

Categorical Exclusion (CX) Guyed Wire Amendment

A. Background

DOI-BLM-NV-S010-2015-0053-CX

September 12, 2014, Crown Castle applied for an amendment to their existing communication facility to reinforce their cell tower with guyed wires, as the structural integrity has been compromised. A structural analysis report has been provided, with their proposal to add guyed wires.

BLM Office:

Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
LLNVS01000

Lease/Serial/Case File No.:

N-62937

Proposed Action Title/Type:

Amendment to Communication Use Lease N-62937

Location of Proposed Action:

The project is located South of Interstate 15 (I-15) in Bunkerville, Clark County, Nevada.

Mount Diablo Meridian, Nevada
T. 13 S., R. 69 E.,
sec. 35, NW¼.

Description of Proposed Action:

This is an amendment to already existing communication facility. The structural integrity of the tower is compromised and the tower needs to be reinforced with guy wires. The tower modification drawing is based upon a structural analysis report that concludes a requirement to add guy cables. Proposed modifications to include the installation of (4) lines at 67' and one (1) microwave. Four (4) 10' x 10' concrete foundations. Bird deterrents will be incorporated to install at BLM's direction.

Land Use Plan Conformance

Land Use Plan Name:

Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), and the Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

Date Approved/Amended:

RMP dated October 5, 1998.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

ROW Management. Objective: RW-1 “Meet public demand and reduced impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.”

Management Direction. Objective: RW-1-. “All public land within the planning area, expected as stated in RW1-c through 1-g, are available at the discretion of the agency for right-of-ways under the authority of the Federal Land Policy and Management Act.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E (13) “Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside of the right-of-way boundary.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit B stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

D. Approval and Contact Information

Acting for
Philip Rhinehart
Vanessa L. Hice
Assistant Field Manger
Division of Lands

7/14/15
Date

Kerri-Anne Thorpe, Realty Specialist

Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000

Exhibit B
Stipulations for N-62937/C/

1.0 Special Stipulations

- 1.1. Before the installation of any bird deterrents are constructed, please review with a visual resource management specialist to approve what type of bird deterrent will be used. This will help ensure the installation of guyed wires and bird deterrents will repeat elements of form, line, color, and texture found in the surrounding landscape to the extent practical.
- 1.2. Migratory birds are known to collide with communication towers, depending on height, structure, use of lighting, and guy wires. The following guidance will assist in compliance with Migratory Bird Treaty Act. Communication tower guidance to reduce impacts to migrating birds: If the tower is lit, it should comply with the following: If taller towers requiring lights for aviation safety must be constructed (>199 feet above ground level), the minimum amount of lighting required by the FAA should be used. Unless otherwise required by the FAA, only pulsating lights should be used at night, and these should be the minimum number of flashes per minute allowable by the FAA. Solid red or white lights should not be used as they are known to attract birds. Any Tower designs using guy wires for support should have visual markers on the wires to prevent collision by migratory birds. (For guidance on markers, see Avian Power Line Interaction Committee (APLIC)). Any lighting for on-ground facilities and equipment should be down-shielded to keep light within boundaries of the site.

2.0 General Stipulations

- 2.1. The right-of-way (ROW) is issued subject to all valid existing rights.
- 2.2. No signs of 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.
- 2.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this ROW within its authorized limits.
- 2.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.

- 2.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying this ROW, encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], 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 ROW, 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 ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
- 2.8. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;
ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.
CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

3.0 Air Quality

- 3.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

- 3.2. Ensure a dust control permit is obtained through Department of Air Quality (DAQ) for all soil disturbing activity of .25 acres or greater, in the aggregate, and permit stipulations are in compliance for the duration of the activity.
- 3.3. Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.
- 3.4. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

4.0 Cultural

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands 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. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

5.0 Fuels/Fire Management

- 5.1. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in effect. Specific non-compliant activities may be permitted in writing on a case by case basis by a line officer after review and approval by the Fire Management Officer (43 CFR 9212). In the event of an unplanned ignition that causes a wildfire the proponent will be held responsible for all cost of suppression and damaged resources pending a fire Origin and Cause Investigation. An Origin and Cause Investigation will be done on any human caused fire by BLM Law Enforcement or their designated representative. Conditions that support wild land fire spread can occur any time of the year in Southern Nevada. In general and when fire restrictions are not in effect, utilize standard fire prevention measures and best management practices to prevent fires.

