Categorical Exclusion

(Version: AUG06)

Compliance Tracking Number: 2006-096 PEPC Project Number: 16599

A. PROJECT INFORMATION

Title: Tuolumne Meadows Cingular Cellular Upgrade Location: Tuolumne Meadows, Tuolumne County, California Project Manager: Dave Thorpe, Visitor Protection, Yosemite National Park Project Manager: Chrisopher Fowler, Cingular/ATT

B. COMPLIANCE DETERMINATION

This project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act analysis under Categorical Exclusion: DO12 3.4 C(13) - Upgrading or adding new overhead utility facilities on existing poles, or on replacement poles that do not change existing pole line configurations.

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. Environmental impacts will be negligible or less when the project is implemented with the conditions stipulated under **Project Mitigations and Conditions** in **Section I** at the end of the attached *Environmental Screening Form*.

Additional supporting information for this determination and the stipulated conditions can be found in the following attachments (when checked):

Environmental Screening Form

Preservation Assessment Form (YOSE-XXX)

Wilderness Minimum Requirement Analysis

Wild and Scenic River Section 7 Determination

Park Management Terms and Conditions

Other:

C. DECISION

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances or conditions in DO12 3.5 or 3.6 apply and the action is fully described in DO12, Section 3.4.

//R. Kevin Cann, Acting//

Michael J. Tollefson, Superintendent

8/31/06

Date

Original: Statutory Compliance File cc: Project Proponent

Attachments (2)



United States Department of the Interior

NATIONAL PARK SERVICE Yosemite National Park P.O. Box 577 Yosemite, California 95389

IN REPLY REFER TO: L7617 (YOSE-PM)

Memorandum

- To: Dave Thorpe, Project Manager, Visitor Protection, Yosemite National Park Christopher Fowler, Project Manager, Cingular/ATT
- From: Superintendent, Yosemite National Park
- Subject: Notice to Proceed, 2006-096 Tuolumne Meadows Cingular Cellular Equipment Upgrade

Your proposed project is an action that has been determined to result in no measurable environmental effects. It is therefore categorically excluded from further National Environmental Policy Act analysis under Categorical Exclusion: DO12 3.4 *C* (13) - Upgrading or adding new overhead utility facilities on existing poles, or on replacement poles that do not change existing pole line configurations.

Necessary compliance coordination has been completed regarding the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act, as applicable. This project clearance is valid providing that you adhere to the conditions stipulated in the enclosed *Categorical Exclusion Form* and associated documents when implementing this project.

//*R. Kevin Cann, Acting//* Michael J. Tollefson, Superintendent <u>8/31/06</u> Date

Enclosure (with attachments)

cc: Statutory Compliance File

Environmental Screening Form

(Version: AUG06)

Compliance Tracking Number: 2006-096 PEPC Project Number: 16599

A. PROJECT INFORMATION

Title: Tuolumne Meadows Cingular Cellular Equipment Upgrade Location: Tuolumne Meadows, Tuolumne County, California Project Manager: Dave Thorpe, Visitor Protection, Yosemite National Park Project Manager: Christopher Fowler, Cingular/ATT

B. PROJECT DESCRIPTION AND BACKGROUND

Technical and regulatory changes in the cellular telephone industry mandate the upgrade from analog Advanced Mobile Phone Service (AMPS) to digital technology. One regulatory change mandates Cellular Service Providers engineer and implement digital technology to support wireless E911 location identification from cellular phones. Golden State Cellular: Cingular Wireless needs to upgrade the equipment currently in service in Tuolumne Meadows. This will require two (2) additional flat panel antennas (51.8" x 10.3" x 5.5", 36.4 lbs) be placed on the existing telephone pole and heliax that will connect to equipment cabinets on the platform at the base of the pole. One cabinet will be replaced with a smaller cabinet, resulting in no increase in the current foot print. This upgrade will enhance all emergency and routine operations with an emphasis on more precise location data for E911 calls. Digital CDMA technology will enable remote data transmissions for units within range of an existing cellular tower.

