC license power and if that power exceeds 120 Watts output the antenna must be configured to ensure compliance with ANSI standards for Radiation Safety.

RECEIVERS

- A. All receivers shall comply with all applicable Parts of the FCC Rules, including Parts 2 and 15.
- B. All receivers shall have sufficient "front-end" pre-selection to prevent receiver spurious response. The use of bandpass or band-reject cavities or crystal filters may be required to prevent receiver-produced intermodulation or adjacent channel interference.

ANTENNAS, FEEDLINES, AND SUPPORT STRUCTURES

- A. All antennas and transmission lines, including those not in immediate use, shall be terminated in their characteristic impedance to prevent re-radiation of intercepted signals or noise.

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 6

- B. All coaxial transmission lines shall be of double-braided or solid-shielded construction and jacketed.
- C. All steel towers shall meet EIA Standard RS222C, Structural Standards for Steel Antenna Towers.
- D. All tower construction shall meet manufacturers recommended specifications for ice and wind for this area.
- E. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- F. Anti-climb devices, removable steps, or other means to discourage unauthorized climbing, are highly recommended.

ELECTRICAL

- A. All electrical facilities, equipment, and the installation thereof, shall conform to the most recent edition of the "National Electrical Code", local laws and regulations.
- B. All permanent Ac wiring shall be installed in UL approved conduit.

BUILDINGS

- A. All buildings and structures shall conform to the latest edition of the "Uniform Building Code", local laws and regulations, at the time they are built.
- B. All metallic materials used in building construction shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- C. Buildings shall be designed and installed to withstand severe weather conditions.

SITE AND EQUIPMENT GROUNDING

Site grounding must be constructed of copper, with #2 AWG or larger wire or 2" or larger solid copper strap, connected to an adequate site ground electrode system. Guy wires should also be grounded, using manufacturers approved methods to preclude bi-metallic junctions and corrosion. All equipment on the site (buildings, towers, power units, transmitters, receivers, antennas, combiners, telephone systems, power cabinets, etc.) must be connected to the site ground. High power opera-

HUALAPAI MOUNTAIN USERS ASSOCIATION
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page 7

tions should use copper strap bonding in accordance with manufacturers specifications. The grounding system shall comply with applicable laws, codes, and in accordance with standard engineering practice.

MISCELLANEOUS EQUIPMENT

Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

HOUSEKEEPING

Housekeeping has environmental, visual and aesthetic impact. It further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification, or other evolutions, raises the noise "floor" for all users and give rise to intermodulation potential which often defies identification. No debris shall be allowed to accumulate.

SECTION 2:Grandfathering and Enforcement

A. Grandfathering

1. New users, new installations, and changes of equipment shall comply with all Technical Standards at the time of construction or installation of equipment.
2. Existing users and equipment shall comply with the Technical Standards within the time frame specified at the annual inspection, if any noncompliance is found.

B. Enforcement: Annual Inspection

1. The Technical Committee and the Bureau shall conduct an annual inspection of each Primary User's site. This inspection will verify:
 - a. compliance with Technical Standards,
 - b. structural integrity,
 - c. electromagnetic compatibility,
 - d. general safety,
 - e. as-built plan accuracy.
2. Any non-compliance found shall be recorded by the Bureau. The record shall include:
 - a. a description of the offense,
 - b. what corrective action is required,
 - c. the name and address of the responsible party or organization,

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 8

- d. time frame for completion of corrections.
- 3. Copies of Non-compliance reports and user responses shall be forwarded to the Technical Committee Chairman for incorporation into the annual report.
- 4. The Bureau shall provide written notice of the scheduled inspection date at least 30 days in advance, and each Primary User shall arrange to have personnel available at the site at the time of the inspection.

SECTION 3:When Interference Occurs:

- A. All users shall cooperate with this Association and the Bureau in identification and correction of any interference-related problems.
- B. Neither this Association nor the Bureau shall recognize interference complaints from users who are not in good standing.
- C. New site applicants may be required to furnish an intermodulation study or other interference-related data before the application can be evaluated.
- D. The Technical Committee may request a field test for compatibility at the expense of the applicant before recommending acceptance or rejection of the application.

ARTICLE V

SECTION 1:Annual Meeting

The Association shall conduct an annual meeting in Kingman, Arizona during the first quarter of each calendar year.

SECTION 2:Advance Notice

The annual meeting notice shall be distributed no less than 30 days before the scheduled date. It shall include the date, time place, and agenda items for the meeting. If any guests are scheduled, that information should also be included.

HUALAPAI MOUNTAIN USERS ASSOCIATION
BYLAWS
page 9

SECTION 3: Order of Business

Robert's Rules of Order shall be followed in all procedural matters.

Meetings shall have the following general form:

- A. Call to order
- B. Sign-in
- C. Reading of the minutes of last annual meeting
- D. Report of Financial Committee
- E. Report of the Technical Committee
- F. Report of the Road Committee
- G. Determination of standing of members
- H. Old business
- I. New business
- J. Election of Officers
- K. Appointment of committees
- L. Comments from members
- M. Adjournment

ARTICLE VI

SECTION 2: Amendments to the Bylaws at annual meeting

The Bylaws may be amended at the annual meeting by a two thirds majority of all votes cast, including proxy and pre-written votes.

SECTION 2: Amendments to the Bylaws by mail

The Bylaws may also be amended by mail. The proposed Amendment(s) shall be mailed to all members in good standing with a 30-day response period from date of mailing. A signature sheet shall be circulated among voting members to record their concurrence or non concurrence. The amendments may be passed if two-thirds of all eligible members concur in writing to the amendments as worded in the mailing.

These Bylaws are as amended by vote of the membership at the annual meeting held February 23, 1994.

*obsolete
see update of
2/23/94*

HUALAPAI MOUNTAIN USERS ASSOCIATION

CONSTITUTION

ARTICLE I

SECTION 1: Identification

This organization shall be called the Hualapai Mountain Users' Association, hereinafter referred to as "the Association".

SECTION 2: Purpose

The purpose of this organization shall be threefold:

To provide a cooperative forum for all users to resolve existing and possible future electromagnetic interference problems;

To provide coordination of funds and labor for maintenance and snow removal on the portion of the site access road which must be maintained by and for existing users; and

To provide recommendations on behalf of all users to the Site Manager, the United States Bureau of Land Management ("Bureau"), regarding compatibility of proposed equipment additions or modifications, and any other matter relating to the users' use and occupancy of Hualapai Mountain.

SECTION 3: Scope

This Association shall include the two sites described in Exhibit A, known as the Hayden Peak and Potato Patch sites.

ARTICLE II

SECTION 1: Membership Qualifications

All primary users of the two sites shall be members in good standing of the Association, as required in the Bureau's Right of Way Agreement.

SECTION 2: Definition of "Good Standing"

Members shall be in good standing when all Association fees and assessments are paid, and when they are in compliance with the Association's Constitution and By-laws.

SECTION 3:Definition of "Primary User" and "Principle User"

A Primary User is the site owner of a single-user site or the site manager of a multiple-user site.

A Principle User is a user in a multiple-user site who has enough equipment and investment in that site to be directly assessed for Right-of-Way fees by the BLM.

ARTICLE III

SECTION 1:Association Offices

The Association shall be coordinated and guided by a panel of Officers consisting of President, Vice President, and Secretary/Treasurer. Each office shall be assigned to the elected organization. The member organization shall be responsible for reassigning the Association Officership within itself when its representative changes employment or duties.

SECTION 2:Elections

Officers shall be elected by roll call vote at the annual meeting, and shall hold office until the next annual meeting. The outgoing officers shall conduct the annual meeting, brief the new officers, relinquish all pertinent documentation, and then transfer control to the new officers.

ARTICLE IV

SECTION 1:Voting

Each member or member organization in good standing who is also a Primary User shall have one vote.

SECTION 2:Amendments

Amendments to the Constitution may be made at the annual meeting only. Proposed changes must be distributed to all Primary Users and any other directly affected parties at least 30 days before the meeting.

An amendment must be passed by a two-thirds majority all votes cast. Votes may be cast in person, by written proxy carried by an attending member, or by a pre-written decision. If there are any votes cast by pre-written decision, however, and those votes are part of the two-thirds majority, the amendment must be passed exactly as it was written in the advance notice.

HUALAPAI MOUNTAIN USERS' ASSOCIATION

obsolete
see update of
2/23/94

BYLAWS

ARTICLE I

SECTION 1: President's Duties

1. Arrange for and preside at the annual meeting of the Association.
2. Represent the Association in public meetings and meetings with the Bureau of Land Management.
3. Supervise the work of the other officers to assure coordination of efforts and on-time completion.
4. Approves and signs all Association expenditures.

SECTION 2: Vice-President's Duties

1. Assume any or all of the President's duties, given appropriate notice, if the President is not able to fulfill them.
2. Monitor site inspections to assure fair and impartial results.
3. Coordinate and direct committee work.
4. Promote cooperation among users.

SECTION 3: Secretary-Treasurer's Duties

1. Prepare outgoing Association correspondence and present to President for approval and distribution
2. Disseminate incoming correspondence to directly affected users.
3. Record minutes at annual meeting, and keep members apprised of meetings and planned activities which affect the Association, including annual and public meetings.
4. Maintain all files, records, and accounts, keeping them current and accurate. All Association documents shall be open for inspection by any member.
5. Prepare all checks and payments and present to the President for approval and signature. Record all transactions, including date, amount received or disbursed, from or to whom, and for what purpose.

ARTICLE II

SECTION 1: The Financial Committee shall be an ad hoc committee, appointed by the President, which shall audit the Treasurer's financial records just prior to the annual meeting, and present a report of its findings at that meeting.

SECTION 2: The Technical Committee shall be a standing committee which prepares and maintains the Technical Guidelines with which all users must ultimately conform. It shall consist of members of the Association, one representing each Primary User. The committee shall select a Chairman, who shall represent the Association in technical matters. The committee shall also help the Bureau conduct annual site inspections and prepare a report of the results, to be presented at the following annual meeting. It shall perform other duties of a technical nature as deemed necessary, like evaluating the compatibility of proposed additions or modifications and recommending acceptance or rejection to the Bureau.

SECTION 3: The Road Committee shall be a standing committee which monitors the condition of the road and prepares a report for each annual meeting. When the Association decides that conditions warrant repair or snow removal the Committee shall research the work, exploring all cost, complexity, and contracting options. The Road Committee shall present its findings to the Association and implement the approved plan of action. In emergencies, the Vice-President may evaluate the immediate need and, with the President's approval, implement appropriate action.

ARTICLE III

SECTION 1: Assessments

An annual assessment shall be made upon all Primary Users to provide funds for administrative expenses (paperwork) and road maintenance.

SECTION 2: Maximum and Actual Assessment

The total maximum assessment shall be \$5,000.00. Setting a maximum simplifies fiscal planning for all members. The actual annual assessment shall be based on recommendations made by the Treasurer and Road Committee at the Annual Meeting and shall be approved by a simple majority of the eligible members present.

SECTION 3: Formula

The administrative expenses shall be divided among all Primary Users according to the following formula: 50% of the total shall be divided evenly among the Primary Users (eight the first year). This amount is the site charge. The remaining 50% shall be divided by the total number of transmitters, and the resulting quotient is the cost per transmitter. A Primary User with no transmitters shall pay one additional site charge.

*TO BE
RE-DRAFTED*

Road maintenance costs shall be divided unevenly among users of Potato Patch and Hayden Peak because of the considerable length of road beyond the Potato Patch site which is used only by Hayden Peak users. The road maintenance charge per user shall be: 30% of the total maintenance costs divided by total number of users at Potato Patch; or, 70% of the total divided by total number of users at Hayden Peak.

