

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office

LLCON03000

Serial Number

COC75375

1. A (right-of-way) (permit) is hereby granted pursuant to:
- Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
 - Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
 - Other (*describe*) _____

2. Nature of Interest:

- By this Instrument, the holder The City of Grand Junction receives a right to construct, operate, maintain, and terminate a Stormwater detention pond on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Ute Principal Meridian

T. 1 N, R. 1 W

Section 13:

W-1/2 NE-1/4

E-1/2 NW-1/4

Mesa County, Colorado

Comments:

- The right-of-way or permit area granted herein is 1840 feet wide, 1785 feet long and contains 75.02 acres, more or less. If a site type facility, the facility contains 75.02 acres.
- This instrument shall terminate on December 31, 2041, 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.
- 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.
- 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.

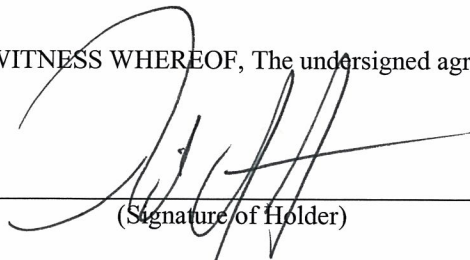
3. Rental:

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 for 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 30 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 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, & B, dated April 20, 2011, 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 health and safety of the public.

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

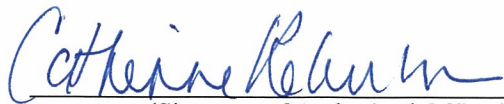


(Signature of Holder)

Acting City Manager
(Title)

4-26-12

(Date)



(Signature of Authorized Officer)

Field Manager

(Title)

4/30/12

(Date)

STIPULATIONS

1. The holder shall operate, maintain and reclaim the facilities and all work areas within the ROWs in strict conformity with the Right-of-Way (ROW) grant stipulations. Any relocation, additional construction, additional equipment, or use that is not in accord with the application, shall not be initiated without the prior written approval of the authorized officer. Any inconsistencies between the application and the Stipulations will be resolved in accordance with BLM Regulations.
2. Noncompliance with any of the stipulations will be grounds for an immediate temporary suspension of activities and facility operation if it constitutes a threat to public health and safety or the environment.
3. Copies of the right-of-way grants with the stipulations and Plans of Development shall be kept on site during maintenance activities. All maintenance personnel shall review the grant and stipulations before working on the right-of-way.
4. The holder shall notify all existing right-of-way holders in the project area prior to beginning any surface disturbance or maintenance activities. The holder shall obtain an agreement with any existing ROW holders or other parties with authorized facilities that cross or are adjacent to those of the holder to assure that no damage to an existing ROW or authorized facility will occur. The agreement(s) shall be obtained prior to any use or maintenance of the ROW or existing facility.
5. The City of Grand Junction will coordinate the construction of the project with Mesa County, Maralex Resources Inc., and the Grand Junction Regional Airport to avoid conflicts with existing rights-of-way and the proposed airport land transfer and airport improvement project.
6. The holder shall notify the BLM authorized officer at least 48 hours prior to the commencement of initial surface disturbing activities under this grant. The BLM contact is Nate Dieterich or Catherine Ventling, Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506, phone (970) 244-3030 or 244-3009. A preconstruction meeting will be held with the holder and the contractor to ensure terms, conditions and stipulation are understood and complied with. Throughout the life of the grant, the BLM authorized officer shall be notified at least 30 days prior to any non-emergency related surface disturbance or maintenance activities, and within 30 days following an emergency activity.
7. The exterior boundaries of the ROW areas shall be clearly flagged prior to any surface disturbing activities during maintenance and reclamation activities.
8. To prevent the spread of invasive species, the holder shall perform a pre-mobilization inspection insure that all disturbance related construction equipment and vehicles are clean and free of soil, mud and vegetative material prior to moving onto public lands. Driving through or parking on noxious weed infestations will be avoided.
9. When saturated soil conditions and/or soil rutting of 3 inches or greater exist on or along the right-of-way, travel shall be halted until soil material dries out sufficiently for construction to proceed without undue damage and erosion to the right-of-way.

