

Shoshone Field Office
Syringa Networks Right-of-Way
January 2012

**UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
STATE OF IDAHO
TWIN FALLS DISTRICT
SHOSHONE FIELD OFFICE
400 West F Street
Shoshone, ID 83352
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CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Project Name: Bliss to Dietrich Fiber Optic Right-of-Way (ROW)

Number: DOI-BLM-ID-T030-2012-0002-CX

Applicant: Syringa Networks, LLC.

Project/Case File Number : IDI-37078

Preparer: Scott Webster of North Wind Resource Consulting, LLC

Project Description

The Shoshone Field Office of the Bureau of Land Management (BLM) has received a right-of-way application from Syringa Networks, LLC to construct and maintain a fiber optic cable line on public lands in Gooding and Lincoln Counties. The proposed right-of-way encompasses a non-contiguous area of 16.85 miles long by 10 feet wide, totaling 20.4 acres and is proposed to be located adjacent to existing U.S. and State Highways, county roads, and communication site access roads. The proposed term for the right-of-way is 30 years, after which the right-of-way could be terminated or renewed.

Earth Energy, Inc. has been contracted by Syringa Networks, LLC to install the fiber optic cable line. Earth Energy will be utilizing various methods to install the underground conduit for Syringa Networks' fiber optic cable. Ground conditions will dictate the type of equipment used. The Syringa project calls for installing two 1.25-inch high density polyethylene (HDPE) conduits to a minimum depth of 36 inches. In unconsolidated sediments the typical installation will involve a tracked dozer with a vibratory plow on the rear. The typical impact footprint by the tracked dozer will be approximately 10 feet in width including 20 inches for each track on the dozer and a 6-inch plow scar. In areas of consolidated tight sediments it may be necessary to pre rip a 6-inch wide trench prior to the vibratory plow installing the conduits.

Within the project area there are extensive areas of basalt lava flows exposed at the surface. Some of these areas cannot be plowed to the proper depth and will require the use of a rock saw or wheel to cut a 10- to 12-inch wide trench to a depth of 36-inches. The cut rock material will be stacked by the wheel and used as backfill once the dual 1.25-inch HDPE conduits are installed in the bottom of the rock trench.

The rock saw is a tracked machine and will have a similar footprint as the rip dozer and plow with the saw typically cutting the trench in the middle between the dozer tracks. Areas of steep

slopes or rock outcrops may require minor leveling with the dozer blade prior to the rock saw passing through and completing the trench.

Earth Energy will also utilize directional drills to bore under areas where the use of other methods are not feasible or would result in unacceptable resource damage. These areas include county roads and highways, the Malad River and associated wetland/riparian area, and various irrigation ditches, canals and other small pockets of wetlands which occur along the proposed route. (A survey of the wetland/riparian and various irrigation ditches and canals is located in the project folder. However, none of these are located on BLM managed public lands.) The directional drill will enter on one side of the obstruction and bore under and across to the exit side to create a pilot borehole. Once the pilot hole is completed the conduits will be attached to the drill and pulled back through the borehole. Ground conditions will determine if a standard directional drill is utilized or Earth Energy's rock drill. During the drilling process a bentonite mud mixture is used to keep the bit and electronics cool, remove the cuttings from the borehole, and to help stabilize the borehole walls. The bentonite mud mixture will be contained in an entrance or exit pit and removed with 800-gallon vacuum wagons for disposal. The directional drills are tracked units similar to the dozer and will have a footprint approximately 8-feet wide. Minimal surface disturbance is required for the drills other than an entrance and exit pit. Supporting the directional drills and plow crews are rubber tired backhoes for excavating tie in points for the plow conduits, excavating bore pits for the drills, and installing underground hand holes.

During project construction, materials will be stored at predetermined sites on private property or an approved state ROW. Once established, Earth Energy will provide the locations of the material and equipment staging areas. Equipment not in use daily will be stored at designated material sites or on approved ROW sites. Only equipment actively in use on BLM property may be occasionally parked overnight or over a weekend within the BLM ROW area.