Each Primary User's annual assessment will therefore consist of three parts: the site charge, the cost per transmitter multiplied by that user's total number of transmitters, and the road maintenance charge.

*TO BE
REDRAFTED
20*

SECTION 3: Proration, late penalties, enforcement, collection
TO BE DETERMINED AT THE 1986 ANNUAL MEETING.

ARTICLE IV

SECTION 1: Technical Standards

Adherence to these Standards will minimize physical damage and rf interference, thus providing for improved electromagnetic compatibility of all users.

TRANSMITTERS

- A. All transmitters shall be FCC Type Accepted or meet Type Acceptance criteria.
- B. All transmitters shall have protective devices, designed-in or externally installed, to prevent interference to others:
 1. Direct radiation of out-of-band emissions (i.e. transmitter wideband noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by using bandpass, low-pass, and/or harmonic filtering. Band-reject filtering may be required in certain applications.
 2. Re-radiation of signals from a transmitter and its associated antenna system shall be prevented by installing appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25dB.
- C. Transmitter power output shall not exceed 120 Watts. The Effective Radiated Power (ERP) shall not exceed 1,200 Watts. Microwave point-to-point systems shall be exempt from this requirement.

RECEIVERS

- A. All receivers shall comply with all applicable Parts of the FCC Rules, including Parts 2 and 15.
- B. All receivers shall have sufficient "front-end" pre-selection to prevent receiver spurious response.

The use of bandpass or band-reject cavities or crystal filters may be required to prevent receiver-produced intermodulation or adjacent-channel interference.

ANTENNAS, FEEDLINES, AND SUPPORT STRUCTURES

- A. All antennas and transmission lines, including those not in immediate use, shall be terminated in their characteristic impedance to prevent reradiation of intercepted signals or noise.
- B. All coaxial transmission lines shall be double-braided or solid-shielded and jacketed.
- C. All steel towers shall meet EIA Standard RS222C, Structural Standards for Steel Antenna Towers.
- D. All tower construction shall meet manufacturers' recommended specifications for ice and wind for this area.
- E. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- F. Anti-climb devices, removable steps, or other means to discourage unauthorized climbing, are highly recommended.

ELECTRICAL

- A. All electrical facilities, equipment, and the installation thereof, shall conform to the most recent edition of the "National Electrical Code", local laws and regulations.
- B. All permanent AC wiring shall be installed in metallic conduit.

BUILDINGS

- A. All buildings and structures shall conform to the latest edition of the "Uniform Building Code", local laws and regulations, at the time they are built.
- B. All metallic materials used in building construction shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- C. Buildings shall be designed and installed to withstand severe weather conditions.

SITE AND EQUIPMENT GROUNDING

All equipment racks and cabinets controlled by each Primary User shall be bonded to a common ground for that user's site. This ground system shall also maintain a common bond for external equipment (i.e. generator, LPG tanks, tower).

MISCELLANEOUS EQUIPMENT

Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

HOUSEKEEPING

Housekeeping has environmental, visual and aesthetic impact. It further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification, or other evolutions, raises the noise "floor" for all users and gives rise to intermodulation potential which often defies identification. No debris shall be allowed to accumulate.

SECTION 2: Grandfathering and Enforcement

A. Grandfathering

1. New users, new installations, and changes of equipment shall comply with all Technical Standards at the time of construction or installation of equipment.
2. Existing users and equipment shall comply with the Technical Standards within the time frame specified at the annual inspection, if any non-compliance is found.

B. Enforcement: Annual Inspection

1. The Technical Committee and the Bureau shall conduct an annual inspection of each Primary User's site. This inspection will verify:
 - a. compliance with Technical Standards,
 - b. structural integrity,
 - c. electromagnetic compatibility,
 - d. general safety,
 - e. as-built plan accuracy.
2. Any non-compliance found shall be recorded by the Bureau. The record shall include:
 - a. a description of the offense,
 - b. what corrective action is required,
 - c. the name and address of the responsible party or organization,
 - d. time frame for completion of corrections.
3. Copies of Non-compliance reports and user responses shall be forwarded to the Technical Committee Chairman for incorporation into the annual report.
4. The Bureau shall provide written notice of the scheduled inspection date at least 30 days in advance, and each Primary User shall arrange to have personnel available at the site at the time of the inspection.

SECTION 3: When Interference Occurs:

- A. All users shall cooperate with this Association and the Bureau in identification and correction of any interference-related problems.

- B. Neither this Association nor the Bureau shall recognize interference complaints from users who are not in good standing.
- C. New site applicants may be required to furnish an intermodulation study or other interference-related data before the application can be evaluated.
- D. The Technical Committee may request a field test for compatibility at the expense of the applicant before recommending acceptance or rejection of the application.

ARTICLE V

SECTION 1: Annual meeting

The annual meeting shall be held in Kingman, Arizona. The 1986 annual meeting will be held during the 3rd week in February, 1986. Subsequent meetings will be scheduled at the annual meetings, and timed to follow the annual inspections by at least two months.

SECTION 2: Advance notice

The annual meeting notice shall be distributed no less than 30 days before the scheduled date. It shall include the date, time, place, and agenda items for the meeting. If any guests are scheduled to attend, that information should also be included.

SECTION 3: Order of Business

Robert's Rules of Order shall be followed in all procedural matters.

Meetings shall have the following general form:

- A. Call to order
- B. Sign-in
- C. Reading of minutes of last annual meeting
- D. Report of Financial Committee
- E. Report of Technical Committee
- F. Report of Road Committee
- G. Determination of standing of members
- H. Old business
- I. New business
- J. Election of officers
- K. Appointment of committees
- L. Comments from members
- M. Adjournment

ARTICLE VI

SECTION 1: Amendments to the Bylaws at annual meeting

The Bylaws may be amended at the annual meeting by a two-thirds majority of all votes cast, including proxy and pre-written votes.

SECTION 2: Amendments to the Bylaws by mail

The Bylaws may also be amended by mail. The proposed Amendment(s) shall be mailed to all members in good standing with a 30-day response period from date of mailing. A signature sheet shall be circulated among voting members to record their concurrence or non-concurrence. The amendments may be passed if two-thirds of all eligible members concur in writing to the amendments as worded in the mailing.

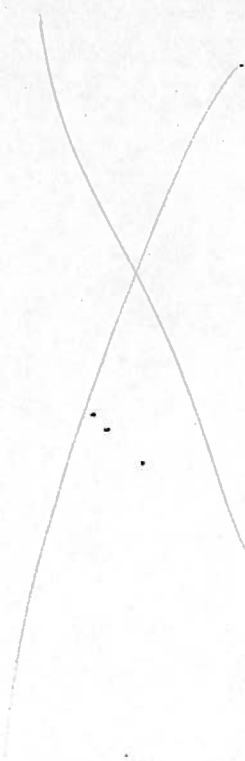


Exhibit I

March 13, 1985

Mohave County Board of Supervisors
 Post Office Box 390
 Kingman, Arizona 86401

Re: Collection of Hayden Peak Road Maintenance Fund -
 Account No. 225-03-34300-439.40

Gentlemen:

On April 16, 1984, the Mohave County Board of Supervisors offered the United States a Quit Claim Deed conveying two (2) communication sites within the Hualapai Mountain Park described as follows: (Refer to Attachment A)

Gila and Salt River Meridain

T. 20 N., R. 15 W.,
 section 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

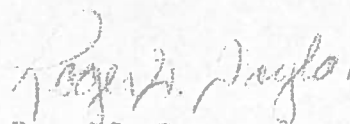
Comprising 32.5 acres, more or less.

The United States accepted the Quit Claim Deed and the properties described above became public land on August 24, 1984. In February of 1985, The Bureau of Land Management requested the existing users, on the sites conveyed to the United States, form a users group association. The association would be required to collect funds for road maintenance purposes, as well as ensure site and user compatibility. The existing users, including the Bureau of Land Management, have been paying road maintenance fees to the county under account number 225-03-34300-439.40 prior to the land transfer.

Whereas, the users association will contract road maintenance to assure access to the site, we request that the Board of Supervisors direct the County Finance Department to process the enclosed claim in the amount of \$2,770.15 and make payment to the Department of the Interior - BLM. The payment will then be deposited in the users association account.

We intend to work closely with the County Engineer and Parks Director as to road maintenance activities and the future development of the communication sites. If you have any questions concerning the road maintenance funds or the communication sites in general, please feel free to contact me at anytime.

Sincerely,



Roger G. Taylor
Area Manager

Enclosures: (2)
Attachment A
Claim Form

MThompson

CLAIM AGAINST MOHAVE COUNTY

KINGMAN, ARIZONA March 13, 19 85

JAMES Department of Interior - BLM

(This Name Must Be The Same As (1) Below)

Kingman,

City

Arizona

State

ADDRESS 2475 Beverly Avenue

Street/P.O. Box

86401

Zip Code

PRESENTS THIS CLAIM ON THE COUNTY OF MOHAVE FOR THE SUM OF \$2,770.15 DOLLARS

The County cannot consider any claim unless submitted within six months after the account accrues. Arizona Rev. Statutes 11-622

AMOUNT

COUNTY DEPARTMENT HEAD APPROVAL

INSTRUCTIONS

Attach to this claim
all original invoices
Mail ToMOHAVE
COUNTY
FINANCE
DEPT
P.O. BOX 870
KINGMAN,
ARIZONA
86402

I do solemnly swear that the accompanying is a correct and just statement of account against the County of Mohave; that the work and labor specified therein have been performed; that the services stated therein have been rendered; that the expenses set forth therein have been incurred; that the goods, wares and merchandise charged for therein have been furnished and delivered, at the times and as the same appear in said statement, and the specified values thereof are the true values thereof, and that the same has not been paid nor has any part thereof, and that no claim against Mohave County has before been made therefor, and that I am not indebted in any manner to the County of Mohave.

VENDOR

Type Number

(1)

(Printed Name of Firm or Corporation)

(2)

(Signature Of Officer Or Agent)

NOTARIZATION NOT REQUIRED

1:

ed: FOR THE BOARD OF SUPERVISORS

Director:

t No

Fund

Funct.

Department

Account

Amount

OFFICE OF BOARD OF SUPERVISORS		AVE COUNTY KINGMAN, ARIZONA		WARRANT	19048
ACCOUNT NUMBER	P.O. #	INVOICE #	PAYMENT DESCRIPTION	PA	IT AMOUNT
225-03-4300-439.40	N/A	STATEMENT	GILA & SALT RIVER MERIDAIN		\$2,770.15

RECEIVED

MAR 25 1985

BUREAU OF LAND MGMT.
KINGMAN RA - PHOENIX, DG

Exhibit J

ARIZONA DEPARTMENT OF PUBLIC SAFETY

10 NORTH 20th AVENUE

P. O. BOX 6638

PHOENIX, ARIZONA 85005

(602) 262-8011



BRUCE BABBITT
GOVERNOR

RALPH T. MILSTEAD
DIRECTOR

April 11, 1985

Mr. Roger G. Taylor, Area Manager
Bureau of Land Management, Kingman Resource Area
2475 Beverly Avenue
Kingman, AZ 86401

Re: HUALAPAI MOUNTAIN COMMUNICATIONS SITE TECHNICAL STANDARDS

Dear Mr. Taylor:

The Technical Standards Committee of the Hualapai Mountain Users' Association would like to submit for your approval the attached, Site Technical Standards, for the Hualapai Mountain Radio Sites. The implementation of the technical standards as they apply to the existing and new site users will be covered in the Association By-Laws.

The Committee feels that the adoption of the Technical Standards will allow for the orderly growth and management of the existing Hualapai Mountain communications sites.

