

**DECISION RECORD FOR  
ENVIRONMENTAL ASSESSMENT  
Uinta County  
Beartown Cellular Facility and Power Line  
WYW-171220/WYW-171221  
DOI-BLM-WY-D090-2010-0162-EA**

**SUMMARY OF THE DEVELOPMENT PROPOSAL**

Union Telephone Company (Union) has requested authorization for a telecommunications site on public land near Beartown, Wyoming. The facilities would include a 45 foot free standing lattice tower, an 8' x 12' generator building; an 8' x 16' electronics building, propane tank, and transformer. The new cellular site would serve the community and surrounding area of Beartown, Wyoming, and travelers on State Highway No. 150. Authorization would also include a buried power line and an access road.

**ALTERNATIVES**

The environmental assessment evaluated a No Action Alternative in addition to the proposed action. The No Action Alternative would have the least impact to the existing environment as there would be no disturbance, but it would result in the denial of the proposal as submitted by Union.

**DECISION**

It is the decision of the Kemmerer Field Manager to approve the Union proposal as described in the Proposed Action. Approval is contingent upon and subject to the applicant committed environmental protection measures and the requirements in the mitigation/monitoring requirement section of the environmental assessment.

Approval is conditioned upon and subject to the following requirements:

- The Applicant will follow the conditions of approval within the right-of-way grant and the applicant prepared plan of development incorporated into these documents.
- The Applicant will comply with all identified mitigation and monitoring measures identified as necessary to minimize impacts.

**MANAGEMENT CONSIDERATIONS/RATIONALE FOR DECISION**

The decision to approve the applicant's proposed development was based on the following factors 1) consistency with land use plans; 2) agency statutory requirements; 3) relevant resource and economic considerations; 4) national policy; 5) measures to avoid or minimize environmental harm; 6) finding of no significant impact; and 7) public comments.

**1. Consistency with the Kemmerer Resource Management Plan (2010):**

The proposed action is in conformance with the planning direction developed for this area. The decision to approve Union's proposal is in conformance with the overall planning direction for the area. Standard and special protective measures were identified and incorporated into the Proposed Action to eliminate adverse impacts.

**2. Agency statutory requirements:**

All pertinent statutory requirements applicable to this proposal were considered. These include complying with the consultation requirements with both the U.S. Fish and Wildlife Service (USFWS) regarding threatened and endangered species; and Wyoming State Historic Preservation Officer on cultural and historic resources.

**3. Relevant resource and economic considerations:**

Environmental impacts identified in the EA are not considered significant when the identified mitigation measures are applied. The economic benefit of allowing the project is important in authorizing the communications site to ensure alternate forms of communications in this area.

**4. National Policy – Executive Order No. 13212:**

This executive order directs agencies to expedite approval of energy related projects and fully supports projects of this nature that will provide reliable sources of energy to all parts of the country.

**5. Measure to Avoid or Minimize Environmental Harm:**

The applicant has committed to the mitigation measures identified in the EA. Site-specific construction requirements have been established to safeguard unanticipated cultural sites, and to protect the view shed for this area.

**6. Finding of No Significant Impact:**

As discussed in the EA, the direct and indirect incremental change to the environment introduced by implementation of the project on affected resources would be minimal. The environmental impacts have been mitigated such that the net change in cumulative impacts introduced by the project in combination past, present, and reasonably foreseeable actions are expected to be insignificant. The EA concludes that the Proposed Action will not result in impacts that exceed the significance criteria defined for each resource and that with the mitigation measures described in the EA and contained in this decision, the Proposed Action will not have any significant impacts on the human environment. Therefore an environmental impact statement is not required.

**7. Public Comment:**

The project was reviewed internally and by historical trails interest groups, and the Native American Tribes. The Environmental Assessment has been posted on the Wyoming NEPA web page.

The decision to approve Union's proposal takes into account important management considerations, Federal Agency missions, and the public's need for communication. The decision attempts to balance these considerations with the degree of adverse impact to the natural and physical environment. The proposal results in long-term productivity of the area would neither be lost nor substantially reduced as a result of approving this proposal.

**AUTHORITY**

This telecommunications site, power line and access road will be approved under Title V of the Federal Land Policy and Management Act of 1976 (FLPMA). The BLM, as the authorized agency of the Department of the Interior, administers provisions of FLPMA under the right-of-way regulations at 43 CFR 2800.

## COMPLIANCE AND MONITORING

Union and BLM will provide qualified representatives on the ground during construction to validate construction, reclamation, other approved design, and compliance commensurate with the provisions of the Decision Record. Union will be required to conduct monitoring of the project in cooperation with BLM. Appropriate remedial action will be taken by Union in the event unacceptable impacts are identified.

## APPEAL

This decision is subject to appeal as detailed below.

### DO NOT APPEAL UNLESS

1. This decision is adverse to you.
- AND**
2. You believe it is incorrect.

### IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

1. NOTICE OF APPEAL      Within 30 days of the receipt of this decision, file a Notice of Appeal in the office which issued this decision (see 43 CFR 4.411 and 4.413). You may state your reasons for appealing, if you desire.
  
2. WHERE TO FILE NOTICE OF APPEAL      Field Manager, Kemmerer Field Office  
312 Highway 189 North  
Kemmerer, Wyoming 83101  
  
ALSO SEND COPY TO SOLICITOR      Office of the Regional Solicitor  
Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, Colorado 80215
  
3. STATEMENT OF REASONS      Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 North Quincy Street, Suite 300 Arlington, Virginia 22203 (see 43 CFR 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.  
  