The plow scar will be compacted and stabilized with the use of the plow or ripper cat upon completion of the conduit installation. Trench material from the rock saw operation will be used as backfill over the HDPE conduits. Any backhoe trenches or bore pits will be backfilled to the original ground level. Upon completion and cleanup of the plow or trench scar, an approved seed mixture will be broadcast over the disturbed areas as directed. Syringa Networks on-site inspector will provide documentation that disturbed areas are backfilled and seeded properly, upon request.

Project Location

The project area encompasses approximately 60 linear miles of proposed fiber optic line between the Cities of Bliss and Dietrich, Idaho (Attachment 1). The proposed right-of-way focuses on approximately 16.85 miles of lands along the route managed by the BLM, Shoshone Field Office. This includes a 0.5 mile segment between Bliss and Gooding, a 0.25 mile segment between Gooding and Wendell, two segments totaling 7.75 miles between Gooding and Shoshone, two segments totaling 1.75 miles between Shoshone and Dietrich, three segments totaling 2.9 miles between Shoshone and Notch Butte, and two segments totaling approximately 3.7 miles between Dietrich and Dietrich Butte.

The right-of-way contains about 20.4 acres and affects the public land identified as follows:

Boise Meridian,

T. 6S, R. 14E., Sec. 5;
T. 7S, R. 15E., Sec. 9;
T. 6S, R. 16E., Sec. 1, 2, 3, 4, 5, and 6;
T. 5S, R. 17E., Sec. 31, 32, and 33;
T. 6S, R. 17E., Sec. 2, 10, 11, 12, 15, and 22;
T. 6S, R. 18E., Sec. 1, 7, 8, 9, and 12;
T. 5S, R. 19E., Sec. 29, 30, 31 and 32.

Plan Conformance:

The majority of the project location falls under the direction of the Monument Resource Management Plan (RMP,1985) with only the 0.5 mile segment between Bliss and Gooding falling under the direction of the Bennett-Hills –Timmerman Hills Management Framework Plan (MFP,1980). In the Bennett Hills – Timmerman Hills MFP, Objective L4 identifies that haphazard development of utility systems should be avoided by allowing development of utilities along existing systems or within identified utility corridors. The Monument RMP identifies that the installation of public utilities may be considered where not expressly closed by law or regulation. The Monument RMP does not identify utility corridors, but does identify that utility development should occur in common right-of-ways whenever possible and that utility development is prohibited within Wilderness Study Areas suitable for designation.

Categorical Exclusion Reference

The proposed action is excluded from further documentation under NEPA in accordance with 516 DM 11.9 E(12), which states: E(12): “(g)rants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.” The proposed right-of-way would allow Syringa Networks LLC to construct and maintain a fiber optic cable line within boundaries of rights-of-ways granted for access to communication sites and public roadways.

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. The extraordinary circumstances reviewed for the proposed action are documented below.

Extraordinary Circumstances

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

The proposed action would occur outside of the existing roadway prism within the existing right-of-way and all applicable roadway safety mitigation (i.e., signage and traffic control measures) would be implemented as identified within Attachment 2 under Stipulation 16 during installation of the fiber optic line. Stipulation 16 states “The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without turnouts, and attended gates for blasting operations.” Additionally, Stipulation 1 will be used to insure the holder maintains public safety. The stipulation states “The Authorized Officer may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his

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.”

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.

A cultural resource survey was conducted in August 2011, with seven new sites recorded within the extents of the proposed fiber optic route, two of these occurred within segments of the proposed project associated with public lands. The other four sites occurred on private land along the proposed route. Installation of the proposed fiber optic line is not anticipated to negatively impact any of the new or previously recorded cultural resources. The eligible canals, railroads, and roads listed in the survey are areas where directional boring is planned to go under the site to avoid disturbance. Concurrence on these findings was received from the State Historical Preservation Office (SHPO) on December 08, 2011 (copy found in project file).

Impacts to resources such as migratory birds and the presence of other bird species which occur within the project area are anticipated to be negligible due the existing roads which parallel the proposed fiber optic route cause habitat fragmentation and have resulted in the degradation of suitable nesting habitats.

The following resources were not present within portions of the project area associated with public lands and the proposed action would not have any impact on these resources:

- park,
- recreation or refuge lands;
- wilderness areas;
- wild or scenic rivers;
- national natural landmarks;
- sole or principal drinking water aquifers;
- wetlands;
- floodplains;
- national monuments;
- ecologically significant or critical areas .

