

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

Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352

**CATEGORICAL EXCLUSION**

**NEPA No. DOI-BLM-ID-T030-2014-0036-CX**

**A. Background**

BLM Office: Shoshone Field Office. Lease/Serial/Case File No.: IDI-37610/ IDI-33712

Proposed Action Title/Type: Queens Crown Fiber Optic ROW

Location of Proposed Action:

Boise Meridian, Idaho

T. 1 S., R. 21 E.,

sec. 32, SW1/4NE, S1/2NW1/4, and NW1/4SE1/4.

T. 2 S., R. 21 E.,

sec. 5, lot 1;

sec. 4, lot 4.

(For further detail refer to Attachment A, Location Map)

**B. Proposed Action**

The Bureau of Land Management (BLM), Shoshone Field Office has received two applications concerning the installation of a fiber optic line to improve data capabilities at the Queens Crown Communication Site.

The BLM received an application from Idaho Tower Company, LLC (Idaho Tower) on November 12, 2013 to amend an existing Communication Use Lease (IDI-33712) within the Queens Crown Communication Site in Blaine County, Idaho. The proposed amendment would authorize Idaho Tower to install and maintain a buried fiber optic cable as part of their existing communications facility. Specifically, the proposed amendment would authorize Idaho Tower to connect to fiber optic cable (also pending authorization) just outside their fenced facility and then install buried fiber optic cable within their fenced facility. The installation of the fiber optic cable would require a trench about 80 feet long and the installation of a "Telco" box on the outside of the existing building.

The BLM has also received a right-of-way application from Syringa Networks, LLC to authorize an existing fiber optic cable and to construct and maintain a new fiber optic cable on public lands in Blaine County, Idaho. Syringa Networks recently became aware that a segment of their fiber optic cable crosses approximately three-quarters of a mile of public lands and is unauthorized. This segment of fiber optic cable was installed in 2009 along the north side of Highway 20 between Picabo and Carey, Idaho. Syringa Networks secured permits from the Idaho Transportation Department and other agencies, but was unaware that the path of the cable crossed public lands. Syringa Networks has requested BLM to consider authorizing the existing

fiber optic cable along with the proposed fiber optic cable that would supply data to the Queens Crown Communication Site.

The proposed fiber optic cable would connect to the existing fiber optic line along Highway 20 and then proceed along an existing 2 track road/ buried utility line to the Queens Crown Communication Site (The fiber optic line would cross both private land owned by Blaine County and public lands, but the BLM issued right-of-way would only provide authorization for the portion of the line on public lands). The proposed fiber optic line would terminate outside the two existing Communications facilities within the Queens Crown Communication Site. The newly proposed fiber optic line would cross approximately 1,165 feet of public lands.

In total Syringa Networks is proposing a right-of-way that would encompasses a non-contiguous area of approximately 5,264 feet in length by 10 feet wide, totaling approximately 1.2 acres located entirely within the utility right-of-way associated with the Queens Crown Communication Site (IDI-33712 and IDI-31833) and Highway 20 (IDBL-056204). The proposed term for the right-of-way is 30 years, after which the right-of-way would be terminated or renewed. The proposed fiber optic line includes installing and maintaining 1 to 4 1.25-inch SDR11-STM-F2160 conduits to a minimum depth of 36 inches. One of the conduits will contain a single armored, single jacket, single mode fiber optic cable for telecommunications to provide services to two existing communications facilities on public lands.

### **C. Land Use Plan Conformance**

Land Use Plan Name: Sun Valley Management Framework Plan (MFP)

Date Approved: December 14, 1981

The Sun Valley Management Framework Plan (1981), Muldoon Analysis Unit, Lands Decision #3 states: "Communication sites may be allowed if consistent with other provisions of this plan, except within Wilderness Study Areas. Each site will be evaluated on a case-by-case basis."

A communications site management plans was approved May 11, 2007 for Queens Crown. The site management plan provides applicable guidance and adds current policy and technical standards for better management of the Queens Crown Communications Site. Authorized use must be designed, installed, operated, and maintained to be compatible and not interfere with the senior uses.

