

ROAD RIGHT-OF-WAY STIPULATIONS

New Mexico Lands and Ranches

NMNM 113651

The following stipulations and/or mitigating measures will be implemented during (1) the various stages (if specified) of project development/operation and (2) up to 30 years after construction is completed for this project. If problems arise during or after field work is completed, the applicant/contractor(s) is required to promptly notify the Bureau's authorized representative. Consultation between the applicant/contractor(s) and the Bureau's authorized representative may result in additional field work being required of the applicant/contractor(s) to fully implement one or more of the following stipulations

SPECIAL:

Special guide stipulations, including mitigation measures described here, shall be included in the stipulation compliance checklist and shall be carried out during the implementation of the action.

The Bureau of Land Management (BLM) would require the holder to furnish a bond or other security to enforce the obligation imposed by the terms of the authorized grant. The bond should only be for the period of time that is needed to satisfy the requirements of the particular situation involved.

The proposed access route authorized on public land shall be constructed utilizing minimum road standards (driving surface width) required to provide adequate public access.

Access route shall be constructed utilizing appropriate road construction best management practices in order to reduce erosion and degradation of water quality standards.

Civil Rights

1. 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 the Interior issued pursuant thereto.

Cultural and Paleontological Resources

2. Any cultural and/or paleontological resources (historic or pre historic site or object) discovered by the holder, or any person working on his behalf, on public or Federal lands 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.

Work Limits

3. The holder shall conduct all activities associated with construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

Soil Stabilization and Rehabilitation

4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. The holder will not initiate any construction or other surface disturbing activities on the right-of-way on public or federal lands without the prior written authorization by an authorized officer. Such authorization will be a written notice to proceed issued by the authorized officer. Any notice to proceed will authorize construction or use only as expressly stated therein and only for the particular location or use described herein.
6. The holder will construct an engineered designed bank stabilization structure(s) along the eroding bank adjacent to the right-of-way access to the south. These structure(s) must be designed by a certificated engineer and must be approved by the authorized officer prior to construction. The authorized officer will issue a written authorization to approve the engineer designs. The holder shall encumber all cost associated with acquire the designs. The holder will not initiate any construction or other surface disturbing activities on the right-of-way on public or BLM lands without the prior written authorization by an authorized officer in the form of a notice to proceed.
7. All wooded vegetation and/or debris would be removed from the proposed project area upon completion of the access road.

Invasive, Non Native Species

8. The holder shall be responsible for weed control on disturbed area within the limits of the right-of-way. All equipment shall be cleaned of mud, dirt, and vegetative material before entering public lands. The holder shall immediately report to the authorized office any invasive/noxious weeds found during routine inspections and/or maintenance activities within the right-of-way. The holder is responsible for consultation with authorized officer and/or local authorities for acceptable weed control methods (within limits imposed is the grant stipulations). A listing of the invasive non native species is attached.

Waste Disposal

9. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to; human waste, trash, garbage, refuse, oil drums, petroleum products, excess material, and equipment.

Access to and From the Permit Area during Construction

10. Project-related traffic shall be restricted to existing roads and within the proposed access route. No new access roads or cross-county vehicle travel will be allowed unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be activities are complete as approved by the authorized officer.

Range Improvements

11. The holder shall be responsible for maintaining existing cattleguards, fences, or other range improvements during construction of roads.

Wildlife

12. Recommend that a Biological Survey be completed, which would emphasize surveys for raptors, prairie dogs, and special status species. Raptor and prairie dog surveys would be required during the breeding season (February 1st – July 31st). Depending on findings of surveys, project may be subject to season of use delays to mitigate impacts to species detected.

Termination

13. Thirty days 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 would 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 surfacing material, recontouring, topsoiling, or seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.

STANDARD:

1. The Holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. A copy of these stipulations, including exhibits and the Plan(s) of Operation (if required), shall be on the project area and available to persons directing equipment operation.
5. Public access along this road will not be restricted by the Holder without specific written approval being granted by the Authorized Officer. Gates or cattleguards on the public land will not be locked or closed to public use unless specifically determined by the Authorized Officer.
6. Disposal of all liquid and solid waste produced during operation of this right-of-way shall be in an approved manner so it will not impact the air, soil, water, vegetation, or animals.
7. Holder shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.
8. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
9. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and /or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.
10. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides and herbicides shall 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, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, 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 use.

Road Grade and Width

1. Unless otherwise approved in writing by the Authorized Office, this road will be designed and constructed to conform with BLM Road policy. This road shall have a minimum driving surface of 15 feet, a maximum bladed width of 30 feet excluding turnout ditches and turnouts, a maximum grade of 8 percent (pitches over 10 percent that are less than 300 feet in length may be allowed).

Crowning and Ditching

1. The road should be crowned to insure proper drainage. All double lane roads except insloped or out-sloped roads must have a centerline or shoulder line crown. In areas with steep side slopes, the typical section may be narrowed by reducing the side ditch or by forming the side ditch in the surfacing course. This may be done only if the surfacing material can be protected from saturation and if the ditch shape and dimensions are such that user safety is not compromised. Place shoulder line crowns with the downstream shoulder highest in order to prevent erosion of fills. Recommended slopes are as follows:

Earth Surface	.03-.05 ft./ft.
Aggregate Surface	.02-.04 ft./ft.
Paved Surface	.02-.03 ft./ft.

The road cross-section will conform to one or more of the cross sections illustrated in Figure 1.

Drainage

1. Drainage control shall be ensured over the entire road through the use of borrow ditches, drainage dips, outsloping, insloping, natural rolling topography, culverts, and/or turn-out (lead-off) ditches. Every drainage dip shall drain water into an adjacent turn-out ditch.

a. Unless otherwise approved in writing by the Authorized Officer, drainage dip location for grades over two (2) percent shall be determined by the formula:

$$\text{Spacing Interval} = \frac{400}{\text{road slope \%}} + 100'$$

Example: For a road with a four (4) percent slope.

$$\text{Spacing Interval} = \frac{400}{4} + 100' = 200 \text{ feet.}$$

2. Unless otherwise approved in writing by the Authorized Officer, all turnout ditches shall be graded to drain water with a one (1) percent minimum to three (3) percent maximum ditch slope. The spacing interval for turnout ditches shall be determined according to the following table, but may be amended depending upon existing soil types and centerline road grade:

SPACING INTERVAL FOR TURNOUT DITCHES

Percent Slope Spacing Interval

0 - 4 % 150 - 350 feet

4 - 6 %	125 - 250 feet
6 - 8 %	100 - 200 feet
8 - 10%	75 - 150 feet

3. Culvert pipes shall be used for cross drains where drainage dips or low water crossings are not feasible. The minimum culvert diameter is 18 inches. Any culvert pipe installed must be of sufficient diameter to pass the anticipated flow of water.

Maintenance

1. The Holder shall regularly maintain the road in a safe, usable condition. Maintain the road so that user traffic remains within the right-of-way and erosion is mitigated. Roads and road segments where serious erosional damage is occurring will be handled on a case-by-case basis. "Flat blading" will be avoided where practical. The road will be maintained so that over time a proper road prism and good drainage is achieved. A regular maintenance program shall include, but not be limited to, ditching, culvert installation, culvert cleaning, drainage installation, cattle guard maintenance, and surfacing.

GENERAL:

1. The Holder of this right-of-way 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, 42 U.S.C. 6901, et seq.) on this right-of-way (unless the release or threatened release is wholly unrelated to Holder's activity in this right-of-way). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.

2. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder(s) 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 of 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.

4. 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 regulations of the Secretary of the Interior issued pursuant thereto.