

**City of Carson City
Agenda Report**

Date Submitted: 8-3-12

Agenda Date Requested: 8-16-12

Time Requested: Consent

To: Mayor and Supervisors

From: Fire Department

Subject Title: For Possible Action: To authorize the Mayor to sign the U.S. Department of Agriculture Forest Service Communications Use Lease (*Stacey Giomi*).

Staff Summary: Carson City maintains a communications site on Snow Valley Peak along the Carson Range. The U.S. Forest Service manages the land on behalf of the federal government. A management plan for the site has existed for several years, but no lease has ever been executed. The approval of this lease will grant Carson City official access and responsibility for managing the users and operation on Snow Valley Peak.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: To authorize the Mayor to sign the U.S. Department of Agriculture Forest Service Communications Use Lease.

Explanation for Recommended Board Action: The development of this lease will provide a means for Carson City to organize the Snow Valley Peak radio users to work toward improved site management, improvement, and operations. Carson City will be installing a component of the multi-county Ethernet microwave system as well as public safety repeaters at this site.

Applicable Statute, Code, Policy, Rule or Regulation:

Fiscal Impact: No fiscal impact

Explanation of Impact: Local governments are exempt from paying a fee for utilization of federal lands for this purpose.

Funding Source: N/A

Alternatives: Remove the existing radio equipment from the site and seek an alternative location. An additional alternative is to seek another local government to be the lease holder – although this alternative would be difficult because the site is physically in Carson City.

Supporting Material: Lease and Snow Valley Peak Communications Management Plan

Prepared By: R. Stacey Giomi, Fire Chief

Reviewed By:

R. Stacey Giomi
(Fire Chief)

Date: 8/7/12

[Signature]
(City Manager)

Date: 8/7/12

[Signature]
(District Attorney)

Date: 8/7/12

Dan Paulson
(Finance Director)

Date: 8/7/12

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

NOTE: THERE ARE TWO ORIGINAL DOCUMENTS, BOTH TO BE SIGNED AND RETURNED TO THE FIRE DEPARTMENT TO OBTAIN THE SIGNATURES OF U.S. FORST SERVICE OFFICIALS.

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
COMMUNICATIONS USE LEASE
AUTHORITY:
FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

CARSON CITY - 201 NORTH CARSON STREET, CARSON CITY, NV 89701

THIS LEASE, dated this 16th day of August 2012 by and between the UNITED STATES OF AMERICA, acting through the Forest Service, Department of Agriculture (hereinafter called the "United States" or "Forest Service"), as authorized by the Act of October 21, 1976, (90 Stat. 2743; 43 U.S.C. 1761, et seq.), and CARSON CITY, its agents, successors, and assigns (hereinafter called the "Lessee").

The United States and the Lessee are jointly referred to herein as the "Parties". As used herein, the "Authorized Officer" refers to the Forest Service official having the delegated authority to execute and administer this lease. Generally, unless otherwise indicated, such authority may be exercised by the Forest Supervisor or District Ranger of the Humboldt-Toiyabe National Forest wherein the following described lands are located.

The United States, for and in consideration of the terms and conditions contained herein and the payment to the United States of a rental in advance by the Lessee, does hereby grant to the Lessee a lease for the following described communications facility in the County of CARSON CITY T15N R19E Section 19., MT. DIABLO MERIDIAN (hereinafter called the "property"). The Lessee accepts this lease and possession of the property, subject to any valid existing rights, and agrees not to use the property, or any part thereof, except as a site for only the construction, operation, maintenance, and termination of a Private Mobile Radio communications facility.

Authorized facilities under this lease include:

Equipment shelter(s): One 12 foot x 15 foot block building with vestibule and one 12 foot by 24 foot metal building.

Antenna support structure(s): One 30 foot wood pole and 20 foot wooden lattice tower and a 20 foot wood triangle support structure.

Ancillary structure(s): Generator enclosure, one 10 foot by 12 foot solar array and a 10 foot by 24 foot solar array.

The location of the property is shown generally on the site management plan and/or map dated 02/24/2009 for the SNOW VALLEY PEAK Communications Site, which is attached and made part hereof as Exhibit A.

The dated and initialed exhibit(s), attached hereto, are incorporated into and made a part of this instrument as fully and effectively as if they were set forth herein in their entirety.

The parties agree that this lease is made subject to the following terms and conditions.

I. TENURE, RENEWAL AND TRANSFERABILITY

A. This lease shall terminate at one minute after midnight on 12/31/2041. Termination at the end of the lease term shall occur by operation of law and shall not require any addition notice or documentation by the Authorized Officer. This lease is not renewable; but the Lessee has the right to request a new lease pursuant to Paragraph "C" below.

B. The Lessee shall undertake and pursue with due diligence construction and operation that is authorized by this lease. To the extent specified in Exhibit A, the new 10 foot by 24 foot Solar Panel construction and operation shall commence no later than October 15, 2013. This lease shall terminate if operation does not commence by that date, unless the parties agree in writing, in advance, to an extension of the commencement date.

C. If the Lessee desires a new lease upon termination of this lease, the Lessee shall notify the Authorized Officer accordingly, in writing. The notice must be received by the Authorized Officer at least one year prior to the end of the lease term. The Authorized Officer will determine if the use should continue and, if it is to continue, if a new lease should be

issued to the Lessee and under what conditions. The Authorized Officer shall require payment of any amounts owed the United States under any Forest Service authorization before issuance of another authorization.

D. This lease is assignable with prior written approval of the Authorized Officer, except when rent has been exempted or waived in whole or part. Renting of space does not constitute an assignment under this clause.

II. RENTAL

A. The Lessee must pay in advance an annual rental determined by the Authorized Officer in accordance with law, regulation, and policy. The annual rental will be adjusted by the Authorized Officer to reflect changes in fair market value, annual adjustments using the Consumer Price Index - Urban (CPI-U), changes in tenant occupancy, or phase-in rental, if applicable.

B. Rentals are due at the close of business on January 1 of each year for which a payment is due. Payments in the form of a check, draft, or money order are payable to USDA, Forest Service. If the due date for the rental or rental calculation statement falls on a non-work day, the charges shall not apply until the close of business on the next workday. This lease terminates if rent is not received by the Forest Service within 90 calendar days of the due date.

C. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any rental amount not paid within 30 days from the date the rental or rental calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the rental or rental calculation financial statement is due. In addition, an administrative penalty at a percentage rate prescribed by law or regulation will be assessed for failure to pay any portion of the debt that is more than 90 days past due. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

D. Disputed rentals are due and payable by the due date. No appeal of rentals will be considered by the Forest Service without full payment of the disputed amount.

III. RESPONSIBILITIES OF THE LESSEE

A. The Lessee is authorized to rent space and provide other services to customers and/or tenants and shall charge each customer/tenant a reasonable rental without discrimination for the use and occupancy of the facilities and services provided. The Lessee shall impose no unreasonable restrictions nor any restriction restraining competition or trade practices. By October 15 of each year, the Lessee shall provide the Authorized Officer a certified statement listing all tenants and customers, by category of use in the facility on September 30th of that year.

B. All development, operation and maintenance of the authorized facility, improvements, and equipment located on the property shall be in accordance with stipulations in the communications site management plan approved by the Authorized Officer. If required by the Authorized Officer, all plans for development, layout, construction, or alteration of improvements on the property, as well as revisions of such plans, must be prepared by a licensed engineer, architect, and/or landscape architect. Such plans must be approved in writing by the Authorized Officer before commencement of any work. After completion, as-built plans, maps, surveys, or other similar information will be provided to the Authorized Officer and appended to the communications site management plan.