Table B1 – Background Information Yes No N/A **Explanation/Notes** 1. Did NPS staff conduct a site visit? If yes, list \square П Visitor protection staff. attendees. If no, explain. 2a. Is the project providing compliance for an action associated with but not covered by an approved \boxtimes plan? (Identify the plan and provide a section or page citation.); OR 2b. Is the project in an approved plan? (Identify the \square \square plan and provide a section or page citation. \boxtimes 2c. Is the project consistent with that plan? 2d. Is the Plan's CE, FONSI, or ROD current? \boxtimes \square 3a. Are there any interested or affected parties? 3b. Has a diligent effort been made to communicate with them? \square 4a. Are there any affected agencies or tribes? 4b. Has consultation been completed?

Table B2 – Environmental Screening Form Attachments (provide Attachment letter—A, B, etc.)

	Yes	No	N/A	Explanation/Notes
2 required (vicinity map & site map)	\boxtimes			Vicinity map; see Attachment A.
ngs (e.g., design, construction)				
ans	\boxtimes			Site survey, details and elevations; see Attachment B.
graphs		\boxtimes		
EPA/NHPA Approvals (Explain)		\boxtimes		
(Explain)		\boxtimes		
	2 required (vicinity map & site map) ngs (e.g., design, construction) lans graphs IEPA/NHPA Approvals (Explain) (Explain)	2 required (vicinity map & site map) Image: Construction ngs (e.g., design, construction) Image: Construction lans Image: Construction graphs Image: Construction REPA/NHPA Approvals (Explain) Image: Construction	2 required (vicinity map & site map) Image: [Image: Site map] ngs (e.g., design, construction) Image: Site map] lans Image: Site map] graphs Image: Site map] IEPA/NHPA Approvals (Explain) Image: Site map]	2 required (vicinity map & site map) Image: Construction ngs (e.g., design, construction) Image: Construction lans Image: Construction graphs Image: Construction REPA/NHPA Approvals (Explain) Image: Construction

C. ASSESSMENT OF POTENTIAL RESOURCE EFFECTS

	e any impacts possible on the following ources?	Yes	No	N/A	Data Needed to Determine/Notes
1.	Geologic resources: soils, bedrock, streambeds, etc		\boxtimes		
2.	From geohazards				
3.	Air quality	Π			
4.	Soundscapes	Π		П	
5.	Water quality or quantity	Π	\square		
6.	Stream flow characteristics	Π	\square	Π	
7.	Marine or estuarine resources	Π		$\overline{\boxtimes}$	
8.	Floodplains or wetlands		\square		
9.	Land use, including occupancy, income, values, ownership, type of use		\boxtimes		
	Rare or unusual vegetation – old growth timber, riparian, alpine		\boxtimes		
11.	Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat		\boxtimes		
12.	Unique ecosystems, biosphere reserves, World Heritage Sites				Yosemite National Park is a World Heritage site; no historic resources would be adversely affected by implementing this project.
13.	Unique or important wildlife or wildlife habitat		\boxtimes		
	Unique or important fish or fish habitat		\boxtimes		
15.	Introduce or promote non-native species (plant or animal)		\boxtimes		
16.	Recreation resources, including supply, demand, visitation, activities, etc.		\boxtimes		
17.	Visitor experience, aesthetic resources		\boxtimes		
18.	Cultural resources including cultural landscapes, ethnographic resources	\boxtimes			The assessment of effect is "No Adverse Effect;" see Section F. National Historic Preservation Act Checklist, below.
19.	Socioeconomics, including employment, occupation, income changes, tax base, infrastructure		\boxtimes		
20.	Minority and low income populations, ethnography, size, migration patterns, etc.		\bowtie		
21.	Energy resources		\boxtimes		
22.	Other agency or tribal land use plans or policies		\boxtimes		
	Resource, including energy, conservation potential		\boxtimes		
24.	Urban quality, gateway communities, etc.		\boxtimes		
25.	Long-term management of resources or land/resource productivity		\boxtimes		
26	Other important environment resources (e.g. geothermal, paleontological resources)?		\boxtimes		
	nments, Mitigations and Conditions:				
1.	None				