6.0 Hazardous Material/Pesticides/Liability

- 6.1. No hazardous material, substance, 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.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

- 6.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 6.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 6.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within 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. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this ROW.
- 6.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the ROW), the United States against any liability arising from the Holder's use or occupancy of the right-of way, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 6.6. Mineral material generated, and not needed for the development of the proposed action within the ROW site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of the excess mineral material.

7.0 Recreation

There are existing travel routes that may be affected by the wires and could potentially cause a safety hazard to recreationists. This potential hazard can be mitigated by making the wires highly visible both day and night, through the use of some type of Day-glow / reflective covering over the wires. In addition wires should be placed in a manor to provide the least impact to travel routes.

8.0 Survey Monuments

- 8.1. Holder shall protect all survey monuments found within the authorization area. 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. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. 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 monuments, the holder shall be responsible for the survey cost.

9.0 Vegetation/Noxious Weeds/Land surface/Soil/Water/Riparian/Woodland/Forestry

- 9.1. The proposed project is in an area known to contain high densities of cactus and yucca. High numbers of cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years' experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.
- 9.2. The action is administrative in nature and no new disturbances are expected to occur. Continue to follow existing mitigation measures and stipulations for weed prevention and control as established for the adjacent lease. If no measures exist, then follow the LVFO noxious weed compliance requirements as shown below. Coordinate weed management activities with the District Weed Management Specialist. To avoid spreading noxious and/or invasive weeds, project activities shall include the following stipulations:
 1. The project proponent shall avoid or minimize all types of travel through weed-infested areas. If a problem is identified and avoidance or removal is not possible, the project proponent shall set up inspection and equipment cleaning sites to prevent the spread of weeds.
 2. The project proponent shall limit ground disturbance to the absolute minimum necessary to safely construct and operate the proposed project. The applicant will avoid creating soil conditions that promote weed germination and establishment.
 3. Project related equipment (i.e. undercarriages and wheel wells) will be cleaned of all mud, dirt and plant parts before each tour. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product and dispose of in a dumpster. If you have questions, consult with the LVFO Noxious Weed Coordinator.

- 9.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 9.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the right of way. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.
- 9.5. Soil/Water/Riparian/Floodplains: Applicant must follow guidelines set by the Clark County Regional Flood Control District (CCRFCFD) and Clark County specifications for design of drainage systems. If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). For floodplains, if the project is located within the Las Vegas Valley disposal boundary, then the CCRFCFD is responsible for flood control. Federal Emergency Management Agency (FEMA) standards are applicable.
- 9.6. If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling. Consult with ACOE to make sure you do not need a 404 permit. All holes should be drilled according to the Nevada Regulations for Water Well and Related Drilling, per NRS Statutes 534. All holes should be reclaimed according to NRS and NAC regulations and reclaimed immediately after drilling. If groundwater is intercepted, holes will need to be reclaimed appropriately. Additionally, applicant is responsible for obtaining any CWA permits from NDEP that may be necessary.

10.0 Migratory Birds

- 10.1. The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et. seq.) protects migratory birds and their nests (nests with eggs or young). The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area. A list of MBTA protected birds are found in 50 C.F.R. 10.13). The BLM is directed to conserve special status species through BLM Special Status Species Manual 6840. The BLM maintains a comprehensive list of species that have risks associated with a downward population trend and/or have specialized habitats that may be at risk. Migratory birds, including the BLM sensitive species and their nests, may be present on and around the project site. Migratory birds may be displaced by noise disturbance during construction, operation and/ or maintenance activities. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide. Many impacts to BLM sensitive species would be minimized through project specific stipulations.
- 10.2. The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area and habitat-altering projects should be scheduled outside the bird season, which generally occurs from February 15th through August 31st. If a project has to occur during breeding season, then a qualified biologist must survey the area for nests immediately prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nest are found, an appropriately-sized buffer area must be established and maintained until the young

birds fledge. This buffer must connect to other suitable undisturbed habitat. As the above dates are a general guideline, if active nests are observed outside this range they are to be avoided as described above.

