BOARD OF SUPERVISORS AGENDA ITEM REPORT
AWARDS / CONTRACTS / GRANTS

○ Award ◉ Contract ○ Grant

Requested Board Meeting Date: 09/17/2024

** = Mandatory, information must be provided*

or Procurement Director Award: ☐

***Contractor/Vendor Name/Grantor (DBA):**

U.S Department of Agriculture Forest Service

***Project Title/Description:**

Communications Use Lease for Ground Air Transmit Receive (GATR) Communications Site

***Purpose:**

To authorize Pima County to operate a private mobile radio service communications facility within the designated lease area in the Coronado National Forest, located in Pima County , State of Arizona (Sec. 35, T.11 S., R. 15 E., Gila and Salt River Median). This lease is issued by the United States of America, acting through the United States Department of Agriculture, Forest Service, and authorizes the operation, maintenance, and any necessary ancillary improvements of the communication facility within the lease area.

***Procurement Method:**

This Contract is a non-Procurement contract and not subject to Procurement rules.

***Program Goals/Predicted Outcomes:**

To ensure that the GATR Communications Site provides consistent and reliable communication for emergency management operations.

***Public Benefit:**

To support the continued use and management of the Mt.Lemmon-GATR Communication Site, emphasizing its strategic importance for maintaining and enhancing public safety and communication infrastructure throughout Pima County.

***Metrics Available to Measure Performance:**

Office of Emergency Management is responsible for maintaining the authorized facility and leased area, ensuring adherence to the standards set forth in the lease agreement.

***Retroactive:**

No.

TO: COB, 9-4-24 (1)
Vers.: 0
Pgs.: 66

SEP04'24AM1035PD

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: SC Department Code: OEM Contract Number (i.e., 15-123): SC2400002242

Commencement Date: 09/17/2024 Termination Date: 12/31/2052 Prior Contract Number (Synergen/CMS): _____

☐ Expense Amount $ 0.00 * ☐ Revenue Amount: $ 0.00

***Funding Source(s) required:** _____

Funding from General Fund? ○ Yes ◉ No If Yes $ _____ % _____

Contract is fully or partially funded with Federal Funds? ○ Yes ◉ No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? ○ Yes ◉ No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? ○ Yes ◉ No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____

Amendment No.: _____ AMS Version No.: _____

Commencement Date: _____ New Termination Date: _____

Prior Contract No. (Synergen/CMS): _____

○ Expense ○ Revenue ○ Increase ○ Decrease Amount This Amendment: $ _____

Is there revenue included? ○ Yes ○ No If Yes $ _____

***Funding Source(s) required:** _____

Funding from General Fund? ○ Yes ○ No If Yes $ _____ % _____

Grant/Amendment Information (for grants acceptance and awards)

○ Award ○ Amendment

Document Type: _____ Department Code: _____ Grant Number (i.e., 15-123): _____

Commencement Date: _____ Termination Date: _____ Amendment Number: _____

☐ Match Amount: $ _____ ☐ Revenue Amount: $ _____

***All Funding Source(s) required:** _____

***Match funding from General Fund?** ○ Yes ○ No If Yes $ _____ % _____

***Match funding from other sources?** ○ Yes ○ No If Yes $ _____ % _____

***Funding Source:** _____

***If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?**

_____

Contact: Lisa Romero

Department: Pima County Office of Emergency Management Telephone: 724-9312

Department Director Signature: _____ Date: 5/25/24

Deputy County Administrator Signature: _____ Date: 30 Aug 2024

County Administrator Signature: _____ Date: 9/3/2024

Auth ID: SAN2320
Contact Name: Pima County
Expiration Date: 12/31/2052
Use Code: 806

FS-2700-10b (09/2020)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
COMMUNICATIONS USE LEASE

AUTHORITY:
Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761-1772

Pima County of 3434 East 22nd Street, Attn: Office of Emergency Management, Tucson, AZ 85713.

This communications use lease (lease) is issued by the United States of America, acting through the United States Department of Agriculture, Forest Service (hereinafter the "United States" or "Forest Service"), to **Pima County** (the "lessee").

The United States, in consideration of the following terms, including advance payment to the United States of the specified rent by the lessee, and subject to all valid existing rights, issues this non-exclusive lease to the lessee for a **private mobile radio service communications facility** in the County of Pima, State of Arizona, Sec. 35, T. 11 S., R. 15 E., Gila and Salt River Meridian in the Coronado National Forest (hereinafter the "lease area"). The communications facility and ancillary improvements authorized by this lease (hereinafter "authorized facilities") include:

Equipment shelters: 20' x 20' concrete
Antenna support structures: 60' self-supporting tower
Ancillary improvements: 1000-gallon propane tank

The location of the lease area is described or shown generally in the communications site management plan dated 11/28/2017 for the **GATR Communications Site**, which is incorporated as **Appendix A** of this lease.

Appendix B: Stipulations
Appendix C: SPCC Guidance

I. GENERAL TERMS

A. AUTHORITY. This lease is issued pursuant to Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761-1772, and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZIED OFFICER. The authorized officer is the Forest or Grassland Supervisor, a District Ranger, or the Station, Institute, or Area Director with delegated authority pursuant to Forest Service Manual 2700.

C. TERM. This lease shall expire at midnight on 12/31/2052. Expiration of this lease shall not require notice, a decision document, or any environmental analysis or other documentation.

D. CONTINUATION OF USE AND OCCUPANCY. This lease is not renewable. Prior to expiration of this lease, the lessee may apply for a new lease for the use and occupancy authorized by this lease. Applications for a new lease must be submitted at least 6 months prior to expiration of this lease. Issuance of a new lease is at the sole discretion of the authorized officer. At a minimum, before issuing a new lease, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new lease are consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new lease is the same as the type of use and occupancy authorized by this lease; and (3) the lessee is in compliance with all the terms of this lease. The authorized officer may prescribe new terms when a new lease is issued.

E. AMENDMENT. This lease may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing the land management plan pursuant to 36 CFR Part 218.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this lease, the lessee shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the lease area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. RESERVATIONS. All rights not specifically granted to the lessee are reserved to the Forest Service, including:

1. The right of access to the lease area, including a continuing right of physical entry to the lease area and the authorized facilities for inspection, monitoring, or any other purpose consistent with any right or obligation of the Forest Service under any law or regulation.

2. The right to use, administer, and dispose of all natural resources and improvements other than the authorized facilities, including the right to use roads and trails and authorize rights-of-way and other uses in the lease area in any way that is not inconsistent with the lessee's rights and privileges under this lease, after consultation with all parties involved. Except for any restrictions that the lessee and the Forest Service agree are necessary to protect public health and safety, property, and the installation and operation of the authorized facilities, the lease area shall remain open to the public for all lawful purposes.

3. The right to require common use of the lease area and to authorize use of the lease area, including the subsurface and air space, for compatible uses.

H. ASSIGNMENT. This lease is fully assignable, subject to the following conditions:

1. The lessee must be in compliance with all the terms of this lease.

2. Assignments must have prior written approval of the authorized officer.

3. The authorized officer may modify the terms of this lease, and the assignee must agree in writing to comply with the terms of the lease as modified.

4. Upon change in ownership of the authorized facilities, this lease may be assigned to the new owner, provided that the conditions in clause I.H.1 through I.H.3 are met. Any transfer of title to the authorized facilities without an approved assignment of this lease shall result in termination of this lease.

Renting of space in or on the authorized facilities does not constitute an assignment under this clause.

II. IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this lease gives or implies permission to build or maintain any structure or facility or to conduct any activity unless specifically authorized by this lease. Any use not specifically authorized by this lease must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new lease or lease amendment is at the sole discretion of the authorized officer.

B. DRAWINGS. All development, layout, construction, and alteration of improvements in the lease area shall be consistent with the applicable communications site management plan. All drawings for development, layout, construction, or alteration of improvements in the lease area, as well as revisions to those drawings, must be prepared by a professional engineer, architect, landscape architect, or other qualified professional acceptable to the authorized officer. These drawings and drawing revisions must have prior written approval from the authorized officer before they are implemented. After completion, as-built drawings, maps, surveys, or other similar information shall be provided to the authorized officer and appended to the communications site management plan.

C. INITIAL CONSTRUCTION AND COMMENCEMENT OF OPERATIONS. Operations under this lease shall commence on the date specified in the site development schedule. This lease shall terminate if operations under this lease do not commence by that date, unless the parties agree in writing, in advance, to an extension of the commencement date.

III. OPERATIONS

A. RENTAL OF SPACE. The lessee is authorized to rent space in or on the authorized facilities, as long as the use is consistent with the applicable communications site management plan and compatible with all existing uses and provide other services to occupants of the authorized facilities. The lessee is not authorized to rent the use and occupancy of National Forest System

lands in the lease area. The lessee shall charge each occupant a reasonable rent without discrimination for the use and occupancy of the authorized facilities and services provided. The lessee shall not impose on occupants any unreasonable restrictions, including any restrictions restraining competition or trade practices. By October 15 of each year, the lessee shall provide the authorized officer a completed Form FS-2700-10a, Facility Owner and Occupant Inventory of Communications Uses, listing the lessee and all occupants by category of use in or on the authorized facilities on September 30 that year. The lessee shall be responsible for ensuring compliance of the occupants' uses with all the terms of this lease.

B. COMMUNICATIONS SITE MANAGEMENT PLAN. All operation and maintenance of improvements in the lease area and equipment installed in or on facilities in the lease area shall be in consistent with the applicable communications site management plan and shall require prior written approval from the authorized officer. The Forest Service reserves the right to modify the communications site management plan as deemed necessary by the authorized officer.

C. COMPLIANCE WITH APPLICABLE COMMUNICATIONS REQUIREMENTS. Use of communications equipment under this lease is contingent upon possession of a valid Federal Communications Commission (FCC) license or National Telecommunications and Information Administration (NTIA) authorization, as applicable, and must be in strict compliance with the requirements of the FCC or NTIA. A copy of each FCC license or NTIA authorization shall at all times be maintained by the lessee for each transmitter being operated in or on the facilities. Upon request, the lessee shall provide the authorized officer with a current copy of all FCC licenses and NTIA authorizations for communications equipment in or on the authorized facilities covered by this lease.

D. OPERATION OF COMMUNICATIONS EQUIPMENT. The lessee shall ensure that all equipment operated by the lessee and the lessee's occupants in or on the authorized facilities covered by this lease operates in a manner that will not cause harmful interference with the operation of existing communications equipment in or on the authorized facilities or in the vicinity of the GATR Communications Site. If the authorized officer or authorized FCC official determines that use of any equipment installed in or on the authorized facilities interferes with existing communications equipment, the lessee shall promptly take the necessary steps to eliminate or reduce the harmful interference to the satisfaction of the authorized officer or authorized FCC official.

E. TECHNICAL INFORMATION. Upon request, the lessee shall furnish the authorized officer with technical information concerning the communications equipment located in or on the authorized facilities covered by this lease. Both the authorized officer and the lessee shall follow federal guidelines when dealing with classified or sensitive security information.

F. CONDITION OF OPERATIONS. The lessee shall maintain the authorized facilities and lease area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this lease. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect National Forest System resources.

G. USE OF NATIONAL FOREST SYSTEM ROADS AND NATIONAL FOREST SYSTEM TRAILS. The lessee's use of National Forest System roads and National Forest System trails shall comply with applicable requirements in 36 CFR Part 212, Subpart A; 36 CFR Part 261, Subpart A: and orders issued under 36 CFR Part 261, Subpart B. Motor vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart B, unless specifically provided otherwise in this lease. Over-snow vehicle use shall be consistent with designations made under 36 CFR Part 212, Subpart C, unless specifically provided otherwise in this lease.

H. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the lessee's operations and reserves the right to inspect the lease area and authorized facilities at any time for compliance with the terms of this lease. The lessee shall comply with inspection requirements deemed appropriate by the authorized officer. The lessee's obligations under this lease are not contingent upon any duty of the Forest Service to inspect the lease area or authorized facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms of this lease.

I. CUTTING, DISPOSAL, AND PLANTING OF VEGETATION. This lease does not authorize the cutting of trees, brush, shrubs, and other plants ("vegetation"). Vegetation may be cut, destroyed, or trimmed only after the authorized officer or the authorized officer's designated agent has approved in writing and marked or otherwise identified what may be cut, destroyed, or trimmed. The lessee shall notify the authorized officer when approved cutting, destruction, or trimming of vegetation has been completed. Felled trees in the lease area that meet utilization standards must be disposed of by the Forest Service per 36 CFR Part 223 by sale or without charge, as may be most advantageous to the United States as determined by the Forest Service. Planting of vegetation in the lease area must have prior written approval from the authorized officer.

J. SIGNAGE. Signage posted on National Forest System lands must have prior written approval from the authorized officer, unless the signage is required by the FCC or the Occupational Safety and Health Administration.

K. REFUSE DISPOSAL. The lessee shall comply with all applicable federal, state, and local requirements related to the disposal of refuse resulting from the use and occupancy authorized by this lease.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THIS LEASE. This lease is revocable and terminable, does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This lease is subject to all valid existing rights. Valid existing rights include those derived from mining and mineral leasing laws of the United States. The United States is not liable to the lessee for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this lease do not

intend to confer any rights on any third party as a beneficiary under this lease.

D. NO WARRANTY OF ACCESS, SITE SUITABILITY, OR SERVICES. This lease authorizes the use and occupancy of National Forest System lands by the lessee for the purposes identified in this lease. The Forest Service does not make any express or implied warranty of access to the lease area, of the suitability of the lease area for the authorized uses, or for the furnishing of road or trail maintenance, water, fire protection services, search and rescue services, or any other services by a government agency, utility, association, or individual.

E. RISK OF LOSS. The lessee assumes all risk of loss to the authorized facilities and all risk of loss of use and occupancy of the lease area, in whole or in part, due to public health and safety or environmental hazards. Loss to the authorized facilities and of use and occupancy of the lease area may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If any of the authorized facilities are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the authorized facilities can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, this lease shall terminate. If the authorized officer determines that the lease area cannot be safely occupied due to a public health or safety or environmental hazard, this lease shall terminate. Termination under this clause shall not give rise to any claim for damages, including lost profits and the value of the improvements, by the lessee against the Forest Service.

F. DAMAGE TO UNITED STATES PROPERTY. The lessee has an affirmative duty to protect from damage the land, property, and other interests of the United States associated with the use and occupancy authorized by this lease. Damage includes but is not limited to destruction of or damage to National Forest System lands, fire suppression costs, and destruction of or damage to federally owned improvements.

1. The lessee shall be liable for all injury, loss, or damage, including fire suppression costs, prevention and control of the spread of invasive species, and the costs of rehabilitation or restoration of natural resources, resulting from the lessee's use and occupancy of the lease area. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under IV.J.

2. The lessee shall be liable for damage to all roads and trails of the United States caused by use of the lessee or the lessee's heirs, assignees, agents, employees, contractors, or occupants to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The lessee shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this lease. The lessee shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this lease that

causes or threatens to cause a hazard to the health or safety of the public or the lessee's agents, employees, contractors, or occupants. The lessee shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this lease to inspect the lease area or operations of the lessee for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION

1. Compliance with Environmental Laws. The lessee shall in connection with the use and occupancy authorized by this lease comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*, the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, as amended, 33 U.S.C. 2701 *et seq.*, the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 *et seq.*, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*, and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*

2. Definition of Hazardous Material. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of CERCLA, 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

3. Oil Discharges and Release of Hazardous Materials. The lessee shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the lease area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153 and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The lessee shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the lease area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

4. Remediation of Release of Hazardous Materials. The lessee shall remediate any release, threat of release, or discharge of hazardous materials that occurs in connection with the lessee's activities in the lease area, including activities conducted by the lessee's agents, employees, contractors, or occupants in or on the authorized facilities and regardless of whether those activities are authorized under this lease. The lessee shall perform remediation in accordance with applicable law immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The lessee shall perform the remediation to the satisfaction of the authorized officer and at no

expense to the United States. Upon revocation or termination of this lease, the lessee shall deliver the site to the Forest Service in compliance with all applicable laws and regulations and free and clear of contamination.

I. INDEMNIFICATION OF THE UNITED STATES. The lessee shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the lessee in connection with the use and occupancy authorized by this lease. This indemnification provision includes but is not limited to acts and omissions of the lessee or the lessee's heirs, assignees, agents, employees, contractors, or occupants in connection with the use and occupancy authorized by this lease which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the lessee to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in combination with or as an alternative to monetary indemnification.

