

Renewal of Existing Nevada Bell dba AT&T Right-of-Way (ROW): 2016-0004CX

A. Background

BLM Office: Tonopah Field Office

Lease/Serial/Case File No: N-47741

CX Number: DOI-BLM-NV-B020-2016-0004-CX

Name of Preparer: Wendy Seley

Proposed Action Title/Type: Renew and Issue FLPMA Title V Right-of-Way (ROW) to Nevada Bell dba AT&T Nevada.

Location of Proposed Action: T. 9 N., R. 56 E., sec. 24; T. 9 N., R. 57 E., secs, 6-7; 18-19, MDBM, Nye County, Nevada. Location map is attached as Exhibit A.

Description of Proposed Action: On October 13, 2015, Nevada Bell, dba AT&T Nevada submitted a renewal request (N-47741) of an existing 3.35 mile long x 10-foot wide or 4.060 acres of underground copper cable serving ranches in the Railroad Valley area of south-eastern Nevada. The ROW was amended/modified in 1989 to exclude the portion that serves the Eagle Springs Refractory Refinery. The existing cable was placed in 1985 and has been in continuous use. AT&T's ROW expired on August 27, 2015.

There are existing above-ground pedestals (green) along the route that serve as both distribution and splice points for the length of the route's distance. The existing above-ground pedestals do not exceed 30-inches in height.

This existing telecommunication cable consists of a polyethylene sheath, which encompasses the individual-paired copper conductors buried at a minimum depth of 36-inches, with a one-foot base of sand, covered by native fill. The cable is wholly contained within the existing flat-bladed roadbed as well as within the same 50-foot wide ROW granted to Foreland Asset Corporation for their 24.9 kV distribution line and telephone line.

This renewal action is for administrative purposes only and requires no new ground disturbance.

BLM policy is to renew a grant as long as the Holder is continuing to use, maintain, and operate the facility for the purposes authorized in the original grant and the use, maintenance, and operation are in compliance with the grant terms and applicable laws and regulations.

Applicant (if any): Nevada Bell dba AT&T Nevada

B. Land Use Plan Conformance

Land Use Plan Name: Tonopah Resource Management Plan

Date Approved/Amended: October 2, 1997 **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) :**Lands and Rights-of-Way Objective, page 18.

“To make lands available for community expansion and private economic development and to increase the potential for economic diversity.”

Page 33. "Unless the land has been dedicated to a specific use or uses, public land within the Tonopah Planning Area is available for consideration for linear rights-of-way for access, and for utility transportation and distribution purposes. Such land is also available for areal rights-of-way purposes."

National Policy - 43 CFR 2801.2 - Rights-of-Way - Objectives (Selected Provisions), Subpart 2801 – General Information

"It is BLM's objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or governmental entity and to direct and control the use of rights-of-way on public lands in a manner that:

(a). Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity."

C. Compliance with NEPA:

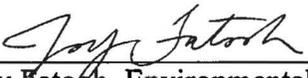
The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9.

E. Realty. (9) "Renewals and assignments of leases, permits, or right-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

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 43 CFR 46.215 apply. However, standard stipulations included in Exhibit B do apply.

I considered all pertinent ecological, social and environmental factors which may be impacted by the project. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan. This ROW is being granted for administrative purposes and does not authorize a change in management and that no further environmental analysis is required.

D. Approval and Contact Information

	2015-11-19
_____ Joy Fatooh, Environmental Coordinator	_____ Date
	11/19/15
_____ Timothy J. Coward, Field Manager, Tonopah	_____ Date

Contact Person

For additional information concerning this CX review; contact Wendy Seley, Realty Specialist Tonopah Field Office, P.O. Box 911, Tonopah, NV 89049, (775) 482-7805.

