

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LANDMANAGEMENT  
RIGHT-OF-WAY GRANT**

**SERIAL NUMBER UTU-73244**

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1. A right-of-way 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).

2. Nature of Interest:

a. By this instrument, the holder:

San Juan County  
117 South Main, PO Box 9  
Monticello, Utah 84535

receives a right to operate, maintain and terminate an access road on the following described (approximate) public lands:

Salt Lake Meridian  
T. 39S., R. 22E.,  
Sec. 10, SE1/4NW1/4;

- b. The right-of-way granted herein is 100' feet wide, 590' feet long, and contains 1.35 acres, more or less.
- c. This instrument shall terminate on December 31, 2055, unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

### 3. Rental:

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

San Juan County is exempt from rental per regulations at 43 CFR 2806.14(a)(2).

### 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 part 2800.
- b. The holder shall promptly repair any damage to the road caused by their use.
- c. Upon grant termination by the authorized officer, all improvements shall be removed from public lands within 90 days (the road shall be closed and reclaimed), as directed by authorized officer. Close and reclaim the road as required by authorized official.
- d. The map in Exhibit A, attached hereto, is incorporated into and made part of this grant instrument.
- e. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20<sup>th</sup> year and a regular interval 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.
- f. 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.
- g. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- h. The holder shall operate and maintain the road within this right-of-way in strict conformity with the application submitted on March 01, 1995. Any relocation, additional construction, or use that is not accord with the approved plan of development shall not be initiated without the prior written approval of the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- i. The holder shall conduct all activities associated with the operation, maintenance and

termination of the right-of-way within the authorized limits of the right-of-way.

- j. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulation of the Secretary of Interior issued pursuant thereto.
- k. The holder shall notify the Authorized Officer at least 60 days prior to non-emergency activities that would cause surface disturbance on the right-of-way. 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 Authorized Officer, who will review the Proposed Action for consistency with resource management concerns, including but not limited to, wildlife, paleontology, special status species, and cultural resource protection. Additional measures may be required to protect resources.
- l. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the applicant, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
- m. Pursuant to 43 CFR 10.5 (a), the applicant must notify the Authorized Officer by telephone immediately and written confirmation within three (3) days, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.5 (a) and (b), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.
- n. If construction, maintenance or reclamation activities occur within the migratory bird breeding seasons (raptors: January 1 to August 31 and passerine birds: April 1 to July 31), surveys should occur within a 0.5-mile radius (raptors) and a 100-foot radius (passerines) of the Project Area no more than 7-10 days prior to project initiation. Migratory bird surveys will be performed by a qualified wildlife biologist and a report of the survey results will be provided to the BLM.
- o. Any unexpected encounters with a protected species will be immediately reported to BLM and US Fish and Wildlife Service, as appropriated.
- p. The Holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office (GLO) and Bureau of Land Management (BLM) Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable public and private civil survey monuments. In the event of

the obliteration or disturbance of any survey monument, the Holder shall immediately report the incident in writing to the AO and the respective installing authority. Where GLO or BLM right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments or references using the surveying procedures found within the latest edition of the Manual of Surveying Instructions for the Survey of the Public Lands in the United States. The Holder shall record the resulting survey at the appropriate county facility and send a copy to the AO. If any BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for all survey cost.

- q. The Holder must submit an application to **amend (SF-299) for any** substantial deviation to this ROW. Per 43 CFR 2801.5, "*substantial deviation means a change in the authorized location or use which requires: (1) construction or use outside the boundaries of the ROW, or (2) any change from, or modification of, the authorized use. Examples of substantial deviation include: adding equipment, overhead or underground lines, pipelines, structures, or other facilities not included in the original grant.*" Additional NEPA analysis may need to be conducted prior to the BLM's decision to permit any amendment to the previously approved grant.
- r. In case of legal name change, transfers/sales, or change of address the Holder shall notify the Bureau of Land Management (BLM) Authorized Officer (AO) within 30 calendar days of any such change.
- s. The Holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
- t. The Holder may not construct new access roads or travel off road by vehicle to reach the grant area without the AO's prior written approval.
- u. The Holder shall conduct all activities associated with the construction, operations, and termination of the ROW expressly authorized within its terms. As per 43 CFR 2807.21, any proposed transfer of any right or interest in the ROW shall be filed with the AO. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the AO.
- v. The Holder shall contact the AO to arrange a pre-termination conference at least 180 days prior to termination of the ROW. This conference will be held to review the reclamation plan as well as the termination provisions of the grant.
- w. Ninety (90) days prior to termination of the ROW, the Holder shall contact the AO to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The AO must approve the plan in writing prior to the Holder's commencement

of any termination activities.

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

**SIGN HERE**

\_\_\_\_\_  
(Signature of Holder)  
Officer)

\_\_\_\_\_  
(Signature of BLM Authorized

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

Map 1- San Juan County access road location map



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.