

KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2013-0016 DNA S:/BLMshare:LANDS/WAPA/DavisKingman/Amendment#7
 NEPA Document Number RMP Implementation No. Document Location

Land Description: G&SRM., T. 21 N., R. 17 W., sec. 16, T. 21 N., R. 20 W., sec. 20

Applicant: DOE-WAPA

Authorization: Right-of-Way

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
X	General Recreation	/s/ Len Marceau 2/22/2013
X	Cultural and Paleontological Resources	/s/ Tim Watkins 2/22/2013
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Ammon Wilhelm 2/25/2013
X	Threatened and Endangered Plants and Animals	/s/ Ammon Wilhelm 2/25/2013
X	Migratory Birds	/s/ Ammon Wilhelm 2/25/2013
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
X	Visual Resources	/s/ Len Marceau 2/22/2013
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: /s/ Andy Whitefield

Date: 2/22/2013

Environmental Coordinator: /s/ Ramone B. McCoy

Date: 2/22/2013

Field Manager: _____

Date: _____

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

OFFICE: Kingman Field Office (KFO), AZ-310

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-C010-2013-0016-DNA

CASE FILE NUMBER: AZPHX 83786 Amendment #7

PROPOSED ACTION TITLE/TYPE: Realignment of Access Roads

LOCATION/LEGAL DESCRIPTION: SE¹/₄SW¹/₄ sec. 16, T. 21 N., R. 17 W., NW¹/₄NE¹/₄, NE¹/₄NW¹/₄, sec. 20, all in G&SRM.

APPLICANT (if any): DOE – Western Area Power Administration (WAPA)

A. Description of the Proposed Action and any applicable mitigation measures:

The proposed action is to amend AZPHX 83786 to change the access roads to structures 26/3 and 7/3 from those designated in Amendment #4 to the routes originally used in constructing the power line. (Note: the reconstruction of this power line has resulted in new pole structure numbers and these are used in this document). The locations of the proposed right-of-way amendment were used for constructing the power line and are more suitable for road construction and maintenance than the ones authorized in Amendment #4. The right-of-way width would be 30 feet. As part of the proposed action a temporary use permit (TUP) would be issued for 35 feet each side of the access roads authorized in the proposed amendment. The right-of-way amendment would be granted in perpetuity as with the right-of-way as granted and amended. The TUP would expire on December 31, 2013, concurrent with the two TUPs, AZPHX 83786 A and B, issued for the rebuilding of the power line. The locations of the roads which would be authorized under the proposed amendment and TUP would require distinct terms and conditions for their partial reclamation after reconstruction of the power line and for maintenance afterwards. These are described as Segment 1 for the proposed amendment and TUP for access to structure 26/3 in sec. 16, T. 21 N., R. 17 W., and Segment 2 for the proposed amendment and TUP for access to structure 7/3 in sec. 20, T. 21 N., R. 21 W., both in G&SRM.

Access road to structure 26/3 (Segment 1) - In 2003 the United States, acting by and through the DOI – BLM, accepted title to a portion of sec. 16, T. 21 N., R. 17 W., G&SRM. The land was encumbered by an easement for the Davis-Kingman Tap 69 kV power line. Access for maintaining structure 26/3 was not clearly designated in that easement. In 2009 DOE – WAPA filed an application to amend the power line right-of-way (AZPHX 83786) to include the power line and access roads on this acquired land and for a temporary use permit for construction activities to allow for the rebuilding of the power line. That amendment specified the access roads within the acquired land so these would be unambiguous and stipulated measures which would allow for the roads to be compatible with the goals and objectives of management of the area as part of the Cerbat Foothills Recreation Area. These measures were to reclaim the road after reconstruction of the power line which would still allow periodic vehicular access but would be less evident than typical access roads (refer to term and condition item #4(h) of Exhibit A of Amendment #4).

The proposed right-of-way and temporary use permit would be approximately 500 feet in length. Although the proposed width of the right-of-way specified in the amendment would be 30 feet, the travel surface would be maintained at a 12 foot width. All of the areas outside of the travel lane, i.e. the additional 18 feet authorized under the proposed amendment and the 35 feet each side of the right-of-way width for the proposed TUP used for vehicle travel during construction would be reclaimed. If these areas are substantially impacted, i.e. bladed or otherwise heavily disturbed by vehicle use, these areas would be reseeded. If the disturbance is not substantial vehicle tracks would be raked out, or other reasonable measures would be taken as directed by the BLM.