J. BONDING. The authorized officer may require the lessee to furnish a surety bond or other security for any of the obligations imposed by the terms of this lease or any applicable law, regulation, or order.

V. RESOURCE PROTECTION

A. WATER POLLUTION. No waste or by-product shall be discharged into water in connection with the use and occupancy authorized by this lease except in full compliance with all applicable federal, state, and local environmental and other laws. Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water except in full compliance with all applicable federal, state, and local environmental and other laws.

B. SCENIC VALUES. The lessee shall protect the scenic values of the lease area and the adjacent land to the greatest extent possible during construction, operation, and maintenance of the authorized facilities.

C. VANDALISM. The lessee shall take reasonable measures to prevent and discourage vandalism or disorderly conduct and when necessary, shall contact the appropriate law enforcement officer to address these problems.

D. PESTICIDE USE

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the lease area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use

within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the lessee shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Safety Plan. Before applying pesticides in the lease area, the lessee shall submit to the authorized officer a safety plan that includes, at a minimum, a precise statement of the treatment objectives; a description of equipment, materials, and supplies to be used, including pesticide formulation, quantities, and application methods; a description of the lines of responsibility for project planning, project monitoring, and after-action review; a description of any necessary interagency coordination; a copy of the current Pesticide-Use Proposal for the lease; a description of the process by which treatment effectiveness will be determined; and a spill plan, communications plan, security plan, and, when required by applicable local requirements, a provision for prior notification to sensitive individuals.

4. Reporting. By September 30th annually, the lessee shall submit to the authorized officer a written report of each pesticide application project completed during the previous 12-month period. The report shall contain information pertaining to the pesticide application projects as requested by the authorized officer.

5. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

E. ARCHAEOLOGICAL AND PALEONTOLOGICAL DISCOVERIES. The lessee shall immediately notify the authorized officer of any antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this lease. The lessee shall leave these discoveries intact and in place until otherwise directed by the authorized officer

F. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the lessee inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the lessee shall immediately cease work in the area of the discovery and shall leave the discoveries intact and in place. The lessee shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the lessee shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the

discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a NAGPRA plan of action has been executed by the Forest Service following tribal consultation and any preconditions have been met.

G. PROTECTION OF HABITAT OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT

1. Threatened and Endangered Species and Their Habitat. The location of sites within the lease area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 *et seq.*, as amended, or within designated critical habitat shall be shown in the communications site management plan or on a map in an appendix to this lease and may be shown on the ground. The lessee shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the lessee or the Forest Service of other sites within the lease area containing threatened or endangered species or designated critical habitat not shown in the communications site management plan or on a map in an appendix to this lease shall be promptly reported to the other party and shall be added to the communications site management plan or to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the lease area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to Forest Service Manual 2670 shall be shown in the communications site management plan or on a map in an appendix to this lease and may be shown on the ground. The lessee shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the lessee or the Forest Service of other sites within the lease area containing sensitive species or species of conservation concern or their habitat not shown in the communications site management plan or on a map in an appendix to this lease shall be promptly reported to the other party and shall be added to the communications site management plan or to the map.

H. CONSENT TO STORE HAZARDOUS MATERIALS. The lessee shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this lease shall include, or in the case of approval provided after this lease is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill or release prevention and control plan. Such terms shall be proposed by the lessee and are subject to approval by the authorized officer.

VI. FEES AND DEBT COLLECTION

A. RENT. The lessee shall pay in advance an annual rent determined by the authorized officer in accordance with applicable law and Forest Service directives.

B. MODIFICATION OF RENT. The annual rent shall be adjusted by the authorized officer to reflect changes in fair market value.

C. PAYMENTS

1. Due Date and Crediting of Payments. Rent is due January 1 of each year. Payments in the form of a check, draft, money order, or credit card shall be made payable to USDA, Forest Service. Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.

2. Disputed Rent. Rent is due and payable by the due date. Disputed rent, other than rent recalculated pursuant to an audit, must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.

3. Late Payments

(a) Interest. Pursuant to 31 U.S.C. 3717 *et seq.*, interest shall be charged on any rent fee not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the *Federal Register* and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the rent fee is due.

(b) Administrative Costs. If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.

(c) Penalties. A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.

(d) Termination for Nonpayment. This permit shall terminate if the holder fails to pay any land use fee, interest, or any other changes within 90 calendar days of the due date. The holder shall remain responsible for the delinquent charges.

4. Administrative Offset and Credit Reporting. Delinquent rent and other charges associated with the lease shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 *et seq.* and common law. Delinquencies are subject to any or all of the following:

(a) Administrative offset of payments due the lessee from the Forest Service.

(b) If in excess of 90 days, referral to the United States Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).

(c) Offset by the Secretary of the Treasury of any amount due the lessee, as provided by 31 U.S.C.

3720 *et seq.*

(d) Disclosure to consumer or commercial credit reporting agencies.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION

1. The authorized officer may revoke or suspend this lease in whole or in part:

(a) For noncompliance with federal, state, or local law:

(b) For noncompliance with the terms of this lease:

(c) For failure of the lessee to operate the authorized facilities for a period of 1 year; or

(d) At the discretion of the authorized officer, for specific and compelling reasons in the public interest.

2. The authorized officer may revoke this lease at the request of the lessee. Revocation at the request of the lessee must be agreed to in writing by the authorized officer. As a condition of revocation of this lease at the request of the lessee, the authorized officer has discretion to impose any terms deemed appropriate as provided for in this lease.

3. Prior to revocation or suspension, other than at the request of the lessee under clause VII.A.2 and immediate suspension under clause VII.C, the authorized officer shall give the lessee written notice of the grounds for revocation or suspension. In the case of revocation or suspension based on clause VII.A.1, the authorized officer shall give the lessee a reasonable period, not to exceed 90 days, to cure any noncompliance.

B. REVOCATION FOR SPECIFIC AND COMPELLING REASONS IN THE PUBLIC INTEREST. The authorized officer may revoke this lease during its term if the Forest Service determines based on a land management planning decision that the use and occupancy authorized by this lease should be changed for specific and compelling reasons in the public interest, other than a determination under clause IV.E that the authorized facilities or the lease area cannot be safely occupied. Prior to revoking the lease under this clause, the authorized officer shall give the lessee 90 days written notice, provided that the authorized officer may prescribe a shorter notice period if justified by the public interest. The Forest Service shall then have the right to remove or relocate the lessee's authorized facilities, to require the lessee to remove or relocate them, or to purchase them. Removal or relocation by the Forest Service of the lessee's authorized facilities shall be accepted by the lessee in full satisfaction of all claims against the United States under this clause. If the Forest Service requires the lessee remove or relocate the authorized facilities or purchases them, the Forest Service shall be obligated to pay the lesser of (1) the cost of removal or relocation of the authorized facilities or (2) the value of the authorized facilities as determined by the Forest Service through an appraisal of their replacement cost, less an allowance for depreciation of all types. If that amount is fixed by agreement between the authorized officer and the lessee, that amount shall be accepted by the lessee in full satisfaction of all claims against the

United States under this clause. If agreement is not reached, the authorized officer shall determine the amount to be paid, which shall be set forth in the revocation decision. A payment made pursuant to this clause is subject to the availability of appropriations. Nothing in this lease implies that Congress will appropriate funds to cover a deficiency in appropriations.

C. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this lease in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The lessee may request an on-site review with the authorized officer's superior of the adverse conditions prompting the suspension. The authorized officer's superior shall grant this request within 48 hours. Following the on-site review, the authorized officer's superior shall promptly affirm, modify, or cancel the suspension.

D. APPEALS AND REMEDIES. Written decisions made by the authorized officer relating to administration of this lease are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this lease shall not give rise to any claim for damages by the lessee against the Forest Service, other than as provided in clause VII.B.

E. TERMINATION. This lease shall terminate when by its terms, a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. For example, this lease terminates upon expiration of the lease by its terms on a specified date. Termination of this lease, which includes the removal of all structures and improvements and restoration of the lease area, does not require notice, a decision document, or any environmental analysis or other documentation. Termination of this lease is not subject to administrative appeal and shall not give rise to any claim for damages by the lessee against the Forest Service.

F. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW LEASE. Except as provided in clause VII.B, upon revocation of this lease or termination of this lease without issuance of a new lease, the authorized officer has the discretion to require the lessee to sell or remove all structures and improvements in the lease area, except those owned by the United States, within 90 days, unless otherwise agreed to in writing by the authorized officer, and to restore the site to the satisfaction of the authorized officer. Prior to conducting any removal or restoration activities, the lessee shall prepare a removal and restoration plan for the lease area, which must be approved in writing by the authorized officer. If the lessee fails to sell or remove all the structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the lessee shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

G. CONTINUATION OF OBLIGATIONS AND LIABILITIES BEYOND TERMINATION OR REVOCATION. Notwithstanding the termination or revocation of this lease, its terms shall remain in effect and shall be binding on the lessee and the lessee's personal representative, successors, and assignees until all the lessee's obligations and liabilities accruing before or as a result of termination or revocation of this lease have been satisfied.

VIII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner shall benefit from this lease either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The Forest Service and the lessee shall keep each other informed of current mailing addresses, including those necessary for billing and payment of rent.

C. SUPERSEDED AUTHORIZATION. This lease supersedes a special use authorization designated: N/A.

D. SUPERIOR CLAUSES. If there is any conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control. **THIS LEASE IS ACCEPTED SUBJECT TO ALL ITS TERMS.**

E. CULTURAL RESOURCES PROTECTION (D001RO). The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.

F. NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION ACT (X003RO). Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects

BEFORE THIS LEASE IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS OF THIS LEASE.

ACCEPTED:

Attest:

Chair, Pima County Board of Supervisors
Lessee

Clerk of the Board

DATE

DATE

APPROVED AS TO FORM

Darlene M. Cortina

Deputy County Attorney

Darlene M. Cortina

Print Deputy County Attorney Name

9/4/2024

DATE

APPROVED:

Kerwin S. Dewberry
Forest Supervisor
Coronado National Forest
USDA Forest Service

DATE

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

CORONADO NATIONAL FOREST
SANTA CATALINA RANGER DISTRICT
TUCSON, ARIZONA

Submitted By: _____ 11/9/17
District Ranger — Date

Approved By: _____ 11/28/2017
Forest Supervisor — Date

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

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Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

I. DEFINITIONS

Authorization Holder. An individual, business, organization, or an agency that has been issued a Communications Use Lease or Special Use Permit which allows occupancy, use, rights, or privileges of National Forest System (NFS) land.

Authorized Officer. The Forest Service employee with the delegated authority to issue and manage communications uses. The authorized officer is usually the District Ranger or Forest Supervisor of the unit on which the communications site is located.

Co-location. Installation of telecommunications equipment in or on an existing communications facility or other structure.

Communications Site. An area of NFS lands designated as an electronic site through the Forest Land and Resource Management planning process for telecommunications uses. A communications site may be limited to a single communications facility, but most often encompasses more than one. Each site is identified by name, usually denoting a local prominent landmark, such as Bald Mountain Communications Site.

Customer. An individual, business, organization, or an agency that operates telecommunication equipment within a facility, but does not broadcast or resell communications services to others.

Facility. A building, tower, or other physical improvement (buildings and towers do not have to be combined to be considered a facility) that is built or installed to house and support authorized communications equipment.

Facility Manager. The holder of a Forest Service communications use authorization who (1) owns a communications facility on NFS lands, (2) rents space in or on their facility to other communications users, but (3) does not own or operate their own communications equipment and they do not directly provide communications services to third parties. Persons or entities that manage or administer a communications facility on NFS lands for a facility owner or a facility manager are not facility managers for purposes of this Communications Site Management Plan.

Facility Owner. The holder of a Forest Service communications use authorization who (1) owns a communications facility on NFS lands, (2) may or may not be renting space or equipment to other communications users in or on their facility, and (3) owns and operates their own communications equipment in their facility.

Multiple-Use Facility. A communications site facility that has multiple communications uses operated directly by the facility owner or has customers or tenants in or on that facility.

Ranally Metro Area. Geographic areas in the United States identified by Rand McNally in its Commercial Atlas and Marketing Guide that define population centers of 50,000 or more. There are approximately 450 Ranally Metro Areas (RMAs) in the United States.

Senior Use. A communications use that predates another communications use. The most senior use or uses form the basis for the communications site designation.

Single-Use Facility. A communications site facility that contains only the single communications use of the facility owner and no tenants or customers in or on the facility.

Tenant. An individual, business, organization, or an agency that operates telecommunication equipment within a facility, for the purpose of broadcasting or reselling communications services to others.

II. NARRATIVE

A. Site Description

Mt. Lemmon-GATR Communications Site is located on the Santa Catalina Ranger District, Coronado National Forest, Pima County, State of Arizona, in Section 35, T. 11 S., R. 15 E., Gila and Salt River Meridian, at approximately Latitude 32° 26' 27" North, Longitude 110° 47' 17" West. The elevation at Mt. Lemmon-GATR Communications Site is approximately 9120 feet above mean sea level (msl). The area for development is approximately 5 acres in size. Mt. Lemmon-GATR Communications Site is road accessible and located adjacent to the Mt. Lemmon Sky Center.

This site does serve the Tucson Ranally Metro Area (RMA). The population is currently between 500,000 and 999,999 and is therefore a Zone 4. The population identified for this Zone is updated annually by the Forest Service, Washington Office, Director of Lands, and is used to determine the annual rental fee due the Forest Service.

The most senior use at this site is microwave and two-way radio and the site is designated as Low Power. However, all broadcast uses must occur outside the primary communication site fenced area. This designation is consistent with the Coronado National Forest Land and Resource Management Plan approved in 1986 within prescriptions which allow electronic sites (Page 41, Number 10, a-k). The maximum power output for the Mt. Lemmon-GATR Communications Site is based on the maximum output allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90.

This plan supersedes the Communications Site management Plan for Radio Ridge, Mt. Bigelow, GATR approved May 2, 2005.

B. Existing Site Development

Mt. Lemmon-GATR Communications Site was first developed as a two-way radio site for governmental communications. The site was established for low power/non-broadcast governmental uses only but several commercial users with broadcast tenants have developed facilities east of the primary area.

Pima County has operated two-way radio equipment from this location since 1973. The authorization has been reissued several times and the current authorization was issued on February 27, 2012. Pima County has also taken over the building that was originally owned and operated by Arizona Department of Public Safety.

Western Area Power Administration has operated microwave equipment from this location since 1972. The authorization has been reissued several times and the current authorization was issued on October 6, 2008.

The Federal Bureau of Investigation has a building on the site and uses the USDA Forest Service tower for antenna support. The current authorization was issued on December 11, 2006.

The USDA Forest Service owns and maintains a building and self-supporting tower for radio repeater activities. The Forest Service also provides space for other federal agencies.

The Cholla Amateur Remote Base Association (CARBA) operates amateur radio equipment from Mt. Lemmon-GATR Communications Site. They are also affiliated Military Auxiliary Radio System (MARS) and provides building space to other amateur radio operators. The current authorization was issued on April 12, 2016.

Department of Defense-Army operates two-way radio equipment from this location. The current authorization was issued on June 27, 2005.

Arizona Department of Public Safety original facility (now owned by Pima County) was authorized on October 6, 1965. A replacement facility was constructed adjacent to their originally facility in 2013. The current authorization was issued on May 1, 2013.

The Arizona Department of Water Resources has a rain gauge and monitoring equipment at the site. The current authorization was issued on October 22, 2007.

The facility that Cellco Partnership dba Verizon Wireless owns was previously owned by several cellular providers. The original authorization was issued to Cellular One on January 25, 1994 and the current authorization was issued on January 30, 2001.

Qwest operates a microwave facility on the eastern edge of the communication site. The original authorization was issued Mountain States Telephone & Telegraph on June 17, 1960 and reissued to U.S. West Communications on December 6, 1991. The current

authorization was issued to Qwest on February 7, 2012.

See Appendix B for a current list of authorized facilities.

C. Objectives

The primary objectives of the Mt. Lemmon-GATR Communications Site Management Plan are to:

1. Document site management policy, procedures and standards, which are not already specified in the standard communications use authorization.