C. The Lessee will comply with applicable Federal, State, county, and municipal laws, regulations and standards for public health and safety, environmental protection, siting, construction, operation, and maintenance in exercising the rights granted by this lease. The obligations of the Lessee under this lease are not contingent upon any duty of the Authorized Officer, or other agent of the United States, to inspect the premises. A failure by the United States, or other governmental officials, to inspect is not a defense to noncompliance with any of the terms or conditions of this lease. Lessee waives all defenses of laches or estoppel against the United States. The Lessee shall at all times keep the title of the United States to the property free and clear of all liens and encumbrances.

D. Use of communications equipment is contingent upon the possession of a valid Federal Communication Commission (FCC) or Director of Telecommunications Management/Interdepartmental Radio Advisory Committee (DTM/IRAC) authorization, and the operation of the equipment is in strict compliance with applicable requirements of FCC or IRAC. A copy of each applicable license or authorization shall at all times be maintained by the Lessee for each transmitter being operated. The Lessee shall provide the Authorized Officer, when requested, with current copies of all licenses for equipment in or on facilities covered by this lease.

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

F. When requested by the Authorized Officer, the Lessee will furnish technical information concerning the equipment located on the property.

IV. LIABILITIES

A. The Lessee assumes all risk of loss to the authorized improvements.

B. The Lessee shall comply with all applicable Federal, State, and local laws, regulations, and standards, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation and maintenance of any facility, improvement, or equipment on the property.

C. The Lessee shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the Lessee's use or occupancy of the property. The Lessee's indemnification of the United States shall include any loss of personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this lease. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

D. The Forest Service has no duty, either before or during the lease term, to inspect the property or to warn of hazards and, if the Forest Service inspects the property, it shall incur no additional duty nor any liability for hazards not identified or discovered through such inspections. This paragraph shall survive the termination or revocation of this lease, regardless of cause.

E. The Lessee has an affirmative duty to protect from damage the land, property, and interests of the United States.

F. In the event of any breach of the lease by the Lessee, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the Lessee. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional rental hereunder and shall be due from the Lessee to the Forest Service on the first day of the month following such election.

V. OTHER PROVISIONS

A. Nondiscrimination. The Lessee shall at all times operate the described property and its appurtenant areas and its buildings and facilities, whether or not on the property, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date this lease is granted to the end that no person in the United States shall, on the grounds of race, sex, color, religion or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of the programs or activities provided thereon.

B. Revocation, Termination and Suspension.

1. General. For purposes of this lease, termination, revocation, and suspension refer to the cessation of uses and privileges under the lease.

"Revocation" refers to an action by the Authorized Officer to end the lease because of noncompliance with any of the prescribed terms, abandonment, or for reasons in the public interest. Revocations are appealable.

"Termination" refers to the cessation of the lease under its own terms without the necessity for any decision or action by the Authorized Officer. Termination occurs automatically when, by the terms of the lease, a fixed or agreed upon condition, event, or time occurs. For example, the lease terminates at expiration. Terminations are not appealable. "Suspension" refers to a revocation which is temporary and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

2. This lease may be suspended or revoked upon breach of any of the conditions herein or upon nonuse. Nonuse refers to a failure to operate the facilities on the property for a period of years.

3. Except in emergencies, the Authorized Officer shall give the Lessee written notice of the grounds for revocation or suspension and a reasonable time, not to exceed 90 days, to complete the corrective action. After 90 days, the Forest Service is entitled to such remedies as provided herein.

4. This lease may be revoked at the discretion of the Forest Service when in the public interest. When revoked in the public interest, the Lessee shall be compensated subject to the availability of appropriated funds. Compensation shall be based upon the initial cost of improvements located on the lease, less depreciation as allocated over the life of the improvements as declared by the Lessee's Federal tax amortization schedules.

5. Any discretionary decisions or determinations by the Authorized Officer on revocation or suspension are subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto.

6. In the event the Authorized Officer decides not to issue a new lease, or the Lessee does not desire a new lease, the Authorized Officer and the Lessee shall, within six months prior to the termination date of this lease, agree upon a mitigation plan to restore and stabilize the site.

7. Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

a. Administrative offset of payments due the holder from the Forest Service.

b. Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

c. The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.).

In the event this lease is revoked for noncompliance, the Lessee shall remove all structures and improvements within 180 days, except those owned by the United States, and shall restore the site as nearly as reasonably possible to its original condition unless this requirement is otherwise waived in writing by the Authorized Officer.

If the Lessee fails to remove all structures or improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States.

C. Members of Congress. No member of or Delegate to Congress or Resident Commissioner shall benefit from this lease whether directly or indirectly, except when the lease provides a general benefit to a corporation.

D. Reservations. This lease is granted subject to the following reservations by the United States:

1. The right to all natural resource products now or hereafter located on the property unless stated otherwise, and the right to utilize or dispose of such resources insofar as the rights of the Lessee are not unreasonably affected.

2. The right to modify the communications site plan as deemed necessary.

3. The right to enter upon the lease and inspect all facilities to assure compliance with the conditions of this lease.

4. The right of the United States to require common use of the property, and the right to authorize use of the property for compatible uses, including the subsurface and air space.

In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provision thereof, the preceding clauses shall control.

ACCEPTED this day of August 16th 2012, I Robert Crowell, Mayor (on behalf of Carson City), the undersigned have read, understand and accept the terms and conditions of this lease.

Lessee

IN WITNESS WHEREOF, the Forest Service, by its Authorized Officer, has executed this lease on the day and year first written above.

UNITED STATES OF AMERICA

JEANNE M. HIGGINS
FOREST SUPERVISOR

Forest Service
Department of Agriculture

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SNOW VALLEY PEAK COMMUNICATIONS
SITE
MANAGEMENT PLAN
HUMBOLDT-TOIYABE NATIONAL FOREST
CARSON RANGER DISTRICT

Prepared By: Edward J. Decker 2-18-09
Date

Recommended By: Frank Wilson 2/20/09
District Ranger Date

Approved By: Edward J. Decker 2/24/09
Forest Supervisor Date

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I. Introduction

The purpose of the Snow Valley Peak Communication Site Plan is to document the existing use of the Snow Valley Peak Communication Site and to provide direction and standards for continued use of the site. No previous Communication Site Management Plan has been prepared for this site. This plan provides direction consistent with current policy and standards.

A. Definitions

Refer to Forest Service Handbook 2709.11 Chapter 90 (90.5) for definitions of terms used in this plan.

The words "lease" and "lessee" as used in this site plan refer to the legal relationship between the United States Forest Service (USFS) and the USFS special use authorization holder - the lessee. The words "customer" and "tenant" refer to the relationship between the lessee and the other parties using the lessee's facilities.

B. Relationship of This Plan to the Communications Site Lease(s)

This site plan will be incorporated into all leases issued for this communications site and must be used in conjunction with the lease. **PROVISIONS OF THIS SITE PLAN ARE ENFORCED THROUGH THE LEASE.** Each lessee is expected to include the requirements of the lease and the site plan into any documents, which describe the business relationship between the lessee and the lessee's tenants and customers. The lessee is responsible for enforcing those provisions.

C. Location

The Snow Valley Peak Communication Site is within Humboldt-Toiyabe National Forest, Carson City, Nevada; T. 15 N., R. 19 E., Section 19; Latitude 39° 9' 15" North, Longitude 119° 53' 1". The site elevation is approximately 9,190' west of Reno, Nevada and overlooking the Tahoe Lake basin.

D. Population Served

The site is within the Reno RMA, Ranally Metro Area. This zone will be utilized for fee purposes on the entire site. This is a government only site and currently all fees are either exempt or waived.