Since this proposed road would cross the Monolith Garden Recreation Trail, the berms or windrows would be obliterated and the 12 foot travel lane area would be seeded with herbaceous species so it could be traversed by vehicles for maintaining the power line but would blend in with the surrounding landscape after plant establishment. Refer to the terms and conditions of the draft right-of-way amendment and TUP for reclamation requirements.

The area potentially affected by Segment 1 that would result from rebuilding the power line would be approximately one acre. Of this it is anticipated that there would be 0.14 acres of residually affected land. This residually impacted land would be maintained in a manner that would allow for vehicle use, however due to the reclamation and maintenance requirements this residual affect would be negligible. The access road authorized under Amendment #4, which has not been constructed, would have been approximately the same length and width as the one in the proposed action, therefore it would be anticipated that the disturbance which would result in amending the right-of-way to would be the same as if the amendment were denied.

Access road to structure 7/3 (Segment 2)

Under Amendment #4 access to structure 7/3 was via a road from structure 7/2. That road, which has been constructed for rebuilding the power line, is approximately 950 feet in length. Western would like to replace that road with another one which would provide ingress/egress directly from Highway 68. The proposed right-of-way amendment and TUP would be approximately 300 feet in length. Upon completion of constructing the road authorized under Amendment #7, if approved, the road authorized under Amendment #4 would be reclaimed after reconstruction of the power line. Refer to the map entitled Exhibit B of the draft Amendment #7 for the location of the authorized and proposed right-of-way. As with Segment 1 the width of the right-of-way would be 30 feet and the travel lane would be maintained at a width of 12 feet. The proposed TUP would be 35 feet each side of the right-of-way. Windrows or berms along the edges of the travel lane would be permitted and no seeding would be required within the travel lane. All of the areas outside of the travel lane that would be disturbed during reconstructing the power line would be reclaimed. If these areas are substantially impacted, i.e. bladed or otherwise heavily disturbed by vehicle use, these areas would be reseeded. If the disturbance is not substantial vehicle tracks would be raked out, or other reasonable measures would be taken as directed by the BLM. Refer to the terms and conditions of the draft right-of-way amendment and TUP for reclamation requirements.

The area potentially affected by Segment 2 that would result from rebuilding the power line would be approximately 0.7 acre. Of this it is anticipated that there would be 0.08 acres of residually affected land maintained as a road. The existing road authorized under Amendment #4 has disturbed approximately 0.2 acres and if this road is used for access for large vehicles for construction activities an additional 1.6 acres could be impacted. Upon reclamation and relinquishment of the road under Amendment #4 the net

residual disturbance to the public lands, including Segment 1, would actually be reduced from 0.19 acres to 0.08 acres.

Mitigation

Under the proposed action the following measures would be included as term and condition item #3 of Exhibit C of Amendment #7, stipulated as follows:

Future use and maintenance of the roads authorized under this amendment will be subject to the following reclamation measures:

Segment 1 (Access to structures 26/3) The access road to structure 26/3 as granted under Amendment #4 is to be relinquished and substituted with the road shown on Exhibit A of this amendment. The width of this right-of-way for this segment is 30 feet. 35 feet on each side of the right-of-way is requested for construction activities to be authorized under a temporary use permit (AZPHX 83786 C). Prior to road construction, in consultation with the BLM, the centerline of the route will be flagged and no construction will begin until after the BLM has reviewed the flagged route and written approval is issued by the Authorized Officer or his/her representative.

After power line rebuilding activities are completed, this access road will be maintained with a 12 foot travel lane in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the “desert varnish” side up;
- iii. The 12 foot wide permanent travel area would be seeded with the seed mix and rates shown in Table 1 (below). This will help to keep the road as unnoticeable as possible while still allowing for vehicle use.