2. Manage for low power communications uses only. The maximum power output expressed as Effective Radiated Power (ERP) is typically based on height above average terrain (HAAT) to set the maximum radiated power levels allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90. As of the 2003 regulation, Part 90 levels are limited to 500 watts ERP. Each use must operate at or below the power level authorized by their respective FCC license as long as it does not exceed the site limitation of 500 watts ERP. Cellular Mobile Data Service is exempt from this site ERP limitation as long as the use does not exceed the ERP limitations as described in the applicable FCC regulations at Title 47, Code of Federal Regulations, Part 22, Subpart H or Part 27, Subpart C. In addition, point to point microwave (FCC Part 101) is exempt from this site ERP limitation as long as non-occupational human radiation exposure levels do not exceed limits set by FCC regulation. Continuously transmitting use (other than FCC Part 101) shall be limited to 500 watts ERP.

3. All uses must be designed, operated and maintained so as not to physically or electronically interfere with the senior uses. If new uses deteriorate the receiving/transmitting operation of existing uses, the new uses may be required to institute at their expense; additional studies, equipment upgrades, frequency isolation, or physically separate themselves from the existing uses.

4. Present a program for operation within the site.

5. Help fulfill the public need for adequate communications sites.

6. Protect the interests of authorization holders and site users by preserving a safe and an electronically "clean" environment.

7. Encourage the efficient development and use of space and facilities within the designated site, subject to the USFS goal to provide the best possible public service at a reasonable cost.

8. Authorize new Tenant and/or Customer uses that can physically and electronically be accommodated within existing buildings and/or towers.

9. Maintain visual resource objectives by requiring design standards that are unobtrusive and by utilizing earth tone colors and non-reflective surface material consistent with the standards in the Land and Resource Management Plan.

10. Amend this Communications Site Management Plan as necessary to be consistent with future Forest Land and Resource Management Plans. The Forest Service will provide authorization holders with proposed amendments to this plan and will allow a reasonable period of time for the holders to review and comment on the proposed changes.

III. AUTHORITY AND JURISDICTION

A. Authority

Forest Service authority to authorize and manage communications uses on National Forest System lands derives from the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1761-1771); Title 36, Code of Federal Regulations, part 251, subpart B (36 CFR 251, subpart B); Forest Service Manual (FSM) 2700; and Forest Service Handbook (FSH) 2709.11, chapter 90.

B. Jurisdiction

The Forest Service has jurisdiction over the use and occupancy of National Forest System (NFS) lands for communications purposes under the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.); the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and Title 36, Code of Federal Regulations, part 251, Subpart B (36 CFR part 251, subpart B).

The Federal Communications Commission (FCC) has jurisdiction over the use of non-Federal channels of radio and television transmission under licenses granted by the FCC. The National Telecommunications and Information Administration (NTIA) has jurisdiction over the use of Federal channels of radio transmission under authorizations granted by the NTIA.

The issuance of an FCC license or NTIA authorization does not authorize the use and occupancy of NFS lands. A Forest Service special use authorization is required for the use and occupancy of NFS lands for communications purposes.

The Forest Service has jurisdiction over resolution of conflicts associated with the use and occupancy of NFS lands, such as those involving location and re-radiation. The FCC and NTIA are not responsible for resolving occupancy conflicts associated with the use and occupancy of NFS lands or the resolution of other conflicts when entities are operating within the limits of their FCC license or NTIA authorization. However, the FCC or the NTIA may be useful in assisting in the resolution of interference problems or other frequency conflicts.

IV. RIGHTS AND RESPONSIBILITIES

A. The Forest Service

The Forest Service retains the responsibility for issuing and amending authorizing instruments to Facility Owners and Facility Managers for the authorized improvements. The issuance of a FCC license (authorization), or frequency assignment, does not authorize occupancy of National Forest System lands. Granting occupancy and use of National Forest System lands rest exclusively with the Forest Service. This includes:

1. Amend or modify this site plan as deemed appropriate.

2. Approve new facilities, including those constructed within an authorization holder's authorized area.

3. Approve assignment of a communications use lease.

B. Facility Owners and Facility Managers Are Responsible for:

1. Complying with the terms and conditions of their communications use authorization and this site plan.

2. Ensuring that all new facilities, expansions, or improvements are consistent with the Coronado National Forests Land and Resource Management Plan, environmental documentation and decisions affecting the use of this site, and the provisions of this site plan.

3. May rent building and tower space to tenants and customers without prior written approval from the Forest Service, as long as that tenant or customer use is an approved communications use as designated in this Communications Site Management Plan and does not interfere with other existing uses at the site. Form FS-2700-10, Technical Data for Communication Type Land Use, or equivalent information from prospective tenants or customers seeking to co-locate in an existing communications facility may be required prior to co-location.

4. May not place any unreasonable restrictions on potential or existing tenants and customers.

5. Ensuring that facilities and equipment not complying with Federal, State, and local laws, regulations, and ordinances will be removed or modified within one year of approval of this site plan. Modifications require the pre-approval of the authorized officer.

6. Keeping all facilities within the established limits of their authorized area. The Facility owner or manager may not, for itself or for any customer or

tenant, authorize construction of any equipment shelter or tower, or manipulation of the site or vegetation in any way, without specific authorization from the Forest Service (See sec. VII).

7. Providing the authorized officer the name, address, and telephone number of a local contact. The facility owner or the facility manager and the local contact person may be the same individual. The local contact shall be available for emergencies and shall have the authority to make decisions about construction issues, facility maintenance, and all equipment within the facility.

8. Notifying the authorized officer as soon as practicable, but no later than 24-hours, after the following incidents occur on National Forest System lands covered by their authorization:

   a. An incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;

   b. A structural, mechanical, or electrical malfunction or failure of a component of a facility or any operational actions that impair the function or operation of such a facility in a way that could affect public safety;

   c. Any incident that has high potential for serious personal injury or death or significant property, environmental, or other natural resource damage, including, landslides, flooding, fire, structural failures, and release of hazardous materials.

   The Facility Owner or Manager must promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition that causes or threatens to cause a hazard to workers' safety or to public health or safety or harm to the environment.

   The Facility Owner or Manager must notify the authorized officer of any such incident by calling Tucson Dispatch Center at (520) 202-2710 and providing detailed information, including when, where, and how the incident occurred and who was present or affected by the incident. In addition, a point of contact must be provided in the incident report.

9. Ensuring that all communications facilities and equipment are properly installed, operated, and maintained in accordance with industry standards such as Motorola R-56. These standards may be waived by the Forest Service authorized officer when recommended by a site user association or similar technical committee or upon request of a facility owner/manager when equivalent measures would achieve similar results.

10. Providing to the authorized officer by October 15th of each year, a certified statement listing their type or types of communications uses they provide and

the business names of all occupants and their type of communications use in the facility on September 30th of that year.

11. Treat and control noxious weeds on and adjacent to their permitted area, access, and parking areas. Treatment requirements and standards must be according to applicable regulations. Standards and application procedures may be obtained from the Forest Office.

C. Tenants and Customers:

May co-locate in an existing facility when their communications use is an approved use in the site plan. Co-location in a non-Federal communications facility does not require a Forest Service authorization. Occupants who co-locate in a Federal facility shall first be issued a special use permit from the authorized officer before locating in that Federal facility.

V. USE OF THE SITE

A. Multiple-Use Facilities

Co-location, when practical, shall be required. Site applicants shall take the lead in this area and shall design their proposals to accommodate multiple uses of facilities and improvements. This includes the multiple-use of buildings, towers, solar generating systems, back-up generators, grounding systems, fuel containers, access ways, and parking areas.

New facilities or major modifications to existing facilities shall be designed to accommodate additional users even if other users are, or could be, competitors.

Facility owners and facility managers are not required to lease facility space to others if they can demonstrate to the authorized officer that:

1. Space is not available;

2. The use is incompatible with the existing communications uses at the site. For example, the proposed use is not compatible with other uses as provided for in FSH 2709.11, section 97, exhibit 05;

3. Additional space is needed by the facility owner or the facility manager; or

4. Additional users would compromise security of the facility or communications systems located in that facility.

VI. RENTAL FEES

Unless specified differently in the communications use authorization, the Forest Service shall charge facility owners and facility managers of non-Federal facilities and occupants

in Federal facilities an annual rental fee based on the fee schedule for communications uses on National Forest System lands contained in FSH 2709.11, section 95. The rental rates shall be adjusted annually using the Consumer Price Index-Urban (CPI-U), and the population figures are adjusted annually based on the most recent Rand McNally Commercial Atlas and Marking Guide (for RMAs) and Rand McNally Road Atlas for non-RMA communities.

Rental fees that facility owners and facility managers may charge occupants shall be:

1. Reasonable and commensurate with the use and occupancy of the facilities and services provided to the occupant; and

2. Consistent with other fees charged for similar facilities.

VII. CONDITIONS FOR NEW CONSTRUCTION AND MODIFICATION OR EXPANSION OF A FACILITY

A. New Construction, Modification, and Expansion Responsibilities

Construction space at the site is limited and future additional construction may be authorized. If new facilities are proposed, or if existing facilities need modification, the following guidelines shall apply.

In addition to the responsibilities listed in Section IV, applicants, facility owners, and facility managers seeking to construct a new facility or modify or expand an existing facility are responsible for:

1. Submitting a complete application to the authorized officer prior to any new construction, modification, or expansion of a facility. The application shall include:

    a. A copy of the approved site plan base map showing all of the proposed new, modified, or expanded facilities, including structures, towers, and auxiliary equipment;

    b. Completed drawings or plans prepared by a professional engineer or architect;

    c. Identification of any proposed point-to-point microwave paths, a plot of their azimuth, and their proposed elevation on the tower; and

    d. Documentation showing that the proposed facilities will not obstruct or interfere with any existing uses, including fixed point-to-point antennas, omni-directional broadcast antennas, or point-to-point microwave paths.

2. Demonstrating that the new facility will make the most efficient use of the limited amount of space at the site and will provide for future uses without additional construction.

3. Providing engineering and geotechnical investigations for development of specific foundation designs and grading plans.

4. Providing an erosion control plan prior to construction. At a minimum, the erosion control plan shall include sediment control; stipulations that cut and fill slopes will be graded and contoured to prevent erosion and excessive runoff, and recommendations for temporary erosion control measures, such as netting, silt fences, swales, sediment collection areas, and so forth.

5. Coordinating with other Federal and local governments and securing all pertinent permits and approvals from those agencies.

6. Providing 30 days' notice to all facility owners and facility managers at the site, as well as the Forest Service, of all new frequencies, either for themselves or their tenants and customers, proposed for the site. A completed FS-2700-10 shall be sent with the 30 day notice to allow for comment of potential interference. If there is a reply to the request for comments that suggests that there may be physical interference, electronic incompatibility, or potential radio frequency interference to existing uses, the Facility Owner or Facility Manager must address those concerns with a sufficiently detailed response that the existing use will withdraw its objections to the new use or special terms and conditions must be created to address those concerns. Copies of any response under this paragraph, positive or negative, must be provided to the Forest Service.

B. Construction Methods and Resource Protection

Plans submitted by a proponent, facility owner, or a facility manager for construction, modification, or expansion of a facility shall provide for soil rehabilitation measures, including soil replacement and stabilization and proper handling of runoff from buildings, parking areas, access roads, and undeveloped common areas. The authorized officer must approve all cutting or trimming of vegetation.

Buildings: As buildings are replaced and new buildings constructed, materials utilized should be block and/or metal. Block colors should be dark neutral brown. Metal buildings should be painted dark neutral brown or dark neutral green. An alternative is corrugated metal siding that rusts or looks like rust (e.g., Bunger Rust, manufactured by Bunger Steel Inc, is a printed color with a mottled pattern that mimics rust and reduces specular glare). Doors and trim should be the same or similar color as the rest of the building. All materials and colors should be approved by the forest landscape architect.

Other Facilities: When possible, metal towers should be dark and dull. Outbuildings, generators, transformers, utility panels and boxes, and other structures should be painted dark neutral shades of brown or green. Propane and water tanks should be painted neutral tan. Colors should be approved by the forest landscape architect.

During construction, modification, or expansion of facilities, facility owners and facility managers shall:

1. Identify, avoid, and protect sensitive resource areas identified by the Forest Service.

2. Comply with the erosion control plan.

3. Notify the Forest Service authorized officer prior to commencing any approved ground-disturbing activities.

4. During construction and/or maintenance, paintbrushes will not be cleaned off on rocks. No marks of any kind, including survey marks, will be permitted on rocks.

5. Minimize, to the greatest extent possible, ground disturbance and vegetation removal.

6. Re-vegetate extensive cut and fill slopes with native vegetation as soon as possible after construction. All re-vegetation must have prior written approval of the authorized officer.

7. Not cast off grading material. Excess soil can be used as fill material for roads, buildings and towers.

8. Obtain prior written approval of the authorized officer for temporary, on-site storage of construction materials.

9. Not leave hazardous materials, including fuels, oils, and lubricants unattended at the site at any time. Hazardous materials shall be removed from the site at the end of each workday or temporarily stored inside a locked and posted building until the following workday. Construction materials and supplies other than hazardous materials may be left unattended at the construction site at the end of each workday at the owner's risk.

10. Remove surplus construction materials and waste debris from the site no later than 30 days after construction has been completed.

11. To prevent the spread of noxious weeds into the area, power wash off any earth-moving or heavy equipment, such as dozers, graders, cranes, backhoes, and so forth before it is brought onto National Forest System lands.

C. Construction Inspection

1. All new construction, modification, and expansion of facilities shall conform to established technical standards and accepted engineering practices, such as the International Building Code (IBC), Occupational Safety & Health Administration (OSHA), National Fire Protection Association (NFPA), National Electrical Code (NEC), Electronic Industries Alliance/Telecommunication Industries Association (EIA/TIA) codes and standards, and state regulations.

2. Any construction inspections required by other agencies are the responsibility of the holder. Copies of completed inspections shall be provided to the Authorized Officer, either as they occur or as part of the final as-built plan. Inspection information shall become a permanent part of the holder's special-use file.

3. Corrective work required as a result of Forest Service or other agency inspections shall be completed by the date specified in the inspection report to the satisfaction of the inspecting official.

4. A final set of as-built plans shall be submitted to the Authorized Officer within 90 days of acceptance of a structure (if the construction was contracted) or of its completion date (if the construction was not contracted).

D. New or Remodeled or Expanded Buildings

1. Any new buildings shall be designed to accommodate multiple users and shall be consistent with a site-specific environmental analysis conducted at the time of the proposal.

2. Building height will be restricted to a single story unless specifically authorized for two stories or with a snow vestibule. The roof shall be non-reflective metal or other non-reflective fire resistant material approved by the Forest Service. Roofs can be equipped with antenna support structures, such as poles and railings that can extend up to 25 feet above ground level.

3. Facility owners and facility managers are encouraged to construct the interior of their buildings in a modular fashion, so that they can:

    a. Sublease sections to others;

    b. Provide tenants and customers with internal separation and security;

    c. Reduce physical interference; and

    d. Increase management effectiveness.

4. The following materials are approved for construction of new buildings:

   a. Floors: Concrete slab with drainage or as part of a non-flammable pre-fabricated structure.

   b. Walls: Concrete block, metal, or pre-fabricated concrete.

   c. Roofs: Concrete, corrosion resistant metal (if painted to eliminate shiny surfaces), or other fireproof material approved by the Forest Service. Proposals for wooden roofs will not be approved.

   d. Partitions: Fire resistant material, such as reinforced concrete or properly grounded expanded metal.

   e. Color: Color used on all exterior building surfaces must have prior written approval of the authorized officer. The goal of color selection is to make buildings as inconspicuous as possible when viewed from a distance. The intent is to reduce or eliminate glare from reflective and/or illuminated surfaces such as windowpanes, sheeting and reflective paints. Non-reflective, Forest Service approved dark gray to green colors shall be used on equipment buildings.

   f. Building entry lights must:

      i. Only light the immediate area in the vicinity of the door;
      ii. Be motion-activated and have a limited time duration of 3 to 5 minutes; and
      iii. Have a shielded beam that is pointed at the building door.

      Requests for all-night (dusk-to-dawn) lighting or entry lighting that would be visible from outside the site will not be approved.

E. New or Remodeled/Expanded Towers

1. All construction, modification, and expansion of towers shall have the prior written approval of the authorized officer.

2. It is the applicant and holder's responsibility to ensure that new, modified, or expanded towers will not unduly interfere electronically or physically with any existing equipment at the site. Towers shall be spaced so as to prevent ground level radiation and interference problems. Compliance with these requirements shall be demonstrated in writing to the authorized officer prior to issuance of a lease, permit, or amendment.

3. All new towers shall comply with current structural and safety specifications and design standards, including safety-climbing devices. Towers should be as narrow and "open" as safety and structural integrity allow. New towers

should be designed using maximum wind, snow, and tower loading anticipated for the site.