11.0 Fish and Wildlife, Excluding Federally Listed Species

- 11.1. Wildlife species in the general area include mammals, birds, reptiles, and invertebrates. Additionally, the BLM is directed to conserve special status species through BLM Special Status Species Manual 6840. The BLM maintains a comprehensive list of species that have risks associated with a downward population trend and/or have specialized habitats that may be at risk. Wildlife, including BLM sensitive species, may be displaced as lands are disturbed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals during construction, operation, and/or maintenance activities, displacement of individuals, the permanent loss and fragmentation of habitat, and increased potential for harassment of wildlife. Indirect impacts may include noise, increased erosion, and spread of weeds by the construction, operation and/or maintenance activities. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat should have a negligible impact on populations of the species range wide. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide. Many impacts to BLM sensitive species would be minimized through project specific tortoise stipulations. As no new disturbance is proposed for the project, impacts would be limited to maintenance activities and decommissioning of the project.

12.0 Threatened, Endangered or Candidate Animal Species

- 12.1. The action has a may affect for the threatened desert tortoise (*Gopherus agassizii*). This project will have no effect on any other federally listed species or designated critical habitat. Historical survey data indicates that the area surrounding the project site is low density tortoise habitat. Although this project will not create new surface disturbance, it is adjacent to undisturbed, contiguous habitat so there is potential for tortoises to wander into the project area. If not noticed and avoided during operations, desert tortoises could be either killed (by crushing) or harassed (being moved out of harm's way). As no new habitat disturbance would occur during this action, desert tortoise clearance surveys are not required.

Communications Use Lease Stipulations

1.0. General Conditions

- 1.1 The Lessee shall construct, install, operate, and maintain their equipment in accordance with the Motorola R56 Standards (Release 68P81089E50-B, 9/1/2005, or later applicable version) and/or other applicable recognized industry standards, as determined by the BLM Authorized Officer.
- 1.2 This Lease is for the construction and utilization of the structures and facilities described on the face of the Lease under "Nature of Interest". Any additional construction will need to be approved by the Authorized Officer. Any additional

uses will need to be reported in the Use Inventory Worksheets that are to be submitted by October 15 of every year.

- 1.3. The Lease herein granted is conditioned upon an approved license and/or renewal granted by the appropriate agency (FCC or IRAC).
- 1.4. Lessee will not transmit from the site until the proper license is received. If the license is not granted, any improvements will be removed and the site rehabilitated to the satisfaction of the Authorized Officer. BLM may, at the request of Lessee, and at the discretion of BLM, accept title to improvements made by Lessee in lieu of removal and rehabilitation.
- 1.5. The facility owner/manager is responsible for ensuring that all subsequent users of this communication site adhere to the terms and conditions of this authorization and meet the requirements set forth in these stipulations. Failure on the part of the facility owner/manager to do so may jeopardize this authorization.
- 1.6. Lessee accepts this Lease and possession of the property, subject to any valid existing rights, and agrees not to use the property, or any part thereof, except as a site for only the construction, operation, maintenance, and termination of a communications facility.
 - a. All development, operation and maintenance of the authorized facility, improvements, and equipment located on the property must be in accordance with stipulations in the communications site plan approved by the Authorized Officer, if applicable. If required by the Authorized Officer, all plans for development, layout, construction, or alteration of improvements on the property as well as revisions of such plans, must be prepared by a licensed engineer, architect, and or landscape architect. Such plans must be approved in writing by the Authorized Officer before commencement of any work. After completion, as-built plans, maps, surveys, or other similar information will be provided to the Authorized Officer and appended to the communications site plan.
 - b. Lessee must comply with applicable Federal, State, county, and municipal laws, regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this Lease. The obligations of Lessee under this Lease are not contingent upon any duty of the Authorized Officer, or other agent of the United States, to inspect the premises. A failure by the United States, or other governmental officials, to inspect is not a defense to noncompliance with any of the terms or conditions of this Lease. Lessee waives all defenses of laches or estoppel against the United States. Lessee must at all times keep the title of the United States to the property free and clear of all liens and encumbrances.