D. MANDATORY CRITERIA

2.	Have material adverse effects on public health or safety? Have adverse effects on such unique characteristics as historic or cultural resources; park, recreation, or refuge	\boxtimes	
	historic or cultural resources; park, recreation, or refuge	K	
3	lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant or critical areas, including those listed on the National Register of Natural Landmarks?		Mitigated: see Section F. National Historic Preservation Act Checklist, below.
5.	Have highly controversial environmental effects?	\boxtimes	
4.	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	\boxtimes	
5.	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	\boxtimes	
6.	Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?	\boxtimes	
7.	Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?	\boxtimes	Mitigated: see Section F. National Historic Preservation Act Checklist, below
8.	Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species or have adverse effects on designated Critical Habitat for these species?		
9.	Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?	\boxtimes	
10.	Threaten to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment?	\boxtimes	
	Involve unresolved conflicts concerning alternative uses of available resources (NEPA sec. 102(2)(E)?	\boxtimes	
12.	Have a disproportionate, significant adverse effect on low-income or minority populations (EO 12898)?	\boxtimes	
13.	Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	\boxtimes	
14.	Contribute to the introduction, continued existence, or spread of federally listed noxious weeds (Federal Noxious Weed Control Act)?	\boxtimes	
15.	Contribute to the introduction, continued existence, or spread of non-native invasive species or actions that may promote the introduction, growth or expansion of the range of non-native invasive species (EO 13112)?		
16.	Require a permit from a federal, state, or local agency to proceed, unless the agency from which the permit is required agrees that a CE is appropriate?	\boxtimes	
17.	Have the potential for significant impact as indicated by a federal, state, or local agency or Indian tribe?	\boxtimes	
18.	Have the potential to be controversial because of disagreement over possible environmental effects?	\square	
	Have the potential to violate the NPS Organic Act by impairing park resources or values?	\boxtimes	
Co 1.	mments, Mitigations and Conditions: None		

E. SPECIAL STATUS SPECIES CHECKLIST

Within the area of potential effect, are there:	Yes	No	N/A	Data Needed to Determine/Notes
1. Listed or proposed threatened or endangered species (Federal or State)?		\boxtimes		
2. Species of special concern (Federal or State)?		\square		
3. Park rare plants or vegetation?		\boxtimes		
4. Potential habitat for any special-status species listed above?		\square		
If "yes" to any of the above questions, a Special-S	Status 3	Specie	es Chec	cklist must be completed and attached.
Comments, Mitigations and Conditions:				

1. None

F. NATIONAL HISTORIC PRESERVATION ACT CHECKLIST

Wi	thin the area of potential effect:	Yes	No	N/A	Data Needed to Determine/Notes
1.	Will there be ground disturbance?		\boxtimes		
2.	Are there any archeological sites?		\boxtimes		
3.	Are there any Native American Indian traditional cultural resources?		\square		
4.	Is the project within the boundary of an archeological or historic landscape or district?	\boxtimes			Tuolumne Meadows Historic District Complex; Tioga Road Historic District.
5a.	Is there a National Historic Landmark?		\boxtimes		
5b.	Is there a structure(s) on the park's <i>List of</i> <i>Classified Structures</i> ?		\square		
5c.	Is there a historic property with a DOE and concurrence by the SHPO or a completed National Register form?	\boxtimes			Tuolumne Meadows Historic District Complex; Tioga Road Historic District.
5d.	Is there a cultural property requiring review under NHPA, Section 106?		\boxtimes		
6.	Would there be alteration of a structure or cultural landscape covered by 5a-d, above?	\boxtimes			Tioga Road Cultural Landscape Historic District: the assessment of effect is "No Adverse Effect;" see the attached XXX.
If "	yes" to any of the above, then an Assessment of	of Effe	cts fo	rm (Y	OSE-XXX) must be completed and attached.
Mi	tigations and Conditions:				
1.	None				

G. WILDERNESS ACT CHECKLIST

Is the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1. Within designated Wilderness?		\boxtimes		
2. Within a Potential Wilderness Addition?		\boxtimes		
If "yes" to either of the above, then a Wilderness M	inimun	n Requ	irement	ts Analysis must be completed and attached.
Mitigations and Conditions:				
1. None				

H. WILD AND SCENIC RIVERS ACT CHECKLIST

Do	es the proposed project:	Yes	No	N/A	Data Needed to Determine/Notes
1.	Fall within a wild and scenic river corridor? If 'yes'', name the river(s)		\bowtie		
2.	Fall within the bed and banks AND affect the free-flow of the river?			\boxtimes	
3.	Potentially affect water quality of the area?			\boxtimes	
4.	Remain consistent with its river segment classification?			\boxtimes	
5.	Protect and enhance river ORVs?			\boxtimes	
ба.	Fall within the River Protection Overlay?			\boxtimes	
6b.	If "yes", is it consistent with conditions of the River Protection Overlay?			\boxtimes	
7.	Remain consistent with the areas Management Zoning?			\boxtimes	
8a.	Fall on a tributary of a Wild and Scenic River?		\bowtie		
8b.	If 9a is "yes", will the project affect the Wild and Scenic River corridor?			\boxtimes	
8c.	If 9a is "yes", will the project unreasonably diminish scenic, recreational, or fish and wildlife values?			\boxtimes	
If "	yes" to questions 2, 9b, or 9c, then a WSRA Se	ection	7 dete	ermination must b	e completed and attached.
Mi	tigations and Conditions:				
1.	None				