10. The holder shall disturb and remove only the minimum amount of soils and vegetation within the authorized ROW necessary for the maintenance of structures and facilities.
11. All top-soils stripped from the project area will be stockpiled and re-vegetated in a manner that blends with the surrounding landscape, maintains soils productivity, and allows for efficient use in reclamation efforts within the ROW area.
12. The holder shall promptly remove and dispose of all waste caused by its activities. The term "waste" as used herein means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, petroleum products, ashes and equipment. No burning of trash, trees, brush, or any other material shall be allowed.
13. Fueling of vehicles and equipment within 100 feet of streams, including ephemeral channels, is prohibited. Any fuel spills should be cleaned up immediately and contaminated soil should be disposed of properly.
14. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
15. All existing authorized roads used for construction and maintenance shall be maintained in as good as, or in better than existing condition. This may include, but is not limited to, roadway surface repairs (blading the roadway), cleaning ditches and drainage facilities, and dust abatement. After construction, existing roads shall be restored to meet or exceed conditions existing prior to construction. All road maintenance activities must be approved by the authorized officer.
16. The type and extent of stormwater best management practices implemented at the project site shall be sufficient to minimize soil loss from the project site. The BLM shall require additional erosion control measures in the future if site conditions warrant and/or if existing BMPs are insufficient to protect the resource.
17. Surface disturbing activities will be restricted to periods when wind speeds are less than 35 mph. Posted speed limits will be followed, and vehicle speeds will be limited to 15 mph or less on un-posted routes.
18. The proponent shall inform all persons associated with operations under this authorization that any objects or sites of paleontological or scientific value, such as vertebrate or scientifically important invertebrate fossils, shall not be damaged, destroyed, removed, moved, or disturbed. If in connection with authorized operations any of the above resources are encountered, all activities that might further disturb such materials shall be suspended. The BLM authorized officer shall be notified of the findings and the discovery shall be protected until the BLM authorized officer gives notice to proceed. If ground-disturbing activities cannot be immediately suspended, the operator shall work around or set the discovery aside in a safe place to be accessed by the BLM-permitted paleontologist.
19. All persons in the area who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict

adherence to the confidentiality of information concerning the nature and location of archeological resources will be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh)

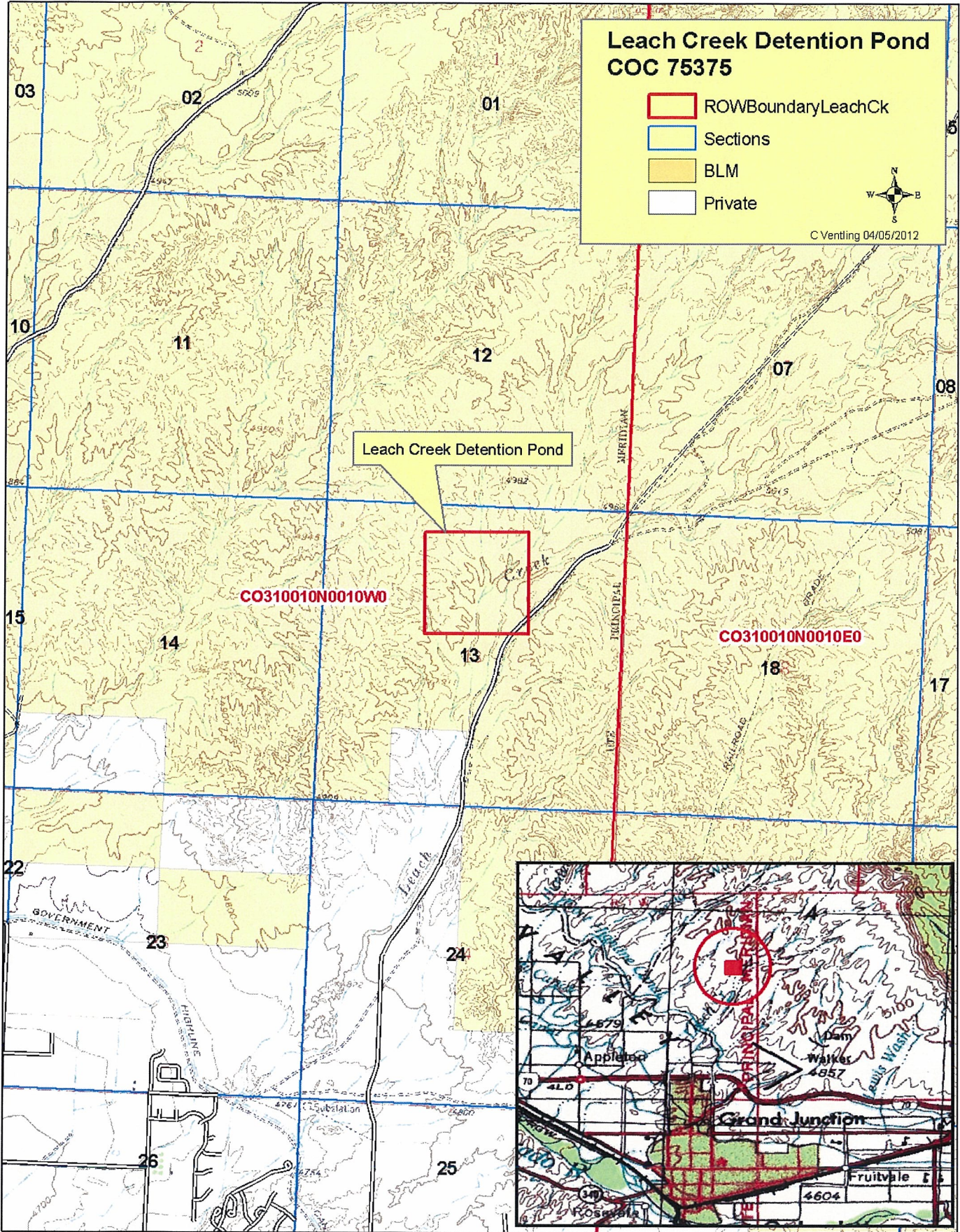
20. Pursuant to 43 CFR 10.4(g) the proponent of this authorization must notify BLM, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by BLM.
21. Inadvertent Discovery: The National Historic Preservation Act (NHPA) [16 USC 470s., 36 CFR 800.13], as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer (AO) must be notified immediately. Within five working days the AO will determine the actions that will likely have to be completed before the site can be used (assuming in place preservation is not necessary).
22. The Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001 et seq., 43 CFR 10.4] requires that if inadvertent discovery of Native American Human Remains or Objects of Cultural Patrimony occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).
23. The proponent may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately inventoried and has no resource concerns, and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM authorized officer will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM authorized officer that the required mitigation has been completed, the operator will be allowed to resume construction.
24. Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the proposed action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups
25. As part of the required reclamation for all post construction and maintenance activities, all disturbed areas (not within the basins themselves) shall be seeded with a seed mixture suitable to specific site conditions. This mixture shall be approved prior to reclamation by the authorized officer. All seed mixtures must be certified to be weed-free. Application rates are for pure, live seed (PLS). Certification and seed tags must be submitted to the Field Manager within 30 days of seeding.
26. Prepare seedbed by ripping heavily compacted soils, contouring land forms, compacting loose soils and then spreading topsoil back on the surface in a roughened state. Scatter removed vegetation and shredded wood back on the surface and broadcast seed with an approved seed