II. Purpose and Direction

A. Objectives

The primary objectives of the Snow Valley Peak Communications Site Management Plan are to:

1. Document current policies, procedures, and standards used to administer the Snow Valley Peak Communications Site.
2. Manage the Snow Valley Peak Communication Site for government only low power two-way radio and microwave relay.

3. Accommodate the optimum use of the site by compatible communications uses consistent with the Humboldt-Toiyabe National Forest - Forest Land and Resource Management Plan, contiguous National Forest uses, natural resource management and objectives, good communications management practices, and public needs.
4. Ensure that visual quality objective of Partial Retention is met as per FS VMS (Forest Service Visual Management System).
5. Ensure recreation opportunities at Lake Tahoe Nevada State Park to the west and the Tahoe Rim Trail near Snow Valley Peak are protected.
7. Provide current communication site users, and future site applicants, with a written document that:
 - a. identifies what will be authorized at the site, and
 - b. details the construction, operations and maintenance standards that are expected.
8. Guide all existing and future communication uses to avoid or minimize adverse impacts to threatened, endangered, proposed, and sensitive species.

B. Authority

Forest Service authority to authorize and manage communications uses on National Forest System lands derives from the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1761-1771); Title 36, Code of Federal Regulations, part 251, subpart B (36 CFR 251, subpart B); Forest Service Manual (FSM) 2700 and FSM 6600; Forest Service Handbook (FSH) 2709.11, chapter 90, and FSH 6609.14.

In the event of conflict between the cited laws and regulations and the Snow Valley Peak Communication Site Plan the cited laws and regulations will govern.

In the event of conflict between the special use authorization (lease or permit) and the Snow Valley Peak Communication Site Plan the special use authorization will govern.

C. Jurisdiction

The Forest Service has jurisdiction over the use and occupancy of National Forest System (NFS) lands for communications purposes under the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 *et seq.*); the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 *et seq.*), and Title 36, Code of Federal Regulations, part 251, Subpart B (36 CFR part 251, subpart B).

The Federal Communications Commission (FCC) has jurisdiction over the use of non-Federal channels of radio and television transmission under licenses granted by the FCC. The National Telecommunications and Information Administration (NTIA) has jurisdiction over the use of Federal channels of radio transmission under authorizations granted by the NTIA.

The issuance of an FCC license or NTIA authorization does not authorize the use and occupancy of NFS lands. A Forest Service special use authorization is required for the use and occupancy of NFS lands for communications purposes.

D. Direction

Overall management direction for the administration of communications sites is outlined in the Humboldt-Toiyabe National Forest - Forest Plan (Forest Plan), the U.S. Code of Federal Regulations (CFR's) and the FSM and FSH. The specific direction to do site management planning for designated communications site is contained in FSH 2709.11,48.

This site is a designated as an Electronic Site in the 1986 Forest Plan and management direction for this site is found in Forest Plan Chapter IV, Management Direction, Special-Uses, pages 62 and 89. This plan will be tied to the revised Land and Resource management plan and modified as necessary is additional applicable direction is approved.

III. History and Existing Use

Snow Valley Peak was first used for communications purposes by the USDA Soil Conservation Service in 1965 for a snow survey site. The Carson City Sheriff's Department and Nevada Division of Forestry were authorized uses in 1971. In the fall of 1971 Carson City built a 12 foot by 24 foot concrete block building that is called Facility #1. The Nevada Department of Transportation was issued a permit for Facility #2, the pre-fabricated (Bally) building in 1992. Several government agencies have utilized these facilities over time.

Wood antenna support poles hold the antenna and a solar panel provides back-up power to the NDOT building. The site will be designated for government use only. Access is restricted through the State Park on native surfaced roads which are heavily utilized by the recreating public throughout the year. During the snow free times the uses include hiking and mountain biking recreation. Over the snow use is managed by a Nordic skiing concession at Spooner Lake.

IV. Responsibilities

A. Forest Service responsibilities:

1. Review proposals for modification of existing facilities, construction of new facilities, or establishment of new telecommunication uses that require new facilities utilizing the proposal screening process established in FSH 2709.11. Chapters 10 and 90.
2. If appropriate, accept proposals as applications, and ensure applications are processed and authorizations issued in accordance with FSH and FSM direction.
3. Ensure required NEPA documentation for construction of new facilities, modification of existing facilities or establishment of new telecommunication uses that require new facilities has been completed.

4. Grant authorizations for occupancy and use of NFS lands in accordance with FSM and FSH direction.

5. Administration of granted authorizations to ensure compliance with the terms and conditions of the authorization.

B. Lessee (Facility Owner / Manager) responsibilities:

1. Ensure that all communications equipment owned and operated by the authorized entity, or is under that entity's control (i.e. is within a building or facility owned and operated by that entity) is operating in accordance with the Snow Valley Peak Communication Site Plan, the frequency authorization (license), and the manufacturer's specifications; and is secure, free of rust, properly grounded, and otherwise properly operated and maintained.

2. Ensure all required frequency notifications are made for themselves and/or for their tenants and customers.

3. Rent existing building / tower space to tenants and/or customers without written approval from the Forest Service. The Lessee, or the new tenant/customer, will notify both the Forest Service and other site lease holders of the proposed 'new' tenant / customers use utilizing standard 30-day prior notification procedures. Forest Service form FS-2700-10, Technical Data Communication Type Land Use (Appendix C), must be submitted for each transmitter frequency to be used.

4. Comply with the terms and conditions of the Communications Use Lease and ensure their tenants and customers are also in compliance.

5. Ensure that no unreasonable restrictions are imposed on tenants and/or customers, or potential tenants and/or customers.

6. Ensure all appropriate authorizations are secured prior to modification of existing facilities or construction of new facilities (refer to Section C - Proponent / Applicant responsibilities).

7. Keep all facilities within the established limits of the site as shown on the Site Plan Map (Appendix A) and demonstrate that any new facilities will make the most efficient use of the limited amount of space at the site. Proposals that provide for future uses without additional construction are encouraged.

8. Ensure public and authorized personnel safety is provided (refer to Section VII - Safety).

9. Provide the Forest Service with the name, address and phone number of a local 24 hour contact person. The Facility Owner/Manager and the contact person may be the same individual. The contact person will be available for emergencies and will have the authority to make decisions about construction issues, facility operation and maintenance and all equipment within the facility. It is the responsibility of Facility Owners/Managers to update the Forest Service, as these 24 hour contact telephone numbers change.

C. Proponent / Applicant responsibilities:

1. A proponent does not need Forest Service approval to co-locate the proposed use in or on an existing authorized facility when the proposed use is compatible with the Snow Valley Peak Communication Site Plan and existing communications uses at the site. The proponent is required to secure permission from the facility owner / manager prior to installing and operating their equipment.
2. If co-location is not an option (refer to Section V.A – Co-location Standards), prior to modifying existing facilities, construction of new facilities, and/or construction of new facilities to accommodate new telecommunication uses, the Lessee or new proponent must secure written authorization from the Forest Service.
3. To secure written authorization the entity wishing to construct or modify a facility must:
 - a. review and the Snow Valley Peak Communication Site Plan, and any applicable site specific NEPA documents,
 - b. prepare a proposal that is consistent with the Snow Valley Peak Communication Site Plan, and any applicable site specific NEPA documents,
 - c. submit, well in advance, a complete proposal to the Carson Ranger District that at a minimum includes:
 - o A completed Standard Form 299 (SF 299), *Application for Transportation....and Facilities on Federal Lands*.
 - o A copy of the approved Site Plan Map showing all proposed (new or modified) facilities (buildings, towers, antennas, solar power equipment, roads and parking areas, or other improvements).
 - o Identification of any microwave beam paths, a plot of their azimuth(s), and their proposed elevation(s) on the tower.
 - o Drawings of the proposed facilities/facility modifications.
 - d. after acceptance of the proposal as an application by the Forest Service, utilizing the screening criteria established in FSH2709.11 Chapters 10 and 90, the applicant will:
 - Demonstrate that all necessary coordination with other Federal (e.g. F.C.C. and F.A.A.), State and County agencies has been completed and all required approvals and/or permits have been obtained.
 - Coordinate frequency data with current lease or permit holders on the site, including a minimum 30-day comment period concerning the application.
 - Demonstrate that the applicant has satisfactorily resolved any potential, or actual, interference problems identified by current site users or the Forest Service. This includes frequency interference, incompatibility issues and/or physical blockage

or obstruction of signals posed by a proposal for a modified or new facility or structure.