I. NEPA Analysis and Approval Conditions

When implemented as detailed in the project description and following all Project Mitigations and Conditions listed below, this project meets the terms and conditions of a categorical exclusion to NEPA.

Applicable Categorical Exclusion:

DO12 3.4 C(13) – Upgrading or adding new overhead utility facilities on existing poles, or on replacement poles that do not change existing pole line configurations.

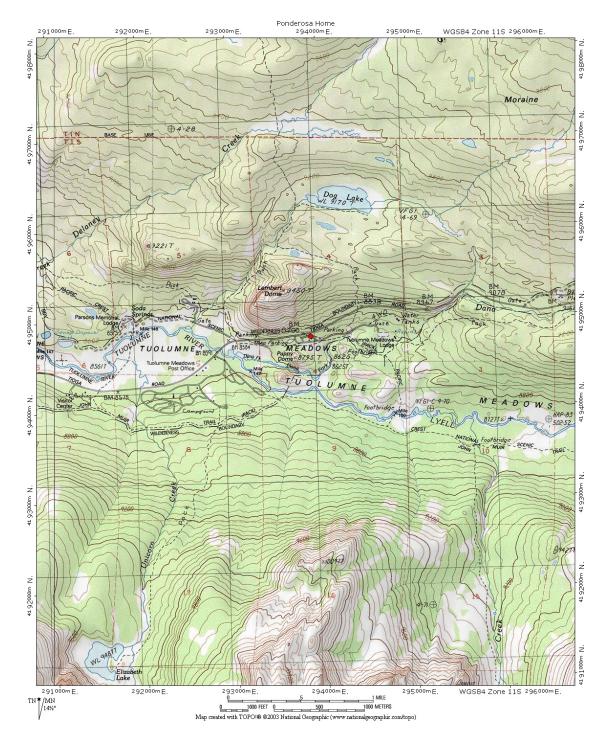
Project Mitigations and Conditions:

1. None

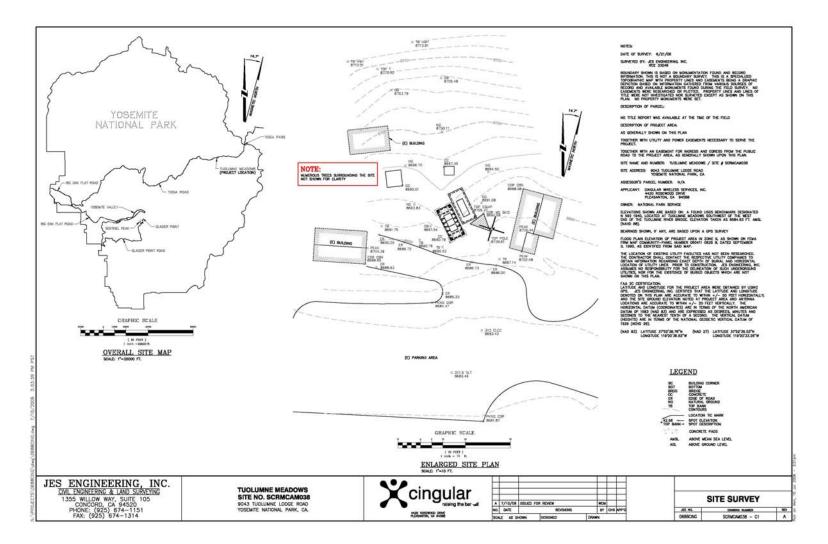
This project has been reviewed in accordance with the above criteria and it has been determined that the project will result in no or minimal environmental effects. Therefore, it is categorically excluded from further environmental review required under the National Environmental Policy Act. Additionally, the necessary compliance coordination has been completed with regard to the National Historic Preservation Act, the Wilderness Act, the Wild and Scenic Rivers Act, and the Endangered Species Act.