ALSO SEND COPY TO SOLICITOR      Office of the Regional Solicitor  
Rocky Mountain Region  
755 Parfet Street, Suite 151  
Lakewood, Colorado 80215
  
4. ADVERSE PARTIES      Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of

Appeal, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR 3.301(c)(2)).

UNLESS THESE PROCEDURES ARE FOLLOWED, YOUR APPEAL WILL BE SUBJECT TO DISMISSAL (SEE 43 CFR 4.402). BE CERTAIN THAT ALL COMMUNICATIONS ARE IDENTIFIED BY SERIAL NUMBER OF THE CASE BEING APPEALED (WYW-155875/WYW-155876).

SUBPART 1821.2—OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 Office Hours of State Office

(a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office opens to the public.

Sec. 1821.2-2(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

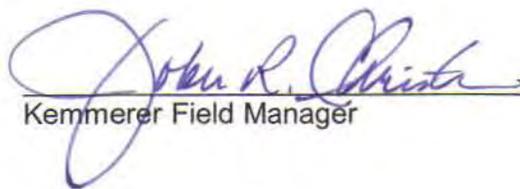
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards.

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

4. Whether the public interest favors granting the stay.

**SIGNATURE**

  
\_\_\_\_\_  
Kemmerer Field Manager

11/10/2010  
\_\_\_\_\_  
Date

**FINDING OF NO SIGNIFICANT IMPACT**  
**for**  
**Beartown Cellular Facility and Power Line**  
**WYW-171220/WYW-171221**  
**DOI-BLM-WY-D090-2010-0162-EA**

As discussed in the EA, the direct and indirect incremental change to the environment introduced by the approval of the Proposed Action Alternative results in no significant environmental impacts that have not been analyzed. Based on the analysis documented in the EA, I have determined that the Proposed Action Alternative would not result in significant impacts on the human environment (as defined in 40 CFR 1508.14) and an Environmental Impact Statement (EIS) will not be prepared.

This determination for Finding of No Significant Impact is based on the rationale and management considerations discussed below and the implementation of mitigation measures outlined in the EA.

The EA provides that adverse impacts to land ownership; land use and residential areas; transportation; recreation; grazing; socioeconomic/environmental justice; cultural and historic resources; air quality/noise; vegetation; wetlands/riparian areas/flood plains; threatened and endangered and special status species; wildlife and aquatic resources; visual resources; and from the use of hazardous materials would be minor, short-term, necessary and due impacts. Potentially substantial positive economic impacts could result for the company, and local, state, and federal governments.

The Kemmerer Resource Management Plan provides for the use of these lands for rights-of-way. An amendment to the plan for the approval of this project will not be required.

Approval:

  
\_\_\_\_\_  
Kemmerer Field Manager

NOVEMBER 9, 2010  
\_\_\_\_\_  
Date

**45 FOOT TOWER  
BEARTOWN  
TELECOMMUNICATIONS SITE  
UINTA COUNTY, WYOMING  
REVISED PLAN OF DEVELOPMENT**

**Description of Facilities**

Union Telephone Company (Union) wishes to construct a telecommunications site on Bureau of Land Management (BLM) land, shown on Exhibit "A". The site improvements for the site are shown on Exhibit "B". In order to provide this site with electrical service, we propose to construct a buried power line across BLM ground as shown on Exhibit "A". This area is currently without reliable cellular communication.

**Need for Facility**

State Highway No. 150 near Beartown has experienced considerable growth and the need for reliable cellular communications. Union Telephone, being a licensed provider for the Uinta County area, has a responsibility of providing the necessary communication services to meet consumer needs. Union Telephone Company does not have adequate cellular coverage for this portion of the Beartown and along the highway area to provide the necessary communication services for this area. This proposed communication site will increase our cellular coverage and capacity to improve the communication needs of our customers in this area.

**Right-of-Way Location**

The right-of-way for the access road and power line is shown on the map on Exhibit "A". The communications facility parcel is 50 feet x 50 feet, and located in Section 28 Township 14 North, Range 119 West, 6<sup>th</sup> P.M., Uinta County, Wyoming. The power line is 4,291 feet across BLM Lands consisting of 7200 volts and follows a two track road for the majority of its total length. The proposed tie-in point will be at an existing power box along the city reservoir road in Section 29, T 14 N., R 119 W of the 6<sup>th</sup> P. M. Uinta County, Wyoming. The power line will follow an improved gravel road and a portion of an existing two track road that leads to an abandoned mine. The proposed width for the buried power line right-of-way is 16 feet. The access road is 11,762 feet long, of which, 9,968 feet of the right of way is across B. L. M. lands. Requested width of the right of way is 25 feet. The access road consists of an improved gravel road runs over to the Union Pacific Railroad tracks and a two track road to the top of Beartown Ridge.

**Construction of the Facility**

Prior to the start of any construction, the BLM will be notified 5 days in advance. All necessary permits will be secured prior to the construction start-up. Construction period will last approximately three to four weeks, one week for the forming and pouring the concrete foundations and footings, one week to cure the

concrete and two weeks for the installation of the building and electronic equipment.