TABLE 1: SEED MIX FOR AREAS WITHIN TRAVEL LANE*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Spaeralcea ambigua</i>)	4 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	10 lb.
Brittlebush (<i>Encelia frutescens</i>)	10 lbs.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

The remainder of the 18 foot width within the right-of-way and the areas under the temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in Table 2 (below):

TABLE 2: SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Sphaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	9 lb.
Flattop Buckwheat (<i>Eriogonum fasciculatum</i>)	1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Purple Threeawn (<i>Aristida purpurea</i>)	1/2 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Prior to seeding, these areas would be “roughed up” and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Segment 2 (Access to Structure 7/3) The width for this right-of-way for this segment is 30 feet. This road will be reclaimed to and maintained at a width of 12 feet after activities requiring disturbance outside of this width are performed. Berms and windrows will be obliterated or “pulled in” within the 12 foot maintained width. The seed mix and rates shown on Table 2 above will be applied to reclaim those areas outside the 12 foot wide travel lane. Prior to seeding, to prepare a proper seedbed the disturbed areas will be “roughed up.” Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within 2 days of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle.

If vehicle use outside of the 12 foot wide travel lane is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Existing Access Road between structures 7/2 and 7/3 The entire road authorized under AZPHXZ 83786 Amendment #4 and TUP AZPHX 83786 A between structures 7/2 and 7/3 is to be reclaimed in the same manner as is described above for the portions of segment 2 outside of the travel lane.

The proposed TUP AZPHX 83789 C has similar measures for reclamation. Refer to the terms and conditions of the proposed amendment and TUP for further mitigation measures.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR13a/V - All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): N/A

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Davis-Kingman Tap 69-kV Transmission Line Rebuild Environmental Assessment (DOI-BLM-AZ-C010-2011-054-EA; FONSI and DR executed November 29, 2011.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes. The roads analyzed in that document are the same in nature as the proposed roads. The proposed roads are within 500 feet of the previously authorized roads/temporary use permit areas and have the same geographic and resource conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Yes. The alternatives analyzed in the environmental assessment prepared for the rebuilding of this power line consisted of the proposed action (rebuilding the power line in its current location and addressed changes in access roads and temporary use areas) and the no action alternative. Given this is an existing power line no alternative routes were necessary to be analyzed. The analysis for the proposed action alternative in that document is appropriate to cover the analysis of the new proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: No new information is known or new circumstances have arisen that would change the analysis of the new proposed action compared to the proposed action

AZPHX 83786 Amendment #7, Realignment of Access Roads

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alternative analyzed in the EA prepared for the rebuilding of this power line. The terms and conditions proposed for the amendment and TUP to mitigate environmental consequences are the same or very similar to those prescribed in the EA.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes. The affects would be similar to those analyzed in the EA prepared for the rebuilding of this power line.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Yes. All agencies, Tribes, organizations and members of the public that were believed to have a possible interest or stake in the affected area were included in the scoping of the rebuild project and no comments were received specifically addressing roads in the areas for which western has made application to amend the right-of-way and TUP. Generic comments were received from organizations (i.e. Sierra Club) and agencies (i.e. Arizona Game and Fish Department) regarding limiting habitat disturbance resulting from rebuilding the line. The BLM's decision to amend the right-of-way and issue a temporary use permit for activities which would occur outside of the right-of-way area incorporated generic as well as specific terms and conditions to limit new disturbance and reclaim areas which will be disturbed but will not be needed for operating and maintaining the line.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
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See the attached lists of Agencies, Tribes and Organizations Consulted and List of Preparers and Contributors (pp. 143-145 of DOI-BLM-AZ-C010-2011-054-EA (DOE/EA-1665), Davis-Kingman Tap 69-kV Transmission Line Rebuild Draft-Final Environmental Assessment.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

/s/ Ramone B. McCoy
Project Lead/ NEPA Coordinator
Ramone McCoy

02/22/2013
Date

/s/ Ruben A. Sánchez
Signature of the Responsible Official
Ruben A. Sánchez
Field Manager
Kingman Field Office

02/25/2013
Date

4.0 AGENCIES, TRIBES AND ORGANIZATIONS CONSULTED

The following is a list of agencies contacted for this Proposed Action:

FEDERAL

U.S. Army Corps of Engineers, Los Angeles
District
Bureau of Indian Affairs
Bureau of Land Management, Kingman Field
Office
Bureau of Reclamation, Lower Colorado Dams
Office and Power Management Office
Federal Highway Administration, U.S.
Department of Transportation
Federal Emergency Management Agency
National Park Service
U.S. Department of Homeland Security
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
U.S. Geological Survey Arizona Water Science
Center
Western Area Power Administration