- b. Lessee must ensure that equipment within his or her facility (including tenant and customer equipment) operates in a manner which will not cause harmful interference with the operation of existing equipment on or adjacent to the communications site. If the Authorized Officer or authorized official of the Federal Communications Commission (FCC) determines that Lessee's use interferes with existing equipment, Lessee must promptly take the necessary steps to eliminate or reduce the harmful interference to the satisfaction of the Authorized Officer or FCC official.

2.0. Site Development (New Buildings and Towers)

2 A. Undeveloped Sites

- 2.A.1. Buildings or equipment enclosures constructed on previously undeveloped sites shall be required to have a minimum of 120 square feet of floor space, and a minimum tower (or pole) height of 50 feet. The facilities owner shall be required to Lease space to new applicants at reasonable rates, and new applicants shall be required to Lease from the owner at reasonable rates until the facility is either full, or a minimum of 4 transmitters are in place.
- 2.A.2. Use of a combiner may be required by Lessee at his/her discretion, where 2 or more radios in the same band are in the facility.
- 2.A.3. Exception may be made to the first paragraph for facilities where law enforcement, and/or emergency communications radio systems are involved. No exception will be made if the owner is willing to secure an area for the use of such radios. Exception may also be made for applicants whose initial application exceeds the remaining capacity of the existing facilities.
- 2.A.4. In the event applicants cannot agree on Lease rates, the owner and the applicant may jointly hire an appraiser and agree to abide by the appraisers decision. In the event the owner and the applicant cannot agree on an appraiser, they may each hire an appraiser and agree to the median appraised rate as the Lease rate. If no agreement is reached at this point, BLM may decide the Lease rate, and bill the owner and the applicant each for 50% of the cost of establishing the Lease rate.
- 2.A.5. Governmental agencies shall be required to build facilities in accordance with these requirements, but may not be required to Lease space if specifically prohibited by law.

2 B. Developed Sites

- 2.B.1. Sites with one or more existing communications facilities are considered developed sites.
- 2.B.2. Developed sites shall have no new construction where leaseable space exists and where the current Lessee is willing to Lease space at reasonable rates, or is required to Lease at reasonable rates by stipulation in his/her Lease.
- 2.B.3. New construction in developed sites shall be subject to all the requirements of 2A above with the following changes: Minimum floor space shall be 160 square feet, minimum tower (or pole) height shall be 80 feet, and the last paragraph of 2 A. above shall be read as "The facilities owner shall be required to Lease space to new applicants at reasonable rates, and new applicants shall be required to Lease from the owner at reasonable rates until the facility is either full, or a minimum of 6 transmitters are in place".

2 C. High Power Sites: (1,001 watts ERP and above)

- 2.C.1. Parts one through five of "Technical specifications" (referring to band pass cavities and isolators) does not apply in those applications where the equipment is not commercially manufactured.
- 2.C.2. Floor space requirements shall remain the same as 2A and 2B above, but radio numbers shall be reduced to 2 per 120 square feet, and 3 per 160 square feet.
- 2.C.3. Tower heights are changed to a minimum of 160 feet, and towers must be designed and constructed to be capable of adding an additional 80 feet (for a minimum total height capability of 240 feet).
- 2.C.4. High power users (1,000+ watts ERP) may add low power users (less than 1,000 watts) below the required height for the high power antenna. Low power users in the high power facility shall not have recourse against the high power user for interference problems from the high power user, except that recourse which may be available through the appropriate regulatory agency for improper and illegal operation of the high power station.
- 2.C.5. High power stations (5,000 watts ERP and below) may not be constructed within ¼ airline mile of low power stations without obtaining the written approval of all low power users within a 1-mile radius of the proposed construction site. High power stations (5,001 watts ERP) and above may not be constructed within ½ airline mile of low power users without obtaining the written approval of all low power users within a 1 mile radius of the proposed construction site.