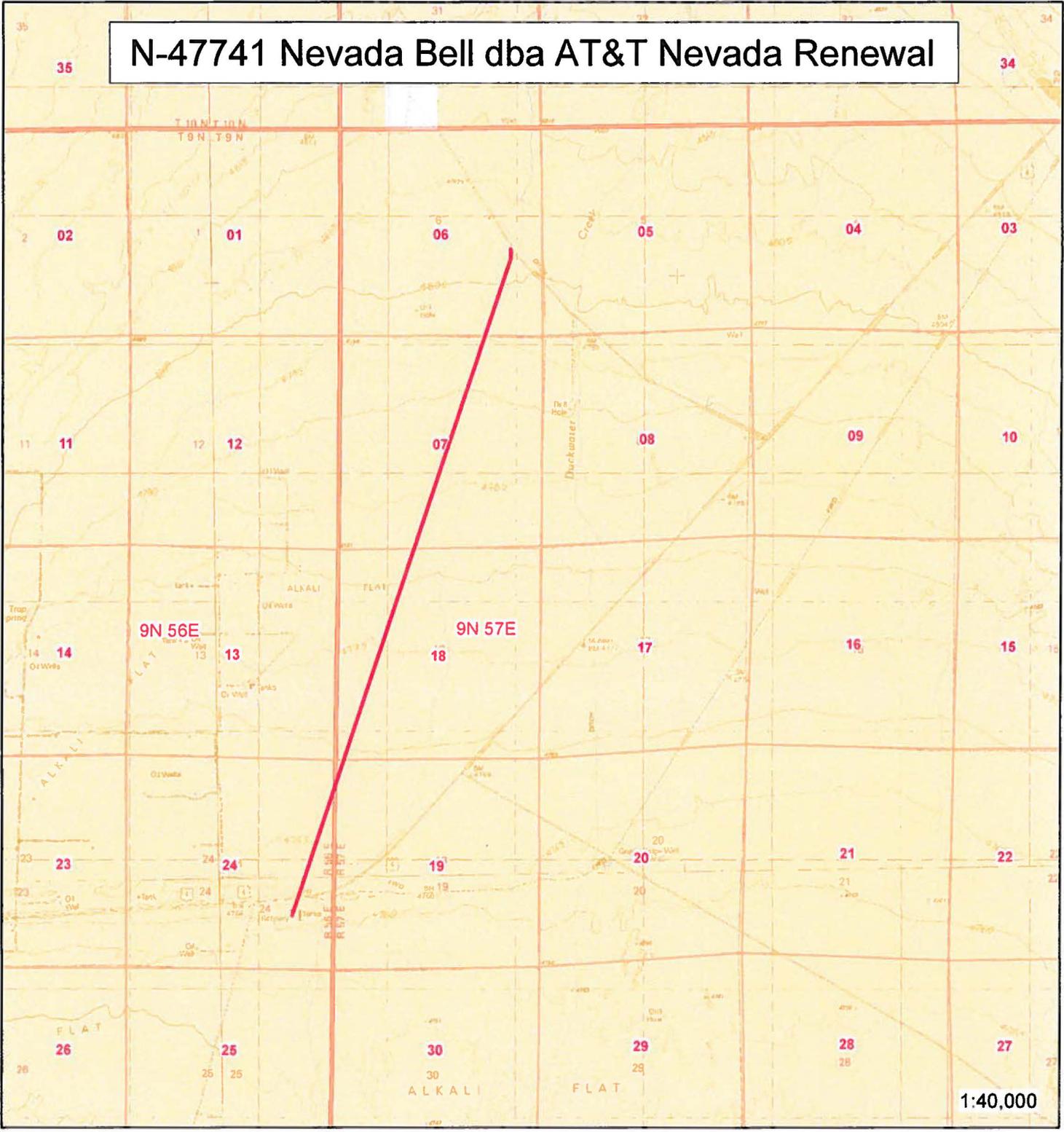
Note: A separate decision document must be prepared for the action covered by the CX.

Screening for Extraordinary Circumstances: Will this project...		Yes	No
1	Have significant adverse effects on public health or safety?		X F
	Rationale: Existing underground and aerial service.		
2	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?		X F
	Rationale: N/A		
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?		X F
	Rationale: N/A		
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X F
	Rationale: N/A		
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X F
	Rationale: N/A		
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?		X F
	Rationale: N/A		
7	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?		X F
	Rationale: N/A		
8	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?		X F
	Rationale: Existing underground and aerial service, No T?E species or their habitats affected. No impact		
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		X F
	Rationale: N/A		
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X F
	Rationale: N/A		
11	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?		X F
	Rationale: N/A		
12	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?		X F
	Rationale: N/A		

All of the above questions must be answered negatively before the Categorical Exclusion may be approved. This checklist is taken from 516-DM 2, Appendix 2.

43 CFR 46.215

N-47741 Nevada Bell dba AT&T Nevada Renewal

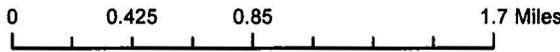


N-47741 Nevada Bell dba AT&T Renewal Telephone Line

Overview Map

Legend

- N-47741_NV_Bell_Telephone
- Bureau of Land Management
- Private



United States Department Of The Interior

Bureau of Land Management
 Tonopah Field Office
 1553 S. Main Street/P.O. Box 911
 Tonopah, NV 89049
 Map Date: 10/21/2015
 NAD 83 UTM Zone 11N
 620192.289 mE 4275750.643 mN
 621885.826 mE 4280936.467 mN