Respectfully submitted,

HUALAPAI MOUNTAIN USERS' ASSOCIATION
TECHNICAL STANDARDS COMMITTEE


Ken Nelson, Chairman


Harold Wirth


R. C. Ashton


Jack Trahan


Terry O. Chester


L. J. Simpson

KN:JB



**PROPOSED
TECHNICAL STANDARDS
for the
HUALAPAI MOUNTAIN COMMUNICATIONS
SITES - "POTATO PATCH and HAYDEN PEAK"**

TRANSMITTERS

- A. All transmitters will be FCC Type/Accepted or meet Type Acceptance Criteria.
- B. All transmitters will have protective devices, designed into or externally installed, to prevent interference to other users.
 - 1. Direct radiation of out-of-band emissions (i.e. transmitter wide-band noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by the use of band-pass, low-pass or harmonic filtering. Band-reject filtering may be required in special applications.
 - 2. Re-radiation of signals (intermod) from a transmitter and its associated antenna system will be prevented through the installation of appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25dB.
- C. Transmitter power output shall not exceed 120 watts. The Effective Radiated Power (ERP) will not exceed 1,200 watts. Microwave point-to-point systems excluded from this requirement.

RECEIVERS

- A. All receivers must comply with all applicable parts of FCC Rules, including Parts 2 and 15.
- B. All receivers shall have sufficient "front end" preselection to prevent receiver spurious response. The use of band-pass, band-reject cavities or crystal filters may be required to prevent receiver-produced intermodulation or adjacent channel interference.

ANTENNAS, FEEDLINES AND SUPPORT STRUCTURES

- A. All antennas and transmission lines, including those not in immediate use, will be terminated in their characteristic impedance (Z^0) to prevent re-radiation of intercepted signals or noise.
 - B. All coaxial transmission lines will be double braided or solid shielded and jacketed.
 - C. All towers shall meet EIA Standard RS-222-C, Structural Standards for Steel Antenna Towers.
 - D. All tower construction shall meet manufacturers recommended specifications for ice and wind loading for this area.
 - E. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals will not be placed in contact with each other in such a manner that could create a galvanic junction.
- 127 ✓

- F. Anti-climb devices, removable steps, or other means to discourage unauthorized climbing of the towers are highly recommended.

ELECTRICAL

- A. All electrical facilities, equipment, and their installation shall conform to the latest edition of the "National Electric Code", and local laws and regulations.
- B. All permanent AC wiring shall be installed in metallic conduit.

BUILDINGS

- A. All buildings and structures shall, at the time of construction, conform to the latest edition of the "Uniform Building Code", and local laws and regulations.
- B. All metallic materials used in building construction shall be galvanized, plated or coated. Dissimilar metals will not be placed in contact with each other in such a manner that could create a galvanic junction.
- C. Buildings shall be designed and installed to withstand severe weather conditions.

SITE AND EQUIPMENT GROUNDING

All equipment racks and cabinets controlled by each primary user shall be bonded to a common ground system for his site. This ground system will also maintain a common bond for external equipment (i.e. generator, LPG tanks, tower, etc.).

MISCELLANEOUS EQUIPMENT

Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

HOUSEKEEPING

Housekeeping has environmental, visual and aesthetic impact, it further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification, or other evolutions, raises the noise "floor" for all users and gives rise to intermodulation potential which often defies identification. No debris will be allowed to accumulate.

JAS KAT

Exhibit K



IN REPLY REFER TO:

United States Department of the Interior

2860 (026)
MJT

BUREAU OF LAND MANAGEMENT
KINGMAN RESOURCE AREA
2475 Beverly Avenue
Kingman, Arizona 86401

NOTICE

OF

PUBLIC MEETING

PURPOSE: TO SOLICIT PUBLIC COMMENTS AND NEEDS CONCERNING THE BUREAU OF LAND MANagements' DEVELOPMENT OF COMMUNICATION SITE MANAGEMENT PLANS FOR TWO SITES IN THE HUALAPAI MOUNTAINS SOUTHEAST OF KINGMAN, ARIZONA. THESE SITES ARE CURRENTLY OCCUPIED BY LOW POWER USERS INCLUDING LAND-MOBILE RADIO, MICROVAVE, AND TELEVISION RELAY FACILITIES. IT IS THE POLICY OF THE BLM TO MANAGE COMMUNICATION SITES TO THEIR OPTIMUM POTENTIAL WITH FULL CONSIDERATION GIVEN TO ELECTRONIC COMPATIBILITY.

WHEN: TUESDAY FEBRUARY 26, 1985, FROM 7:P.M TO 9:P.M.

WHERE: KINGMAN CHAMBER OF COMMERCE
333 WEST ANDY DEVINE
KINGMAN, ARIZONA
(REFER TO ATTACHED LOCATION MAP)

FOR FURTHER INFORMATION: THOSE PARTIES REQUIRING FURTHER INFORMATION SHOULD CONTACT ROGER G. TAYLOR, AREA MANAGER, OR MICHAEL J. THOMPSON, REALTY SPECIALIST, IN KINGMAN AT (602)757-3161.



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF LAND MANAGEMENT KINGMAN RESOURCE AREA

2475 Beverly Avenue
Kingman, Arizona 86401

NOTICE

OF

PUBLIC MEETING

SECOND COURTESY

NOTICE

LIST OF INTERESTED
PARTIES

PUBLIC MEETING FOR
HUALAPAI MOUNTAIN COMMUNICATION
SITE PLAN ALTERNATIVES

FEBRUARY 26, 1985

<u>NAME</u>	<u>COMPANY/AGENCY</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
<i>J. Brown</i>	<i>Black Mesa P/L</i>	<i>Flagstaff 1509 E. Butler</i>	<i>774-5076</i>
<i>L. J. SIMPSON</i>	<i>BLACK MESA PIPELINE</i>	<i>1509 E BUTLER FLAGSTAFF</i>	<i>774-5076</i>
<i>Len. Stover</i>	<i>BLM</i>	<i>940 Lincoln Rd Id-Fall</i>	<i>534-6366</i>
<i>Raph. Tommillo</i>	<i>COMMSITES</i>	<i>1704 1/2 N SND FLAGSTAFF AZ</i>	<i>86002 774-6446</i>
<i>Tom Hunt</i>	<i>Commsites</i>	<i>Box 1832 FLAGSTAFF</i>	<i>86002 774-6446</i>
<i>MELANIE PANNHART</i>	<i>BLM</i>	<i>2015 W. Deer Valley Rd</i>	<i>863-6711</i>
<i>JEFF HOWELL</i>	<i>Howell's Audio</i>	<i>521 PARK ST.</i>	<i>753-3054</i>
<i>CARL R. OSTERMAN</i>	<i>KING COMM</i>	<i>3542 N. ROOSEVELT</i>	<i>757-2614</i>
<i>Emil. Verne</i>	<i>DRILY MINER</i>	<i>355 STOCKTON RD PH</i>	<i>753-6397</i>
<i>KEU NELSON</i>	<i>AZ DPS</i>	<i>1100 W Kaibab Ln</i>	<i>774-4561</i>
<i>Dewey Hall</i>	<i>Az DPS</i>	<i>Kingman</i>	<i>757-3717</i>
<i>ROBERT KELLY</i>	<i>QUC/TEL. P.O. 3609</i>	<i>KING, IZ</i>	<i>757-0215</i>
<i>Jim Moffat</i>	<i>AZ DPS</i>	<i>2310 N. 20 Ave Phoenix</i>	<i>262-8257</i>
<i>GREG HOWELL</i>	<i>HOWELL'S AUDIO</i>	<i>1032 SAGUARO CIR.</i>	<i>757-5788</i>
<i>WROLD WIRTH</i>	<i>EPNG. CO.</i>	<i>3820 E EL PASO DR FLAGSTAFF</i>	<i>526-0890 TUESDAY 75741</i>
<i>JERRY SAVAGE</i>	<i>"</i>	<i>6005 So. BELVEDERE</i>	<i>746-4247</i>
<i>ART. KROOKS</i>	<i>MOHAWG SUN BROADCASTING</i>	<i>P.O. Box 3939 KINGMAN</i>	<i>753-2537</i>
<i>CHRIS SARRAS</i>	<i>HUALAPAI BROADCASTERS</i>		
<i>RICHARD MULLER</i>	<i>CITIZENS UTILITIES</i>	<i>P.O. Box 3609</i>	<i>757-0204</i>
<i>Wes. Gorman</i>	<i>Citizen Utilities</i>	<i>P.O. Box 3609</i>	<i>757-0236</i>
<i>R. C. ASHTON</i>	<i>WESTERN AREA POWER</i>	<i>P.O. Box 4157 PHX</i>	<i>261-4589</i>
<i>J. H. CHARTERS</i>	<i>"</i>	<i>"</i>	<i>261-4586</i>
<i>Robert L. Richmond</i>	<i>A.P.S</i>	<i>2121 W. Cheng Dr PHX</i>	<i>271-2274</i>
<i>Terry O. Chester</i>	<i>A.P.S</i>	<i>Flagstaff</i>	<i>"</i>

NAME	COMPANY/AGENCY	ADDRESS	PHONE NO.
Roy Watson	Western		261-4554
Jim Vine	Vine Radio Comm.	2484 Miller Dr.	757-7999
Kerry Feiner	Motorola Inc	9980 ^{SAN DIEGO} Carroll Exp.	578-2222
D.K. Turk Thibault			602-421-0130
Tom Brady	Motorola Co. Parks	P.O. BOX 390 KINGMAN	864-02
Q.W. Locke	Tri-State Translators	1000 E. St. Louis ^{Las Vegas}	NV 87107
Becky Foster	Las Mohave County	P.O. Box 390	⁷⁵⁷⁻⁹⁴⁴¹ Kingman
Russ Hammett	KNAL RADIO	NORTHEAST AZ CHIN FLS	523-2841
V.D. Ross	WESTERN AREA POWER		702-293-8848
J.L. Cotton	Telecom One	2527 Rivas Dr. Kingman	753-3777

Proof Of Publication

STATE OF ARIZONA, } ss.
County of Mohave

Phyllis Boggio, being first duly sworn, says that during the publication of the notice, as herein mentioned, she was and now is the Clerk of THE KINGMAN DAILY MINER/MOHAVE DAILY MINER, daily newspaper published six days every week at the city of Kingman, in said county.

That said newspaper was printed and published as aforesaid on the following dates, to-wit:

February 8, 19 85
February 10, 19 85
February 11, 19 85
February 12, 19 85
February 13, 19 85
February 14, 19 85
February 15, 19 85
February 17, 19 85
February 18, 19 85
February 19, 19 85
February 20, 19 85

That the Notice of Public Meeting

NOTICE OF
PUBLIC MEETING
PURPOSE: To solicit public
comments and needs concern-
ing the Bureau of Land
Managements' develop-
ment of communication
site management plans for
two sites in the Hualapai
Mountains southeast of
Kingman, Arizona. These
sites are currently occupied
by low power users includ-
ing Land-Mobile Radio,
Microvave, and Television
relay facilities. It is the pol-
icy of the BLM to manage
communication sites to
their optimum potential
with full consideration
given to electronic compat-
ibility.
WHEN: Tuesday, February
26, 1985 from 7 p.m. to 9
p.m.
WHERE: Kingman Chamber
of Commerce, 333 West
Andy Devine, Kingman,
Arizona

FOR FURTHER INFORMA-
TION. Those parties re-
quiring further information
should contact Roger G.
Taylor, area manager, or
Michael J. Thompson, real
ty specialist, in Kingman at
(602) 757 3161.
No. 227
Pub. Feb. 8, 10, 11, 12, 13,
14, 15, 17, 18, 19, 20, 1985

of which the annexed copy is a printed and true copy, was printed and inserted in each and every copy of said newspaper printed and published on the dates aforesaid, and in the body of said newspaper and not in a supplement thereto.