The use applied for and described in the proposed action are within the provisions of the MFP and the Queens Crown Communication Site Management Plan.

### **Compliance with NEPA**

The proposed action is excluded from further documentation under NEPA in accordance with 516 DM 11.9 E (12) "(g)rants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way." The proposed right-of-way for the installation, operation, and maintenance of a fiber optic cable is within the rights-of-way authorized for Highway 20 and the existing communication facilities. The fiber optic cable is compatible with uses authorized by these rights-of-way.

Based on my review of the proposed action and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. I have decided to approve the action as proposed. A right-of-way will be offered to Syringa Networks to install, operate, and maintain a fiber optic cable on public land (see Attachment C, Draft Queens Crown Fiber Optic Right-of-Way, IDI-37610) and a

decision approving the amendment to Communication Use Lease IDI-33712 will be issued to Idaho Tower.

**D. Signature**

Authorizing Official: Holly Crawford Date: 9/4/14  
Name: Holly Crawford  
Title: Acting Field Manager

**E. Contact**

For additional information concerning this Categorical Exclusion, contact Kasey Prestwich, Realty Specialist, at 732-7204 or at 400 West F Street, Shoshone, Idaho 83352.

**F. Attachments**

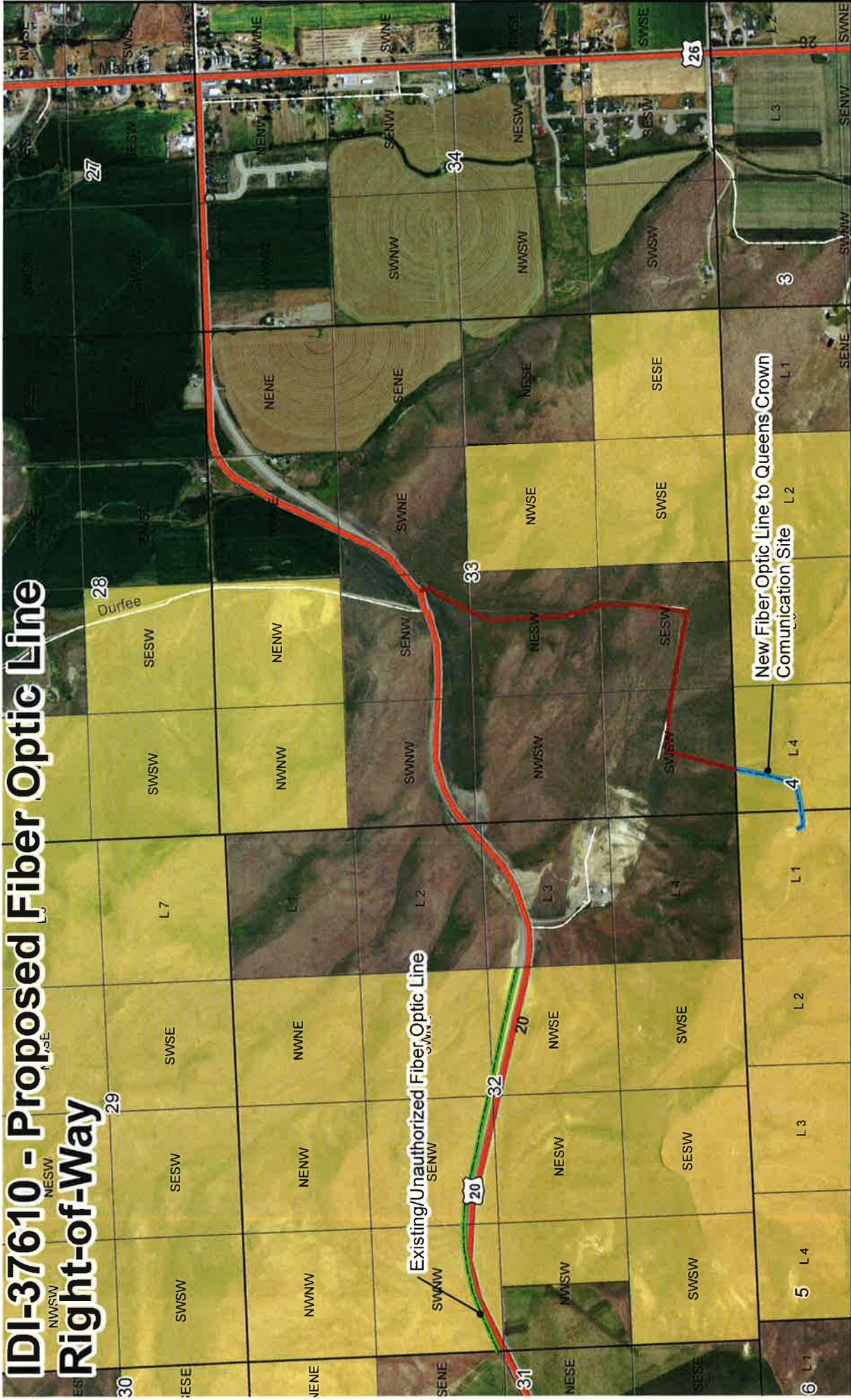
Attachment A, Queens Crown Fiber Optic Right-of-Way Location Map