3.0. Technical Specifications

- 3.1. Transmitters shall have a band pass cavity that will provide:
- | | | | |
|-----|---|-----------|---|
| 30 | - | 50 Mhz: | 20 db attenuation at 500 Khz
(BP filter acceptable at these frequencies) |
| 70 | - | 88 Mhz: | 10 db attenuation at 1 Mhz |
| 130 | - | 180 Mhz: | 10 db attenuation at 350 Khz |
| 400 | - | 520 Mhz: | 5 db attenuation at 1 Khz |
| 806 | - | 1296 Mhz: | 5 db attenuation at 1 Mhz |
- 3.2. Transmitters operating in the range of 130 to 1,296 Mhz shall also have a ferrite isolator with a minimum of 25 db rejection in the reverse direction. The isolator shall be installed between the transmitter and the cavity.
- 3.3. A band pass cavity in accordance with paragraph one above shall be placed in the feedline to receivers.
- 3.4. Notch type duplexers shall be preceded by the band pass cavity.
- 3.5. A low pass filter or a band pass cavity shall be between the isolator and the antenna feed line.
- 3.6. Jacketed Heliac type transmission is required external to buildings. Unjacketed transmission line of any type is prohibited external to closed metal cabinets.
- 3.7. To secure transmission line to towers, nylon tie wraps, insulated wire, or tape is recommended. Uninsulated metal ties of any kind shall not be used.
- 3.8. BLM reserves the right to require Lessee to take such measures to eliminate interference to another user as may be necessary. This may include installation of additional cavities, isolators, and other equipment as needed between the interfering transmitter and associated antenna, and all other measures which may be required. The operation of this equipment shall not interfere with any prior radio or electronic apparatus user of this site within two airline miles of said site. Lessee shall at his own expense take all action necessary to prevent or eliminate such interference. If Lessee does not eliminate the interference within ten days after receipt of notice from BLM, this Lease may be terminated forthwith. Lessee

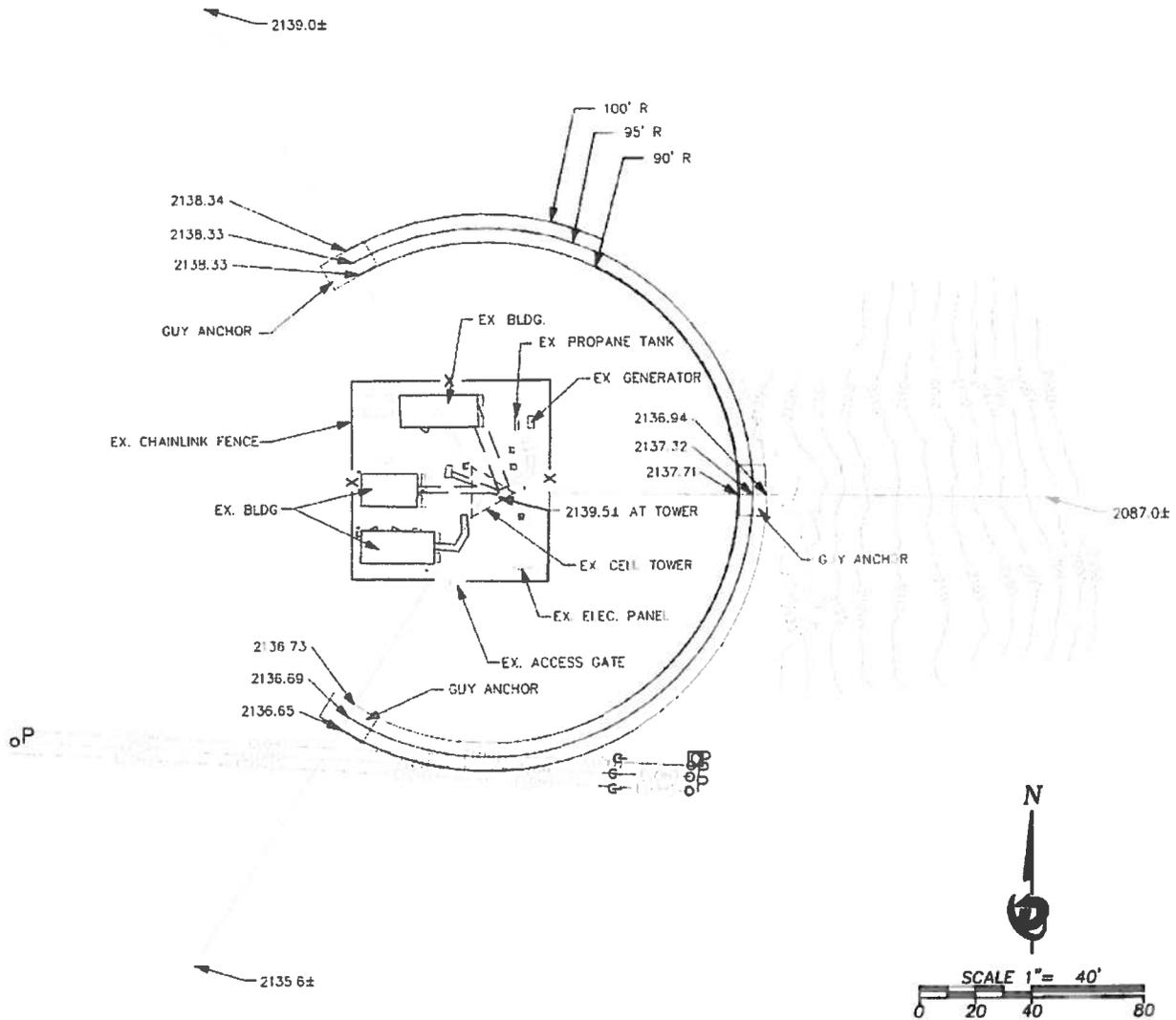
shall cease operations under this permit temporarily if he interferes with BLM radio or electronic operation in an emergency situation.