Phyllis Boggio
Subscribed and sworn to before me this

22 day of February, 19 85

Mary Leichsenring
Notary Public
(My commission expires 8/22/85)

No.

PROOF OF PUBLICATION

In the Matter of the Publication of

By _____
FIRST AMERICAN TITLE INC. PHOENIX, AZ 85001

FEB 28 1985

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Filed 19

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work cut-out for itself during a Monday "strategic planning session," the third and probably the last such session this year. The meeting is scheduled to begin at 5 p.m. at the City Council Chambers, 310 N. Fourth St.

The first two sessions were held on Feb. 8 and 9. This is the third year of the advance planning meetings.

City Planning Director Dennis Roberts said it might be wiser for the city to hold the sessions in November from now on, a step that would give the council more time to work out items for discussion during the budget meetings.

As it presently stands, the city must come up with the set of plans and list of other important items by April, Roberts said.

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get a firm handle on short-term and long-term equipment maintenance, street and waterline construction and repairs and other specifics.

One of the councilman's pet projects is that of establishing a master flood-control plan. The city has to complete a "cadastral survey," formulated through data on street rights-of-way, water- and powerline easements, street center lines and subdivision boundaries. Aerial maps and land survey specifications are used to produce the cadastral survey.

"It (the cadastral survey) is not moving fast enough," Kesler said. "This is an administrative problem that we have."

Roberts said one of the major issues will be that of encouraging "infill," the process of filling in vacant but subdivided parcels that exist as pockets of emptiness among developed properties.

supervision of an Home Economy teacher. The playschool will be held for 10 weeks beginning the week of Feb 26 on Tuesdays, Wednesdays and Thursdays. The sessions are available either morning or afternoon and will be one and one-half hours in length. For more information please call 753-6216, Ext. 201-757-3528.

Arts & Craftsmen Guild

The Art and Craftsmen Guild will meet at 7:30 p.m. Tuesday at the Kingman Junior High School, 19 Detroit Ave.

Overeaters Anonymous

Overeaters Anonymous will meet at 7:30 p.m. Tuesday at the United Presbyterian Church, 2425 Detroit Ave. The public is invited. For more information call 757-8945.

NOTICE OF PUBLIC MEETING

PURPOSE: To solicit public comments and needs concerning the Bureau of Land Management's development of communication site management plans for two sites in the Hualapai Mountains southeast of Kingman, Arizona. These sites are currently occupied by low power users including Land-Mobile Radio, Microwave, and Television relay facilities. It is the policy of the BLM to manage communication sites to their optimum potential with full consideration given to electronic compatibility.

WHEN: Tuesday February 28, 1985 from 7 p.m. to 9 p.m.

WHERE: Kingman Chamber of Commerce, 333 W. Andy Devine, Kingman, Arizona

FOR FURTHER INFORMATION: Those parties requiring further information should contact Roger G. Taylor, area manager, or Michael J. Thompson, really specialist, in Kingman at (602) 757-3161.

No. 2-27 Pub. Feb. 21, 22, 24, 25, 26, 1985

Man struck by car, police seek driver

Tucson (UPI) — Tucson police are searching for the driver of a car that struck and killed an Oklahoma man Friday night.

Police have identified the dead man as Henry Hamilton, 34, a transient from Oklahoma City.

Police officers said they are looking for a white male, who was driving a blue or green mid-1960s model Buick or Plymouth, in connection with the accident.

Police said the license number of the car might have the letters

"RKC," and noted that the car has a damaged left front fender from the accident.

Norman Penner, a convenience store manager who witnessed the accident, said Hamilton was crossing North Prince Road near Wells Road when he was struck by the northbound car just after 9 p.m.

Penner said the car carried Hamilton 100 feet, but the driver didn't slow down.

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About our Guarantee

everyone a refund, but if you've got one coming, we'll give you the biggest refund — or your return is free.

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THE INCOME TAX PEOPLE

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Shirley W. Block



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Over 20 years experience

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WHERE: Kingman Chamber of Commerce, 333 W. Andy Devine, Kingman, Arizona

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everyone a refund, but if you've got one coming, we'll
the biggest refund — or your return is free.



Henry H. Block

H&R BLOCK

THE INCOME TAX PEOPLE

753-8677



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Exhibit L



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

IN REPLY, REFER TO:

MAR 11 / 30 AM '82

STAT
PORTAL

CON

PEREGRINE BROADCASTING CO.

IBLA 81-476

Decided March 4, 1982

Appeal from decision of Oregon State Office, Bureau of Land Management, rejecting right-of-way application for commercial FM broadcast station. OR 23005.

Set aside and remanded.

1. Communication Sites--Federal Land Policy and Management Act of 1976: Rights-of-Way--Rights-of-Way: Federal Land Policy and Management Act of 1976

Under the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1761(a) (1976), an application for a communication site right-of-way may be accepted or rejected by the Secretary or his duly authorized representative at his discretion. The standard for review of a decision rejecting an application is whether the decision represents a reasoned analysis of pertinent factors with due regard for the public interest. Where the record does not support BLM's decision to reject the application, as amended by subsequent negotiations, it will be remanded for further review.

2. Communication Sites--Federal Land Policy and Management Act of 1976: Rights-of-Way--Rights-of-Way: Federal Land Policy and Management Act of 1976

In connection with an application under FLPMA for a communications site right-of-way, BLM may properly consider site-related technical questions, such as whether and to what degree operation of an FM broadcasting station will result in radio interference with existing uses of the site.

Overruled: Northwestern Colorado Broadcasting Co., 18 IBLA 62 (1974).

APPEARANCES: Bruce Bischof, Esq., Sunriver, Oregon, for appellant; Donald P. Lawton, Esq., Office of the Solicitor, Pacific Northwest Region, for Bureau of Land Management.

OPINION BY CHIEF ADMINISTRATIVE JUDGE PARRETTE

Peregrine Broadcasting Company (Peregrine) appeals from a decision of the Oregon State Office, Bureau of Land Management (BLM), dated January 23, 1981, which rejected its application (OR 23005) for a communications site right-of-way site on Grizzly Mountain, near Prineville and Madras in Deschutes County, Oregon.

On November 9, 1979, Peregrine filed its application for a right-of-way to use Grizzly Mountain for a 50 kilowatt commercial FM broadcast station, including a 12- by 16-foot building and a 12-foot square tower base supporting a 150-foot high antenna. The application was filed with BLM pursuant to section 501(a) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. § 1761(a) (1976).

Grizzly Mountain, elevation 5,635 feet, has been a communications site serving central Oregon for many years, and 15 parties presently use it, principally for low-power two-way radio communication equipment, and also as a relay station for television signals. Peregrine evidently notified BLM's Prineville, Oregon, District Office of its interest prior to filing its formal application with the State Office, for the District Office had a public meeting on November 2, 1979, to acquaint the existing users of the site with Peregrine's proposal and to allow them to comment on it.

BLM's record is silent about what transpired at this meeting. Peregrine states that 18 representatives of existing users attended, and that only one user voiced any concern, questioning whether "RF radiation" from Peregrine's broadcasts would interfere with low-power users. It states that it offered to provide in writing that it would not commence transmitting regular broadcasting until interference problems, if any, had been rectified at its expense. It also states that there was general support among existing users to initiate an FM commercial radio station in the area.

Subsequently, on March 3, 1980, Ochoco Telecasters, Inc. (Ochoco), which apparently operates a television translator station from Grizzly Mountain, filed with the District Office a copy of the comments that it had filed with the Federal Communication Commission (FCC). Ochoco stated that several engineers had warned it that Peregrine's proposed FM broadcasting at 94.5 megahertz could cause interference with its reception of VHF channel 10, and that Peregrine's broadcasting at 50 kilowatts, as proposed, would cause Ochoco's preamplifiers to oscillate, also resulting in interference. Ochoco noted that its Board of Directors had adopted a resolution on December 18, 1979, opposing Peregrine's plan.

On March 7, 1980, BLM's State Office wrote to existing users to notify them of Peregrine's and two other applications and to provide them with copies of the applications. ^{1/} BLM requested their comments on "site-specific" matters, but advised them to send any comments concerning possible frequency or electromagnetic incompatibility to the Office of Telecommunications in the Commerce Department or to the FCC.

On March 20, 1980, the District Manager also solicited written comments both from existing users and from applicants to use Grizzly Mountain on how best to use the site. He indicated that BLM, with advice from present and prospective users, would be preparing a "site development plan" in order to "provide the maximum compatible use for the greatest number of electronic communications uses in the limited space available on Grizzly Mountain." He enclosed a list of alternatives on how best to use the site and announced a second public meeting in Prineville on April 10, 1980, to discuss its development.

Although BLM's record contains little evidence about the April 10 meeting, the following questions about general future development of the site were evidently identified: Whether to restrict future construction on the site to common buildings occupied by several users; whether to restrict antenna heights in order to prevent unsightliness; and how to prevent and eliminate interference between users. The written comments elicited in April 1980 from existing users about Peregrine's proposal were concerned, almost unanimously, that operating a 50-kilowatt FM station would generate strong electromagnetic interference which would hamper their use of the site for two-way radio communication.

According to BLM's subsequent land report, Peregrine's engineering consultant, in a meeting with a representative of the District Office on April 11, 1980, offered to modify its original proposal to lower the antenna height from 150 feet to 15 to 20 feet, and to use a directional antenna aimed northwest from Grizzly Mountain at Madras, Bend, Redmond, and Prineville. The consultant apparently contended that using directional broadcasting would reduce the possibility of interference with established users, which are located to the east and above Peregrine's proposed site, behind the directional radiation patterns of the modified antenna.

Peregrine also filed written comments with the District Office on April 24, 1980, in which it stated that it recognized that the 150-foot height of its antenna, as originally proposed, was an environmental concern, and that electromagnetic interference with other users was a potential problem. It indicated that, in order to mitigate adverse visual impacts of its proposed use, it was willing to lower its antenna

^{1/} In addition to Peregrine's, there were two other applications to use Grizzly Mountain, from M. Rheinholdt TV and Communication and from the National Weather Service. At last report, these applications were still pending.

height and also to build or share a low-profile multiple-user modular building. Peregrine indicated that this design would also mitigate interference with other users, since its transmitter would be buried, shielded, and grounded, and could be isolated from other users' receivers. In addition to using a directional antenna, Peregrine expressed its willingness to reduce power output, to isolate its transmitting antenna from its microwave link, and otherwise to cooperate with existing users to eliminate interference.

On June 23, 1980, the District Office sent copies of the letters that it had received concerning presumed interference associated with Peregrine's proposal to the Secretary of FCC for his consideration in connection with Peregrine's license application.

On July 16, 1980, the District Office issued the Grizzly Mountain Communications Site Management Plan governing all future use of the site. The plan provided, inter alia, that future development would be confined to the types of uses which existed at the site at that time, thus excluding Peregrine's proposed use, since there was then no FM broadcasting facility there. The plan also announced "visual management design parameters," under which a maximum antenna height of 50 feet was established. Finally, it decreed a "no build zone" on all but the peak of Grizzly Mountain. This zone included the location for which Peregrine had applied, so that under the management plan, Peregrine's proposal was effectively foreclosed, regardless of use or design.