mix. Broadcast application shall be used at 2 times the recommended application rate. Surface rock that was removed during surface scrubbing and clearing shall be scattered back across the ROW to mimic natural conditions. Disturbed portions of the right-of-way surface shall be left rough and not smoothed to help facilitate runoff collection, seed germination and seedling survival.

Seeding should be completed after September 15 and prior to December 15 or in the early spring once soils have thawed.

Mulches and soil amendments may be used to improve reclamation success.

27. On the ROW, the proponent will 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 will comply with the applicable federal and state laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the proponent will obtain from BLM 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 BLM. Emergency use of pesticides will be approved in writing by BLM prior to such use.
28. The proponent will comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the proponent will 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 ROW or on facilities authorized under this ROW 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 will 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 will be furnished to BLM concurrent with the filing of the reports to the involved federal agency or state government.
29. The proponent will 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. Proponent shall comply with all local, State, and Federal regulations and permit requirements.
30. Sixty days prior to termination of the right-of-way, the proponent shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include removal of facilities, recontouring and seeding at the discretion of the authorized officer. The authorized officer must approve the plan in writing prior to the proponent's commencement of any termination activities.





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Grand Junction Field Office
2815 H Road
Grand Junction, Colorado 81506
www.co.blm.gov/gjra/gjra.html



2800 (LLCON03000)
COC75375

APR 3 0 2012

Hand Delivered

Kathy Portner
City of Grand Junction
Neighborhood Services Manager, Public Works
250 N. 5th Street
Grand Junction, Colorado 81501


DECISION
Grant Approved

Dear Ms. Portner:

Enclosed is a copy of your Grant for serial number COC75375 and COC75375-01 which allows the use of public land for installation and maintenance of a Stormwater Detention Pond. It is approved by the BLM on the date this letter is signed.

Please carefully read and familiarize your contractors with the stipulations you are required to follow regarding this authorization. If you have any questions please contact Catherine Ventling, Natural Resource Specialist at (970) 244-3009 or cventling@blm.gov.

Sincerely,


Catherine Robertson
Field Manager

Enclosure
Grant COC75375
Grant COC75375-01