

ATTACHMENT 2



A. BACKGROUND

In April of 1984, the Bureau of Land Management completed a compliance examination of the land uses being practiced in the Hualapai Mountain Park southeast of Kingman, Arizona. The findings concluded that a number of the communication site users within the Park were operating for private convenience and that such uses were in conflict with the terms of the patent that granted the land to Mohave County.

As a result of the findings, the Mohave County Board of Supervisors offered the Bureau of Land Management a Quit Claim Deed to 32.5 acres of Park land that consists of two (2) communication sites, one being 10 acres in size and the other 22.5 acres. Exhibit A provides location maps and geographical information for each site which will be referred to as the Hayden Peak and Potato Patch Communication Sites. The United States accepted title to the land on August 24, 1984.

When the Bureau of Land Management assumed jurisdiction of the communication sites, we notified all existing users that their rights of occupancy would be recognized. However, each user was requested to submit a right-of-way application identifying any sublessees, frequencies, and types of facilities. It has been BLM's intent to prepare communication site plans for the purpose of maximizing the site potential without degrading the quality or sensitivity of the site. It was therefore necessary to call a user group meeting to obtain the essential site inventory information, as well as to address any existing communication problems on the sites.

The first user meeting was held on December 19, 1984. A copy of the agenda is attached as Exhibit B. Generally, the meeting was held to give the users an opportunity to meet one another and to explain the transfer of the land and the federal right-of-way requirements. The users were asked to consider the formation of a user association including by-laws and minimum acceptable site standards.

In each case, the existing users occupy low power facilities, less than 100 watts. Occupants of the Potato Patch Site include Arizona Public Service, American Telephone and Telegraph, and the Department of Public Safety. The uses include land-mobile, two-way, and microwave. The maximum tower height is 140 feet. The Hayden Peak Site is occupied by the Western Area Power Authority, El Paso Natural Gas, BLM, and WECOM (Western Electronics). Uses include land-mobile, two-way, microwave, and TV translator. A list of current frequencies for each site is attached as Exhibit C. The Potato Patch Site accommodates 29 transmit and 31 receive frequencies, while the Hayden Peak Site accommodates 52 transmit and receive frequencies. The group agreed to meet again on February 27, 1985, to express their interest in forming an association.

During the interim, the Bureau of Land Management received numerous requests from private commercial users as to the availability of a site on either the Hayden Peak or Potato Patch Communication Site. Given the number of inquiries and the need to determine present and future communication demands for space on the sites, it was determined to hold a public meeting on February 26, 1985.

The public meeting provided the opportunity for the existing low power users to meet, first hand, those members of the communications community who would be interested in constructing a range of facilities from community repeaters to high power FM transmitters. The greatest controversy involved the high power FM proponents who did not share the desensitizing concerns expressed by the low power users. The audience was advised that the sites were currently closed to applications but would be opened in the near future. Those wishing to be considered as possible future users were requested to submit site proposals which would be used in formulating site compatibility and potential for future development.

The second user group meeting was held on February 27, 1985. The group agreed to form a user association to be called the Hualapai Mountain Users Association. The group voted to include Black Mesa Pipeline as a member since the County has required the company to move its facilities off the Park land. Black Mesa therefore requested a site on the Potato Patch Communication Site for land mobile and microwave purposes. In addition, the group elected officers and established committees to develop a Constitution and By-laws and to evaluate site standards. A copy of the meeting minutes have been attached as Exhibit D. Numerous committee meetings have taken place since the user group meeting, however, to date a Constitution and By-laws have not been completed.

On April 11, 1985, the Hualapai Mountain Communications Site Technical Standards Committee submitted their recommendations for minimum acceptable site standards for the Potato Patch and Hayden Peak Communication Sites. A copy of the site standards are attached as Exhibit E. Of importance is the fact that the user group recommends a maximum transmitter output of 120 watts and a maximum Effective Radiated Power (ERP) of 1,200 watts with microwave point-to-point systems being excluded from this proposed requirement. The compliance period for existing users to bring their facilities and equipment up to the minimum standard will be established in the Constitution and By-Laws.

B. PRESENT SITUATION

As of May 8, 1985, the Hayden Peak and Potato Patch Communication Sites were opened to the public land laws, specifically those relating to communication site right-of-ways. On May 8, 1985, the BLM Kingman Resource Area Office accepted a right-of-way application from Mohave Sun Broadcasting who has made application for an FM broadcast facility on the Hayden Peak Site. In February of 1985, Mohave Sun Broadcasting submitted an application to FCC requesting a modification of their construction permit BPH830907AF which was issued for a site located in Kingman proper. The application is attached as Exhibit F. The FM proponent requested the move to the Hayden Peak Site since its previous site was below average terrain and would result in a less than Class C licensing. Their previous site location is shown in the photo attached as Exhibit G.