### **Tower**

Union has a vast amount of experience in the construction of cellular towers, having constructed over one hundred towers in Wyoming, Colorado and Utah. The procedures for the construction of the facility are described as follows. Upon selection and BLM approval of a site, Union will transport earth-moving equipment to the site to dig the foundation for the tower foundation and building footings. The parcel site will be approximately 50' x 50'. The proposed height of the tower is forty-five (45) feet. The tower foundation will be approximated 13 foot square by 5 feet deep. The tower will be a non-reflective, lattice type structure and will be constructed on-site by Union Telephone Company forces. The interior of the building will have lighting; however, there will be no security lighting of the facilities. Two footing trenches, approximately 2 feet by 8 feet long are also dug to form concrete beams to support the two (2) fiberglass buildings. The pre-fabricated equipment building will be 8' x 16' x 8' high. The pre-fabricated generator building will be 8' x 12' x 8' high. After forming these foundations, concrete is placed and the foundations are finished and left to cure for 10 days. All hauling of materials, including concrete, will be done utilizing existing roads and some minor blading will be needed no additional road building or clearing is necessary. After the concrete is cured, the antenna tower is erected. A 2 1/2-ton truck is used to transport the prefabricated buildings and materials necessary to construct the tower to the site. The building will be painted a Carlsbad Canyon color at Union's shop area before being move to the communication site area. This site will be fenced to protect equipment from livestock and wildlife animals, unless requested otherwise by the BLM.

The Federal Aviation Administration (FAA) was contacted concerning the need to light or register the tower. Because there are no airports within 5 miles of this site, this structure does not require lights.

The construction crew necessary for this work will never exceed five to eight men on the job at any one time. No worker camps will be necessary.

### **Access Road**

The access road used to reach the communication site will consist of following Union Pacific's road easement from BLM for a portion of it access and then follows a two track road approximately 4800 feet to the communication site area. The two track road that ascend up the ridge line that will require road blading and drainage improvements. The requested road easement width across BLM lands is 25 feet.

### **Power Line**

The 7200 volt buried power line is 5,026 feet long, of which, 4,291 feet is on BLM lands with a right-of-way width of 16 feet. The power line will tie in to Rocky Mountain's transformer box located adjacent to the reservoir road in said SW1/4 of Section 28. The power line will be ascend off the ridge line about 800 feet and follows

an old two track road to the bottom of the ridge tying into the gravel maintain road of Union Pacific Railroad.. The power length across BLM lands is 4069 lineal feet. The power line will be placed at an average depth of 30 to 36 inches by a static cable plow pulled by a D-4 Caterpillar tractor. When exposed to rocky soil conditions, the route will be pre-ripped by a D-7 Caterpillar to the same depth. Both Caterpillar vehicles are track driven.

The cable plowing operation opens a 2-inch slot in the ground to the depth of the cable. The operation will compress the soil and cause a temporary heaving at widths up to 2 feet from the plow slot. This slot normally collapses around the cable after the plow has passed. After the cable has been placed, the plow trench will be tamped by driving the Caterpillar equipment down the route, which will return the soil to approximately the preexisting grade. Because the cable trench itself will not remove the topsoil it is generally no necessary to reseed the plow trench unless there is track spinning. Normally all trenches will be closed on a daily basis. Trenches not closed at the end of the day will be clearly marked as hazardous areas. Construction will cease if it is determined that the soil is too wet to support construction vehicles.

After installation of the buried power line, the disturbed areas will be reclaimed and reseeded to the Bureau of Land Management specifications.