- ☐ Incorporate any needed recommendations, changes or modifications to their original proposals, based on any required resource surveys, reports, NEPA decision documents, consultations and/or engineering reviews.
- ☐ Provide documentation that the applicant has received authorization from the F.C.C. or the NTIA/IRAC, if applicant plans to own and operate communications equipment inside the facility.
- ☐ Provide Forest Service form FS-2700-10, Technical Data Communication Type Land Use (Appendix C), for each transmitter frequency to be used.
- ☐ Provide plans for proposed facilities/facility modifications prepared by a licensed engineer or architect.
- ☐ Obtain plan checks and construction permits from the applicable Building Codes Bureau, Department of Labor and Industry.

4. Ensure that all written approvals have been obtained from the Forest Service prior to construction.

V. Buildings, Towers, and Related Facilities Standards

A. Co-location Standards

Use of existing and new facilities and improvements by more than one user is desirable and will be encouraged. Site applicants should take the lead in this area and design their proposals to accommodate multiple uses of facilities and improvements. This includes multiple use of buildings, towers, solar generating systems, back-up generators, grounding systems, access ways and parking areas.

New facilities, or major modifications to existing facilities, must be designed to accommodate additional users-even if other users are, or could be, competitors.

Clustering of equipment is encouraged for multiple uses wherever feasible. Examples would be locating all solar panels and/or battery storage vaults in a single area, or co-locating these improvements as close together as possible.

Facility Owner/Managers are not required to lease facility space to others if they can prove to the authorized Forest Service officer that:

- a. Space is not available;
- b. The use is incompatible with the existing facilities (refer to compatibility guidelines in Exhibit 05 of FSH 2709.11, 90).
- c. Additional space is needed by the facility owner/manager; or

- d. Additional users would violate system security or safety needs.

B. Building Standards

1. Modular Interiors

Facility Owners/managers are encouraged to construct the interior of their buildings in a modular fashion, so that they can:

- ☐ Sublease section to others if authorized by their lease;
- ☐ Provide tenants and customers with internal separation and security;
- ☐ Reduce physical interference; and
- ☐ Increase management effectiveness.

2. Building Materials

The following materials are approved for construction of new/replacement buildings:

- ☐ Floors - concrete slab with drainage.
- ☐ Walls - fire resistant exterior materials non-reflective Forest Service brown (color to be approved by Forest Service; see section *V.B.4 Building Colors*, below).
- ☐ Roofs - non-reflective metal painted to eliminate shiny surfaces, or other fire proof material as approved by the Forest Service (color to be approved by Forest Service; see section *V.B.4 Building Colors*, below).
- ☐ Partitions - concrete block, reinforced concrete preferred. Other materials will be considered provided a minimum 3-hour fire exposure rating can be assured.

3. Building Design

The following building design criteria will be used for construction of new/replacement buildings:

- ☐ All buildings must be single story.
- ☐ Size will be determined at the time of the application to take into consideration both the desirability for current and future co-location and site specific visual constraints.
- ☐ All construction must be designed to optimize the use of available space.
- ☐ All new construction, reconstruction, or major modification shall conform to the established technical standards and accepted engineering practices (i.e. the Uniform Building Code, most current edition).

4. Building Colors

Exterior colors should make the building as inconspicuous as possible and blend with existing buildings. The intent is to blend with surrounding landscape and reduce or eliminate glare from reflective and/or illuminated surfaces such as window panes, sheeting and reflective paints. The Forest Service must pre-approve the paint color that is proposed for use on all exterior surfaces. Surfaces must meet this new standard when the current surface needs to be repainted.

5. Exterior Illumination

Illumination from inside the building as seen from outside (including that from windows) shall be kept to the minimum necessary. The Forest Service must approve exterior lighting. Permanent security lights and other lights that remain on are prohibited.

6. Wiring and Grounding Systems

All equipment is to be installed in metal cabinets or equipment racks that are grounded and shielded in accordance with accepted standards.

All electrical wiring and grounding must meet the "National Electrical Code" and applicable State codes. All permanent wiring shall be installed in metallic conduit. Surge protection shall be installed on all power distribution panels.

Every effort will be made to protect the equipment from lightning damage. Feed through lightning protectors should be used on all coaxial cable connection to equipment enclosures.

Polyphaser Gas gap or equivalent and Metal-Oxide Varistor protectors should be used on all control/audio and power lines to ground or disconnect these systems from a lightning strike.

Each building is to have its own separate grounding system for all users in that structure. Wherever practical, interconnection of individual grids and/or the simultaneous placement of a large diameter copper ground wire with any new grounding systems that are buried on the site will be encouraged.

Grounding shall be installed in accordance with accepted practices and standards such as the Bell Standards.

7. Construction Inspection

Any required inspections for (re)construction and/or modification are the responsibility of the authorization holder. Copies of required inspections, as evidence of their completion are to be provided to Carson Ranger District either as they occur or as part of the final as-built plan. Inspection information shall become a permanent part of the proponent's file.

A final set of as-built plans will be submitted to Carson Ranger District within 90 days of acceptance of facility (if contracted), or of completion date.

8. Construction Methods

The following is a list of requirements that an applicant for facility construction or modifications must follow:

- ☐ Temporary, on-site storage of construction materials will require pre-approval by the Forest Service.
- ☐ Excess soil from excavations will not be side-cast.
- ☐ All surplus construction materials and/or waste debris must be removed from the site and disposed off of National Forest System lands no later than thirty (30) days after construction has been completed.
- ☐ Overnight occupancy by construction personnel must be approved in advance by the District Ranger.

9. Building Plans/Permits

All building plans must be stamped by a State licensed architect or engineer and certified that the proposed improvements comply with all County and State codes as well as meet the conditions of the Site Plan.

Final Forest Service issuance of authorizations to occupy the National Forest is contingent upon the proponent's submittal of a building permit.

C. Antenna Support Structures/Towers Standards

1. General

Towers being replaced shall be dismantled and removed within one (1) year following the completion of new tower construction.

2. Type

All new and replacement antenna support structures/towers shall be self supporting and of lattice-type galvanized steel construction. Non-reflective galvanized steel structures will not require painting. Guy wires are prohibited.

3. Maximum Height

The maximum permissible tower heights (antenna included) will not exceed the current tower height of 30 unless a site specific NEPA analysis and decision authorized a higher tower.

4. Design Criteria

New towers will be designed and constructed in accordance with current EIA/TIA-RS-222 standards.

Every structure shall be designed and constructed to resist stresses produced by lateral forces generated by seismic activity as per all applicable state and county seismic standards.

All engineering calculations and construction drawings must bear the stamp and signature of a structural engineer registered in the State of Nevada and be approved by the Building Codes Bureau, Nevada Department of Labor and Industry. Construction must be inspected and approved by the same.

Antennas, dishes and other incidental communications equipment shall be securely attached to the antenna support structure/tower so that they remain attached under any and all events for which the structure was designed.

5. Cables and Wave Guides

Grounding is to be installed in accordance with accepted, industry standards.