8/30/0
Date
8/30/0

Attachment A



Map 1 - Tuolumne Meadows Vicinity



Attachment B

Diagram 1 - Site Survey

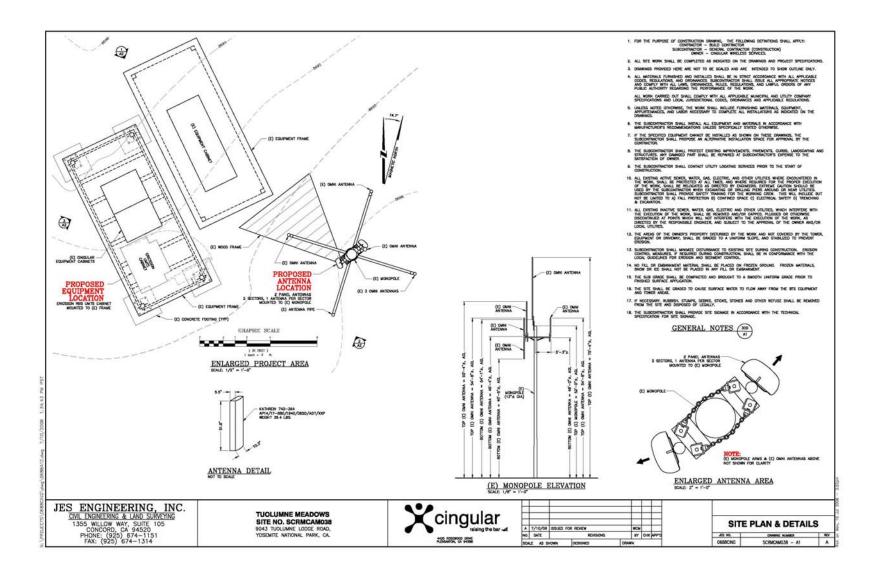


Diagram 2 - Site Survey and Details

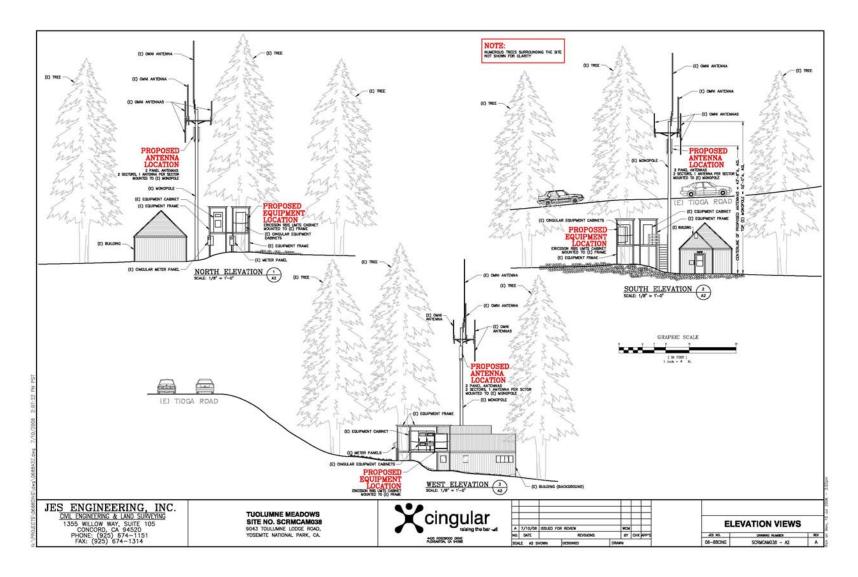


Diagram 3 - Elevation Views

Preservation Assessment Form (YOSE XXX)

(Version: FEB06)

Compliance Tracking Number: 2006-096 PEPC Project Number: 16599

A. DESCRIPTION OF UNDERTAKING

Title: Tuolumne Meadows Cingular Cellular Equipment Upgrade

Project Location and Area of Potential Effect:

Tuolumne Meadows, Tuolumne County, California

Tuolumne Meadows and Tioga Road

Project Manager: David Thorpe, Facilities Management, Yosemite National Park

Project Manager: Christopher Fowler, ATT/Cingular

Project Description: Technical and regulatory changes in the cellular telephone industry mandate the upgrade from analog Advanced Mobile Phone Service (AMPS) to digital technology. One regulatory change mandates Cellular Service Providers engineer and implement digital technology to support wireless E911 location identification from cellular phones.