The communication site management plan noted that FCC would determine the validity of technical objections to a proposed installation and could issue a special temporary authorization for a "relatively short period of time" to test its technical feasibility. It concluded as follows: "In general, the responsibility for correcting proximity interference will be upon the applicant. Any existing user affected will be expected to extend all reasonable cooperation in reaching a satisfactory solution. In some cases this may involve adjustments on the part of existing users." The "minimum standards" adopted in the plan specify how interference may be overcome: "When radio interference occurs, notch filters, crystal filters and dual ferrite isolators and/or band pass devices may be required. The need for additional filtering equipment will be determined on a case-by-case basis."

On August 11, 1980, the District Manager issued his environmental assessment/land report concerning Peregrine's proposal specifically. The report stressed that the proposed location is within the "no build zone" identified by the management plan, and explained that the purpose of establishing this zone was to mitigate adverse "visual impact" by restricting future construction to areas on the crest of Grizzly Mountain, where structures could be screened by trees, and where trees would provide a background so that aerial towers would not be silhouetted on the skyline. The report noted both the existing users' concern about degradation of their operations at the site and Peregrine's proposals in response discussing how to eliminate interference.

The report recommended that Peregrine's application be denied in order to provide for the maximum utilization of the site by the greatest number of users with a minimum degree of conflict. The reasons for this recommendation were that the public's written comments had indicated that "the presence of a broadcast group could degrade the operational performance of existing facilities"; that denial of Peregrine's application would insure the continued operation of low-frequency communications with a minimum of interference; that the management plan, which was developed pursuant to public meetings and commentaries, did not allow an FM broadcaster on the site and, in any event, did not allow use of the site proposed by Peregrine; and that granting the application would establish a precedent to allow other similar high-power broadcasting on the site, further diminishing the suitability of the site for other uses.

On September 24, 1980, FCC released a notice of proposed rule-making in which it proposed to assign an FM channel to Peregrine. The proposed rulemaking does not address the question of possible interference with other users of Grizzly Mountain and is clearly an interim decision. The record is silent as to any further action by FCC.

On January 23, 1981, the State Office rejected Peregrine's application, citing the provisions in the management plan barring the application, and finding that Peregrine's proposed use of the site for a high-power commercial broadcasting station would be inconsistent with and would degrade the usability of the site by existing users, including vital governmental services, and also would degrade the visual quality of the mountain top. Peregrine appealed.

[1] Approval of an application for a right-of-way under FLPMA is a discretionary matter. Department of the Army, 51 IBLA 26 (1980); Stanley S. Leach, 35 IBLA 53 (1978). A decision by BLM to reject such an application will be affirmed when the record shows the decision to be a reasoned analysis of all pertinent factors with due regard for the public interest. Id. However, where sufficient reason exists to disturb the decision, it may be modified. Eugene V. Vogel, 52 IBLA 280 (1981); Jack M. Vaughan, 25 IBLA 303 (1976).

We are not satisfied that BLM fully and fairly reviewed appellant's proposal, as modified, and, accordingly, we remand the matter for further consideration.

We are not persuaded that appellant's proposal, as modified, would significantly degrade the visual quality of Grizzly Mountain, even if its facility is located down the slope on Grizzly Mountain Road, as originally planned. Appellant's proposed underground structures, as illustrated in its architect's sketches, are unobtrusive and, if properly painted, would probably not unduly degrade the appearance of the peak.

Nor does it appear that the antenna height would be a significant visual problem under appellant's modified proposal, since it would be

only 15 to 20 feet high and, thus, apparently would not rise above the top of the crest or above the tree line. If this is so, there would appear to be no basis for BLM to disallow appellant's proposal for this reason, notwithstanding the subsequent designation of the site as being within a "no build zone."

The record shows only that appellant offered to "camouflage" any structures built on Grizzly Mountain, and it is unclear as to the exact appearance of appellant's modified antenna. On remand, BLM should require appellant to provide details of these plans and review their visual impacts.

[2] We perceive no reason why BLM cannot rule on the question of radio interference caused by multiple broadcasting in close proximity at the site. While, in the past, the Board looked to FCC to resolve technical problems involving BLM communications sites (Northwestern Colorado Broadcasting Co., 18 IBLA 62 (1974)), 2/ the regulation providing for joint FCC and BLM review of these problems, 47 CFR 1.70, has been eliminated. Although BLM has made FCC aware of the possibility of local interference on Grizzly Mountain resulting from appellant's FM license application, FCC did not rule on the question in its proposed rulemaking, and the Solicitor advises us in BLM's answer that FCC's Broadcast Bureau confirms that there is no longer any procedure under which FCC considers information on such site-related technical questions in the context of BLM's right-of-way review process. Thus, we hold that it is now appropriate for BLM to consider site-related technical questions, such as the question of radio interference here, in order to maximize the use of the communication sites under its management.

We recognize, as evinced by the many statements which appear in the record, that appellant's original plan may have presented a serious potential for destructive interference with other users of the site. However, we are not satisfied that BLM has fully and fairly considered whether appellant's modified proposal will in fact impair the site for other users. We also recognize that it may be difficult to ascertain these facts in advance and that safeguards may be required before Peregrine is permitted to build. However, we cannot affirm BLM's decision to deny the application simply because there is a mere possibility of interference, or because denial will most easily insure that there is no degradation of existing use.

Appellant has already advanced some suggestions on how to achieve compatible use, and the management plan, which wisely dictates a case-by-case analysis of the radio interference problem, specifies various means of countering the problem. The purpose of the remand is to allow appellant an opportunity to define its modified plan specifically and to put into the record evidence, including specific technical evidence, showing that this plan will not result in irremediable interference

2/ To the extent inconsistent with this decision, Northwestern Colorado Broadcasting Co., supra, is hereby overruled.

that is destructive to other users of the site. BLM should allow existing users to respond to this material and may, of course, otherwise supplement the record as it sees fit. If the amended record shows that significant interference would probably result, and that the value of the usability destroyed by the interference would outweigh the benefits of the FM facility to the community that it serves, BLM would be justified in rejecting appellant's application, particularly if other sites are available, a question that is not answered by the record itself.

BLM may also wish to consider the possibility of relocating appellant's and other users' facilities on Grizzly Mountain, consistent with its concern for avoiding unsightliness, in order to mitigate interference with low-power users. Such possibilities might include granting appellant a special temporary authorization or a right-of-way with appropriate restrictive stipulations, or requiring it to post bond against any damages that its operation might cause to existing users. Appellant, of course, bears the burden of proposing and demonstrating the feasibility of any such alternate site management scheme and must agree to bear the reasonable costs of accommodating the site to meet its needs.

We note that BLM cannot reject a request for use of the public lands solely on the basis that granting the right might result in a deluge of similar applications by others. 3/ Eugene V. Vogel, supra at 286. If appellant were able to use the site without significant adverse effect, BLM could examine any subsequent application for a similar use in the same way. If it were determined that the subsequent application would result in interference through cumulative effects or otherwise, BLM could properly reject the application. That is, BLM would be in no way bound to accept a later application simply because it had granted an earlier application.

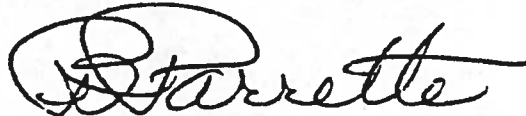
We do not, as the dissent suggests, ignore the fact that BLM did briefly consider and analyze appellant's proposed modifications prior to issuing both its general communications site management plan and its land report and decision concerning appellant's application. We simply hold that the present record does not sufficiently support BLM's conclusion, resulting from this consideration, that appellant's use of the site, even under the proposed modification, would not be in the public interest because it would render the site useless for low-power reception and transmission. At best, the record supports a conclusion that appellant's modified plan presents a possibility of interference with existing users and of "desensitization" of the site. This conclusion does not justify a decision to reject appellant's application.

3/ The decision of the State Office that is the subject of this appeal does not state the danger of similar applications as a reason for rejection. However, the District Manager so stated in his environmental assessment/land report, which forms part of the record on which the decision was based.

The dissent relies greatly on the negative comments elicited from existing users. Without exception, these comments deal with appellant's original proposal to use a 250-foot omnidirectional antenna and to broadcast at 50,000 watts, and were made without reference to appellant's later modified proposal. We would not dispute that the record shows that this original proposal presented so serious a potential for destructive interference that BLM would be justified in rejecting appellant's application. However, it is simply unfair to judge appellant's modified proposal on comments made without reference to it, especially since the later proposal made significant concessions to BLM's legitimate concerns, including reduction of antenna height and broadcast power and use of a directional broadcast beam, and since it alleged that interference could be eliminated as a result.

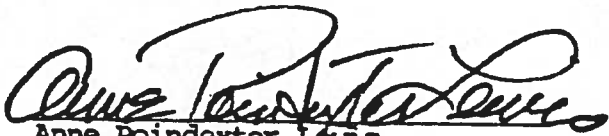
We also do not rely on the technical literature and affidavits submitted by the Solicitor in BLM's answer. While this material is very helpful in describing BLM's concern about on-site interference, it would be unfair to base our decision on it, since it is not part of the BLM record that is properly the subject of our review. Appellant may also have felt that it had no opportunity to respond to BLM's answer, there being no specific provision in 43 CFR Part 4 allowing an appellant to file a reply brief.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the matter remanded for further action as provided herein. 4/



Bernard V. Parrette
Chief Administrative Judge

I concur:



Anne Poindexter Lewis
Administrative Judge

4/ We wish to commend the parties, particularly the Regional Solicitor, for their excellent and instructive briefs in this matter.

ADMINISTRATIVE JUDGE HARRIS DISSENTING:

While I am in agreement with the majority's conclusion concerning the ability of BLM to consider site-related technical questions, I must respectfully dissent from the majority's conclusion that BLM did not fully and adequately consider appellant's proposal, as modified. I believe the majority expressed the proper standard of review to be applied in a case such as this. However, the majority finds sufficient reasons for disturbing the BLM decision; I do not. I would conclude that the BLM decision represents a reasoned analysis of pertinent factors with due regard for the public interest.

Based on the Grizzly Mountain Communications Site Plan (CSP), approved July 16, 1980, the Environmental Assessment, dated August 11, 1980, and public comments, BLM concluded in its January 23, 1981, decision:

The Grizzly Mountain site is being managed and used as a communication site, including microwave, UHF-VHF, low band and low power translator equipment. The applicant's proposal of a high power commercial broadcasting station is inconsistent with these purposes. It is not in the public interest to allow a type of use which would degrade the usability of the site by the large number of existing users, including vital governmental services. The application for a right-of-way for a commercial broadcasting station is therefore rejected.

The majority concludes that appellant's proposal, as modified, was not fully and fairly reviewed by BLM. To the contrary, I believe that appellant's proposal, as modified, was taken into consideration in arriving at the CSP, and that the record supports a finding that BLM properly reviewed appellant's proposal, as modified.

I come to this result in the following manner. The notification of the April 10, 1980, meeting stated as follows: "This is to notify existing users, applicants and other parties interested in the Grizzly Mountain Communications site that comments are being solicited on how best to develop this highly desirable and heavily used site." Attached to the notification was a page titled "Grizzly Mtn. Communications Site Mgmt. Plan Alternatives," which stated:

1. The microwave, UHF-VHF communications group plus TV translators on Grizzly Mtn. only and use alternative sites for other groups.

- (a) Continue with same type program as we've had in the past. Require all grantees to comply with terms and conditions of their individual grants and as these grants expire and need modifications require each facility comply with the management plan as it pertains to building standards, i.e., color, antenna and tower height, etc.

2. Allow all communications groups on Grizzly Mtn.

(a) Same as 1 (a) and locate any broadcast group transmitters below Ochoco Telecasters Transmitter facilities.