- 3.9. All radio-electronic type transmitting and receiving equipment shall be mounted in enclosed metal cabinets or standard racks with effective RF protective metal shielding covering the basic units including all receivers, transmitters, and power supplies.
- 3.10. Bureau personnel or other governmental agencies will be granted access into the building upon request to inspect the building and facilities for cleanliness, safety features, general appearance and compliance with the terms of the grant. Lessees must be prepared for compliance check within 24 hours notice when interference problems are present, and within 5 working days for other compliance checks. Lessees shall have at least one person in attendance during compliance checks.
- 3.11. Sites with Lookouts: Any new antenna, tower or structure shall be located and constructed to minimize impact on the Lookout's ability to see and report fires. Debilitative obstruction is not permissible.
- 3.12. No concentrated beam of energy shall be allowed to pass through a Lookout building or other commonly occupied building, nor shall it pass through another user's electronics facility or antenna system. Structures and antenna shall not be constructed or placed in such a manner as will block an existing concentrated beam of energy.
- 3.13. Buildings for which the Lease is being issued or renewed shall be plainly identified in letters one inch or higher, on or near the door, on the outside, with the case file (Lease) number assigned to this Lease.
- 3.14. Antennas shall maintain the following minimum clearances from ground level:

<u>Effective Radiated Power</u>	<u>Clearance</u>
.1 to 100 watts	10 feet
101 to 500 watts	15 feet
501 to 1,000 watts	20 feet
1,001 to 5,000 watts	60 feet
5,001 to 25,000 watts	80 feet
25,001 to 100,000 watts	100 feet

These requirements have been made as a result of previous problems, and the continued growth of the communications industry in Nevada. They are intended to benefit all radio users by protecting existing users, minimizing interference problems, and making allowance for increased demand for radio sites and radio service.