4. All new towers shall not exceed 160 feet. All new towers shall be self-supporting unless specifically authorized.

5. To avoid possible impacts to birds or bats, structures under this section must comply with the most current version of the U.S. Fish & Wildlife Service's Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers (available at http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/guidance-documents/communication-towers.php)

6. All towers shall be left unpainted if they are made of dull, galvanized steel. Paint is required only if the tower has a shiny or reflective surface. Non-reflective, Forest Service approved dark gray to green colors will be approved unless the FAA requires red and white tower striping.

7. No lights, beacons, signs or strobes shall be allowed on new towers unless specifically required by the FCC/FAA.

VIII. GENERAL OPERATION AND MAINTENANCE

A. Special Environmental and/or Biological Considerations

There are unique environmental or resource coordination requirements at this site. A biological assessment must be prepared for new sites and an analysis of the potential effects to federally listed species, Forest Service sensitive species, Management Indicator Species, and birds covered by the Migratory Bird Treaty Act and the American Eagle Act must be displayed.

B. Wiring and Grounding

1. All equipment shall be installed in metal cabinets or open frame equipment racks that are grounded. Grounding is to be installed in accordance with manufacturer's recommendations and accepted industry standards.

2. All building electrical wiring and grounding shall meet the NEC and applicable state and local codes. All permanent wiring shall be installed in metallic conduit and shall include a separate safety ground conductor. Electrical metallic tubing (EMT) raceway in and of itself shall not be used as a ground return. Exception: If galvanized rigid conduit (GRC) is employed, it shall be acceptable for use as a ground return.

3. Every effort shall be made to protect the equipment from lightning damage. Lightning protectors should be used on all coaxial cable connections to

equipment enclosures. Inert gas gap or metal oxide varsitor (MOV), silicon avalanche diode (SAD), or transient voltage surge protectors (TVSS) should be used on all control, audio, and power lines. Failsafe modes shall be employed in the TVSS to protect wiring and shelter from fire damage. All TVSS equipment shall be UL1449 listed or approved.

4. All new building and/or tower structures shall have its own separate station ground mat system for all users in that site and solidly bonded (such as exothermic weld, not brazing) to the electrical service entrance grounding conductor or grounding electrode. Wherever practical, interconnection of individual station ground mats and/or the simultaneous placement of large sized copper ground wire with any new grounding systems that are buried on the site shall be encouraged.

5. Grounding shall be installed in accordance with accepted practices and standards, such as but not limited to, Motorola, Inc. "Standards and Guidelines for Communications Sites R-56 Issue B", and NEC Articles 250, 810, and 820. Ground enhancement materials using bentonite clay is currently the only approved method for chemical grounding. Other types of chemical grounding shall require completion of NEPA documentation by the applicant prior to consideration for approval by the authorized officer.

C. Communications Equipment

1. Equipment Ownership

   All equipment shall be labeled with:

   a. The owner's name;

   b. Applicable transmitter frequencies;

   c. The applicable FCC license or NTIA authorization;

   d. Transmitting power outputs; and

   e. A current 24-hour telephone contact number.

2. Transmitting Equipment

   All transmitters shall have protective devices built into them or externally installed to prevent interference with other uses. All transmitters shall meet FCC/NTIA requirements and be FCC type accepted for use in the licensed (or license exempt) application.

   The re-radiation of intercepted signals from any unprotected transmitter and its associated antenna system shall be prevented by the use of appropriate

filters, typically bandpass filters, circulators (isolators), and/or 2nd harmonic filters.

The direct radiation of out-of-band emissions (noise or spurious harmonics) shall be reduced to a level such that it may not be identified as a source of interference as defined in Title 47 of the FCC Telecommunication regulations. If site noise (electromagnetic noise) becomes an issue, noise threshold limits shall be established, and amended into the Site Plan.

All transmitters not in immediate use and not specifically designated as standby equipment shall be removed. Loads connected to circulators shall be capable of dissipating the total power output of the transmitter.

Where duplexing is used, a notch-type filter device by itself shall be avoided. In situations where a notch-type device is used, a bandpass filter shall be used on both the receiver and transmitter. Transmitter multi-channel hybrid combining equipment should be avoided unless additional protection is provided to ensure hybrid balance and minimize the chance for intermodulation products being produced. A post combining bandpass or lowpass filter is required after the basic hybrid combiner to block undesired 2nd harmonics from being radiated.

3. Receiving Equipment

A bandpass device, such as a cavity or crystal filter, is recommended at the input of all receiving devices. Cavity filters or other protective devices may be used at receiver inputs to reduce interference.

Where duplexing is used, a notch-type device should be avoided. In situations where a notch-type device is used, a bandpass filter shall be used on both the receiver and transmitter.

4. Antennas

   a. Microwave (dish) antennas and other than ground-mounted satellite dishes shall not exceed 8 feet in diameter, unless specifically authorized to meet path performance and reliability criteria.

   b. All antennas shall meet all OSHA safety standards. All facilities must operate in accordance with the Federal Communications Commission (FCC) radio frequency exposure regulations. Facilities discovered to allow exposure in excess of applicable public or occupational limits will be remediated within 24 hours to bring it into compliance. Ground measurements of Radio Frequency Radiation (RFR) levels will be taken before mitigation measures are implemented.

c. Colors for dish antennas or covers shall be pre-approved by the authorized officer. White dish antennas and covers will not be approved. Existing white dishes and covers shall be repainted or replaced as repairs or replacement become necessary.

d. Antennas shall be treated to reduce or eliminate reflected glare.

e. Low-powered transmit and receive antennas may be located low on the tower or on the ground.

5. Interference

The responsibility for correcting interference problems lies with the holder of the communications use authorization for the facility, the user causing the interference, and the affected parties. Generally, the first users at a site have seniority with respect to resolution of interference complaints. Senior users have an obligation to maintain their equipment to current industry standards, to operate their systems in accordance with the terms of both the FCC license and the NTIA/Interdepartment Radio Advisory Committee (IRAC) frequency authorization, and to comply with the Forest Service communications use authorization. New users at a site shall correct, at their expense, interference problems that they create. If it can be demonstrated that the senior user's equipment is at fault because of poor technical performance (does not meet, for instance, current Association of Public-Safety Communications Officials (APCO) or EIA/TIA technical standards for receiver performance), it will be necessary for the senior user to bring the poor performing receiving equipment up to current standards. The new user, in any event, shall cease operation of the suspect equipment until the problem is corrected, or as in the case of a poorly performing senior user receiver, the senior user must formulate an action plan for correcting the deficiency as soon as possible and be acceptable to both parties. If interference problems cannot be resolved or corrected within a reasonable time, the new use that is causing the interference may be terminated and the equipment removed.

If a Site Users Association is formed, all users shall cooperate with the Forest Service in the identification and correction of any interference. The Forest Service does not have any responsibility for correcting interference problems, but can act as a mediator to help all affected parties. Interference problems, whether theoretical, calculated, or measured (before and after licenses are granted) should be coordinated and resolved with the FCC or NTIA, as appropriate.

Interference with Public Safety, Critical Infrastructure, and any other emergency communications facility shall be corrected immediately. Operation of equipment covered by this site plan shall not interfere with Federal Government radio or electronic operations already in existence on NFS lands within two miles of the Mt. Lemmon-GATR Communications Site.

The user causing this interference shall at their own expense take all actions necessary to prevent or eliminate the interference. If they do not eliminate the interference within ten (10) days after receipt of notice from the Forest Service to do so, their use will be terminated.

If electromagnetic noise becomes an issue, noise thresholds shall be established and incorporated as an amendment to this site plan. The cost of such analysis is the responsibility of the authorization holders.

D. Cables and Transmission Lines

All new outdoor cabling shall be jacketed and 100 percent shielded and shall either be flexible or semi-rigid. Cables shall be properly installed, strapped, and fastened down. Cable runs should be consistent with applicable engineering standards when attaching cables onto a tower.

All transmission lines (including wave guide) shall be supported in accordance with manufacturer's specifications. Unjacketed transmission lines or unjacketed cables of any type are prohibited. No transmission lines shall be left unterminated. Lightning protection ground down conductors on towers shall be insulated from the tower steel and considered no different than transmission lines. Bonding of this down conductor to tower steel shall be done with NEC approved connectors that are also galvanically compatible (bronzed or tin plated) with the structural galvanized steel of the tower.

Double-shielded braided (98 percent or better) or solid-shielded cable shall be used inside of buildings. No RG-8 or RG-58 type class of cable is permitted. No connector-type adapters shall be used on transmitter lines. Only correct connectors that will mate to connected devices may be used.

Conduits shall be shared as allowed for under the NEC when they service common areas and shall be buried where possible.

Existing cables and transmission lines that do not meet the above requirements shall be upgraded as repairs or replacement become necessary.

E. Radiation

All communications uses shall meet FCC, NTIA, and OSHA regulations, policy, guidelines, and standards concerning radiation limitations.

All antenna radiation zones shall meet all OSHA safety standards. If an antenna radiation zone is operating in excess of FCC public or occupational standards, steps will be taken, such as fencing, posting of signs, relocation, lowering of power levels, etc. within 24 hours to bring the zone into compliance. Ground measurements of RFR levels will be taken before mitigation measures are implemented. It is recommended that each Facility Owner or Manager, in accordance with FCC regulations 47 CFR sections 1.1307(b),

1.1310, and 2.1093, properly monitor Maximum Permissible Exposure (MPE) to electromagnetic fields for their site.

Monitoring radiation levels at the site is the responsibility of all site users and shall occur at intervals to comply with FCC regulations and guidelines. A copy of the monitoring report shall be provided to the Forest Service within 30 days of its completion.

Security fences with RFR notice signs are required around areas that exceed public use levels. All fencing location and design shall be pre-approved by the Forest Service.

Warning signs shall comply with American National Standards Institute (ANSI) C95.2 color, symbol, and content conventions. Contact information, including name and telephone number will also be included on warning signs.

Any identified RFR radiation problems that are, or could be, a public health hazard must be corrected within 24 hours after measurement tests have been completed or be removed from the site by the site user(s). If the proposed corrective action involves any new ground disturbance, it must be pre-approved by the Forest Service.

F. Utilities

Site users shall pay for the cost to install and maintain utilities, including any resource surveys and reports needed for environmental compliance. For visual reasons, new overhead utility poles are not authorized.

1. Commercial Electrical Power

   Commercial power is provided by Trico Electric Cooperative.

2. Telephone Service

   Commercial telephone lines do service this site and are provided by CenturyLink.

3. Fuel Storage

   Fuel storage facilities on this site must be designed, installed and maintained according to applicable NFPA standards, federal, State and local laws and ordinances. All fuel storage tanks shall be grounded to the station ground mat.

If additional service is ever deemed necessary, a separate authorization will be issued to the owner of the service following the appropriate NEPA analysis and decision. The applicant must pay the cost of necessary resource surveys, and reports and construction costs including appropriate mitigation. For visual reasons, overhead utility lines may not be authorized.

G. Sanitary Facilities

No sanitation facilities exist at this site. If needed, any new sanitary facilities shall be pre-approved by the Forest Service. If it is determined by the authorized officer that the user needs such facilities, they will be provided by the applicant/holder in a manner and location satisfactory to the authorized officer and requirements of the local health department.

H. Security and Law Enforcement

The Arizona State Troopers and Pima County Sheriff's Department are the principal law enforcement agencies for the area in which the Mt. Lemmon-GATR Communications Site is located. Generally, the State Troopers and County Sheriff are responsible for civil and criminal law enforcement. Generally, the Forest Service is responsible for enforcing Federal laws applicable to NFS lands, such as resource protection. Patrol and policing for security purposes is the holder's responsibility.

Several of the facilities at Mt. Lemmon-GATR Communications Site are fenced. If additional fencing is ever deemed necessary for security purposes at other facilities on the site, it must meet the following criteria:

1. All fences must meet health and safety requirements.
2. All fence locations and design require Forest Service pre-approval.
3. The standard fencing type will be chain-link (i.e. cyclone).
4. The standard fence height will be eight (8) feet.
5. Fencing will be designed, maintained, and of a type to minimize interference issues. All fencing materials shall be hot-dip galvanized coated to minimize corrosion and dissimilar metal contacts.
6. Fencing shall be grounded at regular intervals not to exceed 20 feet to the station ground mat. The purpose of this requirement is to lower its conductivity to RF signals and shunt those RF signals to ground and prevent re-radiation.
7. Fences will be signed with RFR notices if RFR is above public levels.

Buildings shall be posted with a 24-hour contact phone number(s) on the main door(s) into the building where appropriate.

I. Site Maintenance

The objectives of site maintenance are to present a clean, neat, and orderly appearance at the site and to have all the authorized improvements at the site be safe for workers and the public. All users are responsible for maintaining the overall appearance of the site.

Miscellaneous debris remaining after any construction or installation, removal or modification of equipment is not only a hazard but can cause interference or intermodulation problems. All loose debris must be removed from the site within 30 days after completing construction, reconstruction, or other activities. In particular, all loose wire or metal objects shall be removed from the site. The users of the site shall remove graffiti within ten working days of finding it. If graffiti is on natural features, such as rocks and trees, site users will remove graffiti using a method approved by the authorized officer.

Holders may not leave or dispose of trash, garbage, or cut brush on NFS lands. No outside trash or litter containers are allowed. Site users shall remove all trash and litter from the site as it is produced. Policing of litter in common areas, such as the areas between buildings and developed sites, is the shared responsibility of those holders bordering these areas.

Peeling paint on buildings and towers shall be re-painted within thirty days of discovery or as soon as possible as allowed by weather conditions.

J. Inspections

Unless waived in writing by the authorized officer, the holder shall have conducted annually a certified inspection of the facilities and equipment covered by the authorization. The inspection shall include a technical review that should ensure that all authorized equipment is operating in accordance with requirement of this site plan, the applicable FCC license or NTIA authorization, ANSI standards, and the manufacturer's specifications. In addition, the inspection should ensure that the authorized equipment is secure, free of rust, properly grounded, and otherwise properly operated and maintained. A copy of the inspection report, certified by a telecommunication specialist, shall be provided to the authorized officer within 30 days of completion of the inspection. The Forest Service may also conduct periodic reviews to monitor for authorization compliance.

K. Fire Prevention and Hazard Reduction Requirements

Facility owners and facility managers will be required to control vegetation within the fenced or immediate area around their facilities. Gravel/mineral soil (i.e. bare ground or mowed vegetation) must be maintained to a minimum of thirty (30) feet clearance around buildings and a minimum of thirty (30) feet clearance around any propane tank. Identified threatened, endangered, or sensitive plant species must remain within the minimum clearance areas.

Smoking is prohibited in flammable vegetation areas.

Roof structures shall be kept reasonably clear of debris at all times.

No explosives will be stored at this site. Flammable materials shall be stored in conformance with the requirements of local fire regulations. Flammables will be placed in closed containers and stored away from sources of ignition and combustible materials. If flammables are stored within a building, the building will be locked, properly signed and well ventilated.

Approved spark arresters will be required and maintained on all internal combustion engines.

At least one (1) U.L. rated 20 lb. A:B:C dry chemical fire extinguisher is required inside each building. Prior to each June, fire extinguisher(s) shall be inspected by holders and refilled, if necessary.

Any fire will be immediately reported to "911", the nearest Forest Service office and/or Pima County Sheriff's Office.

Forest Service Officers will make periodic fire prevention inspections. They will call to the holder's attention any lack of compliance with the above regulations, plus any other existing hazards. Compliance with these inspections is required within the time limits specified in the inspection report.

All fire protection standards must be accomplished by the beginning of fire season unless otherwise agreed to, and then maintained throughout the fire season.

For new construction, the Forest Service will provide the Holder with a separate Construction Fire Plan which will be prepared at that time as applicable. State and local laws/regulations must be followed for the diesel tank installation.

L. Access

1. Road

   Holders who damage the access road, or any of its associated improvements, such as ditches, culverts, roadside vegetation, signs, and underground utilities and facilities, shall be required to repair the road to conditions equal to or superior to those prior to any damage or disturbance.

   Directions to Mt. Lemmon-GATR Communications Site are from the Santa Catalina Ranger District located at Sabino Canyon Visitor Center. From the Visitor Center, go south on Sabino Canyon Road for 2.4 miles; turn left (remains Sabino Canyon Road) and go 2.1 miles; turn left onto Tangue Verde

Road and go 2.5 miles; turn left onto Catalina Highway (turns into General Hitchcock Highway) and go 28.6 miles; turn right onto Ski River Road and go 3.1 miles to gate; go another 0.1 miles beyond gate to Mt. Lemmon-GATR Communications Site on left. The Mt. Lemmon-GATR Communications Site is located approximately 9 air miles north of the Santa Catalina Ranger District Office and the driving time is approximately 2 hours.