Golden State Cellular: Cingular Wireless needs to upgrade the equipment currently in service in Tuolumne Meadows. This will require two (2) additional flat panel antennas (51.8" x 10.3" x 5.5", 36.4 lbs) be placed on the existing telephone pole and heliax that will connect to equipment cabinets on the platform at the base of the pole. One cabinet will be replaced with a smaller cabinet, resulting in no increase in the current foot print.

This upgrade will enhance all emergency and routine operations with an emphasis on more precise location data for E911 calls. Digital CDMA technology will enable remote data transmissions for units within range of an existing cellular tower

1. Atta	ched Sensitive Information**	Yes	No	Explanation/Source/Notes
a.	Maps		\boxtimes	
b.	Drawings		\boxtimes	
с.	Site Plans		\boxtimes	
d.	Photographs		\boxtimes	
e.	Sample		\boxtimes	
f.	List of Materials		\boxtimes	
g.	Other (Explain)		\boxtimes	

** Sensitive documents not for duplication or distribution beyond park management, subject matter experts, and the project statutory compliance file.

B. DESCRIPTION OF EFFECTS

		Yes	No	N/A	Explanation/Notes
1.	Has the Area of Potential Effect been surveyed to identify historic properties? If Yes, provide reference for the Survey (s).				Tuolumne Meadows Historic District Complex. Tioga Road Cultural Landscape Historic District.
	a. Would the proposed action affect a known historic property?	\boxtimes			
2.	List all Historic Properties in the Area of Potential Effect:	Affec Yes	ted? No		Explanation/Notes
	a. Tuolumne Meadows Historic District Complex	\boxtimes		Visua	al impact to cultural landscape.
	b. Tioga Road Historic District c.	\square		Visua	al impact to cultural landscape.
3.	List resources in the Area of Potential	Affec	ted?		
	Effect to which American Indians attach cultural and religious significance:	Yes	No		Explanation/Notes
	a. Tuolumne Meadows TCP		\boxtimes		ral elements not identified, evaluated and nated.
	b.				
	C				
4.	The proposed action will:	Yes	No	N/A	Explanation/Note
	• Destroy, remove, or alter features or elements from a historic structure				
	• Replace historic features/elements in kind		\boxtimes		
	• Add nonhistoric features/elements to a historic structure		\square		
	• Alter or remove features/elements of a historic setting or environment (including terrain)				
	• Add nonhistoric features/elements (including visual, audible, or atmospheric) to a historic setting or cultural landscape	\boxtimes			Additional panel antennas will add height to existing structure, adding a nonhistoric element to the cultural landscape.
	• Disturb, destroy, or make archeological resources inaccessible, or alter associated terrain				
	• Disturb, destroy, or make ethnographic resources inaccessible, or alter associated terrain		\boxtimes		
	• Begin or contribute to the deterioration of historic fabric, terrain, setting, landscape elements, or archeological or ethnographic resources				
	• Involve a real property transaction affecting historic cultural properties (i.e., the exchange, sale, or lease of land or structures)				
	• Potentially affect presently unidentified historic resources		\boxtimes		
	• Other		\square		

Checklist prepared by: Jeannette Simons

Date: <u>8/4/06</u>

Title: Historic Preservation Officer

C. SPECIALIST SECTION

Specialists: Your comments here (or attached) show that you have reviewed this proposal for conformity with requirements of *National Historic Preservation Act, Section 106*; with the 1995 *Servicewide Programmatic Agreement* (if applicable); with applicable parts of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*; with the NPS *Management Policies* and *Cultural Resource Management Guideline*; and have given your best professional advice about this project and the issues relevant to the Section 106 process, including identification and evaluation of historic properties and further consultation needs.

