

Lease Terms and Conditions
AZA 28166

In connection with Recreation and Public Purpose Act Lease AZA 28166, Pima County agrees to the following terms and conditions:

1. To allow the Bureau of Land Management (BLM) to manage, consistent with the objectives of the lease, all the other values of the lands involved and to recognize the right of the United States to retain any revenues that may result from such management.
2. There shall be no fire burning activities conducted on the property at any time.
3. No hazardous materials, toxic substances or chemicals may be stored or used on the property at any time.
4. The lessee agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are 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 property (unless the release or threatened release is wholly unrelated to the lessee's activity on the property). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third party.
5. The lessee shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the lessee 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 facilities authorized under this lease (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 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.
6. No persons are allowed to reside or stay overnight on the property except for authorized staff personnel who are working 24 hours rotational shifts.
7. All facilities on the property and use of the lands must be consistent with State and local zoning restrictions, building codes, or applicable legislation.
8. All facilities on the property must be kept in good appearance and condition. The appearance of the facilities will be monitored by, and at all times must be acceptable to the BLM.
9. Any facilities falling in disrepair must be repaired or removed from the property.
10. No soil materials are to be removed from the property without the consent of the BLM. No ground disturbance activities are allowed.
11. A BLM lock will be added to the access gate. The gate is to be kept locked when not in use for the fire station.
12. The ingress and egress to the property is only to serve the fire station and not the adjacent property owners.
13. No personal property of any kind (vehicles, storage lockers, etc.) are to be stored or kept on the lease property.

14. No new facilities (buildings/structures) will be added to the property without the approval of the BLM.
15. The property is not be used for any other purpose other than a fire station, and prohibits the storing any types of vehicles, equipment or stockpiling of materials not directly associated with the fire station.
16. The property is be kept clean and cleared of all trash, weeds and debris.
17. Should any archaeological resources or vertebrate fossils be discovered during implementation of project, all surface disturbing activities in the area of discovery shall cease. 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 archaeologist and provide recommendations to the Authorized Officer.
18. If in connection with operations under this authorization, any human remains or funerary objects scared objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (NAGPRA) (P.L. 101-601; Stat.3048; 25 U.S., 3001) are discovered, the permittee shall stop operations in the immediate area of the discovery. The permittee shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operation may resume.
19. The operators and lessee shall take proactive measures not harm any desert tortoise found on the property. If a tortoise is found in the area and activities cannot be modified to avoid tortoises, tortoises in harm's way should be moved in accordance with Arizona Game and Fish Department's "Guidelines for Handling Sonoran Desert Tortoises", revised October 23, 2007 (or the latest version). Said Guidelines are attached.