Multiple wetlands were identified along the proposed fiber optic route located on private lands associated with canals, irrigation ditches, the Malad River, and small isolated wetland pockets within roadside burrow ditches. These wetlands would be avoided to the extent possible by using a directional boring method to place the fiber optic line under the delineated wetland areas. Any encroachment or impacts which are unavoidable would occur following the accusation of necessary permits from the Army Corps of Engineers, as identified under Special Stipulation 1 in Attachment 2.

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)].

Throughout the environmental process the proposal to install, operate, and maintain the proposed fiber optic line was not highly controversial, nor are the effects expected to generate future controversy. Parties with adjacent right-of-way interests and local governments were notified via letter to interested parties on October 21, 2011. No input from these parties has been received concerning the granting of the proposed right-of-way grant.

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

The effects of installing, operating, and maintaining a buried fiber optic line on public lands are straightforward and do not pose uncertainties. The environmental process has not identified any effects that may involve highly unique or unknown risks. To limit the risk of any unforeseen impacts and provide environmental protections, general and special stipulations have been attached to this project.

5. The proposed action does not establish a precedent for future action or represent a decision in principal 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 grant a right-of-way to Syringa Networks LLC to construct and maintain a fiber optic line across public lands as described would only allow that action to occur. Any proposed future projects must be evaluated on their own merits and effects.

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

The proposed action is requesting authorization for the installation, operation, and maintenance of the proposed fiber optic line within areas of compatible right-of-ways and that currently have developed roadways. The impacts of the proposed fiber optic cable line would not result in impacts beyond those that are occurring as a result of these developed roadways.

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 survey was conducted for the proposed action in August 2011, which revealed two eligible sites for listing within the portions of the project area associated with public lands. These sites included U.S. Highway 26 and State Route 24, which will not be directly impacted by the proposed fiber optic installation. SHPO provide concurrence to this “No Effect”. Additionally, Stipulation 6 provides protection to any cultural or paleontological resources found within the project areas during installation or maintenance activities. It states “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.”

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.

A Special Status Animal Species Assessment was completed by Scott Webster of North Wind Resource Consulting, LLC and reviewed and approved by Gary Wright, BLM Shoshone Field Office Wildlife Biologist in October 2011. The assessment determined that the planned soil excavation actions with associated habitat alterations expected to result from placement of the proposed fiber optic line on public lands would not result in permanent adverse impacts to any special status animal species or their habitat. Additionally, it was determined that the project area falls outside of the identified Priority and General sage grouse habitat. A special recommendation was added to the project stipulation list to aid in protection of nesting bird species which states “It is recommended that construction activities occur before mid- March or after mid-July, to aid in protection of nesting bird species. Nesting activities within the habitat types present within the project area is typically completed by mid-July.”

A Special Status Plant Species Assessment was also completed by Scott Webster of North Wind Resource Consulting, LLC and reviewed and approved by Danelle Nance, BLM Natural Resource Specialist in October 2011, with a finding that no special status, including endangered or threatened, plants occur within the project area. Suitable habitat for Picabo milkvetch (*Astragalus oniciformis*) does occur within the project area, but no individuals were observed during field surveys.

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.

Stipulations would be attached to the right-of-way grant that specify that all applicable Federal, State and local laws be adhered to. Furthermore, under Stipulation 1 of the right-of-way grant “The authorized officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in their 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.” 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) because there are no low income or minority populations located along the proposed fiber optic line route. Also, as mentioned above Stipulation 15 of the right-of-way grant states: “The Holder (Syringa Networks LLC) 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.”

11. The proposed action would not limit access to any 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).

There were no known or identified ceremonial uses of Indian sacred sites on Federal lands by Indian religious practitioners within close proximity of the proposed fiber optic line route.

Granting a right-of-way to install, operate and maintain the proposed fiber optic route would not alter access to public lands in the area. Stipulation 15 of the right-of-way grant states: “The Holder (Syringa Networks LLC) 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.”

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).