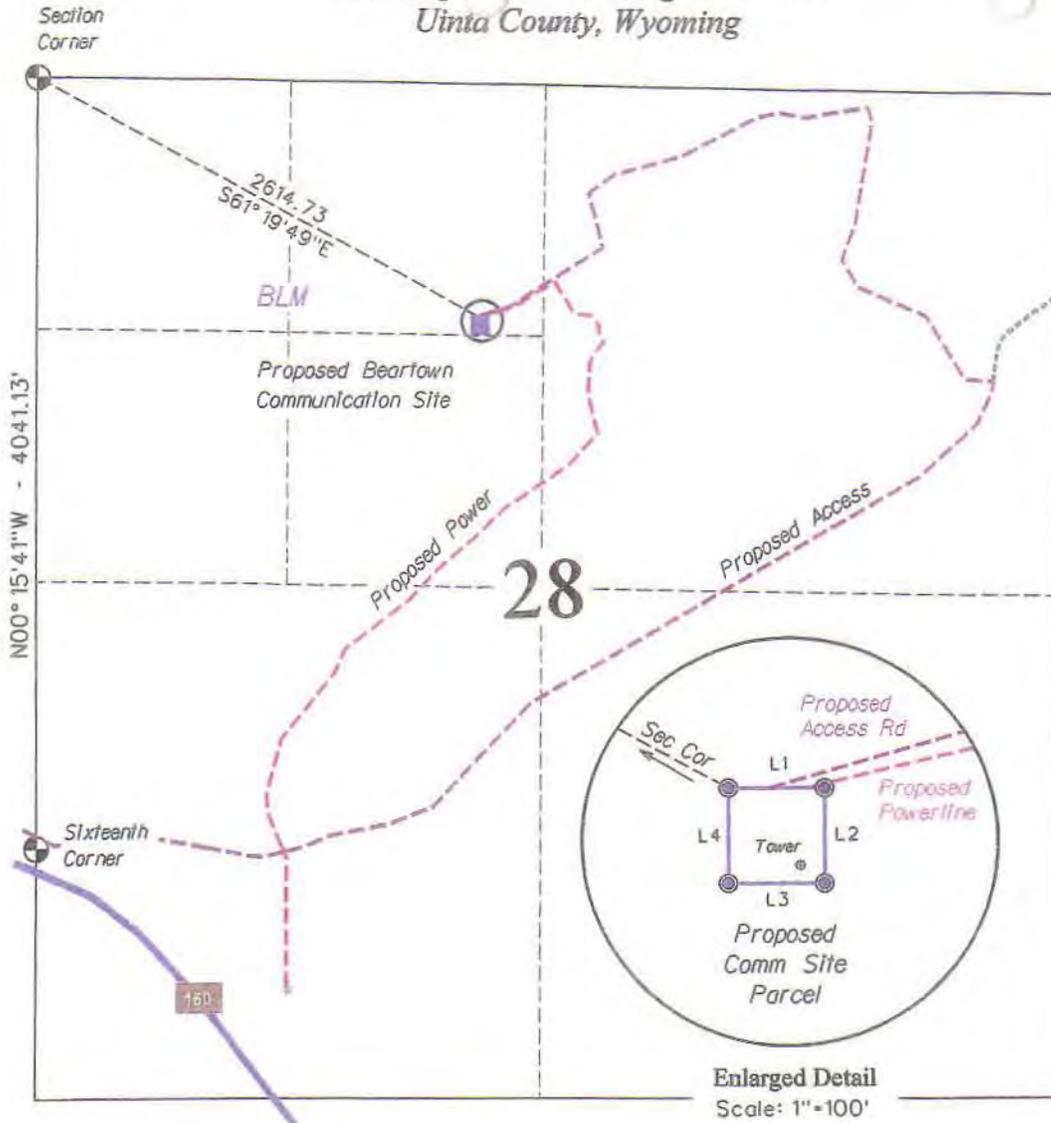
#### **Operation and Maintenance**

All-weather roads are not required to gain access to the facility. In the event that normal 4-wheel trucks cannot access the facility, Union will utilize either Snow cats or snowmobiles to transport personnel to perform maintenance operations. Maintenance is required at this site a minimum of once per month. For routine maintenance trips, our personnel can normally access the site via a 4-wheel drive truck. The communication site requires minimal earthwork at the site because it is located on a gentle slope on top of the ridge. Union will meet with the BLM to determine what appropriate action should be required.

#### **Termination and Restoration**

It is anticipated the cell site will be required on an indefinite basis. In the event the location is no longer needed, the facility will be dismantled, the concrete broken up and removed from the site. The ground in the area will then be graded, seeded and restored to its pre-existing state.

Township 14 North, Range 119 West  
 Uinta County, Wyoming



Boundary Table

| No. | Bearing        | Distance |
|-----|----------------|----------|
| L1  | N90° 00' 00" E | 50.00    |
| L2  | S0° 00' 00" E  | 50.00    |
| L3  | S90° 00' 00" W | 50.00    |
| L4  | N0° 00' 00" W  | 50.00    |

Parcel Area: 2,500.0 SqFt or 0.057 Acres, more or less.

Geodetic Coordinates

(Center Proposed Cell Tower)  
 Latitude: 41° 09' 59.822" N  
 Longitude: 110° 50' 38.822" W  
 Elevation: 7678'

Horiz. Datum: NAD83/96  
 Vert. Datum: NAVD 88

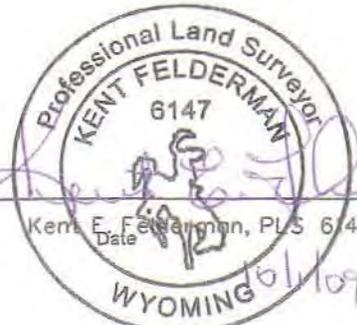


Scale: 1" = 1000'

Record Ownership  
 Bureau of Management

Certificate of Surveyor

I, Kent E. Felderman, do hereby certify that I am a Professional Land Surveyor, registered under the laws of the State of Wyoming, employed by Union Telephone Company to perform a survey of a Communication Site PARCEL, and that this map accurately shows the results of said survey as performed by me or under my direct supervision, commencing on the 29th day of September, 2009.