Attachment B, Queens Crown Fiber Optic Right-of-Way Categorical Exclusion Review Sheet

Attachment C, Draft Syringa Networks Fiber Optic Right-of-Way, IDI-37610

Attachment D, Diagram of location of Idaho Tower Fiber Optic Line

# IDI-37610 - Proposed Fiber Optic Line Right-of-Way



Existing/Unauthorized Fiber Optic Line

New Fiber Optic Line to Queens Crown Communication Site



US Department of the Interior  
Bureau of Land Management

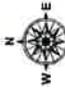
## Legend

- BLM right-of-way (Unauthorized)
- BLM right-of-way (proposed)
- Other right-of-way
- Bureau of Land Management
- Forest Service
- National Park Service
- Private; other
- State
- State Fish and Game

R 21 E

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.





**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Twin Falls District  
Shoshone Field Office  
400 West F Street  
Shoshone, Idaho 83352**

**CATEGORICAL EXCLUSION REVIEW SHEET  
NEPA No. DOI-BLM-ID-T030-2014-0005-CX**

**A. Background**

The Bureau of Land Management (BLM), Shoshone Field Office has received two applications concerning the installation of a fiber optic line to improve data capabilities at the Queens Crown Communication Site. The Proposed Action provides details of the proposals.

**B. Consideration of Extraordinary Circumstances**

This Categorical Exclusion Review Sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

1. The proposed action would not have any significant impacts on public health or safety.

The installation, operation, and maintenance of the fiber optic cable would not have any significant impacts on public health and safety. The new right-of-way grant will contain terms, conditions, and stipulations that will require Syringa Networks to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance. The amendment to Idaho Tower's existing right-of-way would not change the current provisions that require them to comply with Federal and State standards for public health and safety, environmental protection, operation, and maintenance.

The BLM authorized officer has the ability to suspend or terminate in whole or in part the right-of-way grants if unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

2. The proposed action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

There are no natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation, refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; national monuments; or

other ecologically significant or critical areas that would be significantly impacted by the proposed action.

A cultural resource records search and survey was conducted for the area of the proposed right-of-way in 2001 and in 2012. Based on the information from the records review and survey it was determined that no eligible cultural resources are located within the area of the existing and proposed rights-of-way.

A wildlife review of the proposal identified that the right-of-way would be located within habitat known or suspected to support one or more life cycle activities of two migratory bird species of concern (this does not include bird species that are also listed as BLM sensitive species). However, the issuance of the right-of-way for fiber optic cable would result in no discernible increase in human caused impacts to migratory birds above the impacts currently occurring. Additionally, stipulations will be included in the authorization to reduce the potential for impacts by limiting activities during critical nesting periods.

3. The proposed action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

The proposed action is allowable by the Sun Valley Management Framework Plan. This plan established the land use allocation and goals for the affected public land; as such, there are no unresolved conflicts regarding other uses of the available resources. The uses proposed are compatible with the existing uses on public lands and are typical in areas near highways and communication sites authorized on public lands.

