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Feb 25 2011

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Letter of Return ULS File #0004536311

Larimer County's application # 0004536311 was returned by the FCC on 2/18/2011 for us to address the Petition to deny dated 1/16/2011 from Mummy Range Institute regarding the environmental impact and NEPA requirements of the proposed radio facility on Middle Bald Mountain.

In response to that petition:

The petition to deny states that *'The application contains false information regarding the environmental impact and NEPA requirements of the proposed radio facility on Middle Bald Mountain ...'*

Larimer County selected NO to question FCC 601 Schedule D question 26 based on 47CFR Sec 1.1307(7) which sets the following criteria for significant environmental effect:

(7) Facilities whose construction will involve significant change in surface features (e.g., wetland fill, deforestation or water diversion). (In the case of wetlands on Federal property, see Executive Order 11990.)

The proposed facility will not include any wetland fill, or water diversion. Tree cutting will be limited to a 10'-20' power line easement adjacent to existing USFS roads and the new access road (2,900' long, 10' wide). The USFS has estimated total trees cut to be equivalent to 29 acres with a value of \$1,100. However the USFS is scheduled to clear a 100' wide area of trees adjacent to the road along a majority of our proposed power line path to remove dangerous beetle killed trees. This will reduce considerably the amount of timber cutting required by this project. The project proposal includes 11.9 miles of above ground power lines (pole mounted). The final 1,000' of power line would be buried under the access road across the meadow. The proposed facility will include a small prefab equipment shelter (about 10' x 18'), a 70' freestanding tower, and an EPA approved outdoor diesel generator with integral double wall 200 gallon fuel tank. We do not believe that construction of the proposed facility constitutes "significant change in surface features".

In any event, since the proposed facility would be built on USFS property (Canyon Lakes District, Roosevelt National Forest) and requires a special use permit be issued, USFS regulations stipulate that the requirements of the National Environmental Protection Act be met. Larimer County has been involved in conducting the required Environmental Assessment under USFS guidance since 2004.

47 CFR 1.1311 (e) states "An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether any of the

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Larimer County Response to USDA Forest Service Questions: Middle Bald Communications Facility application facilities in question will have a significant effect on the quality of the human environment and, if it will, for invoking the environmental impact statement process." Since the USFS has assumed responsibility for the NEPA evaluation of this proposed facility an EA is not required for submission with this application.

We request the normal processing of this application be resumed.

Thank you

David S. Rowe
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Larimer County Colorado