



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Fillmore Field Office
95 E 500 N
Fillmore, UT 84631
<https://www.blm.gov/utah>



IN REPLY REFER TO:
2800 (UTW02000)
UTU-93314

July 16, 2018

CERTIFIED MAIL #7016 1370 0000 2162 1355
RETURN RECEIPT REQUESTED

DECISION

CENTRACOM
P.O. BOX 7
FAIRVIEW, UT 84629

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UTU-93314

Right-of-Way Grant Issued

On June 21, 2018, an authorized officer of the Bureau of Land Management (BLM) issued right-of-way grant UTU-93314 (Grant), which authorizes the construction, operation, maintenance, and termination of a fiber optic line across lands managed by the Bureau of Land Management. The Grant is authorized for thirty years and expires on December 31, 2047. Enclosed is a copy of the signed grant for your records.

If you feel this decision is adverse, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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, and
- (4) Whether the public interest favors granting the stay.

Should you have any questions concerning the ROW grant, please contact Frederick G. Braun, Realty Specialist, at (435) 743-3143.



Michael D. Gates
Field Manager

Enclosures:

- a. Right-of-Way Grant UTU-93314
- b. Exhibit "A" (Map)
- c. Exhibit "B" (Stipulations)
- d. Form 1842-1

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

Issuing Office
LI.UTW020000 - Fillmore Field Office
Serial Number
UTU-93314

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

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

2. Nature of Interest:

- a. By this instrument, the holder CentraCom receives a right to construct, operate, maintain, and terminate a fiber optic line on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Legal Description

Salt Lake Meridian, Utah
T. 18 S., R. 3 W.,
sec. 34, SE1/4.

- b. The right-of-way or permit area granted herein is 15 feet wide, 3326 feet long and contains 1.15 acres, more or less. If a site type facility, the facility contains NA acres.
- c. This instrument shall terminate on December 31, 2047, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

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

4. Terms and Conditions:

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

Attachments:

- 1. Exhibit "A" - Map
- 2. Exhibit "B" - Stipulations

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

[Signature]
(Signature of Holder)

[Signature]
(Signature of Authorized Officer)

C.E.O.
(Title)

LEWIS FIELD OFFICE MANAGER
(Title)

June 13 2018
(Date)

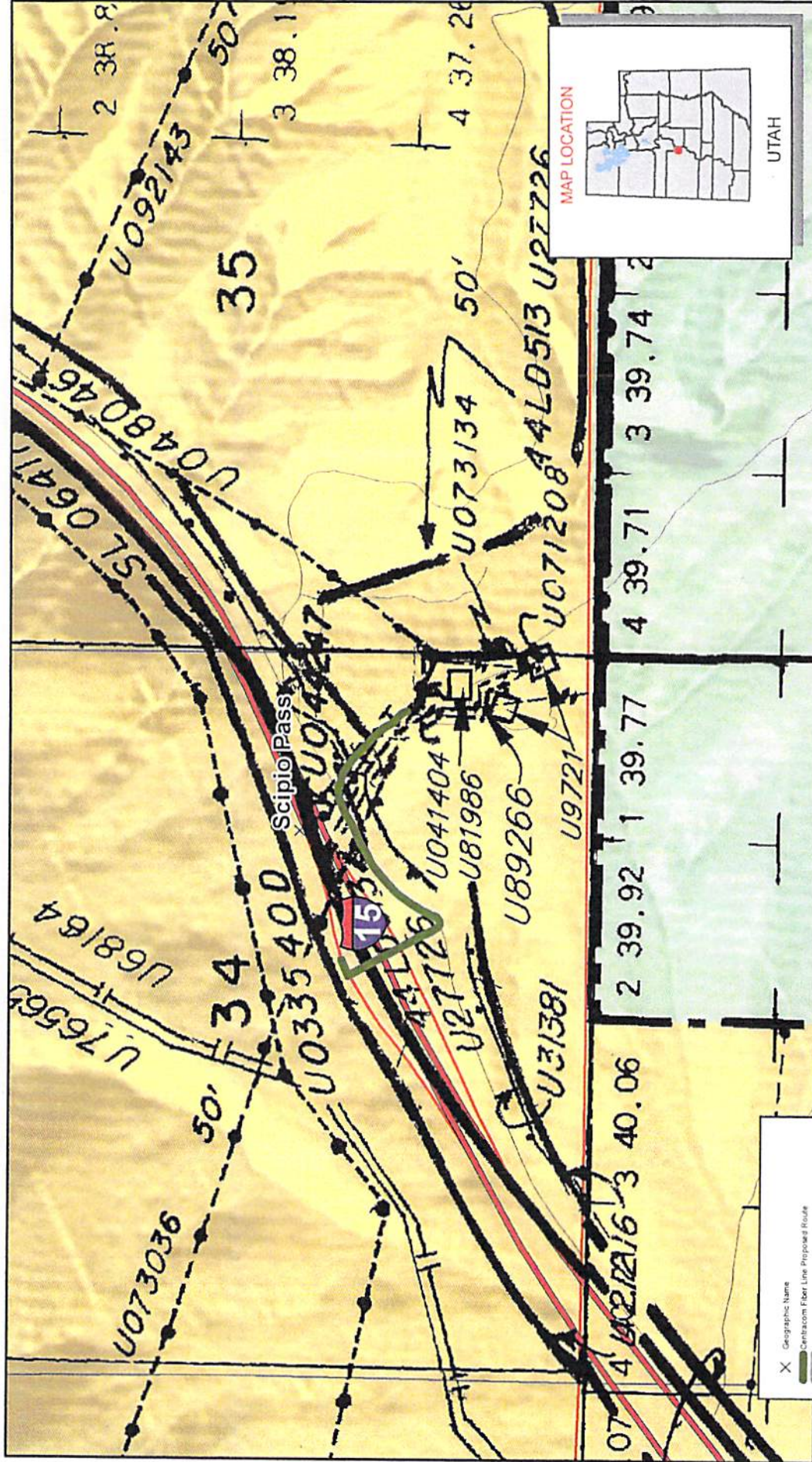
6/21/2018
(Effective Date of Grant)