A letter was sent to interested parties on March 04, 2014 informing them of the proposal and no responses were received.

4. The proposed action would not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

The proposed action does not involve highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. Similar uses have been occurring in the project area without resulting in highly uncertain and potentially significant environmental effects or unique or unknown environmental risks. Other fiber optic lines constructed and operated on public lands have not resulted in any impacts that have been found to be highly uncertain, potentially significant, unique or have unknown risks.

5. The proposed action would not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

The proposed action does not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. The proposed action is not connected to another action that would require further environmental analysis and it would not set a precedent for future actions that would normally require environmental analysis. The decision to approve an amendment to an existing authorization and grant a right-of-way to install, operate, and maintain a fiber optic line on public lands as described would only allow those actions to occur. Any proposed future projects must be evaluated by their own merits and effects.

6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

The proposed action does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. The granted and amended rights-of-way would authorize the installation, operation, and maintenance of a fiber optic cable within areas of a compatible highway right-of-way.

7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.

A cultural resource records search and survey was conducted for the area of the proposed right-of-way in 2001 and in 2012. Based on the information from the records review and survey it was determined that no eligible cultural resources area located within the area of the existing and proposed rights-of-way.

8. The proposed action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.

Sage-grouse, a Candidate species, is the only species protected under the Endangered Species Act that may occur within the area of the right-of-way. A review (refer to wildlife report in the decision file) of sage-grouse habitat in the project area identified that the issuance of the right-of-way is not an action that would result in alterations of exiting sage-grouse habitat or detectible impacts to the local sage-grouse population that uses the adjacent habitat.

9. The proposed action would not violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

The BLM issues right-of-way grants in accordance with Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations at 43 CFR 2800. Under these regulations the proposed right-of-way grant would specify that all applicable Federal, State and local laws be adhered to. The BLM has the ability to suspend and/or terminate the right-of-way if a Federal, State or local laws is violated. There are no tribal laws in effect for the project area.

10. The proposed action would not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Impacts to minority or low income populations have not occurred as a result of granting other similar rights-of-way and impacts are not expected to occur as a result of authorizing the proposed right of way.

11. The proposed action would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Authorizing the proposed right-of-way grant for a fiber optic cable within a compatible highway right-of-way and communication site will not change access to the public lands within the project area.

12. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

A review of the area identified noxious weeds along the access road to the communication site but the majority of the area was an intact native or seeded community. The renewed right-of-way would contain stipulations that would 1) require the holder to be responsible for weed control on the disturbed areas within the limits of the right-of-way and 2) ensure that the undercarriages of equipment and/or vehicles used in the operation and maintenance of the right-of-way be free of all soil and plant material prior to operating on public lands and prior to leaving the right-of-way area. These stipulations will reduce the establishment of new invasive, non-native species and reduce the spread of existing species to new areas.

### **C. Consultation and Preparation**

Resource surveys and/or review of potential impacts of the proposed action were completed by the following:

Kasey Prestwich, Realty Specialist/Project Lead  
Gary Wright, Wildlife Biologist  
Danelle Nance, Natural Resource Specialist  
Lisa Cresswell, Archeologist/Shoshone Field Office NEPA Coordinator

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
**RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT**

Issuing Office  
**SHOSHONE FIELD OFFICE**  
Serial Number  
**IDI-37610**

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (*describe*) \_\_\_\_\_

2. Nature of Interest:

- a. By this instrument, the holder:

**Syringa Networks, LLC  
12301 W. Explorer Dr.  
Boise, ID 83713**

receives a right to construct, operate, maintain, and terminate **an underground fiber optic cable, including access, with periodic above ground terminals/pedestals** on a portion of public lands described as follows:

Boise Meridian, Idaho  
T. 1 S., R. 21 E.,  
sec. 32, SW1/4NE, S1/2NW1/4, and NW1/4SE1/4.  
T. 2 S., R. 21 E.,  
sec. 5, lot 1;  
sec. 4, lot 4.

