

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, Idaho 83318

DECISION RECORD

for the

T-Mobile West, LLC Communication Site Lease

Case File No.: IDI-37451

NEPA No. DOI-BLM-ID-T020-2013-0009-CX

I. Decision

Based on my review of the project, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. I have decided to approve the action as proposed, per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800, as described in the proposed action.

The communication site facility on the Declo site which includes a 10 X 12 ft. area for a cement pad for equipment shelter, 20 KW diesel generator for emergency power backup, and 6019.2 X 30 ft. access road, will be approved for re-issuance. They will be required to operate and be held to the standard Terms, Conditions and Stipulations for communication site leases and with the Declo Communication Site Plan. They will also be required to operate and be held to current regulations and policies including Motorola R56 Standards and bonding of communication sites. A bond will be established in the amount of \$2,000. They will also be required to operate and be held to the current regulations and policies.

The lease will be issued with an expiration date of December 31, 2033. Terms, Conditions, and Stipulations will be included within the communication site lease.

Implementation Date: This action will be implemented upon approval of the communication site lease by the Authorization Officer.

II. Appeals

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt 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 (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall 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 appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise ID, 83706.

III. Contact Person

For additional information concerning this project, contact: Debbie Kovar, Realty Specialist, at (208) 732-7401 or via email at dkovar@blm.gov.

/S/

Michael C. Courtney
Burley Field Office Manager

Date: 2/11/13