

APPENDIX M

BLM RIGHT-OF-WAY GRANT

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

SERIAL NUMBER CACA-44554

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: Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

receives a right to construct, operate, maintain, and terminate a 92 kV transmission line with an underbuilt 12.5 Kv distribution line on public lands described as follows:

San Bernardino Base and Meridian, Imperial County, California

Township 12 South, Range 9 East,
Section 13, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$;
Section 14, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$;
Section 20, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$;

as generally shown in Exhibits A and B.

- b. The right-of-way or permit area granted herein is 50 feet wide, 18,480 feet long and contains 21.21 acres, more or less.
- c. This instrument shall terminate on December 31, 2032, 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 or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

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

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at 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 review at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. Impacts to flat-tailed horned lizard habitat will be mitigated according to the Flat-Tailed Horned Lizard Rangewide Management Strategy (Foreman 1997).
- h. A worker education program will be developed and implemented to all construction and maintenance personnel.
- i. A field contact representative (FCR) must be designated prior to project initiation to ensure compliance with these protective measures, serve as the primary agency contact, and have authority and responsibility to stop any activities that violate these mitigation measures.
- j. All project work areas shall be clearly flagged or similarly marked at the outer boundaries to define the limit of work activities. All construction and restoration workers shall

restrict their activities and vehicles to areas which have been flagged to avoid impacts on the flat-tailed horned lizard.

- k. Flat-tailed horned lizards that are relocated shall be placed in the shade of a large shrub a short distance from the construction in the direction of undisturbed habitat by the CDFG biologist or the FCR (if authorized to handle). Captured lizards shall be kept in a dry container. Lizards shall be held at temperatures between 25° C and 35° C, and shall not be exposed to any direct sunlight. Release will occur as soon as possible during daylight hours (32° C to 40° C). The biologist shall use judgment and discretion to ensure the survival of the lizard.
- l. Existing roads shall be used for travel and equipment storage whenever possible.
- m. Within flat-tailed horned lizard habitat, the area of disturbance of vegetation and soils shall be the minimum required for the project. Clearing of vegetation and grading shall be minimized.
- n. During construction activities in the vicinity of archaeological sites IMP-7826, IMP-7827, and SDI-15817 a qualified cultural resources monitor shall be present along the entire length of these sites to ensure that construction activities do not impact the sites.
- o. At site IMP-7827, data recovery shall be undertaken at each of the new pole locations by excavation of formal 1x1 units until sterile soil is reached. Depth is not expected to be so deep as to undermine the stability of the poles.
- p. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
- q. If during any phase of the construction, operation, or termination of the right-of-way or related facilities any oil or other pollutant should be discharged from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the Authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

- r. Unless otherwise agreed to by the authorized officer in writing, powerlines shall be constructed in accordance to standards outlined in "Suggested Practices for Raptor Protection on Powerlines." The State of the Art in 1996, @ Avian Power Line Interaction Committee (APLIC), 1996. Designs not shown in this publication require the approval of the authorized officer prior to installation. The BLM reserves the right to require modifications or additions to all powerline structures placed on this right-of-way, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the holder without liability or expense to the United States.
- s. If "cross country" access is necessary, clearing vegetation or grading a roadbed will be avoided whenever practicable. All construction and vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer. All temporary roads used for construction shall be rehabilitated after construction is completed. Only one road or access route will be permitted to each site requiring access.
- t. The holder shall evenly spread the excess soil excavated from pole holes within the right-of-way and in the immediate vicinity of the pole structure.
- u. The holder shall not clear trees or shrubs to allow passage of equipment for stringing the line without the prior written approval of the authorized officer.
- v. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
- w. Prior to termination of the right-of-way, the holder 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.