Installation of the proposed fiber optic line would not contribute to a significant increase in the populations of noxious weeds that are already known to occur in the project area. Any ground disturbing activity likely to contribute to invasive species being allowed a foothold would be reseeded with a perennial grass mix. Additionally, this project is unlikely to cause a noticeable increase in invasive or noxious plants as the plant communities are already being impacted by the existing rights-of-ways. There would be stipulations attached to the right-of-way that would require Syringa Networks LLC to be responsible for weed control within the limits of the right-of-way that result from the installation, operation and maintenance of the buried fiber optic line within the right-of-way. Stipulation 13 of the right-of-way grant states: “The holder (Syringa Networks LLC) shall be responsible for noxious and invasive 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).

Consultation and Preparation

The affected environment of the project area was discussed during an interdisciplinary team meeting conducted with applicable BLM specialists, Syringa Networks LLC, and North Wind Inc personnel on June 13, 2011. Following this meeting North Wind Inc. personnel completed field surveys of the proposed fiber optic route and compiled specialist reports which were reviewed and approved by BLM specialists. Following approval of the specialist reports, North Wind Inc. proceeded to draft this Categorical Exclusion document for BLM specialist review and approval. A copy of the approved specialist reports is located in the project file.

Approval

Based on my review of the project described above and field office staff recommendations, I have determined that the proposed action would not result in unnecessary or undue environmental degradation, is in conformance with the applicable land use plan, and is categorically excluded from further environmental analysis. It is my decision to offer Syringa Networks, LLC a ROW for the above described public lands, pursuant to the authority of Section 302(b) of the Federal Land Policy and Management Act. The ROW grant will allow Syringa Networks, LLC to construct, operate, and maintain a fiber optic line across six segments of public land in Gooding and Lincoln Counties, Idaho. The right-of-way area will be for a width of about 10 feet and approximately 16.85 miles long, encompassing about 20.04 acres.

For more information contact Kasey Prestwich, Realty Specialist, at (208) 732-7204 or via email at kprestwich@blm.gov