3. Establish a building managed by a manager with a fee from multiple users near the present BLM site. Encourage existing users and require all future users to locate within this building. Exclude Pacific Gas, Bonneville Power Administration and Ochoco Telecasters Transmitter facilities and other existing sites that meet the requirements of the management plan. Require performance bonds to assure requirements are met. The multiple user building to be constructed and managed either by:

(a) Private company funds in the form of and exclusive easement to be determined by sealed bid process.

(b) by group of user's consolidating funds to construct building with designated manager.

4. Look at other alternatives in the input process.

Although the case file does not contain any record of the discussion at that meeting, it does include copies of written comments filed with BLM subsequent to the meeting. These comments are summarized, as follows, by counsel for BLM in his answer dated May 22, 1981:

The United States Forest Service in a letter from Forest Supervisor for the Ochoco National Forest strongly opposed the installation of any public broadcasting facility on the Grizzly Mountain. Objection was also received from the Director of Administrative Services of Region 6 of the Forest Service. As discussed in this letter and the affidavit of Forest Service Electronics Engineer Floyd Snyder (attached as Exhibit 11) the Forest Service has several low power transmitters and receivers on the site. These are used for long distance radio control links from Harney County, for central dispatch on the Ochoco National Forest and for Forest Service aircraft operations in central Oregon. These systems provide critical communications during emergencies such as fires and accidents and routine communications the remainder of the time. The Forest Service is concerned that the weak radio signals being received from mobile and portable radios in the field for rebroadcasting from Grizzly Mountain will be masked by the background (ambient) noise level created by a 50,000 watt broadcast signal, that the Forest Service receivers will be desensitized and that a higher probability will exist of intermodulation products because of the continuous carrier of the proposed FM station.

In letters to the BLM from Rheinholdt TV and Communications dated April 2, and April 16, 1980, it was urged that the power of any signal on the site be limited to

1,000 watts to avoid intermodulation problems and the disruption of digital controlling circuits caused by the generation of small spikes of energy by high radio frequency power. Rheinholdt cites examples of this type of problem which it has experienced on Aubrey Butte which it shares with KICE-FM which has a 50,000 watt signal. Rheinholdt also urges that if a 50,000 watt transmitter is allowed on Grizzly, its center of radiation be kept at the 125 to 150 foot level above the top of the mountain to reduce radiation into the communications antennas. This, of course, would require an antenna height well above the 50 foot maximum established by the BLM Management Plan.

In its letter to the Prineville District of April 14, 1980, the Oregon State Highway Division also raised concern about the BLM requirement for short antennas because of the need for vertical separation between some antenna systems. The State also expressed concern about the possibility of a high-power FM broadcasting station being constructed close to its own facility because of past experience with interference problems which it has had in similar situations.

Ochoco Telecasters, Inc. in a letter to the Prineville District dated April 18, 1980, and in a letter to the FCC dated February 15, 1980 (both of which are included in Exhibit 7) strongly opposed the location of a 50,000 watt FM transmitter on Grizzly Mountain because of its incompatibility with existing users. Ochoco operates low powered television translator service on Grizzly for five television channels. The company notes that the second harmonic of the appellant's FM signal will fall in the middle of one of its TV channels and that the 50,000 watt signal will cause oscillation in its preamplifiers.

The Oregon State Department of Forestry also expressed concerns in its letter of April 18, 1980, and requested that user guarantee its continued receiving performance or pay the cost of relocating the State's installation to another site.

In a letter dated April 10, 1980, the Crook County Office of the Sheriff, which has a facility on Grizzly to provide law enforcement and search and rescue capabilities, stated that the amount of wattage which Peregrine proposed to broadcast was completely incompatible with the present users and could result in the operational closing of Grizzly Mountain to many of these users.

In addition Hudspeth Sawmill Company (letter of April 17, 1980) and Pine Products Corporation (letter of April 16, 1980) which both have two way communications on Grizzly, expressed opposition to any FM broadcasting station on the mountain because of incompatibility with their systems.

Besides the objections raised by other users of the Mountain, the BLM has grave concerns that its own radio communications facilities on the site would be interfered with. In an affidavit from Darrel Wolfe, the Telecommunications Manager for the Oregon State Office of the BLM, attached as Exhibit 12, it is pointed out that the Bureau's radio communications facility on Grizzly Mountain is the key unit in the radio system of the Prineville District. This radio net is used for general communications, fire protection, air craft control and search and rescue purposes. As Mr. Wolfe has noted, the introduction of a high powered FM facility on Grizzly Mountain will likely cause problems to the radio reception of the Bureau's transceiver. This will necessitate that the Bureau either make expensive modifications to its equipment or move the facility to another site.

(Answer at 8-11).

Appellant also sent comments to BLM, dated April 23, 1980, in which it urged "the adoption of Alternative 1(a)," ^{1/} and, in addition, it proposed a modification in that it expressed a willingness to lower its antenna height and also to build or share a below ground multiple-user modular building.

Having received appellant's modified proposal in April, we must assume that BLM evaluated it along with other comments in arriving at the CSP. In fact, the CSP states at page 1 that "[b]ased on BLM's receipt of written comments and input received at the April public meeting, the following team has drafted the communications site management plan as outlined below."

Subsequently, BLM developed an environmental assessment, dated August 11, 1980, that recommended that the application be denied. The assessment clearly indicated that the modified proposal contained in appellant's April 23, 1980, letter had been considered. The assessment stated that the rationale for the recommendation was to "provide for the maximum utilization of the communications site by the greatest number of users with a minimum degree of conflict."

The majority appears to ignore that BLM has made a reasoned management decision in its CSP to limit use of Grizzly Mountain to low level frequency users. Appellant's application and modified proposal were part of the record when that decision was made, and the decision was based, at least in part, on the possibility of interference from a high-power facility, such as that proposed by appellant.

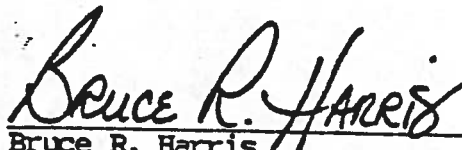
^{1/} It would appear that what appellant actually was endorsing was Alternative 2a, since Alternative 1a appears to be the basis for the position adopted in the CSP.

Therefore, I differ from the majority in that I consider the possibility of interference sufficient in this case to support rejection. The majority states that the possibility of interference is insufficient; there must be a probability. However, since many of the users on Grizzly Mountain (such as BLM, Forest Service, Oregon State Department of Forestry, and the Oregon State Police) provide an important public service for fire, search and rescue, and police protection functions, I find the possibility of disruption of that service to provide a proper basis for the action taken. These are vital communication systems whose service should not be subjected to possible interference when, as in this case, avoidance of such problems is a viable option.

I see no useful purpose being served by a remand. BLM has completed its analysis which involved a thorough study of the problem, input from public meetings and comments, and detailed site planning. In the CSP and its January 23, 1981, decision BLM concluded that the public interest would best be served by protecting the scenic quality of Grizzly Mountain and by providing existing and future users of the site with a compatible environment, insuring the maintenance of operational levels, free of interference. BLM has determined that not allowing high-powered broadcasting transmitters on Grizzly Mountain will permit maximum use of that part of the public land.

Based on my review of the record I would hold that there is adequate support in the record for BLM's decision to reject the application; that BLM gave full and adequate consideration to appellant's application and proposed modification; and that appellant has failed to supply sufficient reasons to change the result. 2/

I would affirm the BLM decision.



Bruce R. Harris
Administrative Judge

2/ Appellant asserts that alternative radio transmission sites are "virtually nonexistent." Appellant states, "virtually all reasonable communication sites are under the control of BLM or Forest Service. By rejecting the Right of Way Application, the BLM has effectively killed the possibility of a new FM station which is greatly needed by residents who currently do not have 24 hour radio coverage." First, it should be pointed out that rejection of this application for Grizzly Mountain does not foreclose the acceptance of an application for another site by either BLM or Forest Service. And even though appellant contends that no suitable alternative sites are available, counsel for BLM in his discussion of alternatives sites in his answer states that a number of potential sites exist (Answer at 16-18). Included with the answer is a map (Exh. 1) indicating these sites.

Exhibit M



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS INTERIOR BOARD OF LAND APPEALS

4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

WILLAMETTE LOGGING COMMUNICATIONS, INC.
SPRINGFIELD RADIO COMMUNICATIONS, INC.

IBLA 83-327

Decided April 10, 1985

Appeal from decision of the Eugene, Oregon, District Office, Bureau of Land Management, dismissing protest against radio communications site right-of-way OR 28799.

Appeal dismissed.

1. Federal Land Policy and Management Act of 1976: Rights-of-Way--Rights-of-Way: Applications--Rules of Practice: Protests

In adjudicating a protest against an application for radio communications right-of-way, the Bureau of Land Management is required by 43 CFR 4.450-2 only to consider and decide matters which are proposed to be done. Where an application for right-of-way has already matured into a functioning use, a protest against the proposal upon which the use was initiated must be dismissed.

APPEARANCES: Joel S. Kaplan, Esq., Eugene, Oregon, for appellants.

OPINION BY ADMINISTRATIVE JUDGE ARNESS

On June 23, 1982, the Eugene, Oregon, District Office, Bureau of Land Management (BLM), published notice in a local Eugene newspaper soliciting proposals prior to August 16, 1982, to enable development of a two-way radio transmission site on Buck Mountain, near Eugene, capable of serving at least 20 two-way radio users. Prior to publication of the June 23 notice, BLM had initiated a plan for future development of an existing radio site at Buck Mountain, and had obtained in response an application for right-of-way filed by Motorola, Inc. (Motorola), on August 7, 1981, which proposed detailed specifications for a radio building and a tower 140 feet in height. At the time of the application by Motorola, the Buck Mountain site was occupied by three buildings with adjacent antennae which served 15 other radio users including appellants Springfield Radio Communications, Inc., and Willamette

Logging Communications, Inc. Both the proposed and the existing Buck Mountain stations employ unmanned microwave and UHF-VHF communications equipment for two-way radio transmissions.

In the course of the radio-site plan development a meeting was held on January 26, 1982, which was attended by representatives of both appellants, Motorola, BLM, and other interested two-way radio users. The possibility for interference with appellants' existing radio transmissions by the additional radio facilities as proposed by Motorola was discussed. Later, in a May 12, 1982, letter to BLM, appellant Springfield Radio Communications, Inc., commented upon an April 5, 1982, draft plan of site development furnished by BLM to appellants and other interested parties. The BLM plan proposed on April 5 included construction of a building to house multiple radio-user equipment and erection of a tower no more than 50 feet in height, unless justification could be supplied for construction of a higher antenna. Three suggestions were made by appellant's May 12 letter concerning placement of the proposed radio facilities on the ground and allocation of costs between users arising from electromagnetic interference with existing facilities by the new station. Motorola also responded to the April 5 plan by letter dated May 7, 1982, which explained reasons why, if the proposed new radio facility were to be able to serve numerous users, it would require a tower higher than 50 feet.

Meantime, public comment received by BLM concerning the need for increased user capability for the Buck Mountain site indicated increased public interest in use of the site extending beyond the capability of the existing facilities. Following comment by users and the general public, the notice of June 23, 1982, soliciting proposals for expansion of the Buck Mountain site was published. The published notice, which was also directly furnished to known interested parties including appellants, did not include detailed design specifications. The design specifications were referred to by the June 23 notice and were available from BLM. They were, however, changed from those appearing in the April 5 draft so as to permit construction of a radio building 12 feet high and a tower 150 feet in height. By letter dated June 24, 1982, BLM informed Motorola that its right-of-way application would be treated as a proposal under the June 23, 1982, notice if specified additional information were provided. On October 1, 1982, the Motorola proposal was approved by BLM and a right-of-way granted to permit construction and operation of a multiple-user radio facility at Buck Mountain.