All new cabling will be jacketed and shielded and shall either be flexible or semi-rigid type. Existing substandard cables will be upgraded as repairs or replacement become necessary.

Cables will be properly installed and will be strapped and fastened down. When attaching cables onto a tower, an ice bridge or cable tray should be used and cable runs should be equally divided among all tower legs.

When securing cables to towers, use nylon or plastic ties or stainless steel or galvanized hangers. Hardware that will rust may not be used.

All wave guides are to be supported in accordance with manufacturer's specifications.

Unjacketed wave guides of any type are prohibited. No wave guides shall be left un-terminated.

6. Microwave/Receiving Satellite Antennas

Microwave (dish) antennas will be limited to a maximum of four feet (4') in diameter, the use of larger diameter dishes requires clear documentation showing that Visual Quality Objectives are met (refer to Section VII, F-Visual Quality).

Dishes are to be mounted as low as possible, but for safety reasons, no lower than fifteen (15) feet above the ground. Dishes will not be mounted higher than surrounding treetop height.

All radiating parabolic dish antennas need to be equipped with a radome (cover) to prevent wildlife from perching on the feedhorn within the near-radiating field. Radomes shall be a non-reflective color (non-white). Earth tones, such as gray or brown shall be required. Radomes will not include a manufacturer's trademark. Existing radome covers do not need to be replaced to meet the color requirement if functional. When replaced, they must meet the color requirement.

Fences, other structures, and dish location will be designed to prevent perching in direct line with the beam.

7. Microwave Beam Paths

All proposals for new towers and equipment must show projected microwave beam paths will not be crossing, or interfering with, any existing (microwave) beam paths at the site. Proposed beam path needs must be shown on Site Plan Base Map. Once in operation, the new user has the responsibility for correcting any microwave beam interference.

8. Tower Lighting and Obstruction Marking

Tower lighting and obstruction marking is prohibited. Proponents/applicants for increasing the height of an existing tower or constructing a new (replacement) tower must file with the Federal Aviation Administration (FAA) for an aeronautical study to evaluate and determine the need for tower lighting and obstruction marking. The Forest Service will disapprove applications that result in FAA/FCC recommendations for tower lighting and obstruction marking.

D. Utilities

Emphasis is placed on producing the widest availability and distribution of sufficient amounts and quality of service with the least impact to the site.

1. Commercial Electric Power

No commercial electrical power is supplied to the site. If ever needed, installation of power lines would be authorized by permit or permit amendment to NV Energy. Power lines will be placed underground, at least 24" deep wherever possible, and will be posted. All wiring shall conform to the National Electrical Safety Code. Every effort should be made to protect equipment from lightning damage.

2. Telephone Service

No commercial telephone service is provided to this site. Telephone lines will be placed underground and authorized to the utility company.

3. Emergency Power Generators (permanent installation)

If requested, a maximum of one (1) auxiliary generator per facility will be permitted. Whenever possible, generators should serve more than one building. Generators should be self-contained within a separate enclosure, room, or building. All generators will be fueled by L.P. gas (propane). Generators, fuel tanks, and fuel lines must be installed to meet local and State safety requirements. Fuel lines must be buried a minimum of 24" deep where possible and will be posted.

Tanks will be installed the appropriate minimum distance from any building and signed in red letters "SMOKING OR OPEN FLAME PROHIBITED WITHIN 20 FEET".

Existing vegetation, landform, or an acceptably painted enclosure shall be used wherever possible to provide visual screening for tanks and generators.

4. Sanitation Facilities

If needed, the Facility Owner/Manager, will provide temporary sanitary facilities in a manner and location satisfactory to the Forest Service.

5. Security Fencing

None of the facilities have security fencing. If needed at other facilities, the fence must be chain-link. The fence will be approximately 6'-8' in height, and properly grounded.

VI. Telecommunications Use Standards

A. Senior Use Protection

The most senior use at this site is low power two-way radio repeater. Other than microwave relay, no other uses will be authorized at this site. The maximum power output expressed as ERP for the remaining sub-sites on National Forest system lands at Snow Valley Peak Communications Site is based on the maximum output allowed for two-way radio under the Federal Communications Commission's rules at Title 47, Code of Federal Regulations, Part 90. As of the 2003 regulation, that would be 500 watts ERP. Each use must operate at or below the power level authorized by their respective FCC license as long as it does not exceed the site limitation. This power limitation does not preclude existing and new uses from being designed, operated and maintained to meet other interference, noise floor, receive sensitivity, or RFR standards included in this plan.

B. Broadcast Uses

No broadcast uses will be authorized at this site.

C. Two-way Use

Two-way uses are for non-broadcast types of communications and include uses that are either personal or private, commercial or non-commercial, or are for resource monitoring purposes. As long as the following two-way uses are consistent with the Snow Valley Peak Communication Site Plan and any inherent incompatibility/interference issues can be successfully mitigated, they will be permissible at this site.

Those two-way uses that are authorized at this site include:

- Microwave-Industrial (industrial use)
- Private Mobile Radio Service (industrial use)
- Resource Monitoring Site
- Passive (Microwave) Reflectors- authorized on a case by case basis.

D. Amateur Radio Use

If sponsored by a government agency, amateur uses may be authorized and must be designed, maintained, and operate under the same rules and regulations as other Snow Valley Peak site users in order to protect the senior uses and site quality.

E. License Requirements

All FCC licensed or NTIA/IRAC authorized equipment shall be operated in full accordance with all applicable rules and regulations of these entities and shall have a current license or authorization posted on or in close proximity to said equipment.

A copy of all FCC licenses and/or NTIA/IRAC authorizations shall be provided to the Forest Service.

F. Equipment Ownership

All equipment shall be labeled with:

- ☐ The owner's and/or licensee's name;
- ☐ Transmitter frequency(ies);
- ☐ Transmitting power output(s);
- ☐ A current 24-hour phone contact number, and
- ☐ A valid FCC, or NTIA/IRAC authorization.

G. Transmitting Equipment

All transmitters will have protective devices, designed into or externally installed, to prevent interference to other users. All transmitters will meet type acceptance criteria.

The re-radiation of intercepted signals from any unprotected transmitter and its associated antenna system will be prevented by the use of bandpass filters and dual isolators.

The direct radiation of out-of-band emissions (i.e. noise or spurious harmonics) will be reduced to a level such that they may not be identified as a source of interference as defined in the FCC Rules and Regulations (e.g. Part 90.209(e)).

All transmitters not in immediate use and not specifically designated as standby equipment shall be removed. Loads connected to circulators are to be capable of dissipating the total power output of the transmitter.

H. Receiving Equipment

A bandpass device (cavity, crystal filter, etc.) is recommended at the input of all receiving devices. Cavity filters, or other protective device, may be used at receiver inputs to reduce interference.

Where duplexing is used, use of the notch type device should be avoided. In situations where a notch type device is used, a bandpass filter must be used with the transmitter.

I. Interference

Interference and its correction shall be described in the same terminology as is present in the FCC Rules and Regulations as amended. Communications site users will be held accountable for those same standards commensurate with the state of the art equipment. See the Flowchart Appendix D.

Preventing, or reducing, frequency and/or physical interference starts with the frequency notification process, which is the responsibility of each new applicant or existing user applying for equipment/facility modifications.

The responsibility for correcting interference problems is a matter for resolution between the new site applicant and the affected lease or permit holder(s). The FCC or NTIA/IRAC will only become involved when the new applicant and the affected party(ies) can't resolve the problems. The Forest Service does not have any authority for correcting interference problems, but can act as a mediator to help all affected parties.