- b. The right-of-way or permit area granted herein is: **10 feet wide, and approximately 5,264 feet long and contains about 1.2 acres**, more or less.
- c. This instrument shall terminate on **December 31, 2043, about 30 years** from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument  **may**  **may not** be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of the renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in exhibits **A (Stipulations)**, and **B (Right-of-Way Location Map)**, attached hereto or located in the associated case file, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

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IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

_____	_____
(Signature of Holder)	(Signature of BLM Authorized Officer)
_____	_____
(Title)	(Title)
_____	_____
(Date)	(Effective Date of Grant)

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**EXHIBIT A**  
**RIGHT-OF-WAY GRANT**  
**IDI-37610 STIPULATIONS**

1. The holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
  - a. To the extent practicable, all Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
  - b. That in the operation, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, religion, disability or national origin and all subcontracts shall include an identical provision.
  - c. When requested by the authorized officer, the holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the authorized officer.
2. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
3. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.
4. The authorized officer may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his/her judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
5. Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (See 40 CFR, Part 702=799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et. seq. or the Resource Conservation and Recovery Act, 42 U.S. C. 6901 et. seq.) on the permit area (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

7. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.
8. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way. If at any time the holder wishes to reconstruct, remodel or relocate any portion of the right-of-way, or the improvements, prior written approval must be obtained from the authorized officer. No such approval will be given unless the request is authorized by law, and an application is made under applicable regulations.
9. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
10. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
11. Any cultural and/or paleontological resource (historic or prehistoric site object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
12. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
13. The holder shall conduct all activities associated with the operation and termination of the right-of-way in a manner that will minimize disturbance to vegetation, drainage channels and stream banks. The holder shall take resource conservation and protection measures on the right-of-way as the authorized officer deems reasonably necessary. Areas disturbed during activities associated with the operation and termination of the right-of-way shall be reseeded at the discretion of the authorized officer with a seed mixture and rate of success to be determined by the authorized officer.
14. No activities associated with the operation and termination of the right-of-way shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment. If the holder needs to access these areas to perform required

maintenance prior written approval must be obtained from the authorized officer. Areas disturbed during activities shall be rehabilitated at the discretion of the authorized officer.

15. If snow removal from the right-of-way area is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 1.5 inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.
16. The holder shall contact the authorized officer prior to the anticipated start of any surface disturbing activities. The authorized officer may require and schedule a conference with the holder prior to the holder commencing surface disturbing activities on the right-of-way.
17. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
18. The holder is responsible to ensure that the undercarriages of equipment and/or vehicles used in the operation and termination of the right-of-way be free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas. High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities. All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations.
19. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.
20. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
21. The holder shall keep the right-of-way area clean by removal of any debris or waste resulting from operational activities.
22. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
23. All traffic associated with the operation and termination of the right-of-way shall be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer.
24. If the designated access routes, roads, or trails are damaged by the holder, the holder will be required to repair the damage. All of holder's controlled equipment or equipment under contract to the holder operating upon such access routes, roads, or trails shall be maintained in a good and safe operating

condition and shall be operated cautiously so as to minimize accident hazards. All equipment and vehicle operators shall have a valid license to operate the associated equipment or vehicle(s).

25. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
26. To avoid causing harm to migratory birds the installation and any subsequent maintenance activities that would disturb vegetation should avoid taking place during the migratory bird nesting season (Generally occurring February 1 through July 31<sup>st</sup>) or until occupied nest are no longer active. If the holder wishes to complete installation or maintenance activities that would disturb vegetation during the nesting period they will be required to conform to current policy concerning raptors and migratory birds. This may include having a qualified biologist inspect the area prior to and during activities and/or getting the any required permits from the United States Fish and Wildlife Service.
27. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way Holder.

10130096 - 451P4208 - CAREY  
TNSHP 2 RNGE 21 E SCTN 5 LOT 1 BOISE MERIDIAN  
CAREY ID  
DEN10

AT&T equipment shelter

Trench approx. 80ft. & place  
4" conduit w/ 1.25" ID from  
shelter to meet point

Proposed meet point.  
LEC to provide HH