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

EXHIBIT B
STIPULATIONS

1. In accordance with Federal regulations in 43 CFR 2807.21, any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.
2. This grant is subject to all valid rights existing on the effective date of this grant.
3. The Holder shall comply with all applicable Federal, State, and local laws and regulations, existing or thereafter enacted or promulgated.
4. In case of change of address, the Holder shall immediately notify the BLM Authorized Officer.
5. In the event that the public land underlying the right-of-way (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 right-of-way, 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 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 ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
6. Future modifications, construction of improvements, or major maintenance operations involving disturbance of the land, shall not occur until plans for such actions have been submitted and approved in writing by the Authorized Officer. Any proposals involving new surface disturbance shall require a cultural inventory and may require completion of an environmental assessment.
7. 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.

8. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this grant in strict conformity with the plan of development that accompanied the Application and was approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete grant, including all stipulations and approved plans of development, shall be made available on the grant area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
9. Upon the discovery of any cultural resource(s) (historic or prehistoric site or object) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery, the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.
10. Upon the discovery of any Native American human remains, funerary item(s), sacred objects(s), or object(s) of cultural patrimony by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Operations may resume with the written consent of the authorized officer.
11. Upon the discovery of any faunal (animal) bones or remains that are indeterminate (not clearly human or non-human) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.
12. Upon the discovery of any paleontological (fossil) resource(s) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the

authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.

13. The permit Holder (or any person working on their behalf) is prohibited from moving, disturbing, and sharing the location of any cultural resource(s); Native American human remains, funerary item(s), sacred objects(s), or object(s) of cultural patrimony; faunal (animal) bones or remains that are indeterminate (not clearly human or non-human); or paleontological resource(s), discovered during the course of activities on federal land, unless authorized to do so by the authorized officer.
14. The Holder shall protect all survey monuments found within the grant. 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 grant monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in 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.
15. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Where possible and if needed, topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
16. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development that accompanied the Application and was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way during construction, operation, and termination to the Authorized Officer. Noncompliance with the above will be grounds for immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
17. The Holder shall conduct all activities associated with the construction, operation, and

termination of the grant within the authorized limits of the grant.

18. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
19. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
20. Prior to any planned disturbance in potential migratory bird nesting habitat from March 1 to July 31st (the approximate nesting season), a field survey for migratory birds, their nests, eggs or young should be performed, in order to prevent violation of the Migratory Bird Treaty Act (MBTA). If any nests, eggs or young are found either (1) the project should be delayed until the birds have completed their nesting and brood rearing activities; (2) a protective buffer zone around and nests, eggs or young migratory birds should be established on a site and species specific basis by a qualified biologist (to the approval of the BLM) allowing work to proceed outside of the buffer zone, or (3) the project should be resigned as to not harm the migratory birds, their nests, eggs or young. A migratory bird is any species of bird except upland game species, feral pigeons, European starlings and English house sparrows. Potential migratory bird nesting habitat is any habitat that may provide nesting opportunities of any species or migratory bird. Any violation of the MBTA can incur penalties up to \$15,000 or 6 months imprisonment, or both per individual offense. Any questions about the Migratory Bird Treaty Act should be referred to the Reno Office of the U.S. Fish and Wildlife Service at (775) 861-6300, or e-mail at asknevada@fws.gov.
21. Holder shall be responsible for weed control on disturbed areas within the limits of the grant. 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).
22. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder(s) 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 lease or on facilities authorized under this communications site lease. (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.
23. The Holder of right-of-Way N-47741 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these

liability arising from the release of any hazardous 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 (RCRA) of 1976, as amended, 42 U.S.C. 6901 et seq.) on the right-of-way (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.

24. During the period of May 1 through October 1 of each year, Holder should consider using spark arresters on vehicles and equipment in the project area, due to the potential for fire ignition from project related activities. This includes emission of hot carbon particles from diesel powered equipment, improperly equipped or poorly operating exhaust systems on gas powered vehicles and direct contact of wildland fuels with catalytic converters. Individuals, groups, businesses or corporations found responsible for the ignition of a wild fire may be held liable for the costs associated with the suppression of that fire.
25. The Holder shall prevent any activities which may cause erosion. Where erosion has resulted, the Holder shall re-vegetate and re-habilitate the location. The Holder is responsible for consultation with the Authorized Officer for an acceptable proposal.
26. The Holder shall seed disturbed areas outside of the authorized ROW resulting from grading, staging areas, stockpiles, and other activities. The Holder shall coordinate with the BLM for seeding method, seed mix, and planting season.
27. 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
28. Ninety days prior to termination of the right-of-way, the Holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the Holder's commencement of any termination activities.