Applicants, whether Facility Owner/Managers, tenants or customers, are responsible for identifying potential interference problems and should resolve them before they are raised to the attention of the FCC, NTIA/IRAC or the Forest Service.

Before the Forest Service will authorize new equipment at the site, it is the responsibility of an applicant to coordinate with other authorized lease holders on the site to identify potential interference problems and correct/mitigate such concerns in a mutually satisfactory manner (See Section IV.-C). Once an applicant receives a site authorization (i.e. lease or special-use permit), it is still the responsibility of the newest user to correct any interference problems that develop due to the addition of new equipment or new frequencies at the site.

Interference with law enforcement and/or emergency communications must be corrected immediately.

The decision not to issue a Lease, special-use permit or lease/permit amendment due to unresolved interference problems or incompatibility issues, rests solely with the Forest Service.

VII. Natural Resource Protection Standards

A. Vegetation

Any proposed development will be planned so as to retain as much of the native vegetation as possible. As a condition of lease/permit issuance, the applicant may be required to make supplemental or replacement plantings of species and quantities approved by the Forest Service.

B. Noxious Weed Control

All authorized communication site users will be responsible for prevention and control of noxious weeds, and will provide preventive measures and annual control as required by the Forest Service. When determined necessary the authorized communication site users and the Forest Service will jointly develop a specific plan for noxious weed prevention and control. Noxious weeds are defined as those plant species listed by the Humboldt-Toiyabe County Weed Control Board.

All gravel or fill material will come from a weed free source.

C. Soils/Watershed

Plans for new construction or modifications shall provide for restoration of disturbed areas and for proper handling of run-off from buildings, parking areas, access roads, and undeveloped related interspaces.

Plans for new construction or major reconstruction that result in vegetation removal and/or ground disturbance shall specify provisions for site rehabilitation measures including but not limited to stabilization, soil replacement, vegetation re-establishment, and off-site drainage impacts.

Existing natural vegetation will be preserved where possible. All erosion control/soil rehabilitation plans require Forest Service approval.

D. Cultural Resources

If historical, archaeological, or paleontological items are discovered, all activities that could potentially affect the discovery will immediately cease and the Forest Service will be immediately notified. Activities will not resume until the Forest Service approval to resume is given.

E. Wildlife

Naturally occurring wildlife species on site will not be disturbed nor purposely attracted to the site. Garbage and other possible attractants will be removed promptly.

Substances known to be hazardous to wildlife will be stored securely away from animals. Exterior use of pesticides will be allowed only after review and approval of the Forest Service and in strict conformance with prescribed regulations and label directions. To obtain approval, holders must file a Pesticide Use Proposal (Form FS-2100-2) with the Carson District Ranger.

F. Visual Quality

This site is easily visible in the middle ground to background from viewpoints that are 360 degrees around it, including residences and recreation sites.

The Humboldt-Toiyabe Forest Plan has established a Visual Quality Objective (VQO) of Partial Retention to be met at Snow Valley Peak as seen from all surrounding areas in the mid ground and background views. This means that the constructed features and any associated landscape modifications may be discernable but must not be visually dominant.

In order to minimize visual impacts to the surrounding area, plans and applications for building and tower modifications/reconstruction or new construction must include assurances that the VQO of Partial Retention will be met. To meet partial retention, careful consideration must be given to building and tower height, shape, siting, use of land form and existing vegetation for visual screening, configuration, line, exterior color, and texture of facilities, and the overall concept of efficient land use through building consolidation and shared use of towers.

Careful site planning along with adherence to the requirements found in the "Buildings Towers, and Related Facilities" section of this plan will contribute to the long-term protection of the visual resource and assure minimal visual impacts due to the site.

The following items are required to meet the Visual Quality Objectives of Partial Retention:

- ☐ All current and future tower facilities will be limited to the existing tower height of 35 feet.
- ☐ Use of tower types as specified in Section V.C.2
- ☐ Limiting large bulky objects attached to towers (microwave dishes) as specified in Section V.C.6.
- ☐ Use of building colors as specified in Section V.B.4
- ☐ Use of building materials and design as described in Section V. B 3
- ☐ Use of fencing materials/color as specified in Section V. B 5

VIII. Safety

The safety of all authorized communications site personnel and any public visiting the surrounding attractions is of paramount importance. Ensuring safe working and recreational environments is a responsibility shared by each facility owner/manager, permit or lease holder, or site user, and the Forest Service.

A. Authorized Personnel Safety

It should be recognized that the Snow Valley Peak Communications Site poses both known and potential hazardous conditions. Some of the known hazardous environments are climatic, physical, electromagnetic, and chemical in nature.

Authorized personnel must become knowledgeable of said hazardous conditions and environments, particularly in and immediately adjacent to their work areas, and must take necessary actions to minimize or eliminate any harmful effects there from.

Facility owners and managers shall comply with all applicable HAZMAT regulations and provide the Forest Service with a copy of any required permit and/or spill plan.

B. Public Safety

Most of the electronic communication facilities on public land at Snow Valley Peak are accessible to the public, either by vehicle or foot. Many of the hazardous environments to which authorized personnel are exposed pose a hazard as well to the visiting public.

C. Fire Protection

Fire protection and prevention measures shall be accomplished by each facility owners and managers in accordance with lease/permit conditions and applicable Federal, State, and county laws, regulations, orders, and ordinances.

Facility owners and managers will keep grasses, forbs, and shrubs less than 12 inches high within 30 feet of buildings and other facilities. Washed gravel may be used up to 15' from facilities for vegetation control. The graveled surface will not extend outside the security fencing. All tree trimming requires advance approval from the Forest Service.

The roof of any structure shall be kept reasonably clear of leaves, twigs, and other debris at all times.

All fire protection standards and flammable vegetation clearance must be accomplished by July 15 of each year, unless otherwise agreed to, and then maintained throughout the fire season.

The holder is encouraged to prepare a fire plan for its facilities. This plan should detail fire prevention measures, fire suppression procedures for fires occurring/originating within the building or as a result of permit operations, locations of smoke alarms and fire extinguishers and inspection schedule for same, and notification procedures for fire emergencies. All tenants/customers within the building should familiarize themselves with the plan's contents.

Smoking is prohibited while walking or working in flammable vegetation.

Explosive or flammable materials shall be stored in conformance with the requirements of local fire regulations. Flammables will be placed in closed containers and stored away from sources of ignition and combustible materials. If explosives or flammables are stored within a building, the facility will be locked, properly signed and well ventilated.

Maintain approved spark arresters on all internal combustion engines.

At least one (1) U.L. rated 40 B:C dry chemical fire extinguisher is required inside of each building. Annually, by July 1st, fire extinguisher(s) shall be inspected and refilled, if necessary.

Holders will comply with any forest fire restrictions.

During periods when forest fire restrictions are in place the facility owner / manager will obtain written approval for all spark producing activities such as; blasting, welding, or use of a cutting torch or fires.

All debris burning requires prior Forest Service approval.

For any construction, the Forest Service will work with the facility owner or manager to develop a separate Construction Fire Plan.

Any fire will be immediately reported by phoning "911" or the Minden Interagency Dispatch Center at (775) 883-5995.

D. Flammable Liquids and Hazardous Chemicals

Flammable and combustible liquids must be stored only in approved safety containers and in cabinets or buildings approved for that purpose. "NO SMOKING" signs must be posted in conspicuous locations.

Hazardous chemicals should be stored only in their original labeled containers within cabinets and/or buildings approved for that purpose and only with chemicals with which they are compatible. All safety cans and storage cabinets need to be OSHA approved for the type of use.

Stored amounts should not exceed normal "housekeeping-type" quantities.

Disposal of excess or unusable hazardous chemicals and empty containers will be off of NFS lands and will in accordance with label directions and Federal, State, and county laws and regulations.