2. Internal Roads and Parking Areas

   Internal roads and parking areas within the communications site are the responsibility of the site users. Interior roads and parking areas shall be planned and approved by the authorized officer in conjunction with establishment of new facilities. Interior roads shall be maintained so as to allow only one entrance to the site. The intent is to discourage off-road vehicle use in and around the site.

3. Road Closures

   Forest Service roads are subject to periodic closures to entry during periods of extreme fire danger, inclement weather, or wetness. Site users may access the site during these closures if they have prior, written approval from the authorized officer.

IX. SITE ASSOCIATION AND ADVISORY GROUP

A Site Association may be desirable for the Mt. Lemmon-GATR Communications Site as issues arise in the future requiring more user coordination. It may also be desirable to include the communications users on the private land for coordination on the following common issues. If formed in the future, the Site Association would be responsible for obtaining access, maintenance and upkeep of internal roads and parking areas. The Site Association would also be responsible for ensuring cooperation between users for on-tower access. A Site Safety officer would be identified within the Site Association. The Site Association would be expected to develop a Radiofrequency Radiation Plan/Agreement and recommend measures to reduce interference issues (e.g., through use of filters).

The goal of the Site Association would also be to maximize the effective use of the site. The objective of a sanctioned association will be to represent all site users as a group when dealing with the Santa Catalina Ranger District Office on matters relating to the Site administration. The association would be able to work in cooperation with the Forest Service to identify problems or opportunities and make recommendations to these entities for any changes in management strategies at the site. The association could also provide input to these entities regarding the future addition of equipment and facilities at the site. While the advice and recommendations of the association would not be binding on these entities, they could use the input for administration of the site. The Forest

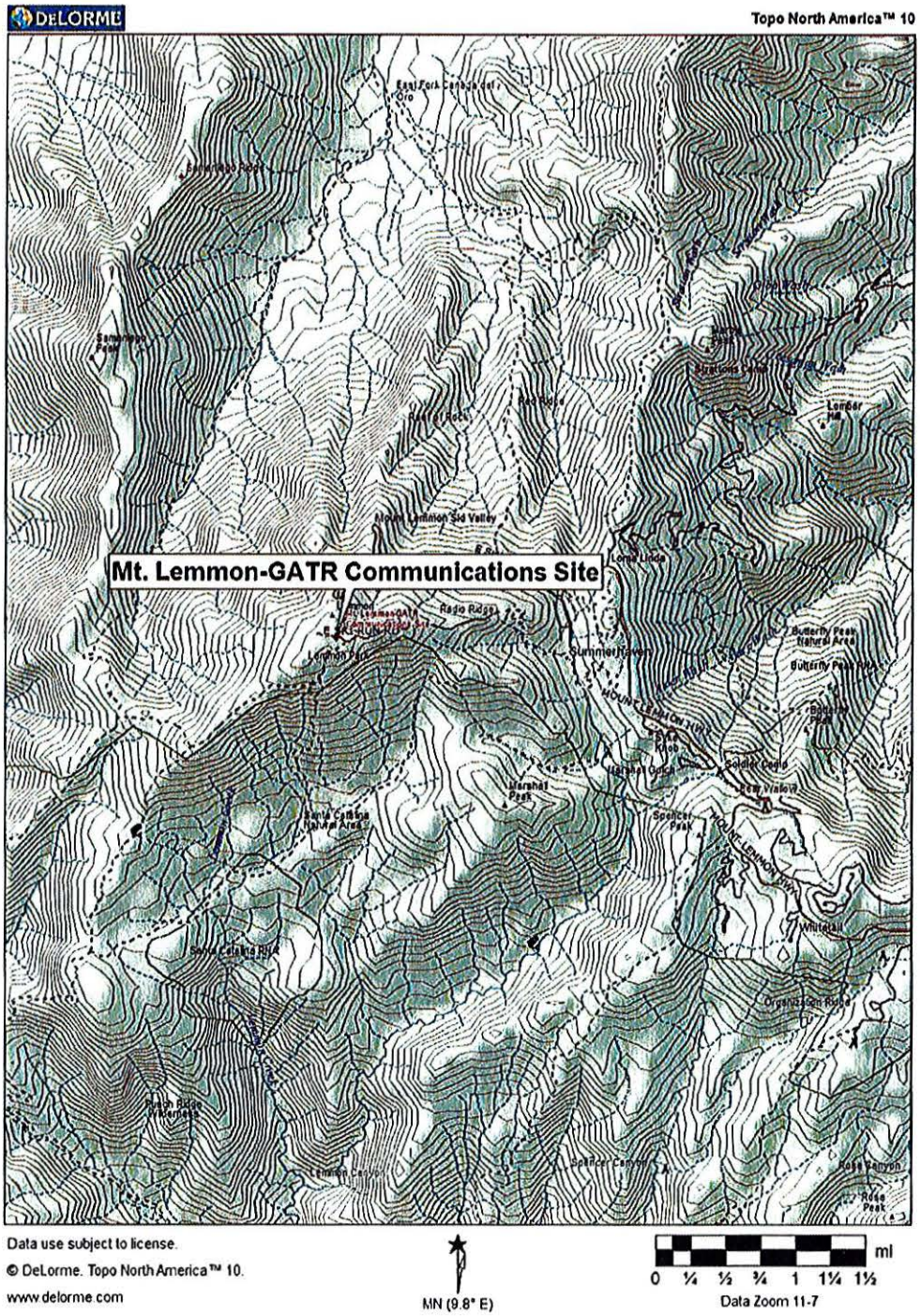
Service would be a member of such a group and would help jointly develop the charter (i.e., the ground rules).

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

X. APPENDICES

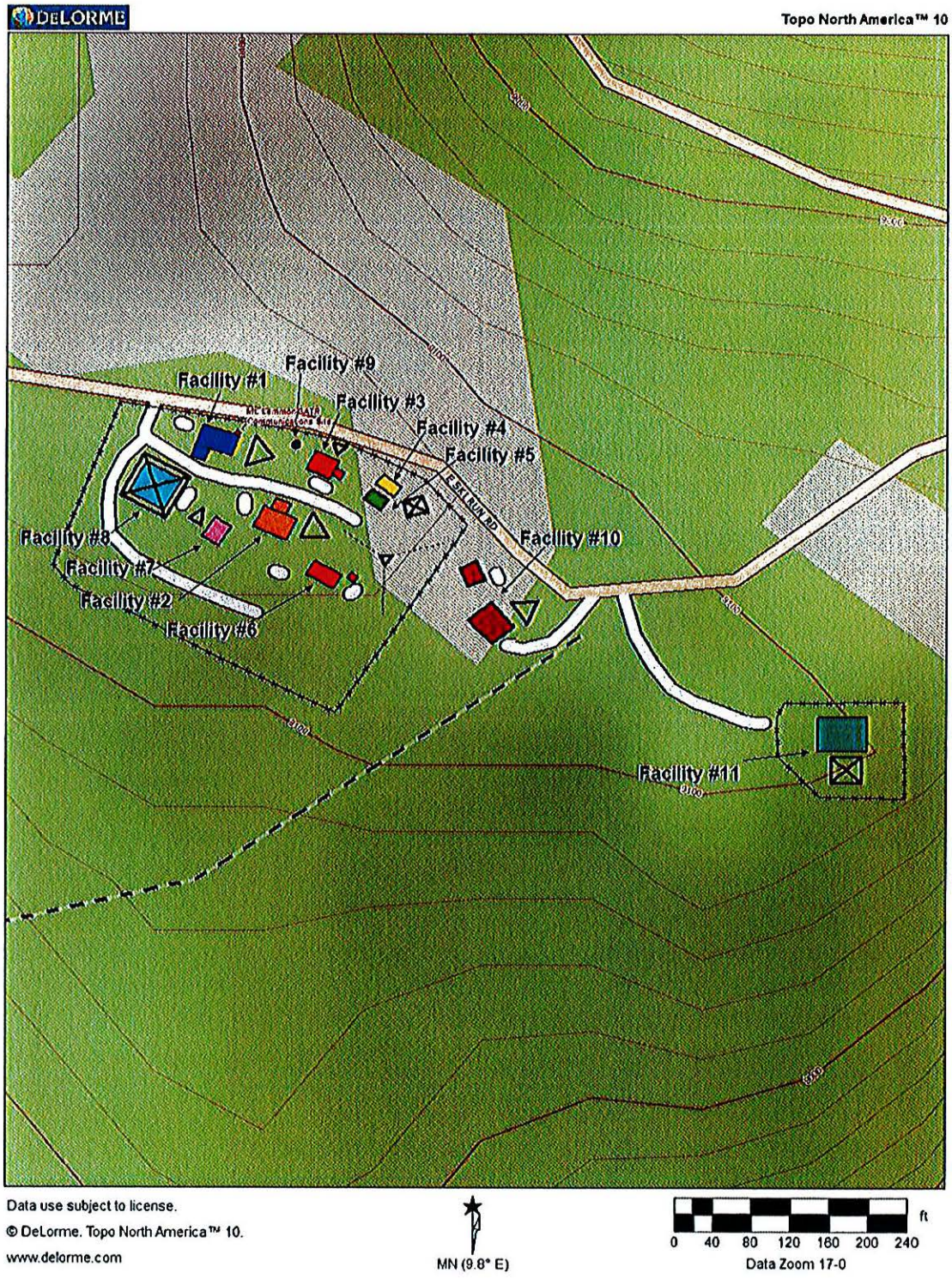
APPENDIX A – Location Map



Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

Site Map



Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX B – Authorized Facilities

Facility	Auth ID	Use	Building	Tower	Other
Facility #1 Pima County (Primary Building)	SAN1027	PMRS	10' x 20' Concrete block; 7' x 10' Metal generator shed	100' Self-supporting	Propane Tank (250 gal.)
Facility #2 Pima County (formally AZ Public Safety)	SAN2320	PMRS	20' x 20' Concrete	60' Self-supporting	Propane Tank (1000 gal.)
Facility #3 Western Area Power Administration	SAN001802	MIC	12'x 18' Concrete block	50' Self-supporting	Generator; Propane Tank (1000 gal)
Facility #4 Federal Bureau of Investigation	SAN1819	PMRS	8' x 8' Concrete	On USFS tower	Generator 26"W x 40"H x 64"L.
Facility #5 USDA Forest Service	N/A	PMRS	8' x 10' Fiberglass	80' Self-supporting	
Facility #6 CARBA (MARS) Radio Club	SAN020801	OT	8'x 20' Container	60' Guy; Three masts attached to building	Generator; Propane Tanks (2 – 150 gal)
Facility #7 DOD-Army	SAN1820	PMRS	8' x 16' Composite	80' self-supporting	
Facility #8 Arizona Department of Public Safety	SAN101504	PMRS	24' x 24' Metal	160' self-supporting	Propane Tank (1000 gal.)

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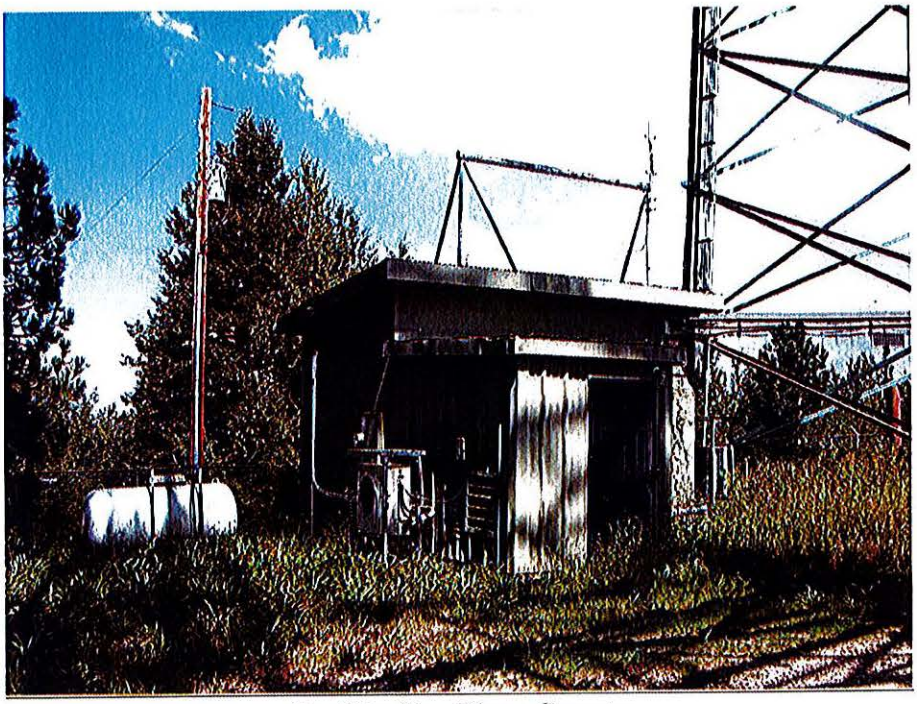
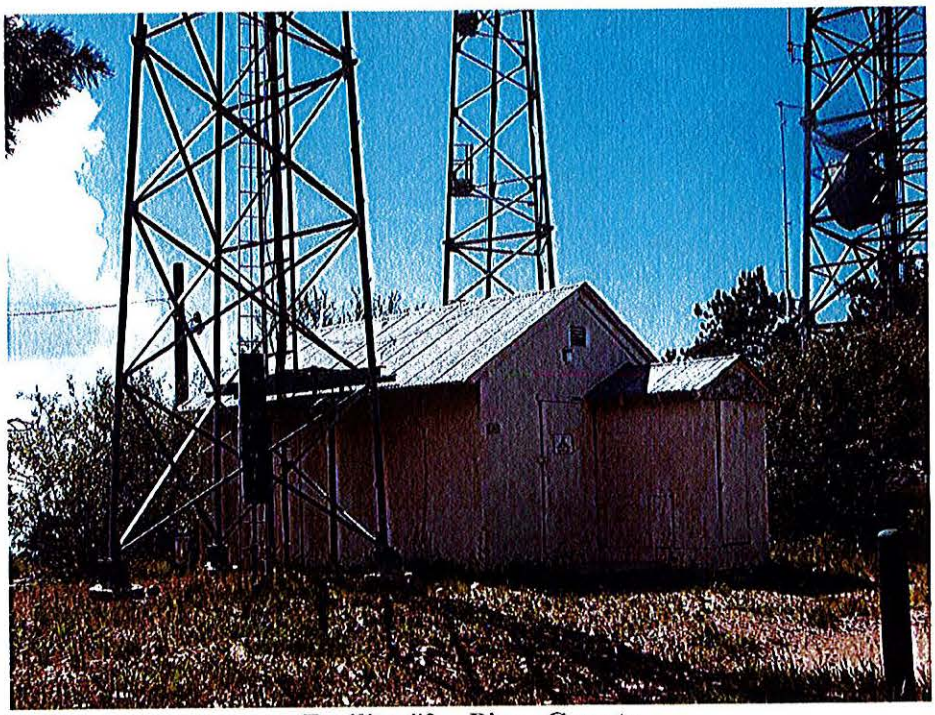
Facility	Auth ID	Use	Building	Tower	Other
Facility #9 Arizona Department of Water Resources	SAN103402	OT	N/A	10' Monopole	
Facility #10 Cellco Partnership dba Verizon Wireless	SAN4050	CEL	21' x 24' Metal; 12' x 12' Metal generator shed	120' self-supporting	Propane Tank (500 gal.)
Facility #11 CenturyLink	SAN4009	MIC	30' x 60' Concrete block	100' Self-supporting	Propane Tank (500 gal.)