On December 6, 1982, appellants protested the grant to Motorola of rights-of-way for all purposes sought in connection with construction of the proposed tower and building and use of the Buck Mountain site. The protest recites appellants learned that Motorola had begun construction of a communications facility at Buck Mountain without a prior notice from BLM to appellants so as to provide them an opportunity to comment upon the construction. The protest complains that the tower height of the Motorola facility exceeds 50 feet, a variance from the proposed model commented upon during planning. The protest recites the higher tower will interfere with appellants' signals at the existing Buck Mountain stations and states the higher structure is not justified.

Appellants' statement of reasons expands upon this argument. Appellants point out that the tower and radio building are not in the positions

shown on Motorola's original design drawings submitted on July 23, 1981, but that the position of the two structures has been reversed. This results in a positioning, according to appellants, of the Motorola antenna next to appellants' towers, so as to mask their signals. To support this argument, an engineer's report is offered to describe the effects tower height and location will have upon signals to and from appellants' towers. The engineer's report, exhibit G to the statement of reasons, indicates, however, that the tower is complete and the facility is operating.

Appellants contend the right-of-way grant is defective because BLM violated provisions of 43 CFR 2800.0-2(c) and (d), 2802.3-4, and 2802.4(d)(1) and (d)(3) (1981). Thus, appellants contend BLM has (1) failed to require preparation of an environmental protection plan, or (2) an environmental analysis of the site development; and (3) has failed to ensure technological compatibility, (4) coordinate with local governments, or (5) consult with the Federal Communications Commission (FCC) concerning radio signal interference, in violation of Departmental regulations. Further, appellants claim they were denied their right to notice and comment accorded by Section VA4 of the Buck Mountain Communication Site Management Plan dated May 27, 1982, which provides:

Communications Site Application, Form 2860-1, as an attachment to the application, and the Radio Communication Technical Data Worksheet. After preliminary adjudication of the application has been completed, the Eugene District will send letters to all existing site users informing them of the new application and allowing 30 days for submission of comments. Comments which pertain to the technical electronic aspects of the proposal should be sent directly to the FCC or IRAC [Interdepartmental Radio Advisory Committee, with a copy to BLM. All comments should make reference to the applicants [sic] FCC/IRAC file number and city of broadcast. This information can be obtained directly from the applicant.

(Plan at 6).

[1] Arguments advanced by appellants claiming that BLM failed to comply with environmental control requirements imposed by Departmental regulation are not supported by the record on appeal. The BLM case file supplied contains a reasoned environmental assessment review completed on July 12, 1982, recommending against preparation of an environmental impact statement. This recommendation was adopted by BLM on July 14, 1982, in apparent compliance with 43 CFR 2802.3-4. An environmental assessment report (EAR) concerning the proposed use of the Buck Mountain site, approved July 12, 1982, also appears in the case file, in conformity to requirement of 43 CFR 2802.4(d)(1). The EAR discusses the effects of the proposal for increased use of the radio site upon wildlife, plants, water and air, and existing infrastructure. The EAR concludes the proposed construction is consistent with environmental concerns and reasonably required by indicated radio user demand. A supplemental EAR analyzing the impacts of Motorola's right-of-way application was approved August 23, 1982.

Appellants' statement of reasons and supporting engineer's report establish appellants are concerned primarily with the effect of electromagnetic

interference upon their radio signals at Buck Mountain. While they argue that this perceived interference is related to the placement and size of the Motorola tower, past decisions by this Board indicate that, at least so far as concerns the signals themselves, frequency transmission questions ought primarily be addressed to FCC. See, e.g., James W. Smith, 44 IBLA 275, 283 (1979).

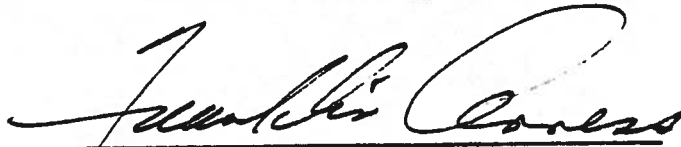
However, as appellants point out, coordination and cooperation between BLM and FCC are required by 43 CFR 2802.4(d)(2) and (3) to ensure proper consideration is given to the rights of existing radio users when new applications for communication rights-of-way are considered. This coordinating responsibility was recognized by BLM when it summarized its duties in this regard at section V of its Buck Mountain Communication Site Management Plan:

It is an objective of the Bureau to assure proper coordination of Bureau procedures with the procedures of the Federal Communications Commission (FCC) and the Interdepartmental Radio Advisory Committee (IRAC) in processing communication site right-of-way applications. The FCC grants station assignments to non-governmental users; IRAC grants station assignments to government users. The Eugene District also intends to coordinate the consideration of future use authorizations with Willamette Industries and the public agency users presently situated on the adjoining private land.

(Plan at 5).

The record on appeal indicates that the communications site construction which appellants protested to BLM has, however, already taken place. Although the rule formerly was, as indicated in Smith, supra at 281, that once a protest of a communications right-of-way is received, all agency action should be suspended until the protest is decided, that is no longer true in cases involving rights-of-way. See 43 CFR 2804.1. See also 43 CFR 4.21(a). Be that as it may, in this case it is now apparent that, whatever the cause for appellants' failure to protest prior to the construction of the tower by Motorola, it did not make its objection to an "action proposed to be taken," but delayed until after the action was an accomplished fact. Departmental regulations and past decisions of this Board establish that an appeal coming before this Board from the denial of an untimely protest must be dismissed. 43 CFR 4.450.2; Horizon Exploration Co., 72 IBLA 43 (1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed.



Franklin D. Arness
Administrative Judge

I concur:



Will A. Irwin
Administrative Judge

ADMINISTRATIVE JUDGE BURSKI CONCURRING IN THE RESULT:

I agree that the protest filed by appellant Willamette Logging Communications, Inc., was not timely made under the applicable regulation, 43 CFR 4.450-2, and could not, therefore, be considered. See Goldie Skodras, 72 IBLA 120 (1983). Moreover, even if we treat its protest as an appeal from the grant of the right-of-way to Motorola, Inc. (Motorola), it was still clearly untimely. See 43 CFR 4.411.

Matters are less certain concerning the original protest filed on behalf of Springfield Radio Communications, Inc., on September 24, 1981. Clearly, this protest was filed prior to the grant of the right-of-way to Motorola. While this protest was apparently never directly dealt with by the District Office, it is obvious that the District Office considered that it was handling the protest in the course of its preparation of the management plan for the Buck Mountain Communication site. This would account for the fact that it was never expressly denied. In any event, however, appellants do not now assert that this earlier protest remained viable, and I think they must be estopped from asserting that this protest remained pending until December 3, 1982, when they submitted their second protest.

But, while I agree that this appeal must be dismissed under our procedural precedents, I think one of the matters which appellants have sought to raise, i.e., the role of the Bureau of Land Management (BLM) in policing communication sites to prevent electromagnetic interference with other licensees, may need considerable further examination both by BLM and, ultimately, this Board.

While it is true that in earlier cases such as James W. Smith, 44 IBLA 275 (1979), this Board indicated that concerns about electromagnetic interference should properly be addressed to the Federal Communications Commission (FCC), we subsequently noted in Peregrine Broadcasting Co., 62 IBLA 133 (1982), that the regulation which provided for joint FCC and BLM review of the question of radio interference caused by multiple broadcasting in close proximity at a site, 47 CFR 1.70, had been eliminated. This led the Board in that case to conclude that BLM properly considers such impacts in its issuance of communications site rights-of-ways. Id. at 138.

Moreover, appellants have submitted a report which indicates that historically neither the FCC nor the IRAC (Interdepartmental Radio Advisory Committee) has dealt with the "problem of electromagnetic compatibility generated by facilities operating in close physical proximity (up to several thousand feet) of each other or the shadowing of coverage of one facility by another due to close proximity," instead focusing on the problems of radio interference between spectrum users involving assumed separations of miles between the facilities. See Skinner Report on "Investigation of Adverse Impacts of Motorola Installation on BLM Land, Buck Mountain Oregon" at 2. Thus, even were the prior regulations still in effect, there is reason to believe that, unless BLM attempted to regulate the situation, no one else would. If such were the case, I think it would be incumbent upon BLM to step into the void.

While it is recognized that the Federal Government does not normally grant an exclusive right-of-way to an applicant, it is equally clear that the right of the Government to grant subsequent rights-of-way to secondary users is subservient to the right of the initial grantee not to have his permitted use interfered with. Thus, while the Government is free to grant rights-of-ways to secondary users, it can do so only where the effect of such grant is not to diminish the rights which it has already granted to earlier applicants. Therefore, if, in point of fact, a secondary use does result in interference with an earlier permitted use, such interference represents an infringement on BLM's earlier grant which BLM is obligated to attempt to ameliorate, even to the point of cancelling a subsequently issued right-of-way.

I note in the instant case that the Motorola tower has already been constructed. Thus, the question whether or not the tower results in electromagnetic interference is no longer a hypothetical one, but rather can be determined with some exactitude. If, in fact, electromagnetic interference is occurring which can be attributed to the effects of the tower, it is now BLM's obligation to attempt to rectify it, either by requiring Motorola to move the tower or by making such other arrangements as may be deemed efficacious. Thus, if appellants were correct in their fears that the tower would adversely affect their transmissions, they have a right, independent of their right to protest issuance of the right-of-way, to have such adverse effect remedied. Should BLM fail to respond to such a complaint to appellants' satisfaction, they could, at that time, seek review by this Board. However, inasmuch as the specific protest which they filed was untimely, I concur in the dismissal of this appeal.

James L. Burski

James L. Burski
Administrative Judge

Exhibit O

HUALAPAI MOUNTAIN USERS ASSOCIATION

CONSTITUTION

ARTICLE I

SECTION 1: Identification

This organization shall be called the Hualapai Mountain Users' Association, hereinafter referred to as "the Association".

SECTION 2: Purpose

The purpose of this organization shall be threefold:

To provide a cooperative forum for all users to resolve existing and possible future electromagnetic interference problems;

To provide coordination of funds and labor for maintenance and snow removal on the portion of the site access road which must be maintained by and for existing users; and

To provide recommendations on behalf of all users to the Site Manager, the United States Bureau of Land Management ("Bureau"), regarding compatibility of proposed equipment additions or modifications, and any other matter relating to the users' use and occupancy of Hualapai Mountain.

SECTION 3: Scope

This Association shall include the two sites described in Exhibit A, known as the Hayden Peak and Potato Patch sites.

ARTICLE II

SECTION 1: Membership Qualifications

All primary users of the two sites shall be members in good standing of the Association, as required in the Bureau's Right of Way Agreement.

SECTION 2: Definition of "Good Standing"

Members shall be in good standing when all Association fees and assessments are paid, and when they are in compliance with the Association's Constitution and By-laws.

SECTION 3:Definition of "Primary User" and "Principle User"

A Primary User is the site owner of a single-user site or the site manager of a multiple-user site.

A Principle User is a user in a multiple-user site who has enough equipment and investment in that site to be directly assessed for Right-of-Way fees by the BLM.

ARTICLE III

SECTION 1:Association Offices

The Association shall be coordinated and guided by a panel of Officers consisting of President, Vice President, and Secretary/Treasurer. Each office shall be assigned to the elected organization. The member organization shall be responsible for reassigning the Association Officership within itself when its representative changes employment or duties.

SECTION 2:Elections

Officers shall be elected by roll call vote at the annual meeting, and shall hold office until the next annual meeting. The outgoing officers shall conduct the annual meeting, brief the new officers, relinquish all pertinent documentation, and then transfer control to the new officers.

ARTICLE IV

SECTION 1:Voting

Each member or member organization in good standing who is also a Primary User shall have one vote.

