

Bureau of Land Management Standard Stipulations

1. Colorado Hookless Cactus Protection
 - a. A BLM approved biological monitor will be on-site during construction within 50 meters of cactus as delineated by the orange construction fencing.
 - b. Confine all project related personnel and equipment, within the BLM approved ROW.
 - c. Areas within 50 meters of cactus will be fenced with orange construction fencing to indicate to construction personnel of sensitive areas as shown on Figures 2a to 2c.
 - d. Avoid direct removal of cactus.
 - e. Only dust abatement that is chemical free will be used during project construction.
 - f. Construction will occur outside of the cactus bloom period (typically mid-April through mid-June). A BLM approved, certified weed free seed mix will be utilized during reseeding of the waterline alignment.
2. 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. The 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 shall 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.
3. Pursuant to 43 CFR 10.4(g) the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. The Holder or its contractor is responsible for informing all person who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archeological sites or for collecting artifacts. If historic or archeological materials are uncovered during any project or construction activity, the Holder must stop work in the area of the discovery that might further disturb such materials and immediately contact the Authorized Officer (AO). Within five working days the AO will inform the Holder as to the mitigation measures the Holder will likely have to undertake before the sites can be used (assuming in-place preservation is not necessary).
5. All construction equipment shall be washed clean and weed seed free prior to moving equipment on public lands and start of construction. The holder shall monitor and control those noxious weeds that may occur or be found, as listed in the booklet, *Noxious Weeds of Mesa County*. If chemical control is necessary, use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Bureau of Land Management. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, the pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
6. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder 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 right of way or on facilities authorized under this right of way

grant (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.

7. The Holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation, and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance on the ROW or TUP. The AO may require the completion of special status species surveys or other resource surveys by a third party contractor at the expense of the holder, or the BLM may choose to complete the survey. The BLM may take actions or make recommendations to protect any special status plant populations identified near or on the ROW.
9. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the AO, who will review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. Additional measures may be required to protect special status species or other resources.
10. The Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the limits of the ROW. Activities outside the right-of-way limits will require a new authorization.
11. At least 90 day prior to the termination of the ROW, the holder shall contact the AO to arrange a joint inspection of the ROW. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material (e.g. gravel or concrete), as well as re-contouring and re-vegetating roads to enhance the visual resource of the surrounding area. The BLM will provide an adequate seed mix for reclamation. The AO must approve the plan in writing prior to a holder's commencement of any termination activities.
12. After completion of construction the right-of-way will be reseeded with the following seed mix.