APPENDIX C – Facility Photographs



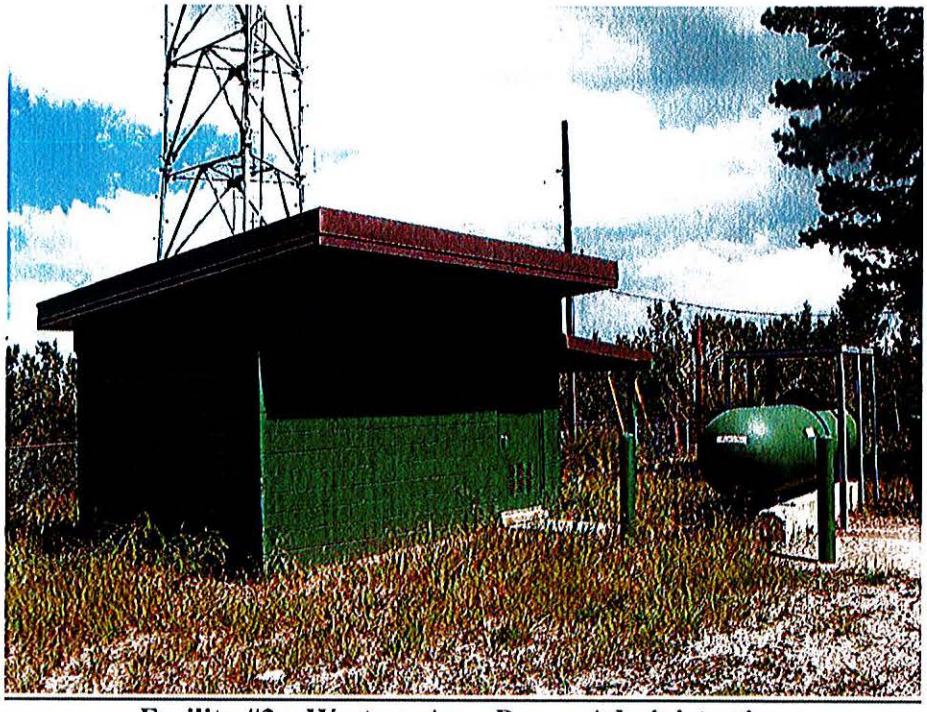
Facility #1 – Pima County



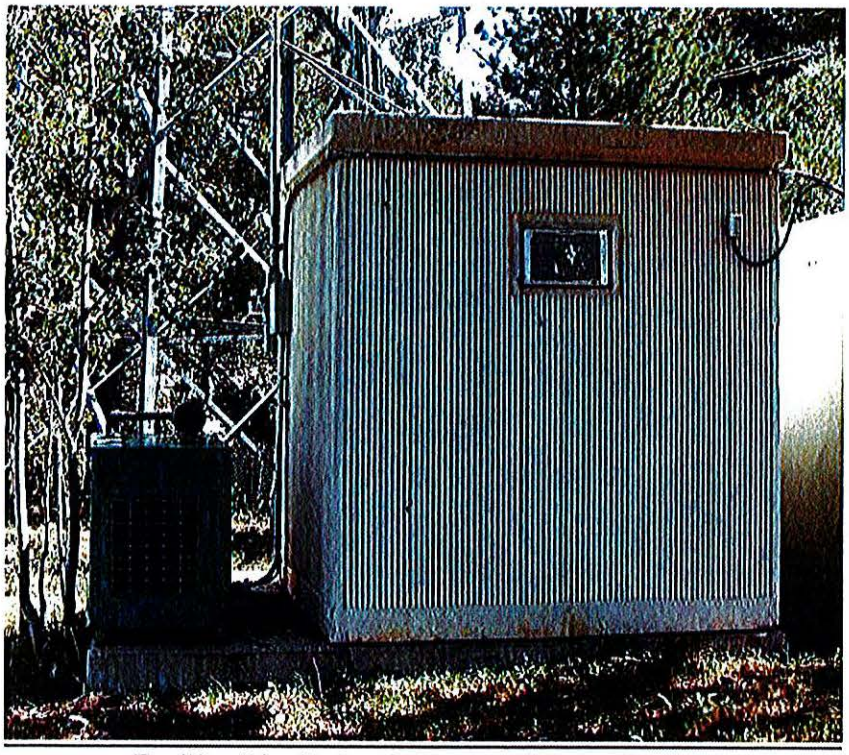
Facility #2 – Pima County

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN



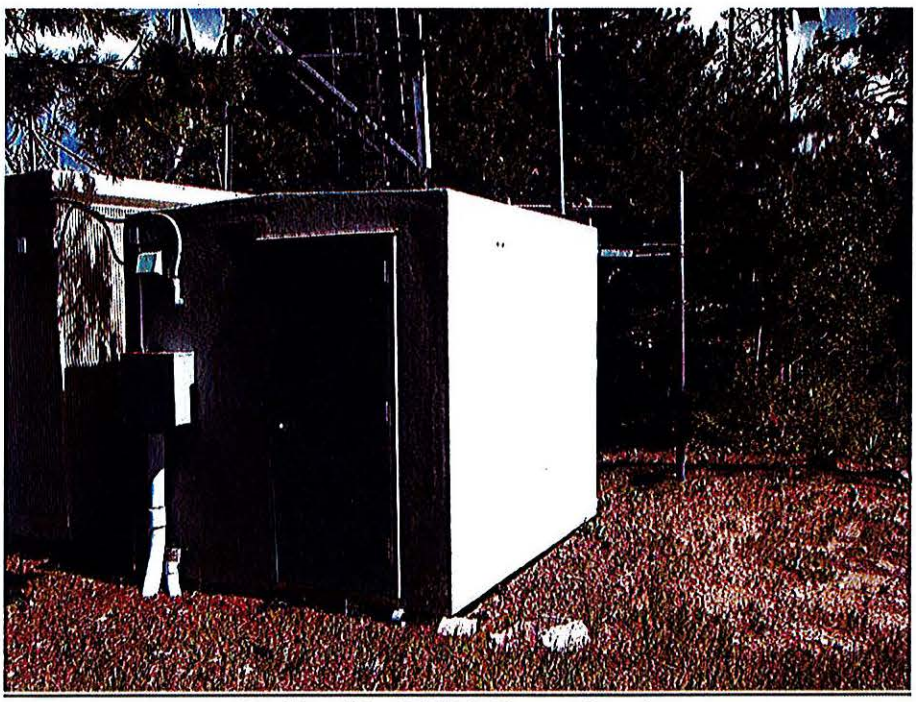
Facility #3 – Western Area Power Administration



Facility #4 – Federal Bureau of Investigation

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

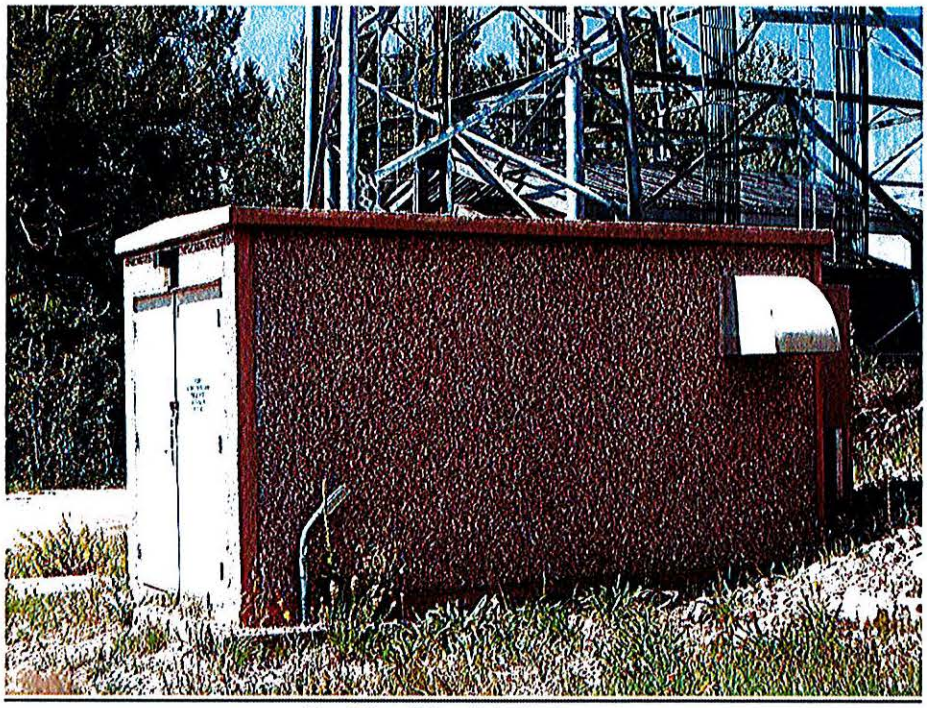


Facility #5 – USDA Forest Service

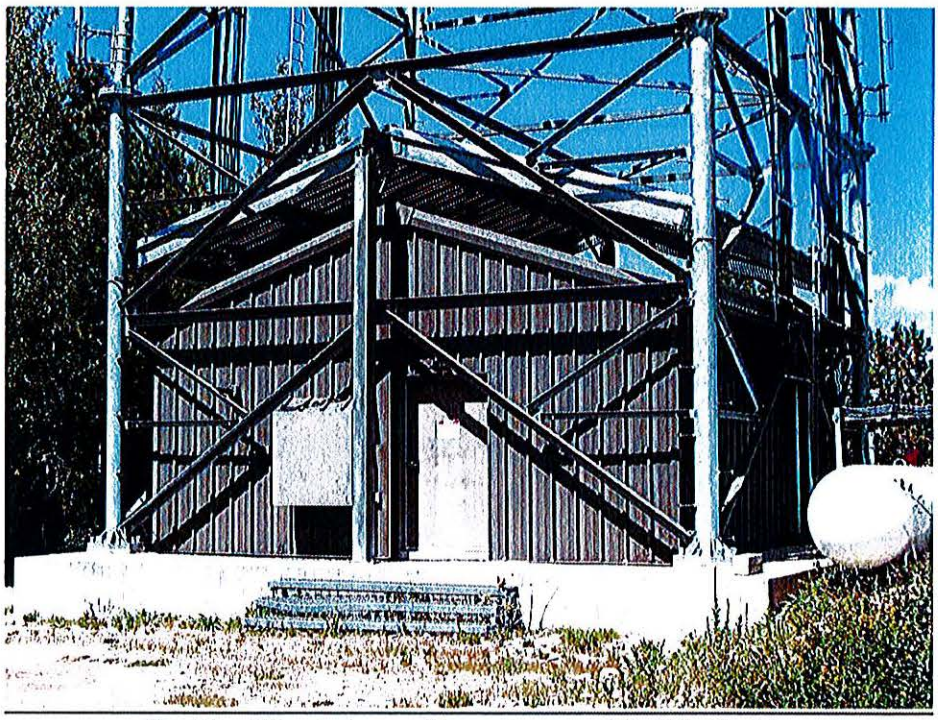
Facility #6 – CARBA (MARS) Radio Club

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN



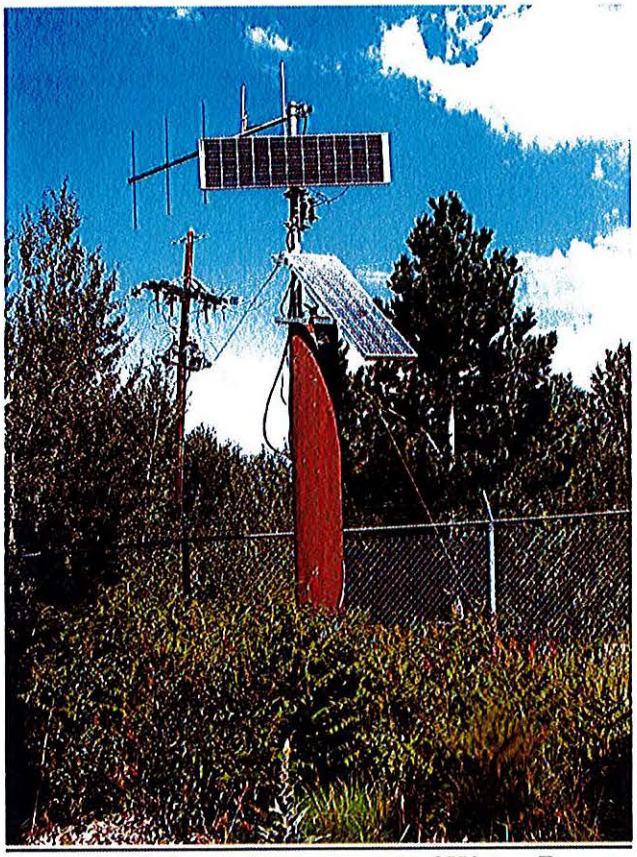
Facility #7 – DOD-Army



Facility #8 – Arizona Department of Public Safety

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

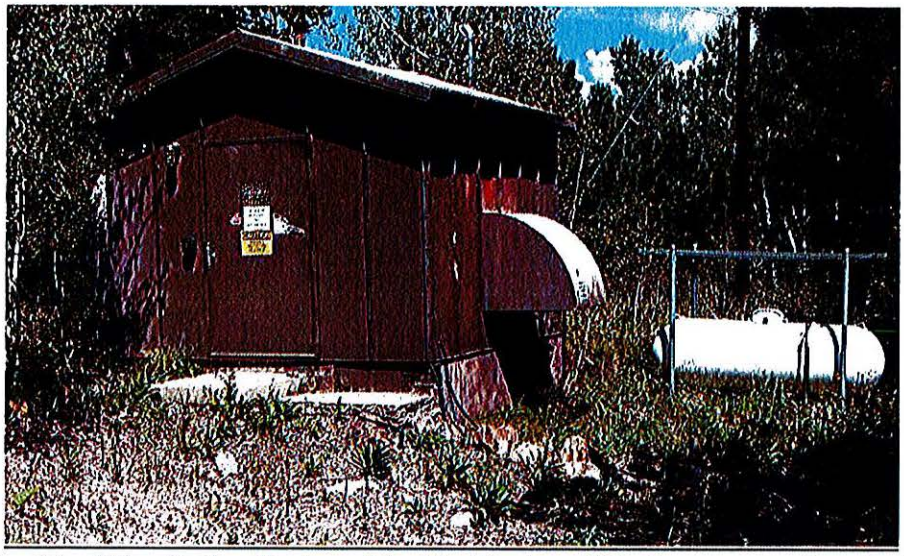


Facility #9 – Arizona Department of Water Resources

Facility #10 – Cellco Partnership dba Verizon Wireless

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN



Facility #10 – Cellco Partnership dba Verizon Wireless (generator shed)

Facility #11 – CenturyLink

Appendix A

MT. LEMMON-GATR COMMUNICATIONS SITE MANAGEMENT PLAN

APPENDIX D – Inspection Checklist

"Mt. Lemmon-GATR Annual Technical Inspection"

Date Inspected: _____ Authorization Holder: _____

Authorization ID: _____ Holder Site Reference ID: _____

Site Technician: _____ Phone # _____

Number of Transmitters _____ FCC Call Sign(s): _____

Please mark the following Items as Acceptable (A) or Unacceptable (U).

Electrical Wiring ---------- (A) (U) Grounding ---------- (A) (U)

Equipment Installation ---------- (A) (U) Housekeeping ---------- (A) (U)

Building Repair ---------- (A) (U) Tower Repair ---------- (A) (U)

Please mark the following Items as Yes (Y) or NO (N) or (N/A)

Isolators ---------- (Y) (N) (N/A) Circulators ---------- (Y) (N) (N/A)

Cavities ---------- (Y) (N) (N/A) Terminators ---------- (Y) (N) (N/A)

Filters ---------- (Y) (N) (N/A) Lightning Protection ---------- (Y) (N) (N/A)

FCC License or NTIA Authorization Posted ….. (Y) (N)

Equipment Labeled with (*please check all that apply*):

Owner's Name _____ Transmitter Frequencies _____ Transmitting Power Outputs _____
Current 24-hour Telephone Number _____

Comments: _____

_____

Recommended Corrective Action: _____

_____

Corrective Action To Be Taken (***may require prior approval from the Forest Service***): _____

_____

I certify that to the best of my knowledge the information provided is true, correct, and complete.

_____ _____

Site Technician Signature Date

All corrective actions must be completed within 120 days of this site inspection, unless otherwise agreed to in writing by the Forest Service.

Please make a written report of corrective action taken and submit to the Forest Service. If you should have any questions, please call the Forest Service office.

Appendix B
Conditions of Authorization

General Conditions

- Holder will correspond with the ForestSpecial Uses Administrators (sm.fs.coronado_su@usda.gov) regarding any proposed administrative changes or to the scope of the authorized improvements under this authorizations. The main office line for the Supervisor's Office is (520) 388-8300.
- Any changes to project work outside what was contained in Holder's original SF299 proposal form must be approved by the Forest Service in writing.
- Holders with aboveground bulk fuel storage containers over 55 gallons in capacity shall develop and submit to the Forest Service a Spill Prevention, Containment and Countermeasure (SPCC) plan in accordance with the Clean Water Act and EPA regulations (*see* "Appendix C"). Holder will also regularly inspect such bulk fuel storage containers, and make any necessary repairs or improvements to comply with law and regulation. A copy of all inspection reports/records will be submitted to the Santa Catalina Ranger District special use administrator upon receipt.