TRIBAL

Chemehuevi Reservation
Cocopah Tribe
Colorado River Indian Tribes
Fort Mojave Indian Tribe
Fort Yuma-Quechan Tribe
Hopi Tribe
Hualapai Tribe
Yavapai-Prescott Indian Tribe

STATE

Arizona Corporation Commission
Arizona Department of Environmental Quality
Arizona Department of Public Safety
Arizona Department of Real Estate
Arizona Department of Transportation, Kingman
District
Arizona Department of Water Resources
Arizona Game and Fish Department
Arizona State Capital (various representatives)
Arizona State Historic Preservation Office
Arizona State Land Department
Office of the Governor

COUNTY

Mohave County, Arizona (various departments)

CITY

City of Kingman
City of Bullhead City
Kingman Airport Authority
Northern Arizona Consolidated Fire District #1

ORGANIZATIONS

Arizona Antelope Foundation
Arizona Mule Deer Foundation
Arizona Riparian Council
Arizona Wildlife Foundation
Audubon Arizona

ORGANIZATIONS

(continued)

Arizona Desert Bighorn Sheep Society
Bullhead 4 Wheelers, Inc. Center
for Biological Diversity Cerbat
Ridge Runners Defenders of
Wildlife
International Society for Protection of Mustangs
and Burros
Kingman Area Chamber of Commerce
Mohave Sportsmans Club National
Wildlife Federation Natural Resources
Defense Council Nature Conservancy
Northwest Arizona Watershed Council
Northern Arizona Watershed Council
Sierra Club, Grand Canyon Chapter
Sonoran Institute
The Wilderness Society
Walapai 4-Wheelers
Western Resource Advocates
Western Watershed Projects

See Appendix A for the scoping mailing list, example project scoping letters and various agency response letters, public notice of availability newspaper advertisements, landowner notice letter and Newsletter #1.

5.0 LIST OF PREPARERS AND CONTRIBUTORS

U.S. Department of Energy, Western Area Power Administration

Joshua Miller	Project Manager
Linette King	Environmental Planner
Lynn Almer	Environmental Planner (retired)
Matthew Bilsbarrow	Environmental Planner
John Holt	Environmental Manager
Mary Barger	Regional Historic Preservation Officer (retired)
John Bridges	Terrestrial Biologist (retired)

Bureau of Land Management

Ruben Sanchez	Field Manager
Andy Whitefield	Environmental Protection Specialist
Len Marceau	Outdoor Recreation Planner
Tim Watkins	Archaeologist
Ammon Wilhelm	Biologist

Bureau of Reclamation

Mark Slaughter	Archaeologist/Natural Resource Specialist
Kay Sundberg	Lands

Lake Mead

Steve Daron	Archaeologist
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Transcon Environmental

George Miller	Project Director
Michael Zorba	Project Manager; Land Use, Hazardous Materials,
Transportation, and other resources	
Jan Bush	Water Resources, Geology and Soils
Catherine Vaughn	Cultural Resources
Melanie (Collins) Briggs	Biological Resources
Roy Baker	GIS Mapping
Mike McClellan	Visual Resources, Air Quality
Alfonso Ruiz	Noise Resources, Land Use Mapping
Susan Morrison	Socioeconomic Resources, Health & Safety, Cumulative Impacts
Myriah Moore	Administrative Record, Public Outreach

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT
SERIAL NUMBER AZPHX 83786 AMENDMENT #7

1. A temporary use 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) and any current or future amendment.

2. Nature of Interest:

a. By this instrument, the holder:

The United States of America, acting by and through the
Department of Energy, Western Area Power Administration
P.O. Box 6457
Phoenix, Arizona 85005-6457

receives a right to construct, operate, maintain, and terminate
access roads on public lands (or Federal lands for MLA Rights-of-Way)
described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 17 W.,
sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 21 N., R. 20 W.,
sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

- b. The right-of-way or permit area granted herein is 30 feet wide, 450 feet long for the access road to structure 26/3 (new structure number) and designated herein as Segment 1, and 286 feet long to structure 7/3 (new structure number) designated herein as Segment 2. These areas aggregate to 0.507 acres, more or less.
- c. This instrument is issued in perpetuity 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 per 43 Code of Federal Regulations 2807.22 (a). 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:

This grant or permit is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Right-of-Way Grant 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 90 days, or otherwise dispose of as directed by the authorized officer.
- c. 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 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, C, and D dated February 12, 2013 attached hereto, are incorporated into and made a part of this grant or permit 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. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.
- 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.