SECTION 2:Amendments

Amendments to the Constitution may be made at the annual meeting only. Proposed changes must be distributed to all Primary Users and any other directly affected parties at least 30 days before the meeting.

An amendment must be passed by a two-thirds majority all votes cast. Votes may be cast in person, by written proxy carried by an attending member, or by a pre-written decision. If there are any votes cast by pre-written decision, however, and those votes are part of the two-thirds majority, the amendment must be passed exactly as it was written in the advance notice.

HUALAPAI MOUNTAIN USERS' ASSOCIATION

BYLAWS

ARTICLE I

SECTION 1: President's Duties

1. Arrange for and preside at the annual meeting of the Association.
2. Represent the Association in public meetings and meetings with the Bureau of Land Management.
3. Supervise the work of the other officers to assure coordination of efforts and on-time completion.
4. Approves and signs all Association expenditures.

SECTION 2: Vice-President's Duties

1. Assume any or all of the President's duties, given appropriate notice, if the President is not able to fulfill them.
2. Monitor site inspections to assure fair and impartial results.
3. Coordinate and direct committee work.
4. Promote cooperation among users.

SECTION 3: Secretary-Treasurer's Duties

1. Prepare outgoing Association correspondence and present to President for approval and distribution
2. Disseminate incoming correspondence to directly affected users.
3. Record minutes at annual meeting, and keep members apprised of meetings and planned activities which affect the Association, including annual and public meetings.
4. Maintain all files, records, and accounts, keeping them current and accurate. All Association documents shall be open for inspection by any member.
5. Prepare all checks and payments and present to the President for approval and signature. Record all transactions, including date, amount received or disbursed, from or to whom, and for what purpose.

ARTICLE II

SECTION 1: The Financial Committee shall be an ad hoc committee, appointed by the President, which shall audit the Treasurer's financial records just prior to the annual meeting, and present a report of its findings at that meeting.

SECTION 2: The Technical Committee shall be a standing committee which prepares and maintains the Technical Guidelines with which all users must ultimately conform. It shall consist of members of the Association, one representing each Primary User. The committee shall select a Chairman, who shall represent the Association in technical matters. The committee shall also help the Bureau conduct annual site inspections and prepare a report of the results, to be presented at the following annual meeting. It shall perform other duties of a technical nature as deemed necessary, like evaluating the compatibility of proposed additions or modifications and recommending acceptance or rejection to the Bureau.

SECTION 3: The Road Committee shall be a standing committee which monitors the condition of the road and prepares a report for each annual meeting. When the Association decides that conditions warrant repair or snow removal the Committee shall research the work, exploring all cost, complexity, and contracting options. The Road Committee shall present its findings to the Association and implement the approved plan of action. In emergencies, the Vice-President may evaluate the immediate need and, with the President's approval, implement appropriate action.

ARTICLE III

SECTION 1: Assessments

An annual assessment shall be made upon all Primary Users to provide funds for operational expenses. Special assessments may be made and apportioned as approved by the membership.

SECTION 2: Maximum and Actual Assessment

The total annual assessment, comprised of all Primary User assessments, shall not exceed \$5,000.00. Setting a maximum simplifies fiscal planning for all members. The actual annual assessment shall be based on recommendations made by the Treasurer and Road Committee at the Annual Meeting, and shall be approved by a simple majority of the eligible members present.

SECTION 3: Formula

The operational expenses shall be divided among all Primary Users according to the following formula: 50% of the total shall be divided evenly among the Primary Users (eight the first year). This amount is the site charge. The remaining 50% shall be divided by the total number of transmitters, and the resulting quotient is the cost per transmitter.

Each Primary User's annual assessment will therefore consist of two parts: the site charge, and the cost per transmitter multiplied by that user's total number of transmitters.

SECTION 3: Proration, late penalties, enforcement, collection

TO BE DETERMINED AT THE 1986 ANNUAL MEETING.

ARTICLE IV

SECTION 1: Technical Standards

Adherence to these Standards will minimize physical damage and rf interference, thus providing for improved electromagnetic compatibility of all users.

TRANSMITTERS

- A. All transmitters shall be FCC Type Accepted or meet Type Acceptance criteria.
- B. All transmitters shall have protective devices, designed-in or externally installed, to prevent interference to others:
 - 1. Direct radiation of out-of-band emissions (i.e. transmitter wideband noise, spurious emissions, harmonics) shall be reduced to a non-interfering level by using bandpass, low-pass, and/or harmonic filtering. Band-reject filtering may be required in certain applications.
 - 2. Re-radiation of signals from a transmitter and its associated antenna system shall be prevented by installing appropriate devices (i.e. ferrite isolators), with a minimum return loss of 25dB.
- C. Transmitter power output shall not exceed 120 Watts. The Effective Radiated Power (ERP) shall not exceed 1,200 Watts. Microwave point-to-point systems shall be exempt from this requirement.

RECEIVERS

- A. All receivers shall comply with all applicable Parts of the FCC Rules, including Parts 2 and 15.
- B. All receivers shall have sufficient "front-end" pre-selection to prevent receiver spurious response.

The use of bandpass or band-reject cavities or crystal filters may be required to prevent receiver-produced intermodulation or adjacent-channel interference.

ANTENNAS, FEEDLINES, AND SUPPORT STRUCTURES

- A. All antennas and transmission lines, including those not in immediate use, shall be terminated in their characteristic impedance to prevent reradiation of intercepted signals or noise.
- B. All coaxial transmission lines shall be double-braided or solid-shielded and jacketed.
- C. All steel towers shall meet EIA Standard RS222C, Structural Standards for Steel Antenna Towers.
- D. All tower construction shall meet manufacturers' recommended specifications for ice and wind for this area.
- E. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- F. Anti-climb devices, removable steps, or other means to discourage unauthorized climbing, are highly recommended.

ELECTRICAL

- A. All electrical facilities, equipment, and the installation thereof, shall conform to the most recent edition of the "National Electrical Code", local laws and regulations.
- B. All permanent AC wiring shall be installed in metallic conduit.

BUILDINGS

- A. All buildings and structures shall conform to the latest edition of the "Uniform Building Code", local laws and regulations, at the time they are built.
- B. All metallic materials used in building construction shall be galvanized, plated, or coated. Dissimilar metals shall not be placed in contact with each other in such a manner that could create a galvanic junction.
- C. Buildings shall be designed and installed to withstand severe weather conditions.

SITE AND EQUIPMENT GROUNDING

All equipment racks and cabinets controlled by each Primary User shall be bonded to a common ground for that user's site. This ground system shall also maintain a common bond for external equipment (i.e. generator, LPG tanks, tower).

MISCELLANEOUS EQUIPMENT

Any miscellaneous equipment that could cause harmful interference shall be adequately shielded.

HOUSEKEEPING

Housekeeping has environmental, visual and aesthetic impact. It further has an electromagnetic compatibility impact. Debris which is permitted to remain adrift, and the residue of construction, installation, removal, modification, or other evolutions, raises the noise "floor" for all users and gives rise to intermodulation potential which often defies identification. No debris shall be allowed to accumulate.

SECTION 2: Grandfathering and Enforcement

A. Grandfathering

1. New users, new installations, and changes of equipment shall comply with all Technical Standards at the time of construction or installation of equipment.
2. Existing users and equipment shall comply with the Technical Standards within the time frame specified at the annual inspection, if any non-compliance is found.

B. Enforcement: Annual Inspection

1. The Technical Committee and the Bureau shall conduct an annual inspection of each Primary User's site. This inspection will verify:
 - a. compliance with Technical Standards,
 - b. structural integrity,
 - c. electromagnetic compatibility,
 - d. general safety,
 - e. as-built plan accuracy.
2. Any non-compliance found shall be recorded by the Bureau. The record shall include:
 - a. a description of the offense,
 - b. what corrective action is required,
 - c. the name and address of the responsible party or organization,
 - d. time frame for completion of corrections.
3. Copies of Non-compliance reports and user responses shall be forwarded to the Technical Committee Chairman for incorporation into the annual report.
4. The Bureau shall provide written notice of the scheduled inspection date at least 30 days in advance, and each Primary User shall arrange to have personnel available at the site at the time of the inspection.

SECTION 3: When Interference Occurs:

- A. All users shall cooperate with this Association and the Bureau in identification and correction of any interference-related problems.

- B. Neither this Association nor the Bureau shall recognize interference complaints from users who are not in good standing.
- C. New site applicants may be required to furnish an intermodulation study or other interference-related data before the application can be evaluated.
- D. The Technical Committee may request a field test for compatibility at the expense of the applicant before recommending acceptance or rejection of the application.

ARTICLE V

SECTION 1:Annual meeting

The annual meeting shall be held in Kingman, Arizona. The first annual meeting will be held during the 3rd week in February, 1986. Subsequent meetings will be scheduled at the annual meetings, and timed to follow the annual inspections by at least two months.

SECTION 2:Advance notice

The annual meeting notice shall be distributed no less than 30 days before the scheduled date. It shall include the date, time, place, and agenda items for the meeting. If any guests are scheduled to attend, that information should also be included.

SECTION 3:Order of Business

Robert's Rules of Order shall be followed in all procedural matters.

Meetings shall have the following general form:

- A. Call to order
- B. Sign-in
- C. Reading of minutes of last annual meeting
- D. Report of Financial Committee
- E. Report of Technical Committee
- F. Report of Road Committee
- G. Determination of standing of members
- H. Old business
- I. New business
- J. Election of officers
- K. Appointment of committees
- L. Comments from members
- M. Adjournment

ARTICLE VI

SECTION 1: Amendments to the Bylaws at annual meeting

The Bylaws may be amended at the annual meeting by a two-thirds majority of all votes cast, including proxy and pre-written votes.

SECTION 2: Amendments to the Bylaws by mail

The Bylaws may also be amended by mail. The proposed Amendment(s) shall be mailed to all members in good standing with a 30-day response period from date of mailing. A signature sheet shall be circulated among voting members to record their concurrence or non-concurrence. The amendments may be passed if two-thirds of all eligible members concur in writing to the amendments as worded in the mailing.

We, the undersigned, duly appointed members of the Hualapai Mountain Users' Association Constitution and Bylaws Committee, hereby ratify the Constitution and Bylaws above and agree to support them.

NAME/TITLE	MEMBER ORGANIZATION/OFFICE	SIGNATURE	DATE
R. C. ASHTON CHAIR	WESTERN AREA POWER ADMIN. ELECTRONICS ENGINEER	<i>R. C. Ashton</i>	8/19/85
CARL ROBINSON VICE PRESIDENT	AMERICAN TELEPHONE & TELEGRAPH LONG LINES DIVISION	<i>Carl Robinson</i>	8/21/85
ROBERT L. RICHMOND PRESIDENT	ARIZONA PUBLIC SERVICE CO. SUPERVISOR, COMMUNICATIONS	<i>Robert L. Richmond</i>	8/19/85
HAROLD WIRTH	EL PASO NATURAL GAS CO. COMMUNICATIONS SUPERVISOR	<i>Harold Wirth</i>	8-21-85
L. J. SIMPSON	BLACK MESA PIPELINE COMMUNICATIONS SUPERVISOR	<i>L. J. Simpson</i>	8/20/85
JACK TRAHAN	WECOM, INC. PRESIDENT	<i>Jack Trahan</i>	8-23-85
KEN NELSON	ARIZONA DEPT. OF PUBLIC SAFETY COMMUNICATIONS SUPERVISOR	<i>Ken Nelson</i>	8-20-85
ROGER G. TAYLOR	BUREAU OF LAND MANAGEMENT AREA MANAGER	<i>Roger G. Taylor</i>	8/26/85