Plant and Wildlife Protection

- Holder will not perform any ground disturbing work, any operation or maintenance activities which will exceed the current noise level, or remove any vegetation or trees without prior written approval by the Forest Service.

Watershed & Soil Resource Protection

- Holder will minimize soil disturbance to what is absolutely necessary to accomplish/maintain the permitted activities and improvements.
- Holder personnel and contractors will clean all equipment and vehicles used during the staging and construction prior to entering the National Forest to remove all dirt and plants.
- Holder will avoid operation of equipment on moist ground conditions that could result in excessive rutting, soil compaction, or runoff of sediments into waterbodies.
- Holder will ensure that all buildings, towers, fuel tanks, pipeline and cable corridors, transmission lines, rights-of-way, and equipment are properly inspected and maintained to minimize damage to NFS resources in the event of an accident or natural disturbance.
- Holder will dispose of unneeded materials through the appropriate solid waste handlers. Surplus, repurpose, or recycle unneeded useable materials where practicable.
- Holder will monitor communications sites for evidence of erosion problems, and address these problems with appropriate measures, in consultation with NFS staff.
- Holder will limit driving or operating equipment on wet soils.
- Holder will address unauthorized use of access corridors in consultation with NFS staff, such as through motor vehicle use, that are exposing soils, increasing erosion, or damaging facility components.
- Holder will maintain the natural drainage pattern of the area. Do not reroute, change the dimensions of, or install facility structures or components within natural drainage channels without NFS consent.
- Holder will not place construction materials within natural drainage channels.

- Holder will establish effective ground cover on disturbed sites to minimize accelerated erosion and soil loss.
- Holder will use suitable species and establishment techniques to revegetate the site and to prevent the establishment of invasive plants.
- Where facility components are no longer compliant with applicable laws or regulations, and/or pose a risk to soil and water resources, they will be updated or replaced within a reasonable, specified timeframe as agreed-upon by the permittee and NFS staff.

Appendix C

United States Environmental Protection Agency

Office of Emergency Management

August 2013
www.epa.gov/emergencies

Spill Prevention, Control and Countermeasure Plan (SPCC) Program

Bulk Storage Container Inspection Fact Sheet

The inspection requirements of the SPCC rule are designed to detect oil leaks, spills, or other potential integrity or structural issues before they can result in a discharge of oil to navigable waters of the U.S. or adjoining shorelines. Regularly scheduled inspections, evaluations, and testing of bulk oil storage containers by qualified personnel are critical parts of discharge prevention. A container integrity inspection and/or testing program may involve one or more of the following: an external visual **inspection** of containers, foundations, and supports; non-destructive **testing** (examination) to evaluate integrity of certain containers; and additional **evaluations**, as needed, to assess the containers' fitness for continued service. The type of inspection program and its scope will depend on site specific condition and the application of good engineering practices and this can be accomplished by following applicable industry standards.

What oil storage containers do I have to inspect at my facility?

Conduct integrity testing and routinely inspect the following aboveground bulk storage containers with a capacity of 55 gallons or more:

- Large (field-constructed or field-erected) and small (shop-built) bulk storage containers;
- Containers located on, partially in (partially buried, bunkered, or vaulted tanks), and off the ground wherever located; and
- Double-walled containers.

Oil filled equipment is not a bulk storage container and, therefore, not subject to the integrity testing requirements of the SPCC rule.

§§112.8(c)(6), 112.12(c)(6)(i)
Test or inspect each aboveground container for integrity on a regular schedule and whenever you make material repairs. You must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration, and design (such as containers that are: shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried). Examples of these integrity tests include, but are not limited to: visual inspection, hydrostatic testing, radiographic testing, ultrasonic testing, acoustic emissions testing, or other systems of non-destructive testing. You must keep comparison records and you must also inspect the container's supports and foundations.

In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph.

Note: The above text is an excerpt of the SPCC rule. Refer to the full text of 40 CFR part 112.

How do I inspect aboveground bulk storage containers?

The SPCC rule requires that you:

- Test or inspect **each** container for integrity on a regular schedule and whenever you make material repairs; and
- Frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. This visual inspection is intended to be a routine walk-around and include the container's supports and foundations.
- Identify in your SPCC Plan the type and frequency of testing and inspection for each container and the appropriate qualifications of personnel performing the tests and inspections. You must retain testing and inspection records for 3 years. EPA recommends that formal test records or reports be retained for the life of the container.

Integrity testing is required for all aboveground bulk storage containers located at onshore facilities (except oil production facilities). Integrity testing is necessary to determine if the container (e.g. a tank) is suitable for continued use until the next formal inspection.

Appendix C

Depending on the type of container, integrity testing may be as simple as an external visual inspection or may involve more complicated methods of non-destructive testing such as Magnetic Flux Leakage (MFL) or ultrasonic thickness (UT) measurements, vacuum box testing, and weld inspection in order to adequately assess the container condition.

While frequent external visual inspections can often be completed by trained facility personnel, the requirement to conduct regular integrity tests or inspections may involve hiring specialized personnel (as specified by the applicable industry standard). For example, integrity testing of field-erected aboveground storage tanks in accordance with API 653 involves formal in-service external inspections and formal out-of-service internal inspections to be conducted by an API 653 certified inspector. A formal in-service external inspection involves visual inspection and UT measurements of the shell. A formal out-of-service internal inspection determines the condition of the tank's floor, walls and structure, but should also include the shell, roof, nozzles, and tank appurtenances. The out-of-service inspection typically includes non-destructive testing such as MFL scanning of the floor, vacuum box testing floor welds, helium leak testing, UT measurements, and tank bottom settlement measurements.

How do I develop a program for inspecting and/or testing my containers?

First, you, or a registered Professional Engineer (PE), determine which industry standards are applicable. Then, in accordance with the industry standards determine:

- The appropriate qualifications for personnel performing tests and inspections; and
- The frequency and type of testing and inspections. This must take into account the aboveground container size, configuration, and design (i.e., shop-built, field-erected, skid-mounted, elevated, equipped with a liner, double-walled, or partially buried).

Industry standards describe procedures to identify the condition of the container through formal internal and external inspections conducted by certified personnel. For internal inspections, the container must typically be taken out of service, cleaned, and made ready for personnel to enter the container. Examples of these integrity tests include, but are not limited to: visual inspection, radiographic examination, UT, MFL scanning, helium leak testing, magnetic particle examination, liquid penetrant examination, acoustic emissions-testing, hydrostatic testing, inert gas leak testing or other methods of non-destructive examination. Acoustic emission testing and UT robotic measurement are non-destructive examination methods that can be used while the tank is in-service. Acoustic emission testing is used to determine if there is a leak but does not determine if there is corrosion or metal loss. Hydrostatic testing is typically performed on new tanks and on existing tanks that have had major repairs or alterations. Industry standards may use one, or a combination, of these non-destructive examination methods or tests as part of an integrity testing program.

What are industry standards?
Industry standards are technical guidelines created by experts in a particular industry for use throughout that industry. Standards-developing organizations use a consensus process to establish the minimum accepted industry practice. The SPCC rule requires that the Plan be prepared in accordance with good engineering practice. Standards play a role in determining good engineering practice when developing spill prevention procedures and an inspection program for an SPCC-regulated facility.

Implementing an inspection program based on a particular industry standard is ultimately up to the owner/operator. When an owner/operator indicates in the SPCC Plan that he intends to use a standard to comply with a particular rule requirement (e.g. integrity testing), then it is mandatory to implement the relevant portions of the standard (i.e. those that address integrity testing of the container).

The American Petroleum Institute (API) Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction" and the Steel Tank Institute (STI) "SP001 Standard for the Inspection of Aboveground Storage Tanks" (STI SP001) are two commonly used inspection standards for aboveground bulk storage

If you have containers that have never been inspected for integrity then, depending on their size and configuration, industry standards may require that you assess baseline conditions for these containers.

Appendix C

The industry standard you or your PE identifies in your SPCC Plan outlines the specific inspection and integrity testing protocol for the containers at your facility. These protocols may vary depending on the size and configuration of your containers. For example, portable containers (e.g. a drum) have fewer inspection requirements than shop-built and field-erected containers.

Who can help me establish an integrity inspection and/or testing program for my bulk storage containers?

If your SPCC Plan will be certified by a Professional Engineer (PE) then the PE will work with you to establish an inspection and/or testing program that is appropriate for the types of containers at your facility. The PE may consider industry standards and consult with tank inspectors to determine the frequency, type of testing and inspections and the appropriate qualifications for personnel performing the tests and inspections.

If you have a qualified facility and are planning to self-certify your SPCC Plan, then you can develop your inspection and/or testing program by following the protocols identified in the industry standards applicable for your oil storage containers or by contacting tank inspection professionals. Industry standards, such as API 653 and STI SP001 contain requirements to inspect aboveground containers.

If you deviate from the requirements of the standards, then you can do so in accordance with the environmental equivalence provision in §112.7(a)(2) and have a PE certify that portion of your SPCC Plan.

More information on industry standards:

API Standard 653 (API-653)–Tank Inspection, Repair, Alteration, and Reconstruction

API-653 covers steel storage tanks built to design specifications in the API 650 standard and its predecessor API12. It provides minimum requirements for maintaining the integrity of tanks after they have been placed in service and addresses inspection, repair, alteration, relocation, and reconstruction. This standard is typically used to establish an integrity testing program for field-erected tanks.

Go to the API website for more information on their standards: http://www.api.org/

STI Standard SP001 (STI SP001)–Standard for the Inspection of Aboveground Storage Tanks

This standard focuses primarily on inspection of welded, metal, shop-fabricated and small field-erected tanks. Also included is the inspection of smaller, portable containers such as 55-gallon drums, intermediate bulk containers (IBCs) and other such containers that may be of metal or plastic construction.

Go to the STI website for more information on the SP001 standard: http://www.steeltank.com/

How often do I have to perform inspections or tests?

Testing on a 'regular schedule' means testing per industry standards or at a frequency sufficient to prevent discharges. Industry standards establish the scope and frequency for inspections that considers the particular conditions of the aboveground container. These conditions may include the age, service history, original construction specifications (e.g., shop-built vs. field-erected, welded steel vs. riveted steel), prior inspection results, and the existing condition of the container. It may also consider the degree of risk of a discharge to navigable waters or adjoining shorelines, e.g. containers that are located near saltwater where an accelerated corrosion rate would be expected. The frequency of inspections is based on changing conditions of the container (e.g., corrosion rates, settling, etc.) and the interval between inspections may vary over the lifetime of the container.

Once you determine an inspection schedule for your aboveground containers (based on applicable industry standards), document the schedule in your Plan and conduct inspections according to that schedule. You should also include a description of the conditions of the container that led to the specific inspection schedule identified in the Plan.

Appendix C

How do I establish a baseline condition for my aboveground container?

Industry standards, such as API 653 and STI SP001, contain minimum requirements to inspect aboveground containers and criteria to assess each container's suitability for continued service. The baseline and suitability evaluation provides information on the container's existing condition relative to the design metal thickness and the rate of metal loss from corrosion as well as the anticipated remaining service. In some cases, where baseline information is not known, the testing program may include two data collection periods, one to establish a baseline of the container's existing shell and bottom plate thicknesses, and a second inspection to establish corrosion rates in order to develop the next inspection interval. These inspection intervals establish the frequency of the 'regular schedule' required for testing under the SPCC rule.

When no or only partial baseline information is available for a container(s) at the facility, then the owner/operator should schedule integrity testing in accordance with industry standards as soon as possible and in accordance with both good engineering practice and the judgment of the certifying PE. Because the SPCC Plan must be reviewed at the facility every five years in accordance with §112.5(b), you should consider to begin collecting inspection data during the next five year period. As an example, a facility owner/operator is scheduling upcoming inspections for bulk storage containers at a facility he recently purchased. The owner/operator has no records of inspections or information on the in-service date (i.e. original construction date) for a 10,000-gallon aboveground storage container at the facility. The SPCC Plan was last amended on November 10, 2011. Therefore, in order to establish a baseline for the 10,000-gallon AST, the facility owner schedules the first (baseline) container inspection or integrity test by November 10, 2016.

The implementation of the testing program should be in accordance with industry standards and establish appropriate inspection priorities among multiple containers at a facility. For instance, special consideration may be discussed in the Plan for containers for which the age and existing condition is not known (no baseline or only partial information exists); older containers; or those in more demanding service. These higher priority containers may be targeted for inspection in the schedule before other aboveground containers where the baseline information is known.

Section 112.7 of the rule states that if the Plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, you must discuss these items in separate paragraphs, and must explain separately the details of installation and operational start-up. Therefore, if an owner or operator has yet to implement the integrity testing program, the SPCC Plan should establish and document a schedule (in accordance with good engineering practice and the introductory paragraph of 112.7) that describes the projected implementation of the integrity testing program for the aboveground bulk storage containers at the facility. The owner or operator must then implement the inspection program in accordance with the SPCC Plan.

Do I need to establish a baseline when the standard requires only visual inspections?

No, if the industry standard only requires visual inspections for the container (e.g., certain shop-built containers) then a baseline is not necessary. The standard establishes a frequency for visual inspections rather than basing the interval on the container's corrosion rate. On the other hand, a baseline is necessary for most non-destructive testing protocols, because the container's corrosion rate impacts the frequency/interval of future formal integrity testing inspections.

Owners and operators need to refer to the particular industry standard identified in the SPCC Plan to determine the scope of inspection and testing requirements. For example under the STI SP001 standard, visual inspection is allowed for portable containers such as drums and totes. A baseline determination of metal thickness of a portable container is not required prior to implementing the visual-only integrity testing inspection protocol.

Appendix C

How do I demonstrate in my SPCC Plan that I have an inspection and/or testing program for containers that I have not yet inspected?

The introductory paragraph of §112.7 of the SPCC rule allows for the owner or operator to describe procedures, methods, or equipment that are not yet operational in the SPCC Plan and in this event, requires the owner or operator to include a discussion of the details.

The Plan preparer must provide details in the Plan including a timeline to gather the necessary baseline data to establish a regular schedule of integrity testing in accordance with §§112.8(c)(6) and 112.12(c)(6). The Plan preparer may need to consult with a tank professional and/or PE to determine the scope of the integrity testing program for the containers. Include in your Plan a description of the inspection program including:

- The type of integrity inspection that will be conducted (i.e., visual or another non-destructive method),
- The applicable industry standard that the serves as the basis for program
- The implementation schedule for inspecting containers, and
- Any other considerations that went into the development of the inspection program.

Ensure that your containers fall within the scope of the industry inspection standard that you elect to follow and include a description of the inspection procedures in the SPCC Plan. Finally, include information on recordkeeping procedures in the Plan.

What are my recordkeeping requirements?

The facility integrity testing and inspection program must be documented in the Plan, including the schedule for conducting inspections and tests. The SPCC rule requires that you keep a record of the inspections and tests, signed by the appropriate supervisor or inspector, for a period of three years. However, industry standards often advise that records for formal inspections and tests be maintained for the life of the container.

EPA strongly recommends that you keep comparison records of integrity inspections and tests as directed in the standard, but no less than three years in accordance with the SPCC record retention requirement, in order to identify changing conditions of the oil storage container. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements.

Can I visually inspect large shop-built oil storage containers to satisfy the integrity inspection and testing requirements of the SPCC rule?

Yes, under certain circumstances visual inspection alone may suffice. However, the SPCC rule requires that inspections be in accordance with industry standards. For tanks larger than 5,000 gallons, most industry standards require more than a visual inspection by the owner or operator.

The SPCC Guidance for Regional Inspectors[1] published in 2005 described an example that may be environmentally equivalent to the integrity testing requirements of the SPCC rule at that time. The example indicated that visual inspection plus certain additional actions to ensure the containment and detection of leaks may be appropriate for bulk oil storage containers with a capacity up to 30,000 gallons. This example was based on a policy that described the environmental equivalence flexibility available to a PE with respect to integrity testing in a letter to the Petroleum Marketers Association of America (PMAA).[2] This example was established at a time when the rule specifically required that integrity testing include more than just a visual inspection. While the approach for the use of environmental equivalence described in this letter is still valid, EPA revised the integrity testing provision in 2008 to allow inspection requirements outlined in industry standards to be used without the need for environmental equivalence determinations certified by a PE. A major industry standard for integrity testing (STI SP001) was modified since the letter to PMAA was written to outline "good

[1] *SPCC Guidance for Regional Inspectors*, November 28, 2005. The guidance was updated August 28, 2013 http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm.