The FM applicant, KZZZ, intends to construct an FM broadcast facility at 94.7 MHz with an ERP of 25.226 KW. The tower is to be self-supporting at a total height of 138 feet AGL. The FM proponent authorized the distribution of the FCC application to all existing users on or near the Hayden Peak and

Potato Patch Sites. Adverse comments were received from five (5) existing users including Black Mesa Pipeline (Exhibit H), Arizona Department of Public Safety (Exhibit I), Arizona Public Service (Exhibit J), El Paso Natural Gas Company (Exhibit K), and Western Area Power Authority (Exhibit L). In summary, the users do not believe that KZZZ's engineering consultant made an adequate minimal non-interference case. All users note that desensitization of the sites will occur and that the use of by-pass devices and isolators cause reductions in the order of 6dB for receivers and/or transmitters. Recommendations are generally consistent when addressing an alternative site removed from the existing low power sites that would be available for high power facilities.

In addition to the FM broadcast application, the Bureau of Land Management has received inquiries from amateur radio clubs, FM radio translator operators, micro-wave telephone services, groups seeking space for multi-user buildings and guyed tower locations, and companies seeking pager and community repeater sites. These particular uses are to be evaluated in the communication site plans as potential future uses and a determination made as to their compatibility in electronic, as well as, geographic terms.

C. PROPOSED ACTION

The Bureau of Land Management, Kingman Resource Area intends to develop and implement a communication site plan for the Hayden Peak and Potato Patch Sites. The first phase of the plan involves the survey and mapping of the sites which is to commence during the week of May 20, 1985. The second phase will involve the preparation of an environmental assessment and the development of site specific environmental guidelines that will address structural developments, tower heights, and overall visual contrasts.

Each site will be evaluated in terms of existing uses, their location, and the overall site standard. The Hayden Peak Site is shown in the photo attached as Exhibit M. The photo notes the locations of El Paso, WAPA, and WECOM (Western Electronics) facilities, as well as depicts the limited space available for structural and antenna development.

WECOM is under contract by Mohave County to provide TV translator services for channels 82, 78, 72, 70, 68, 66, and 60. The 80 and 70 channels are being converted to the 50 and 40 range within the next few months. To provide for the frequency range, WECOM intends to install a 75 foot antenna on the top of the peak. The photo attached as Exhibit N depicts the location of the TV translators and the BLM site on the peak.

The following photos depict the condition of the site in terms of site standards as of April 1985



Antenna cables, etc. to towers on top of peak.



Antenna guy connects on top of peak.

Environmentally, Hayden Peak is an extremely adverse site. Winds are extremely gusty which contribute to severe icing problems during the winter months. Winter access is generally limited to snowcats or other similar tract vehicles. These factors coupled with the fact that any-new tower structures would be skylined and may detract from the scenic value of the Hualapai Mountain Park, may result in the imposition of a maximum tower height that may be contrary to FM and TV broadcast need.

This portion of the communication site plan must also deal with the FM broadcast proposal and its possible effects on the adjacent low power users on Hayden Peak. Site consolidation may be essential to provide additional space on an already geographically limited development area. Requiring the existing users to consolidate and upgrade site standards immediately is not considered a reasonable alternative.

The Potato Patch Site is located at a lower elevation and is shadowed to the east by a high rocky ridge. A photo of the site is attached as Exhibit O. The users include Arizona Public Service, AT&T, and the Arizona Department of Public Safety. DPS owns and operates the 140 foot tower picture in the center of the photo. This site will be utilized by Black Mesa Pipeline who has been required to relocate its microwave and two-way radio facility, including a 120 foot tower, off the County Park. In terms of towers and ground cables, this site is much "cleaner" than Hayden Peak. Due to its lower elevation and shadowing by an adjacent rocky ridge, this site is not in as much of a demand as Hayden Peak. Potential users include FM translators and multi-user facilities for pagers and community repeaters.

Environmentally, it is buffeted by gusty winds but not to the degree as experienced on Hayden Peak. Access is also not as difficult during the winter months. As in the case of Hayden Peak, tower height may be restricted in an effort to avoid further visual impacts to the Hualapai Mountain Park. A further consideration, is the refraction that would be experienced due to the rocky ridge lying east of the site.

Immediately to the northwest of the Potato Patch Site approximately 1000 feet is a site operated by the Santa Fe Pacific Railroad. The site is on private land and is shown on the following photo as it appears from the Potato Patch location.



Santa Fe site on private land.
Kingman is shown in the background.

In the Bureau's evaluation of the Hayden Peak and Potato Patch Communication Sites, a determination must be made as to the highest and best use off each site with full consideration given as to the rights of the existing users and the compatibility problems that may occur as a result of allowing new users and/or uses on the site. Of immediate importance, is the discussion and evaluation of the FM broadcast proposal pending on the Hayden Peak Site. While it may be proper for the Bureau of Land Management to identify alternative sites that may accommodate high power users exclusively, it is essential that BLM thoroughly evaluate the positive and negative effects associated with the FM proposal and location and make a determination which will assure maximum utilization while ensuring the integrity and sensitivity of the site. It is for this reason that the BLM seeks assistance from those in private industry who can provide the expertise and recommendations needed to make such a determination.

In consideration of possible alternative sites in the Hualapai Mountains, Exhibits P and Q depict site photos of two (2) communication sites on Getz Peak as pictured in Exhibit G. These sites are located on private land and were developed by the Citizens Utilities Company of Kingman, Arizona. Space is available on these sites, however, new users must bear a proportionate share of the site development costs.

The Bureau of Land Management intends to evaluate possible alternative sites in the Kingman vicinity and address such locations in the communication site plan analysis.