/s/ Ruth A. Miller

1/20/2012

Ruth A. Miller, Field Manager

Date

Attachments

- 1. Project Location Map
- 2. Project Stipulations

Attachment 1- Project Location

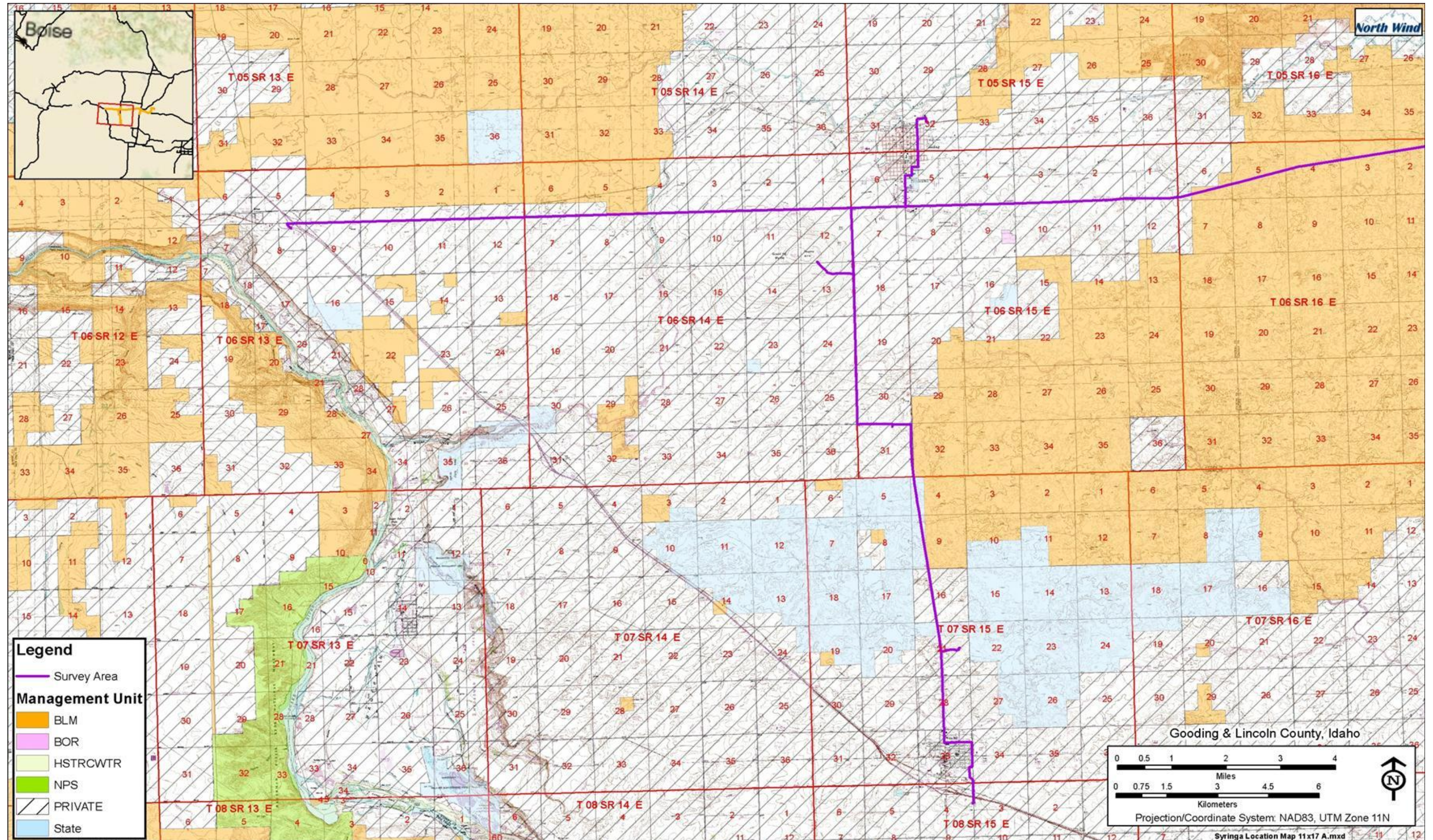


Figure 1: Project location with land ownership (sheet 1)

