

Nevada Broadband Telemedicine Initiative Right-of-Way Project

Decision Record

DOI-BLM-NV-C020-2011-0512-EA

March 2012



Background

The *Nevada Broadband Telemedicine Initiative* (Project) would connect, maintain and operate a statewide fiber optic telemedicine network and would serve a minimum of 36 hospitals and medical facilities, with additional capacity available to serve public safety entities, educational institutions, and Tribal governments. This Project is being funded by the Department of Commerce, National Telecommunications and Information Administration (NTIA). The NTIA is the federal lead for this Project. The Nevada Hospital Association was awarded a \$19.6 million federal grant to build fiber optic routes to connect communities between Reno and Boulder City, Nevada. Communities along Highways 80 and 50 (Elko and Ely) would also be connected by use of existing conduit.

The Project would construct and maintain new fiber optic cable between Reno and Boulder City, Nevada. The new fiber optic cable on BLM-managed lands would include: approximately 15 miles of new buried cable between Goldfield and Lida Junction; 309 miles of new aerial fiber optic cable connected to existing transmission poles; and seven miles of fiber optic cable in existing conduit.

Land Use Plan Conformance

This Proposed Action is in conformance with the Carson City Field Office Consolidated Resource Management Plan (2001). Sections that specifically apply to this Project include:

- LND-7, Administrative Actions #6: “Exchanges and minor non-Bureau initiated realty proposals considered where the analysis indicates they are beneficial to the public.”
- ROW-4, Administrative Actions #3: “...applicants for right-of-way grants...are subject to standard approval procedures outlined in the right-of-way regulations (43 CFR 2800)...”

This Proposed Action is in conformance with the approved Tonopah Resource Management Plan (RMP) and Record of Decision (ROD) (1997). The section that applies to this Project includes:

- Item #6, page 19: “... All other lands within the Tonopah Planning Area in which there are no un-resolvable conflicts with other resource values would be open to consideration for linear or areal rights-of-way, leases and land use permits.”

The Proposed Action is in conformance with the ROD for the approved Las Vegas RMP and Final Environmental Impact Statement (1998). The section that applies to this Project includes:

- RW-1-h, Management Direction: “All public land within the planning area, except as stated in RW-1-c through RW-1-g are available at the discretion of the agency for rights-of-way under the Federal Land Management Policy Act.” Although RW-1-e states that Areas of Critical Environmental Concern (ACEC) are avoidance areas, this project is not inconsistent with the ACEC as the new fiber optic cable would be placed on existing poles owned by Valley Electric. The existing transmission line and ROW through the Amargosa Mesquite ACEC pre-dates the ACEC designation. As this fiber optic cable would be placed on existing poles, there would be no ground disturbing activities.

The Carson City District was delegated as the BLM's lead office for this project by the Nevada State Office. As delegated lead for this project, Carson City District is responsible for signing this Decision Record.

Public Involvement

To meet the BLM's obligation under NEPA for public involvement, on December 3, 2011 the BLM released the draft EA and FONSI for 30-days public review and comment. The draft EA and supporting documents were made available through ePlanning, a searchable database of NEPA documents for the BLM. A statewide news release was published and notification was provided to the Nevada State Clearinghouse to State and local agencies. The public comment period ended on January 4, 2012. One comment was received from the State Historic Preservation Office supporting the project as proposed. One comment letter was received from the Nevada Department of Wildlife concerning effects on a State species of concern, the banded Gila monster (*Heloderma suspectum cinctum*), and the need for a State permit for relocation of desert tortoise during project implementation. These comments were considered and where appropriate relevant information was updated in the Final EA.

Authority

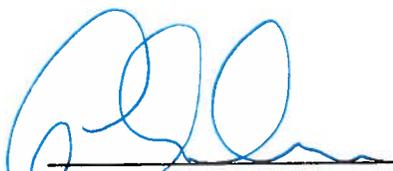
The authority for the Carson City District Office to grant the rights-of-way (ROW) for BLM-managed lands involved in this project is found within the Section 502 of the Federal Land Management Policy Act of 1976 and BLM ROW regulations at 43 CFR 2800.

Rationale

The Proposed Action addresses the BLM's purpose and need, which is to respond to an application for rights-of-way (SF-299) under the authority of Section 502 of the Federal Land Management Policy Act of 1976. Granting use of BLM-managed lands would facilitate NTIA's purpose and need which is to grant funding to the Nevada Hospital Association for the purposes of constructing a fiber optic cable network between Reno and Boulder City, Nevada.

Decision

Based on the analysis in the *Nevada Broadband Telemedicine Initiative Environmental Assessment*, DOI-BLM-NV-C020-2011-0512-EA, it is my Decision to implement the Proposed Action on BLM-managed lands and to issue a rights-of-way authorization for the purposes of constructing underground and overhead fiber optic broadband lines on BLM-managed lands in Nevada.



Christopher J. McAlear
District Manager
Carson City District Office

12 March 2012
Date

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR Part 4. If you appeal, your appeal must also be filed with the Bureau of Land Management at the following address:

Christopher J. McAlear
District Manager
BLM, Carson City District Office
5665 Morgan Mill Road
Carson City, NV 89701

Your appeal must be filed within thirty (30) days from receipt or issuance of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4942, January 19, 1993) for a stay (suspension) of the decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must also be submitted to:

Board of Land Appeals
Dockets Attorney
801 N. Quincy Street, Suite 300
Arlington, VA 22203

A copy must also be sent to the appropriate Office of the Solicitor at the same time the original documents are filed with the above office.

U.S. Department of the Interior
Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellants' success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

The Office of Hearings and Appeals regulations do not provide for electronic filing of appeals. Electronically filed appeals will therefore not be accepted.