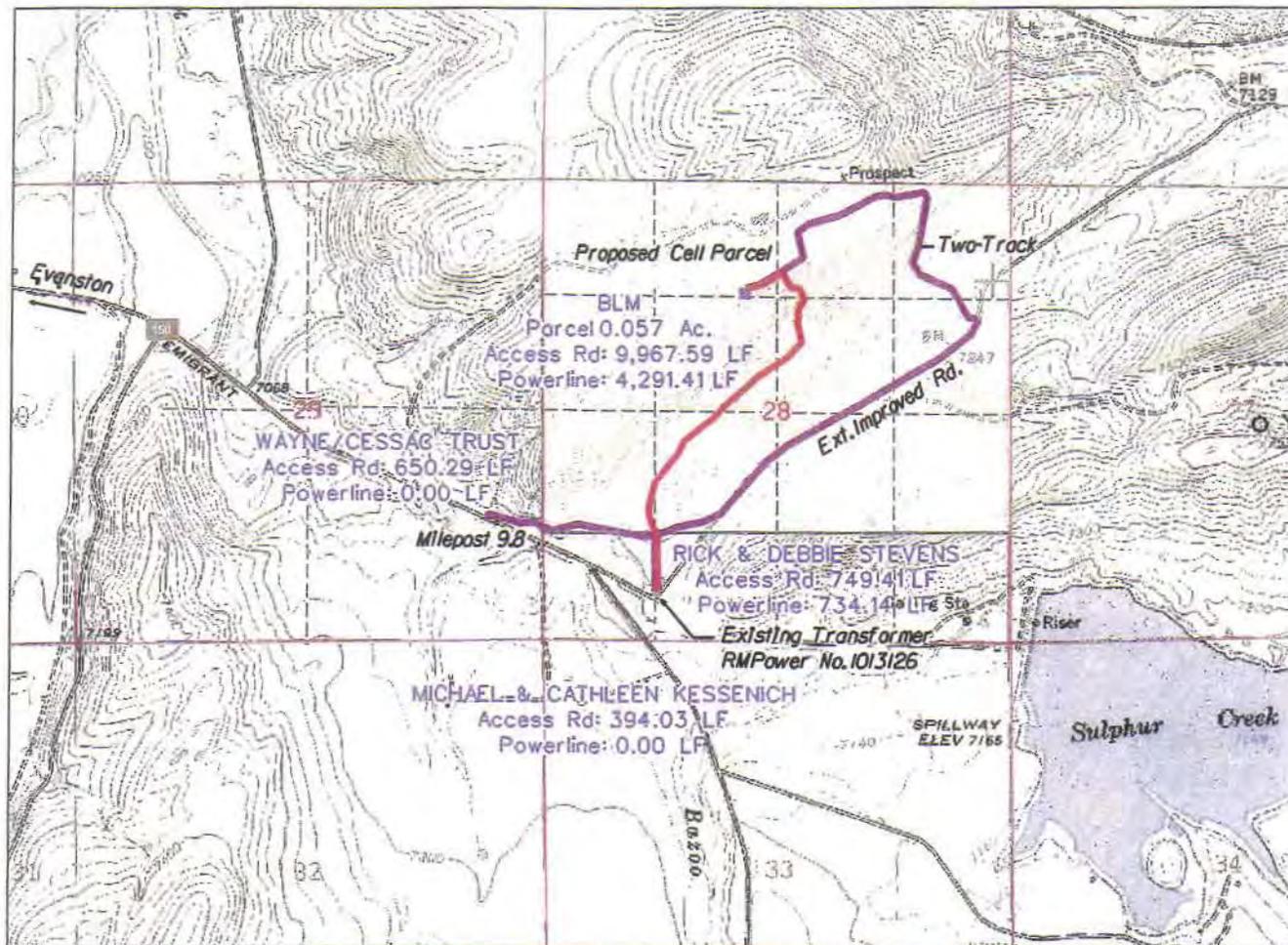
- ⊕ Brass Cap Section Corner
- ⊙ Set Alum Cap Property Corner

Rocky Mountain Survey, Inc.  
 Rock Springs, WY 82901  
 (307)-382-2212  
 Surveying & Mapping Services, GIS Development  
 Licensed in Wyoming, Colorado & Utah

MAP OF SURVEY

Union Telephone Company  
 Beartown Communication Site  
 Proposed Cell Tower Parcel  
 BLM ADMINISTERED Land  
 Northeast Quarter of Northwest Quarter,  
 Section 28, T14N, R119W  
 Uinta County, Wyoming

Township 14 North, Range 119 West, Uinta County, Wyoming



**Legend**

- Proposed Cell Parcel: 50'x50'
- Proposed Access Road: Total R/W width of 25.0 feet
- Proposed Powerline: Total R/W width of 16.0 feet



Scale: 1" = 2000'

**Geodetic Coordinates**

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**PROJECT MAP**

Proposed Access Road, Powerline,  
 and Land Parcel to Serve  
 Union Telephone Company's  
 Beartown Communication Site  
 In Sections 28 & 29, T14N, R119W  
 Uinta County, Wyoming

Proj No. 08-025 12/03/2008 - K. Felderman  
 Rev. 10/01/2009 by K. Felderman - BLM Re-Routes  
 Rev. 12/01/2009 by K. Felderman - Kessenich Re-Route