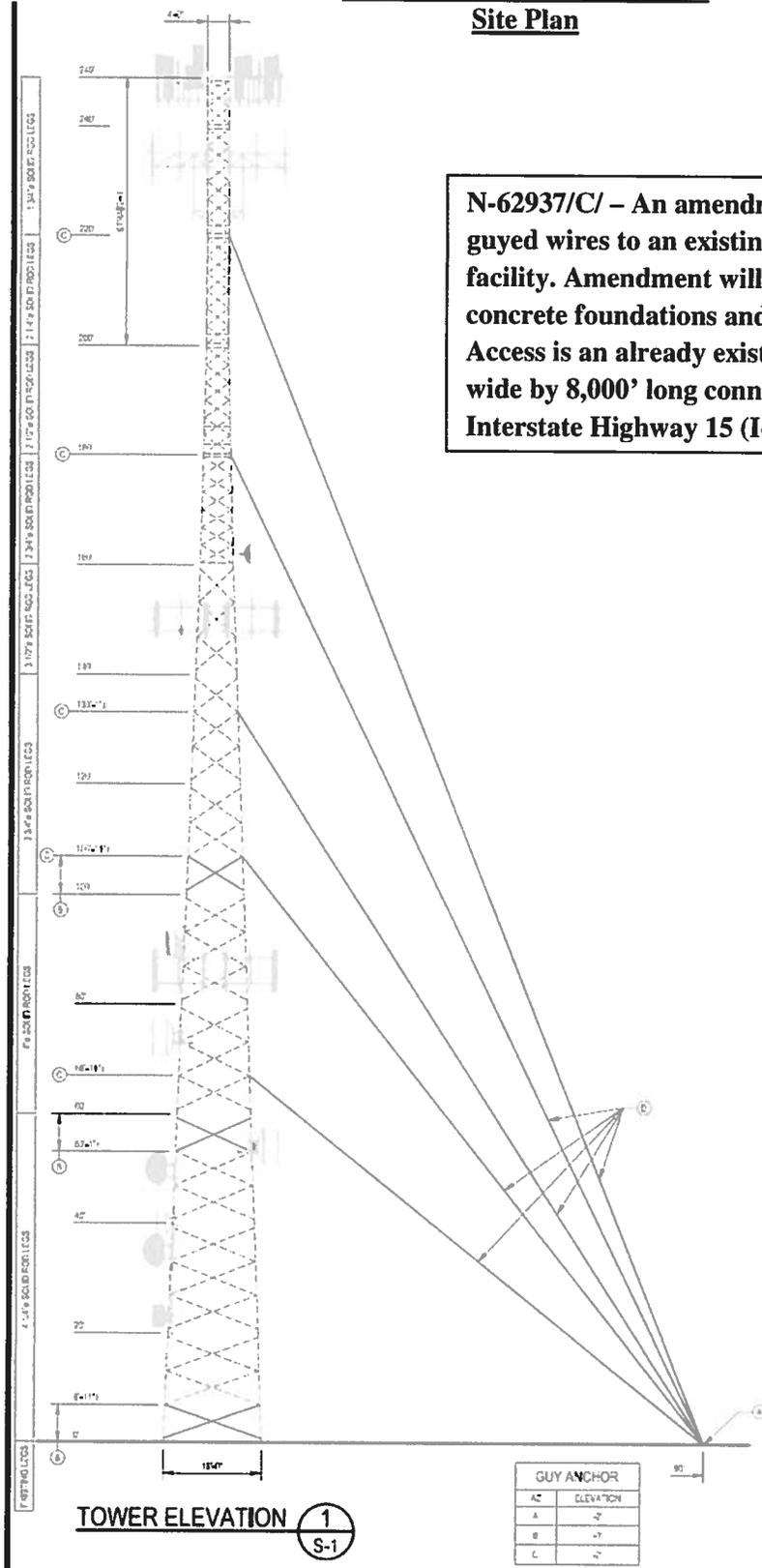
Crown Communications, LLC
Site Plan



N-62937/C/ – An amendment to add anchor guyed wires to an existing communication site facility. Amendment will add (4) 10' x 10' concrete foundations and(4) lines at 67' long. Access is an already existing dirt road 20' wide by 8,000' long connecting to the Interstate Highway 15 (I-15).

Crown Communications, LLC
Site Plan

N-62937/C/ – An amendment to add anchor guyed wires to an existing communication site facility. Amendment will add (4) 10' x 10' concrete foundations and (4) lines at 67' long. Access is an already existing dirt road 20' wide by 8,000' long connecting to the Interstate Highway 15 (I-15).