[2] Letter to Daniel Gilligan, President, Petroleum Marketers Association of America, from Marianne Lamont Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, EPA, May 25, 2004.

engineering practice" for integrity testing of shop-built containers. This may affect a PE's decision whether to certify an environmentally equivalent approach as described in the PMAA letter, or to follow an industry standard without having to certify the measures described in the PMAA letter as an environmentally equivalent method of integrity testing.

If an owner or operator wants to deviate from applicable industry standards to develop an integrity testing program, then a PE must certify an environmentally equivalent alternative in the SPCC Plan. Furthermore, the Plan must provide the reason for the deviation, describe the alternative approach (e.g. a site-specific or "hybrid" inspection program), and explain how it achieves environmental protection equivalent to the applicable industry standard.[3]

How do I inspect mobile or portable bulk storage containers?

Industry standards (such as STI SP001) refer to specific conditions for which visual inspection alone is an appropriate method for verifying the integrity of certain smaller shop-built containers (e.g., portable containers such as drums and totes). These conditions include container type, size, and configuration (such as whether the container is in contact with the ground or has appropriate secondary containment). For example, according to STI SP001, when portable containers have adequate secondary containment then visual inspection of these containers is acceptable and will satisfy the integrity testing requirements of the rule.

Can I use a site-specific (hybrid) inspection program instead of an industry standard?

Yes. Although the rule requires that you consider industry standards when developing an inspection program, you can incorporate an environmentally equivalent inspection program when you and the certifying PE decide that another inspection approach would be more appropriate or cost effective, based on site-specific factors. You can use an environmentally equivalent alternative when you include in your SPCC Plan the reason for deviating from the rule requirements and describe the alternative method in detail, including how it is environmentally equivalent.

An environmentally equivalent approach to following the applicable industry standard may be a site-specific (i.e., hybrid) inspection program that is based on elements designed to minimize the risk of container failure and allow detection of leaks before they impact navigable waters or adjoining shorelines. These elements may be based on a combination of various industry standards and good engineering practice.

If you are the owner or operator of a Tier II qualified facility and you choose to develop an alternative inspection program rather than follow an applicable industry standard, then you must have a PE certify the environmentally equivalent measures as described in §112.6(b)(4). You cannot deviate from applicable industry standards if you are the owner or operator of a Tier I qualified facility when following the requirements for Tier I qualified facilities in §112.6(a).[3]

Can I use a site-specific (hybrid) inspection program to deviate from portions of an industry standard?

Yes, under certain circumstances it may be appropriate to deviate from portions of an industry standard. As you develop your inspection and/or testing program, you must determine, in accordance with industry standards, the appropriate qualifications for personnel performing tests and inspections, the frequency and type of testing and inspections, which take into account container size, configuration and design. However, you and the certifying PE can decide to deviate from a portion of a standard when another approach would be more appropriate or cost effective, based on site-specific factors.

Your Plan should describe what industry standard applies, how the site-specific (hybrid) inspection program deviates from the applicable industry standard, and how the inspection program meets the minimal recommended elements of a hybrid inspection program.

[3] For more information on how to document an inspection program in your SPCC Plan see *Section 7.6.2* of the *SPCC Guidance for Regional Inspectors* at http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm.

Appendix C

If you are the owner or operator of a Tier II qualified facility and you choose to deviate from a portion of an applicable industry standard, then you must have a PE certify the environmentally equivalent measures as described in §112.6(b)(4). You cannot deviate from applicable industry standards if you are the owner or operator of a Tier I qualified facility when following the requirements for Tier I qualified facilities in §112.6(a).[4]

Can I use a site-specific (hybrid) inspection program if no industry standard applies to my container?

Yes. However, it is likely that at least one industry standard will apply in most circumstances. Two commonly used steel tank inspection standards are STI SP001 and API 653. The scope of these two standards addresses many of the steel storage tanks in service at SPCC-regulated facilities and it is likely that one of these inspection standards can be applied.

If in the judgement of a PE or qualified facility owner/operator, no industry standard applies to a particular container, then the Plan preparer should consider the manufacturer's specifications and instructions for the proper use and maintenance of the equipment, appurtenance, or container. If no industry standards or manufacturer's instructions apply, the Plan preparer may also call upon his/her professional experience and/or consult with tank inspection professionals to develop site-specific inspection and testing requirements for the facility or equipment that are in accordance with good engineering practice and document them in the Plan.

Tip

Although existing industry standards are not specific to integrity testing of AFVO bulk storage containers or tanks operated at elevated temperatures (e.g. asphalt), facilities with these storage containers can follow API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction" because the scope is written broadly to include any steel tank constructed in accordance with a tank specification.

A customized, site-specific (i.e., hybrid) inspection program should be based on relevant industry standards (in whole or in part) and other good engineering principles. The hybrid inspection program should be designed to measure the structural soundness of a container shell, bottom, and/or floor to contain oil, and may include leak testing to determine whether the container will discharge oil. API 653 and STI SP001 provide the foundation for integrity testing and inspecting containers, and in many cases it may still be appropriate to consider these standards when developing a hybrid inspection program.

A PE does not need to provide and certify an environmental equivalence justification for implementing a hybrid inspection program when industry standards do not apply to a container or the container is outside the scope of the standard. However, you must describe the procedures for this inspection program in your SPCC Plan and keep a record of inspections and tests for three years. EPA recommends that formal test records or reports be retained for the life of the container. These records can be helpful to inform changes in the inspection program.[4]

It is unlikely that qualified facility owner/operators will have bulk storage containers for which no industry standard applies. However, if you are the owner or operator of a qualified facility and you determine that no industry standard applies, then you should follow the procedures described above to develop an inspection program for bulk storage containers. No environmental equivalence determination is necessary in this case and a PE does not need to certify the hybrid inspection program; however, you should consider consulting with a tank inspection professional or a PE. You should also clearly explain why current industry standards do not apply and how the hybrid inspection program meets the minimal recommended elements described below.

What are some recommended elements for a site-specific integrity inspection and/or testing program (hybrid inspection program)?

[4] For more information on how to document an inspection program in your SPCC Plan see *Section 7.6.2* of the *SPCC Guidance for Regional Inspectors* at http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm.

Appendix C

The hybrid program should be designed to measure the structural soundness of a container shell, bottom, and/or floor to contain oil, and may include leak testing to determine whether the container will discharge oil. The components of a hybrid inspection program would likely include frequent visual inspections by the owner, as well as periodic inspections (plus testing as appropriate) by a certified inspector. Alternatively, the PE can recommend an inspection program following a specific standard, even when the standard does not specifically identify the container in its scope, if he believes that the inspection elements of that standard are appropriate for the container(s) at the facility and in accordance with good engineering practices.

Any hybrid inspection program should include an evaluation of the principal elements that would cause a tank to fail, and how the inspection program addresses finding such conditions, or prevents such conditions from continuing to the point of failure. For example, internal and external corrosion conditions must be considered, and a testing method developed to assure that the condition is identified and measured. Conditions that may lead to a structural failure should be identified, for example a failing foundation, and evaluation methods developed to identify the condition.

In all cases, careful consideration should be given to discovering such conditions that may not be identifiable from visual examination, such as the bottom of floor plates. Hybrid programs should also include evaluation of container modifications made since last examination that may degrade integrity or lead to failure.

For more information on how to document an inspection program in your SPCC Plan see *Section 7.6.2* of the *SPCC Guidance for Regional Inspectors at* http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm.

Recommended Elements for a Hybrid Inspection Program

Here is a partial list of items to consider regarding the elements of a hybrid inspection program.

For shop-built tanks:

- Visually inspect exterior of tank;
- Evaluate external pitting;
- Evaluate hoop stress and longitudinal stress risks where corrosion of the shell is present;
- Evaluate condition and operation of appurtenances;
- Evaluate welds;
- Establish corrosion rates and determine the inspection interval and suitability for continued service;
- Evaluate tank bottom where it is in contact with ground and no cathodic protection is provided;
- Evaluate the structural integrity of the foundation;
- Evaluate anchor bolts in areas where required; and
- Evaluate the tank to determine it is hydraulically sound and not leaking.

For field-erected tanks:

- Evaluate foundation;
- Evaluate settlement;
- Determine safe product fill height;
- Determine shell corrosion rate and remaining life;
- Determine bottom corrosion rate and remaining life;
- Determine the inspection interval and suitability for continued service;
- Evaluate welds;
- Evaluate coatings and linings;
- Evaluate repairs for risk of brittle fracture; and
- Evaluate the tank to determine it is hydraulically sound and not leaking.

Appendix C

How do I inspect and/or test containers that store animal fats or vegetable oils (AFVO)?

The inspection and/or testing requirements for AFVO at §112.12(c)(6)(i), are identical to those described above at §112.8(c)(6). The SPCC rule also provides differentiated, more flexible, alternative requirements at §112.12(c)(6)(ii) for AFVO containers that meet certain criteria to address differences in the way certain AFVOs may be stored and handled at a facility.

Facility owners with AFVO containers that meet the following criteria can conduct visual inspections of their containers when the following criteria are met:

- Are subject to the Food and Drug Administration (FDA) regulations in 21 CFR part 110, *Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food*;
- Are elevated;
- Are made from austenitic stainless steel;
- Have no external insulation; and
- Are shop-built.

The owner or operator is required to document the procedures for inspections and testing in their SPCC Plan, including those for AFVO bulk storage containers that are eligible for these differentiated requirements.

§§112.12(c)(6)(ii)
For bulk storage containers that are subject to 21 CFR part 110, are elevated, constructed of austenitic stainless steel, have no external insulation, and are shop-fabricated, conduct formal visual inspection on a regular schedule. In addition, you must frequently inspect the outside of the container for signs of deterioration, discharges, or accumulation of oil inside diked areas. You must determine and document in the Plan the appropriate qualifications for personnel performing tests and inspections. Records of inspections and tests kept under usual and customary business practices satisfy the recordkeeping requirements of this paragraph (c)(6).

Note: The above text is an excerpt of the SPCC rule. Refer to the full text of 40 CFR part 112.

A facility owner/operator with AFVO bulk storage containers may follow an applicable industry standard, such as API 653, to conduct inspections in accordance with the requirements of §112.12(c)(6)(i), follow the requirements of §112.12(c)(6)(ii) (if applicable), or provide an environmentally equivalent measure in the SPCC Plan in accordance with §112.7(a)(2) of the SPCC rule. If a hybrid inspection program is used to meet the integrity testing requirements in §112.12(c)(6), the Plan must state the reasons for nonconformance and explain how the hybrid inspection program provides equivalent environmental protection. The Plan should also address how the program effectively minimizes the risk of container failure and allows detection of leaks before they become significant.

A PE must review and certify the environmental equivalence determination. If a PE develops a hybrid inspection program for a facility, rather than uses an applicable industry standard, then the PE must describe why the hybrid inspection program does not follow the applicable industry consensus standard and how the hybrid inspection program is environmentally equivalent to the industry standard and meets the minimal recommended elements for a hybrid inspection program (described above).

What are the requirements to test completely buried tanks?

You must regularly leak test completely buried metallic storage tanks installed on or after January 10, 1974. "Regular testing" means testing in accordance with industry standards or at a frequency sufficient to prevent leaks. Appropriate methods of testing should be selected based on good engineering practice and tests conducted in accordance with 40 CFR part 280 or a State program approved under 40 CFR part 281 are acceptable.

Appendix C

Leak testing is often referred to as "tank tightness testing." Tank tightness tests include a wide variety of methods. Other terms used for these methods include "precision," "volumetric," and "nonvolumetric" testing. The features of tank tightness testing vary by method, as described in EPA Guidance on meeting UST system requirements:

§§112.8(c)(4), 112.12(c)(4)
Protect any completely buried metallic storage tank installed on or after January 10, 1974 from corrosion by coatings or cathodic protection compatible with local soil conditions. You must regularly leak test such completely buried metallic storage tanks.

Note: The above text is an excerpt of the SPCC rule. Refer to the full text of 40 CFR part 112.

- Many tightness test methods are "volumetric" methods in which the change in product level in a tank over several hours is measured very precisely (in milliliters or thousandths of an inch).
- Other methods use acoustics or tracer chemicals to determine the presence of a hole in the tank. *With such methods, all of the factors in the following bullets may not apply.*
- For most methods, changes in product temperature also must be measured very precisely (thousandths of a degree) at the same time as level measurements, because temperature changes cause volume changes that interfere with finding a leak.
- For most methods, a net decrease in product volume (subtracting out volume changes caused by temperature) over the time of the test indicates a leak.
- The testing equipment is temporarily installed in the tank, usually through the fill pipe.
- The tank must be taken out of service for the test, generally for several hours, depending on the method.
- Many test methods require that the product in the tank be a certain level before testing, which often requires adding product from another tank on-site or purchasing additional product.
- Some tightness test methods require all of the measurements and calculations to be made by hand by the tester.
- Other tightness test methods are highly automated. After the tester sets up the equipment, a computer controls the measurements and analysis.
- A few methods measure properties of the product that are independent of temperature, such as the mass of the product, and so do not need to measure product temperature.
- Some automatic tank gauging systems are capable of meeting the regulatory requirements for tank tightness testing and can be considered as an equivalent method.

Describe the method and schedule for testing your completely buried tanks in the SPCC Plan. For more information on tank tightness testing, see: http://www.epa.gov/oust/ustsystm/inventor.htm. For more information on preventing and detecting underground storage tank system leaks see http://epa.gov/oust/prevleak.htm.

What are the requirements to inspect bulk storage containers at an onshore oil production facility?

You must periodically and upon a regular schedule visually inspect each bulk storage container (e.g. oil stock tanks[5], flow-through process vessels, and produced water containers) for deterioration and maintenance needs in accordance with §112.9(c)(3), including the foundation and support of each container that is on or above the surface of the ground. This inspection is intended to be a routine walk-around where you look at the

§112.9(c)(3)
...periodically and upon a regular schedule visually inspect each container of oil for deterioration and maintenance needs, including the foundation and support of each container that is on or above the surface of the ground.

Note: The above text is an excerpt of the SPCC rule. Refer to the full text of 40 CFR part 112.

[5] A stock tank is storage tank for oil production after the oil has been treated (Schlumberger Oil Field Glossary http://www.glossary.oilfield.slb.com/default.cfm)

container and supports and foundations for any evidence of damage, corrosion, or leaks. Document the inspection procedures and schedule in the Plan and conduct inspections in accordance with the Plan.

EPA recommends that the inspection occur on an ongoing routine basis and be conducted by qualified personnel. Before the PE certifies the SPCC Plan in accordance with §112.3(d), he must consider applicable industry standards when developing the Plan and establishing procedures for inspections and tests. API has developed Recommended Practice 12R1 "Recommended Practice for Setting, Maintenance, Inspection, Operation and Repair of Tanks in Production Service" that includes inspection procedures for tanks employed in onshore oil production service.

Additionally, the owner or operator of an onshore oil production facility must conduct *integrity testing* for any bulk storage containers for which he determines secondary containment is impracticable. The Plan must follow the provision of §112.7(d) and clearly explain why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under §112.20, provide the following in the Plan:

- An oil spill contingency plan following the provisions of part 109 of this chapter, and
- A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.

More information on industry standards:

API RP 12R1
API RP 12R1 (R2008) Recommended Practice for Setting, Maintenance, Inspection, Operation and Repair of Tanks in Production Service contains recommendations for good practices in:

- The collection of well or lease production,
- Gauging,
- Delivery to pipeline carriers for transportation, and
- Other production storage and treatment operations.

This recommended practice is intended primarily for applications to tanks fabricated to API Specs 12B, 12D, 12F, and 12P when employed in on-land production service; but its basic principles are applicable to atmospheric tanks of other dimensions and specifications when they are employed in similar oil and gas production, treating, and processing services. API 12R1 is available for purchase at:

For More Information

Review the Oil Pollution Prevention regulation (40 CFR part 112):
http://www.gpoaccess.gov/cfr/

SPCC Guidance for Regional Inspectors
http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm

Call the Superfund, TRI, EPCRA, RMP, and Oil Information Center:
(800) 424-9346 or (703) 412-9810
TDD (800) 553-7672 or (703) 412-3323
http://www.epa.gov/superfund/resources/infocenter

To Report an Oil or Chemical Spill Call the National Response Center:
(800) 424-8802 or (202) 267-2675
TDD (202) 267-4477