Wireless • Local Service • Long Distance • Internet • Cable TV • Directories

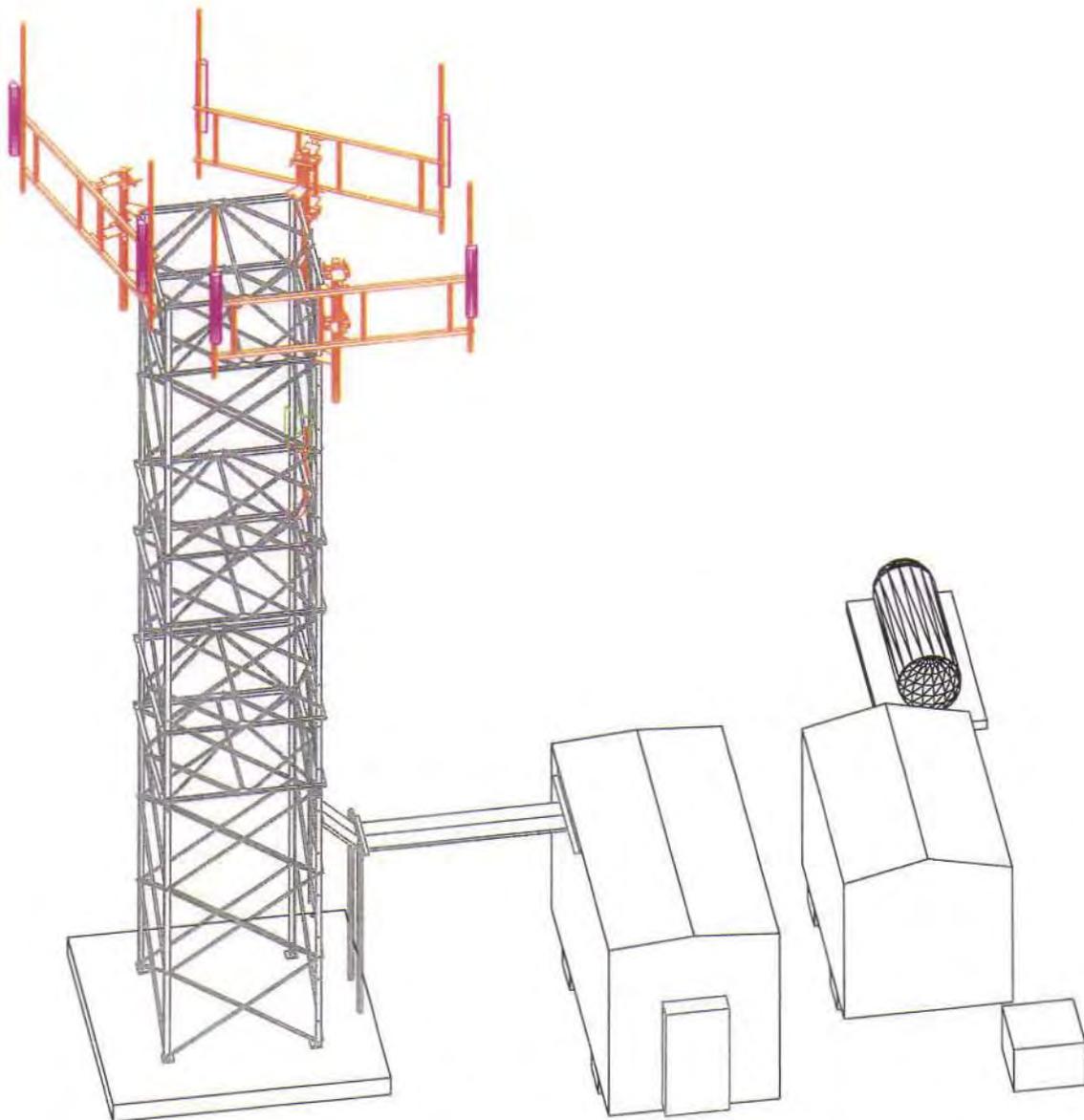
Main Office • PO Box 160 • 850 North Highway 414 • Mountain View, WY 82939 • 1-888-926-CARE (2273) • (307)-782-6131

Retail Locations: Casper, Cheyenne, Gillette, Jackson, Laramie, Riverton, Rock Springs & Saratoga, Wyoming • Craig & Steamboat Springs, Colorado

## EQUIPMENT LIST

### For Beartown Communication Site

|                              |  |
|------------------------------|--|
| <b>Tower:</b>                | <b>Valmont 45' Freestanding Lattice Tower<br/>(overall structure height of 53')</b>                      |
| <b>Antennas:</b>             | <b>X - Antel LPD-7905/8 (2) each<br/>Y - Antel LPD-7905/8 (2) each<br/>Z - Antel LPD-7905/8 (2) each</b> |
| <b>Microwave Dish:</b>       | <b>Mars Model MA-WA55 (1) each</b>   |
| <b>Generator Building:</b>   | <b>Union constructed 8' x 12' Skidded</b>  |
| <b>Electronics Building:</b> | <b>Union constructed 8' x 16' Skidded</b>  |
| <b>Propane Tank:</b>         | <b>500 gallon</b>  |
| <b>Transformer:</b>          | <b>Transformer on Pad (1) each</b>   |