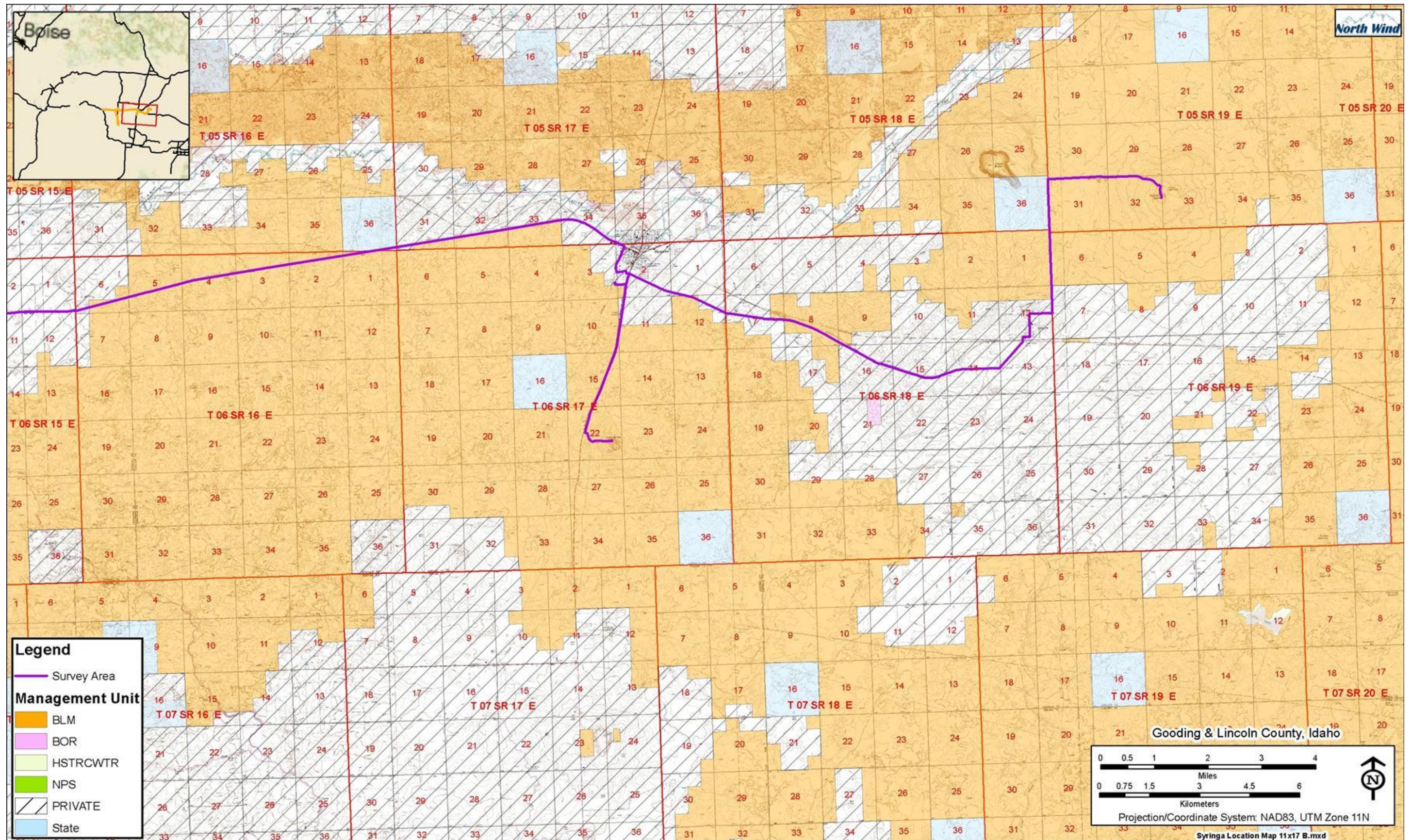


Figure 1: Project location with land ownership (Sheet 2)

Attachment 2

Standard Stipulations

1. The authorized officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in their 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.
2. The holder shall contact the authorized officer at least seven days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a pre-construction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plan(s) of development.
3. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction of use only as therein expressly stated and only for the particular location or use therein described.
4. The holder shall designate a representative(s) who shall have the authority to act upon and implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
5. The holder shall comply with the construction practices and mitigation measures established by 33 CFR 323.4 which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit for the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
6. 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.
7. No construction or routine maintenance activities 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

8. 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 survey 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.
9. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way. Any relocation, additional construction, or use that is not in accord with this authorization shall not be initiated without the prior written approval of 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 to the environment.
10. Excess excavated, unsuitable, or slide materials should be disposed of as directed by the authorized officer.
11. Holder shall remove the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation where applicable.
12. The holder shall seed all disturbed areas, not covered by aggregate, using a seed mix and planting method suitable for the location as specified by the authorizing officer. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.
13. The holder shall be responsible for noxious and invasive 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).
14. Use of pesticides and herbicides shall comply with the applicable Federal and State law. 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 quality 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 authorized officer, prior to such use, shall approve emergency use of pesticides in writing.

15. 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.
16. The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flagmen/women with communication systems for single-lane roads without turnouts, and attended gates for blasting operations.
17. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the authorized officer.
18. During construction, operation, maintenance, and termination of the right-of-way, during the period from June 1 to November 1, vehicles, gas-powered equipment, and flues shall be equipped with spark arrestors approved by the authorizing officer.
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. The holder of right-of-way agrees to indemnify the United States against any 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 of 1976, 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 holders 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.
21. The holder is permitted to sublease space/equipment to additional telecommunication providers without further approval from the BLM. Subleasing includes the subleasing of space to additional telecommunication service providers. These additional telecommunication providers will not be required to obtain a separate grant for their use. No additional rent will be assessed to the ROW holder for the additional sublease owner(s) or telecommunication provider(s) within the project or facility so long as the subleasing involves only fiber optics. The holder is liable and responsible for compliance with all terms/conditions of the grant, including compliance with the terms/conditions by any additional user. Any portion of the facility that is sold to a third party (for example, selling a conduit to another party) requires the purchaser to obtain a separate ROW grant for the sold portion of the facility.

Special Stipulations

1. The holder of the approved right-of-way grant is required to comply with a Federal, State, and County codes and obtain any required permits before and throughout the term of the right-of-way grant. Additionally, the holder shall provide a copy of applicable permits to the BLM on request.
2. It is recommended that construction activities occur before mid- March or after mid-July, to aid in protection of nesting bird species. Nesting activities within the habitat types present within the project area is typically completed by mid-July.

3. Construction at cultural sites identified as 10LN840 and 10LN1043 in the cultural report completed by North Wind Inc., shall be monitored by an archaeologist in order to avoid any impact to those properties.