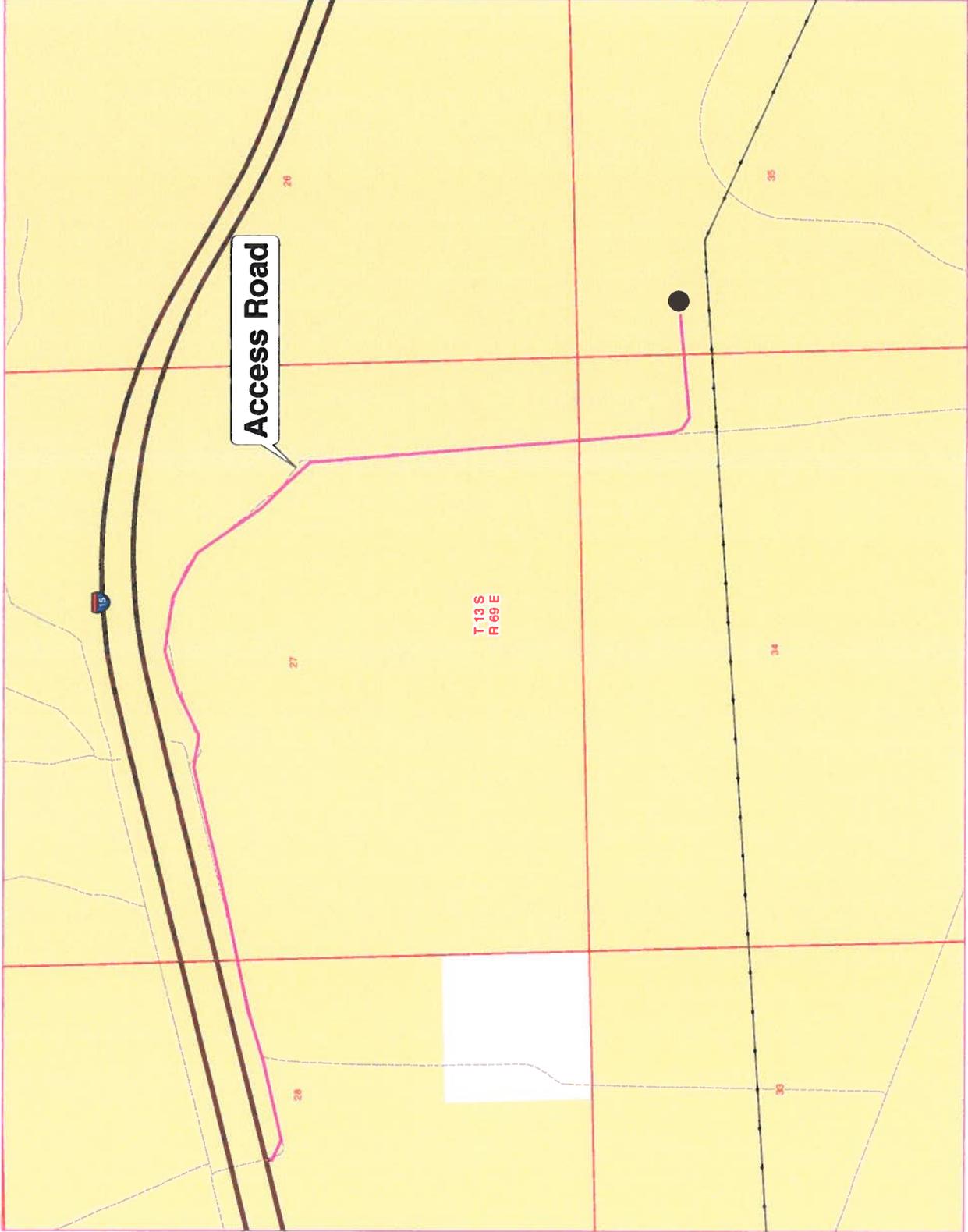


Crown Communications, LLC

N-62937/C/

Riverside Bunkerville
Communications Site

Exhibit D
1 of 2



Legend

Powerline

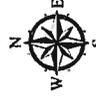
Site

Access Road

Land Status

Bureau of Land Management

Private



0 0.075 0.15 0.3 Miles



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