# Beartown, <callsign>

NE1/4 of NW1/4 Sec28 T14N R119W, Uinta County, Wyoming

41°9'59.8"N 110°50'38.8"W (NAD83), 7675' AMSL

Owner: BLM

ASR#: N/A > 8 km

**Overall Height: 53'**

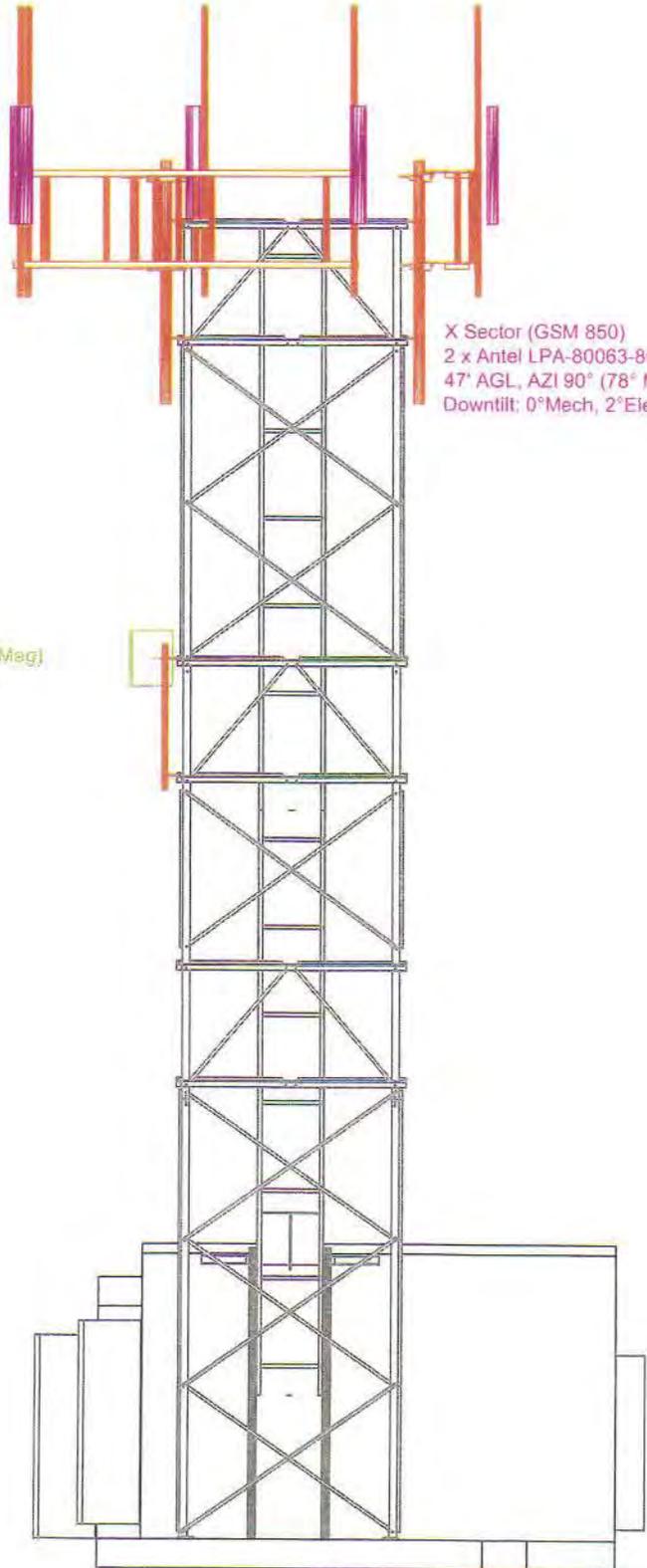
**Tower Height: 47'**

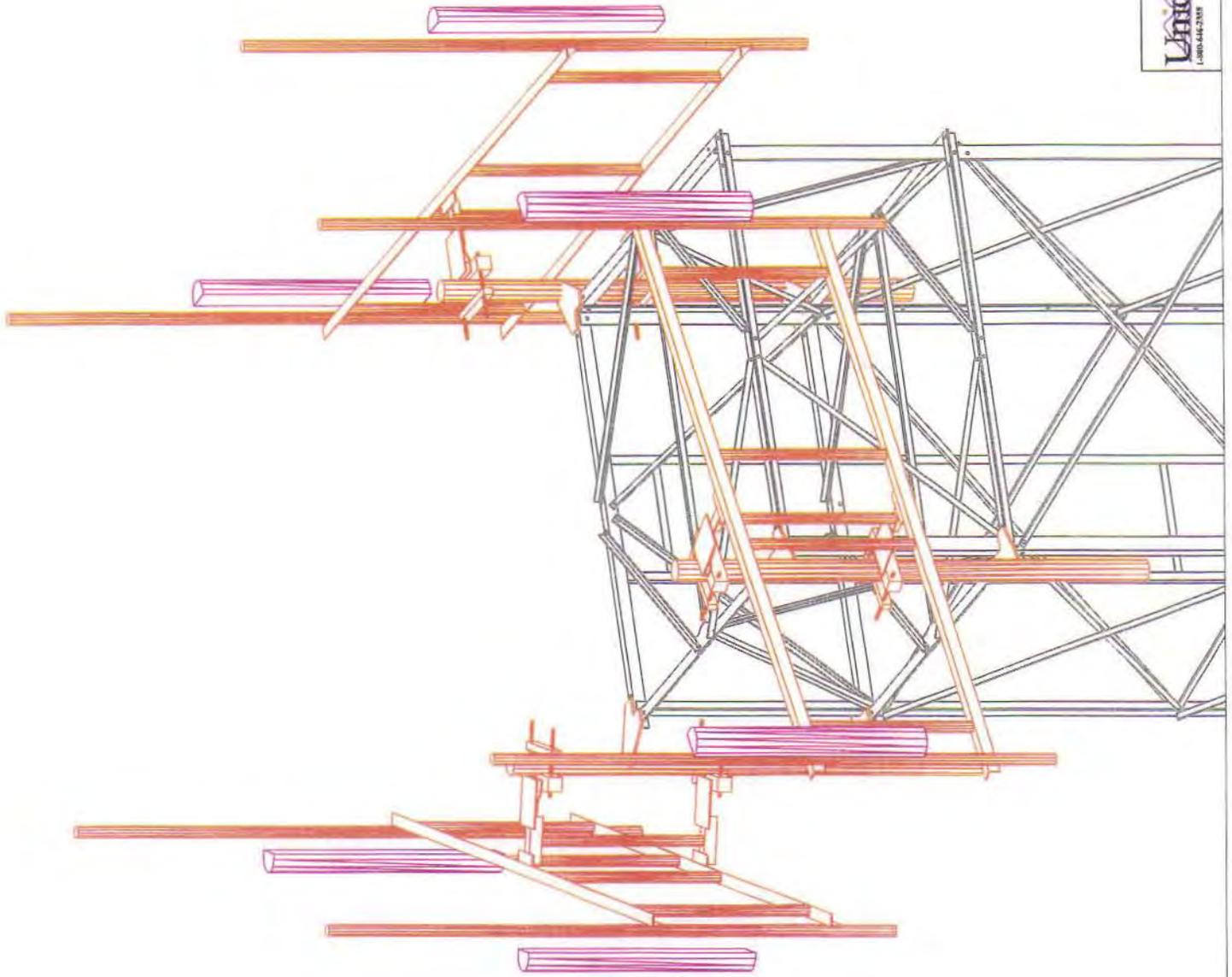
Z Sector (GSM 850)  
 2 x Antel LPA-80063-8CF E-DIN 5°  
 47' AGL, AZI 300° (288° Mag)  
 Downtilt: 0°Mech, 5°Elec