Archeologist Comments:	Name: Laura Kirn	Date: 8/9/06
Ground Disturbance Involved Assessment of Effect: "No Effect" Recommended Conditions:	Yes: 🗌 No: 🔀	
Signature of Archeologist: //Laura	<i>Kirn//</i> (signed original on file)	
Cultural Anthropologist Comments:	Name: Sonny Montague	Date:
Assessment of Effect:		
Recommended Conditions:		
Signature of Cultural Anthropologis	t:	
Curator Comments:	Name: Jonathan Bayless	Date:
Assessment of Effect:		
Recommended Conditions:		

Signature of Curator: _____

Historian	Name: Charles Palmer	Date:
Comments:		
Assessment of Effect:		
Recommended Conditions:		
Signature of Historian:		
Historic Architect	Name: Sueann Brown	Date: 8/9/06
Historic Architect Comments:	Name: Sueann Brown	Date: 8/9/06
Comments:		Date: 8/9/06
		Date: 8/9/06
Comments:		Date: 8/9/06
Comments: Assessment of Effect: "No Adverse		Date: 8/9/06
Comments: Assessment of Effect: "No Adverse		Date: 8/9/06
Comments: Assessment of Effect: "No Adverse		Date: 8/9/06
Comments: Assessment of Effect: ''No Adverse Recommended Conditions:	e Effect''	Date: 8/9/06
Comments: Assessment of Effect: ''No Adverse Recommended Conditions:		Date: 8/9/06

Historic Landscape Architect	Name: Steven Torgerson	Date: 8/9/06
Comments:		
Assessment of Effect: "No Adverse	Effect''	
Recommended Conditions:		

Signature of Historic Landscape Architect: //Steven D Torgerson (signed original on file)

Preservation Specialist Comments:	Name: Doug Martin	Date:		
Assessment of Effect:				
Recommended Conditions: Recommended Conditions				
Signature of Preservation Special	st:			
Native American Liaison Comments:	Name: Jeannette Simons	Date:		
	Name: Jeannette Simons	Date:		
Comments:	Name: Jeannette Simons	Date:		
Comments: Assessment of Effect:	Name: Jeannette Simons	Date:		

Signature of Native American Liaison: _____

D. RESOURCES MANAGEMENT AND SCIENCE DIVISION AND PARK 106 COORDINATOR REVIEWS AND RECOMMENDATIONS

1. Review by specialists: The appropriate subject-matter experts have reviewed the project and entered their comments and recommendations in Section C, above.

The foregoing assessment is adequate: the proposed action is consistent with all applicable NPS management policies, standards, guidelines, or US DOI standards and guidelines, Rehabilitation of Historic Buildings, or others, and incorporates measures to avoid Adverse Effects.

Reviewed and Accepted by:

Signature://Niki Stephanie Nicholas (signed original on file)Date:8/22/06Chief of Resources Management & Science Division

2. Assessment of Effects: No Adverse Effect

3. Compliance Requirements: The following is the park's assessment of Section 106 process needs and requirements for this undertaking.

Standard 36 CFR Part 800 Consultation

Consultation under 36 CFR is needed subsequent to the preparation of this form and its review by appropriate historic resource management advisors.

Undertaking related to the 1995 NPS Programmatic Agreement

The above action meets all conditions for a programmatic exclusion under Stipulation IV. A of the 1995 NPS programmatic agreement, and is listed in Stipulation IV. B, as:

□ Plan-Related Undertaking

Consultation and review of the proposed undertaking were completed in the context of a plan review process, in accordance with the 1995 NPS programmatic agreement and 36 CFR Part 800.

Undertaking Related to Another Agreement

The proposed undertaking is covered for Section 106 purposes under a document such as a statewide agreement written in accordance with 37 CFR Part 800.7 or counterpart regulations.

Agreement:

□ Flood-Recovery Related Undertaking

The proposed undertaking is covered for Section 106 purposes under the letter-based agreement between the NPS, the State Historic Preservation Office, and the Council for Historic Preservation for "Highwater 97" flood repair and recovery

Undertaking Related to the 1999 Yosemite Programmatic Agreement

The proposed undertaking is covered for Section 106 purposes under the park's 1999 programmatic agreement for planning, design, construction, operations and maintenance; the undertaking meets the stipulations identified in Article VII.C.2.

4. Project Stipulations and Conditions

Following are listed any stipulations or conditions necessary to ensure that the assessment of effects above is consistent with 36 CFR 800 criteria of effect or to mitigate potential adverse effects:

a. None

Recommended by Park Section 106 Coordinator:

Title: Historic Preservation Officer

Signature: //Jeannette Simons// Date: 8/28/06

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to NPS Management Policies and NPS-28 and I approve the recommendations, stipulations, and conditions noted in Section B of this form.

Signature of Superintendent: <u>//R. Kevin Cann, Acting//</u> Michael J. Tollefson Date: <u>8/31/06</u>