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

Jim Kelly
(Signature of Holder)

Meg Thomas
(Signature of Authorized Officer)

SUPERVISOR, REAL ESTATE
(Title)

Field Manager
(Title)

11/15/02
(Date)

November 15, 2002
(Effective Date of Grant)

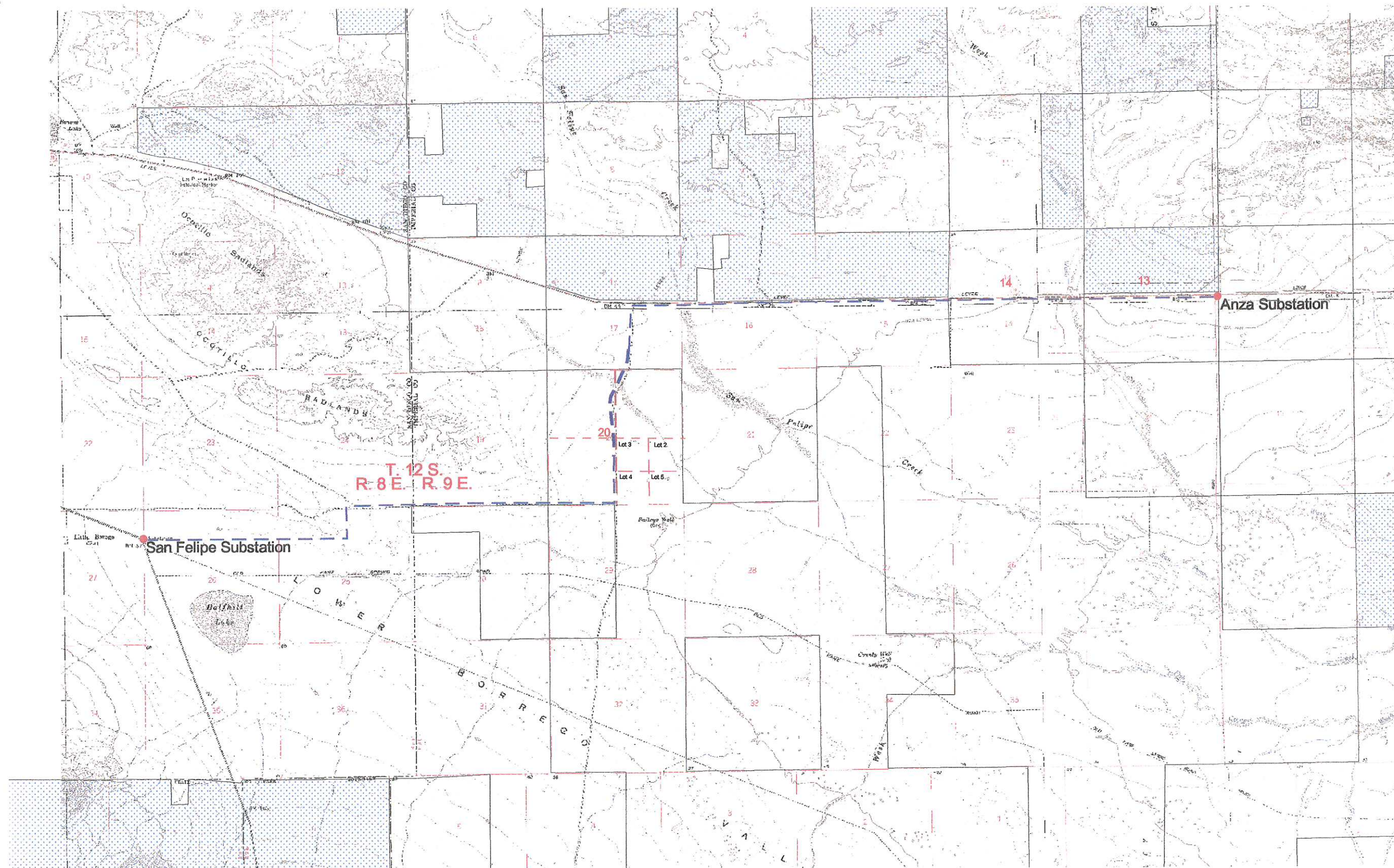


EXHIBIT A
General Location Map

Imperial Irrigation District
SA-Line Transmission System
Right-of-Way CA-44554

--- SA-Line



T 1 2 S.. R 8 E.
T 1 5 S.. R 9 E.
10 MILES



WOOD POLES:		
TYPE	SIZE	QTY
FWT1	75	1
PGWL1	75	1
FWT0	75	30
FWW1	75	4
FWT3	75	2
FWT0	75	1

THE PUBLIC LAW NUMBER
JULY 1954
WAS 1954

POWER DEPARTMENT
6/26/70
C. L. CHAPMAN
TITLE -

Imperial Irrigation District
SA-Line Transmission System
Right-of-Way CA-44554