Y Sector (GSM 850)  
 2 x Antel LPA-80063-8CF E-DIN 2°  
 47' AGL, AZI 160° (148° Mag)  
 Downtilt: 0°Mech, 2°Elec

Tu Evanston H2O  
 30' above concrete level  
 32' AGL, AZI 217.5° (305° Mag)  
 MA-WA55-30B, Tx-H RctH  
 1 x LDF4-50A Feed

X Sector (GSM 850)  
 2 x Antel LPA-80063-8CF E-DIN 2°  
 47' AGL, AZI 90° (78° Mag)  
 Downtilt: 0°Mech, 2°Elec





Beartown

SSW Antenna Detail



DATE

NO.

REV.

C.

OF

5

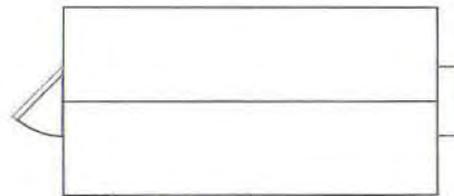
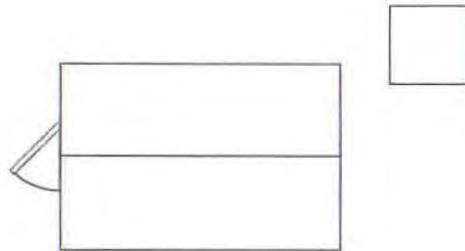
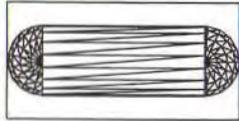
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30' above concrete level  
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47° AGL, AZI 90° (78° Mag)  
Downtilt: 0°Mech, 2°Elec

Y Sector (GSM 850)  
2 x Antel LPA-80063-8CF E-DIN 2°  
47° AGL, AZI 160° (148° Mag)  
Downtilt: 0°Mech, 2°Elec

True  
North  
347.7° Mag

Mag.  
North  
+12.3°  
Oct 2008

Beartown\_Rev C.dwg

11/4/2010

David Olsen



Beartown

Plan View

DWG NO.

REV .C.

SHEET 2 of 5

Exhibit C  
Additional Stipulations  
Union Telephone Company  
Beartown Communication Site  
WYW-171220

1. Any cultural and/or paleontological resource (historic or prehistoric site or 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.

2. The Holder shall be responsible for total control of all invasive/noxious weed species on any and all disturbed sites. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods, and shall comply with the following:

Use of pesticides shall comply with all applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses within limitations imposed by the Secretary of the Interior. Prior to the use of the pesticides, the Holder shall obtain from the Authorized Officer, written approval of a Pesticide Use Proposal Plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, locations of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer.

Applicator(s) of chemicals used must have completed the pesticide certification training and have a current up to date Certified Pesticide Applicator's License.

Pesticide Application Records for the areas and acres treated must be submitted to the BLM Kemmerer Field Office each year. This includes the following:

- Brand or Product name
- EPA registration number
- Total amount applied (use rate #A.I./acre)
- Date of application
- Location of application
- Size of area treated
- Method of treatment (air/ground)
- Name of applicator
- Certification number
- Amount of surfactant or dyes used in spraying operation

The record information must be recorded no later than 14 days following the pesticide application and must be maintained for two years.

3. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
4. 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.
5. Upon completion of construction, the holder shall post as directed by the authorized officer, the Bureau serial number assigned to this right-of-way grant on the equipment building door.

6. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
7. 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 which was approved and made part of the grant on November 10, 2010. 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 communications use lease, including all stipulations and approved plan of development, shall be on the lease area during construction, operation, and termination to the authorized officer.**
8. No less than 45 days prior to occupancy of the holder's facility, the holder shall notify existing users within a 1-mile radius that the holder intends to accommodate a new communication user in its facility. Existing users can then file any comments pertaining to potential frequency or electromagnetic problems with the Federal Communications Commission, 1919 M Street, N. W., Washington, D.C. 20554, with a copy to the authorized officer.
9. Utility and service facilities constructed by the holder, including but not limited to power and telephone lines, roads and fences, within the reasonable capacity of such facilities, shall be available for use by the United States for the construction and operation of electronic facilities installed by the United States without any contribution for construction costs of such facilities. The United States agrees to pay the rental, as determined by a mutually acceptable method, for any use made of buildings, antenna tower(s) or other structures belonging to the holder.
10. Building exteriors and propane tank shall be painted flat colors and shall comply with the following requirements of being Covert Green, or an equivalent color to blend in with the surrounding areas.
11. Authorized construction, routine maintenance, or surface disturbance is not allowed during the period from November 15 through April 30 for the protection of crucial big game winter range.  
  
The Holder may request an exception in writing to the above stipulation. Any exceptions to the stipulation must be approved in writing by the Authorized Officer prior to conducting any surface disturbing or prior to conducting activities disruptive to wildlife. The exception request must explain the reason(s) for the exception, why the proposed activities will not impact the species or their habitat, and the dates for which the exception is requested. Data supporting the exception must accompany the written request.
12. Newly authorized communication facilities shall be constructed and maintained in accordance With the Motorola R56 standards and/or other applicable recognized industry standards.
13. 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.

Accepted by Union Telephone Company

\_\_\_\_\_  
Name

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Date