Pesticides may not be used without the written approval of the Forest Service.

E. Falling Ice

If identified as a hazard, ice shields may be incorporated into the construction of antenna support structures to provide a reasonable measure of protection to people and property from falling ice. In addition to this requirement, some holders have installed de-icing mechanisms to protect people on the ground and valuable equipment and facilities.

F. Radio frequency (RF) Radiation Exposure

Snow Valley Peak is designated as a open public site for RFR compliance purposes.

The American National Standards Institute "Radio Frequency Protection Guides" (ANSI C95.1-1982) shall be the guideline for determining acceptable human exposure to

non-ionizing radiation levels. All communications uses must meet ANSI, FCC, and Forest Service regulations, guidelines and standards, concerning radiation limitations.

All applications for new antennas or frequencies, modifications to existing antenna/equipment facilities, and license renewals submitted to FCC must be certified by the applicant or holder that the RF radiation of operating the equipment/ facility will not have a significant impact on the human environment.

G. Law Enforcement

The Carson City Sheriff's Department is the key law enforcement agency and will handle most civil and state criminal matters. The Forest Service is responsible for enforcing Federal regulations relating to the protection and use of National Forest System lands and resources.

H. Security

Patrol and policing for security purposes is the holder's responsibility. Security fencing is not required at this time; refer to Section V. D – Fencing for specific fencing standards.

All buildings will be identified by a minimum six-inch (6") high number clearly visible from roads and/or driveways. The numbering scheme in Appendix B will be used.

A 24-hour contact phone number(s) will be posted on the main door(s) into the building and on fence gates where appropriate.

IX. Site Maintenance/Housekeeping

All facilities will be maintained in a manner that protects the safety of the public, lessee and lessee's authorized agents, and to eliminate interference or inter-modulation sources due to loose wires, etc.

The facilities will be maintained to present a clean, neat, and orderly appearance.

Miscellaneous debris, remaining after any construction and/or equipment installation, removal or modification, will be removed on a daily basis and properly disposed of off NFS lands.

All abandoned or decommissioned equipment/facilities will be removed from NFS lands and the site restored to a near natural condition.

All trash, garbage will be disposed of daily off of NFS lands. No outside trash or litter containers will be provided. Policing of litter in common areas (i.e. areas between buildings and developed sites) is a shared responsibility among all site authorized communication site users.

Brush, limbs and other vegetative materials will be disposed of in a manner specified by the Forest Service.

X. Future Site Development and Management

Current facilities have additional space available. Development of new facilities will generally not be approved until current facilities are being optimally utilized.

All future development, which meets the guidance of this plan.

The Forest Service reserves the right to approve a new facility. Actual authorization of any unused future development sites must be according to a decision resulting from the appropriate NEPA process.

XI. Inspections

The lease holder is to provide an annual technical inspection report on the facilities and equipment covered by the special use authorization. The technical inspection should assure that authorized equipment is operating within the specifics of the Site Management Plan, the FCC authorization, and the manufacturer's specifications. In addition, the inspection should assure that the permitted equipment is secure, free of rust, properly grounded, and otherwise properly operated and maintained. The technical inspection report, certified by the lease holder to be accurate, is to be provided to the District Ranger at the Carson Ranger District.

The Forest Service may also conduct periodic reviews to monitor for lease/permit compliance.

XII. Access/Roads Administration

Access to Snow Valley Peak Communications site from Highway 28 is through the Spooner Lake division of the Lake Tahoe Nevada State Park. From the entrance, the access road goes through a locked gate to the maintenance area and then up North Canyon on a native material road, Forest Development road 038 then up a jeep road to the crest of the ridge and the peak. This road system is heavily utilized by the State Park as a hiking and mountain biking trail. Two additional gates control vehicular traffic on this road system.

Road maintenance is accomplished as funds permit. The reconstruction or maintenance of the access road will be covered by a separate authorization.

Users who cause damage or disturbance to the access road, including ditches, culverts, roadside vegetation, signs and underground utilities/facilities, will be required to make restitution to conditions equal or superior to exceeding those prior to the time of damage.

XIII. Fees

The Forest Service will charge the lessee an annual land use fee based on the fee schedule published in FSH 2709.11, 90 which is updated annually. Fee computations will use the Reno RMA which is Zone #5 - with between 300,000 and 499,999 people.

Fees that Facility Owner/Managers may charge their tenants and customers are to be:

1. Reasonable and commensurate with the uses and occupancy of the facilities and services provided to tenants and customers; and

2. Consistent with, and not in excess of, other fees for similar facilities.
3. Currently, all fees are exempt or are waived for the government agencies at this site.

XIV. Holder Association/Advisory Group

Site Associations and Advisory Groups are encouraged. Draft constitution and By-laws were prepared in 1972, but were never approved. The goal of a Site Association is to maximize the effective use of the site. The objective of a sanctioned association would be to represent all site users as a group when dealing with the Humboldt-Toiyabe National Forest on matters relating to site administration. The association would be able to work in cooperation with the Forest Service to identify problems or opportunities and make recommendations to the Forest Service for any changes in operations or management at the site. The association could also provide input to the Forest Service regarding the future addition of equipment and facilities at the site. The Forest Service would be a member of such a group and would help formalize a charter (i.e. the ground rules). While the advice and recommendations of the association would not be binding on the Forest Service, the input provided could be mutually beneficial.

In the absence of a formal Site Association, the Forest Service might utilize a User Advisory Group, which could make suggestions and/or recommendations for addressing specific issues.

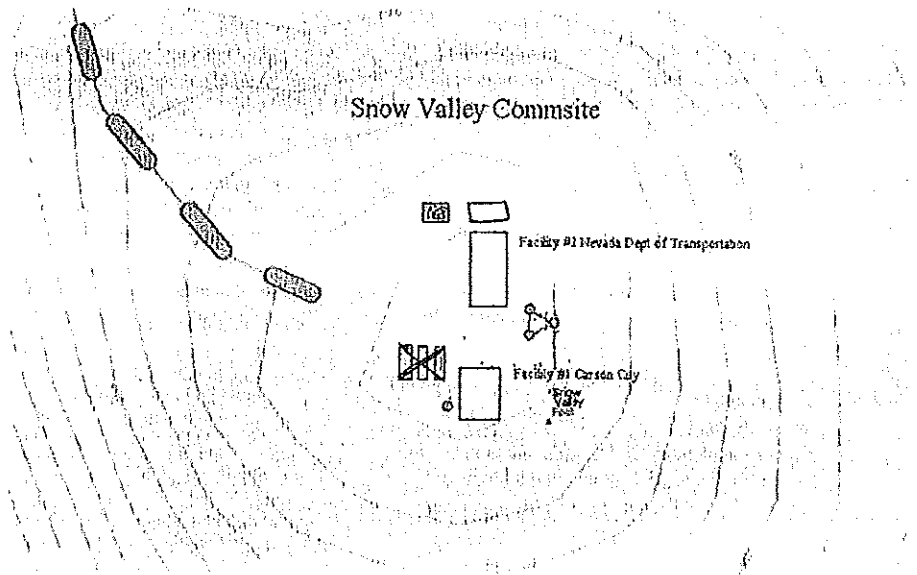
XV. Appendices

- A. Site Plan Map
- B. Current Authorized Facilities and Owners
- C. Technical Data Sheet, FS-2700-10 form
- D. Flowchart for Evaluating Proposed Uses