Centracom Fiber Line Project
 Scipio Pass
 UTU-93314

May 22, 2018

Exhibit "A"

R 3 W



T 18 S

T 19 S



X	Geographic Name
[Red Line]	Centracom Fiber Line Proposed Route
[Green Line]	Centracom Fiber Line Proposed Route
[Black Line]	State Boundary
[Green Highlight]	County Boundary - Green Highlight
[Green Highlight]	SGD93_TRANSPORTATION_RoadsShieldLines
[Red Line]	SHIELD
[Red Line]	Interstate
[Red Line]	7 - Ramps, Collectors
[Red Line]	11 - Other Local, Neighborhood, Rural Roads
[Red Line]	PLSS Township
[Red Line]	PLSS First Division
[Red Line]	First Division Type Text
[Red Line]	Land Status
[Red Line]	Bureau of Land Management
[Red Line]	US Forest Service

U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 WEST DESERT DISTRICT



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

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Exhibit "B"
Stipulations

CentaCom Fiber Line

Scipio Pass

UTU-93314

Issued to

Centracom

May, 2018

1. The Holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the project within the authorized limits of the described right-of-way area, unless otherwise approved in writing by the Authorized Officer.
2. 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 four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. Prior to entering BLM land, all construction equipment and vehicles will be cleaned of soils, seeds, vegetative matter, or other debris that could contain or hold noxious seeds. The Holder shall clean all vehicles and equipment using a pressure washer at the nearest commercial washing facility prior to entering the work site on public lands. If a noxious weed infestation occurs, the Holder will be responsible for control measures as directed by the Authorized Officer.
4. 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.
5. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) And the regulations of the Secretary of Interior issued pursuant thereto.
6. The Holder shall be responsible to acquire any additional permits or authorizations required by other Federal, State, and local agencies.
7. If any sensitive species are discovered during construction or maintenance activities, all activities that may affect this resource will cease and notification will be made to the Authorized Officer.
8. Standard fire prevention stipulations would apply. During construction or maintenance, the Holder would notify the BLM of any fires and would comply with all rules and regulations administered by the BLM concerning the use, prevention, and suppression of fires on federal lands. In the event of a fire, the Holder or its contractors would initiate fire suppression actions in the work area. Suppression would continue until the fire is out or until the crews are relieved by an authorized representative of the BLM.

In the event of a fire, personal safety will be the first priority of the Holder or its contractors. The Holder or its contractors will:

- a. Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
- b. Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.
- c. Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC - 10 pound on all equipment

and vehicles. If a fire spreads beyond the suppression capability of workers with these tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.

- d. When welding, grinding, cutting or conducting other similar, spark-producing work, choose an area large enough to contain the sparks that is naturally free of all flammable vegetation or remove the flammable vegetation in a manner compliant with the permitted activity. If adequate clearance cannot be made, wet an area large enough to contain all sparks prior to the activity and periodically throughout the activity to reduce the risk of wildfire ignition. Regardless of clearance, maintain readiness to respond to an ignition at all times.
 - e. Notify the Richfield Interagency Fire Center (435) 896-8404 (or 911) immediately of the location and status of any escaped fire. Construction personnel will be trained in basic fire control procedures.
9. 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 permit area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
 10. The Holder will not perform maintenance on vehicles on public land, unless it is an emergency, in which case, containment material must be put under the vehicle.
 11. The Holder shall observe all Federal, State, and local laws and regulations applicable to the premises and shall keep the premises in a neat, orderly, and sanitary condition.
 12. This right-of-way grant is issued subject to all valid existing rights including other authorized rights-of-way that may be located adjacent to or which may be affected by the construction, operation, and termination of this subject right-of-way. Any existing facilities which may be damaged during operation, maintenance, or termination of this right-of-way will be repaired or restored to the same condition as existed prior to the damage. Any costs for such damage or repair shall be the total responsibility of the Holder. The Holder must also coordinate the proposed project with adjacent non-federal landowners.
 13. When the authorized use is no longer needed, and prior to abandonment of the facilities, the Holder or authorized representative will meet the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the Holder commencing any abandonment and/or rehabilitation activities.

CentraCom

By: J. Branch Cox Date: June 13 2018
(Signature)
J. Branch Cox
(Printed Name)
CEO
(Title)