END

APPENDIX A

Site Plan Map



Updated July 27, 2012

Holder initials RG

FS initials _____

Appendix B
SNOW VALLEY PEAK – AUTHORIZED FACILITY TABLE

Facility Owner	Authorization Number	Use	Building	Tower	Access/ Parking	Other
Facility #1 Carson City	CAR 460	PMRS	12' x 24' block with vestibule	30' wood pole 20' lattice	Access and Parking	3 propane tanks and generator enclosure
Facility #1 Carson City	Nevada State Parks	PMRS				
Facility #1 Carson City	Nevada State Dept. of Conservation and Natural Resources – Nevada Division of Forestry	PMRS				
Facility #2 Carson City	CAR 460 Carson City	PMRS	12' x 24' metal	20' wood triangle	Access and Parking	Solar Array 10' x 12' Solar Array 10' x 24' (new construction 2012)
Facility #2 Carson City	California Department of Transportation	PMRS				
Facility #2 Carson City	Lake Tahoe Basin Management Unit	PMRS				
Facility #2 Carson City	Nevada Department of Transportation	PMRS				
Facility #2 Carson City	Douglas County	PMRS				
Facility #2 Carson City	Carson City (Fire Sheriff, Public Works)	PMRS				
Facility #2 Carson City	North Tahoe Fire Protection District	PMRS				
Facility #2 Carson City	Nevada State Department of Conservation and Natural Resources – Marlette Water System	PMRS				

Updated July 27, 2012²⁵

Holder Initials JB

Forest Service initials _____

APPENDIX C

Technical Data Sheet

USDA Forest Service

FS-2700-10 (9/96)

OMB No. 0598-0082

USDA Forest Service
Technical Data
Communication
Type Land Use
(Ref. FSM 2700)

INSTRUCTIONS: Applicant completes system items 1 to 16, and submit this form, license(s), along with an application to place communication equipment on National Forest System land. This form is authorized by Federal Land Policy and Management Act of 1976, P. L. 94-579 to evaluate the requested use and no authorization may be issued unless this form is completed.

1. Applicants's Name: _____
Street Address: _____
City State & Zip Ccde: _____
Telephone Number: () - _____

2. Location Applied For:
Site Name: _____ Forest: _____ District: _____

3. Technical Data:

a. License number and call sign	_____
b. Date license issued	_____ (mm/dd/yyyy)
c. FCC/NTIA eligibility	_____
d. Class of service (FCC/NTIA symbol)	_____
e. Type of emission (FCC/NTIA symbol)	_____
f. Transmit output power (watts)	_____
g. Transmit output (Effective Radiated Power)	_____
h. CTCSS control tone (Hz)	_____
i. Receive frequency crystal	_____
j. Receiver IF frequency 1	_____
frequency 2	_____
k. Receive frequency	_____
l. Transmit frequency crystal	_____
Multi 1	_____
Multi 2	_____
Multi 3	_____
Multi 4	_____
Output	_____

4. Control Method: Wireline ☐ Repeater ☐ Radio Link ☐ Microwave ☐ Local ☐ Other ☐
5. Control Frequency _____
6. Antenna Type: Omnidirectional ☐ Directional ☐ Polarization ☐ Gain _____ dB
 Height to top of antenna from ground level _____ ft.; Dish Diameter _____ ft.
 Beam path with _____ deg.; Azimuth _____ deg.; Tilt _____ +/- deg.;
 Name of place beam goes to: _____ Beam path length _____ ft.
7. Tower Type: Pole - Guyed ☐ Self-Supporting ☐ Height _____ ft.
 Metal - Guyed ☐ Self-Supporting ☐ Height _____ ft.
8. Ground elevation above sea level at the base of the tower _____ ft.
9. Tower: Latitude: _____ Longitude _____
10. Chief Engineer or Service company: _____
 Street Address: _____
 City _____ State _____ Zip Code _____
 Phone Number () - _____ Emergency Number () - _____
11. Will station have commercial power? Yes ☐ No ☐
12. Will station have standby power plant? Yes ☐ No ☐
13. Will station have commercial telephone? Yes ☐ No ☐
 Area code and Phone number () - _____
14. Attached (check appropriate block(s)) :
☐ Current FCC License/NTIA Radio Frequency Authorization
☐ FCC License Application
☐ FCC Construction Permit with Land Owner (FS) sign-off

15. Additional Information:

NOTICE: Title 18, U.S.C. Section 1001, makes it a crime for any person to knowingly and willfully make any false, fictitious or fraudulent statements or representations to matters under the jurisdiction of the United States Government.

16. Applicant's Signature: _____ Title: _____ Date: _____ (m/dd/yyyy)

FOREST SERVICE USE ONLY

Certify Technical Review

Name _____ Title _____ Date _____ (mm/dd/yyyy)

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

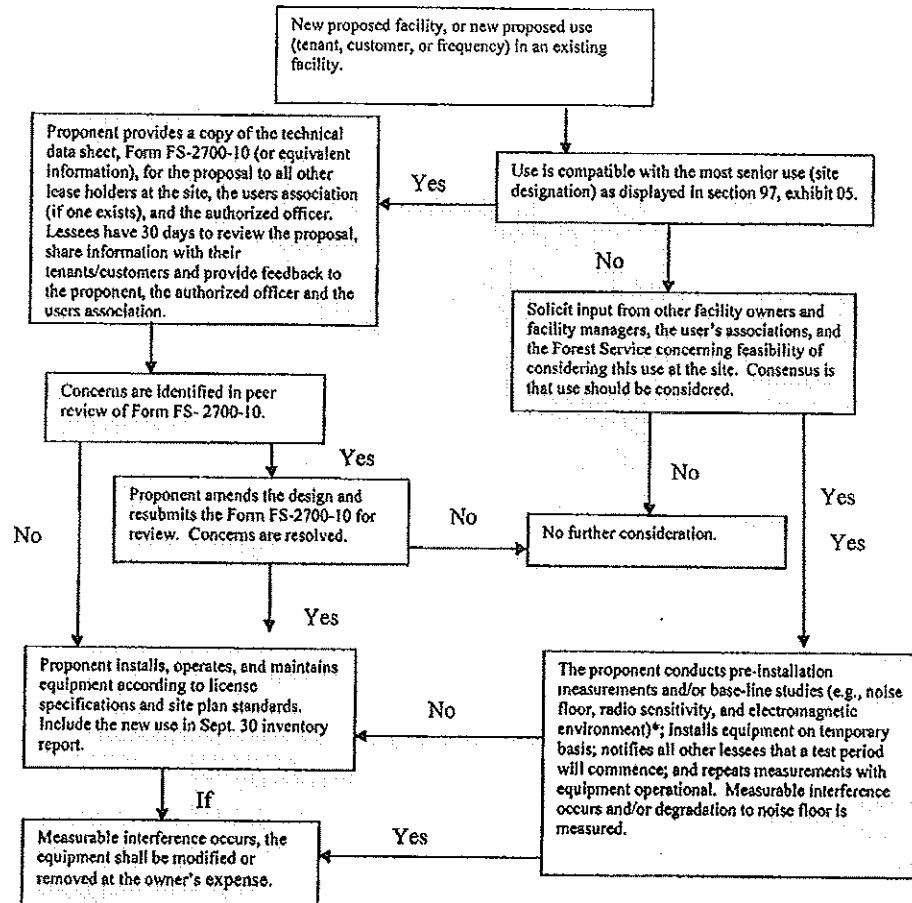
This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for review instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

Exhibit D

Flowchart for Evaluating Proposed Uses



* The users association, a majority of leaseholders, and the Forest Service authorized officer shall determine the minimum pre- and post-installation studies and measurements that are reasonably necessary to protect existing uses from interference or degradation of the noise floor.

* The nature of the pre- and post-installation studies and measurements will be determined by the users association, majority of lease holders, or forest officer that are the minimum reasonably necessary to protect existing uses from interference or degradation of the noise floor.