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

(Signature of Holder)

(Signature of Authorized
Officer)

(Print Name)

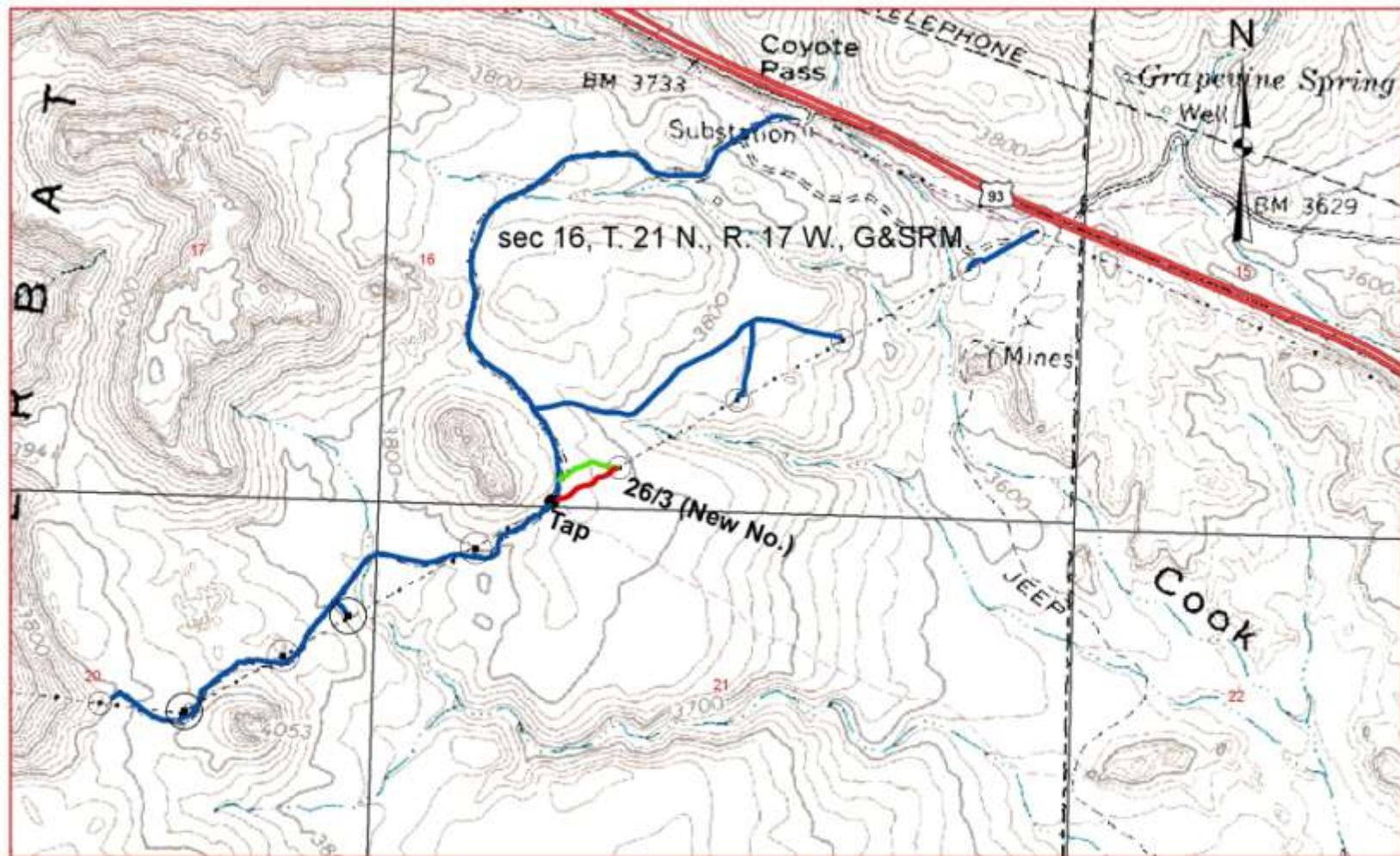
(Title)

(Title)

(Effective Date of Grant)

(Date)

EXHIBIT A
AZPHX 83786 Amendment #7
February 12, 2013



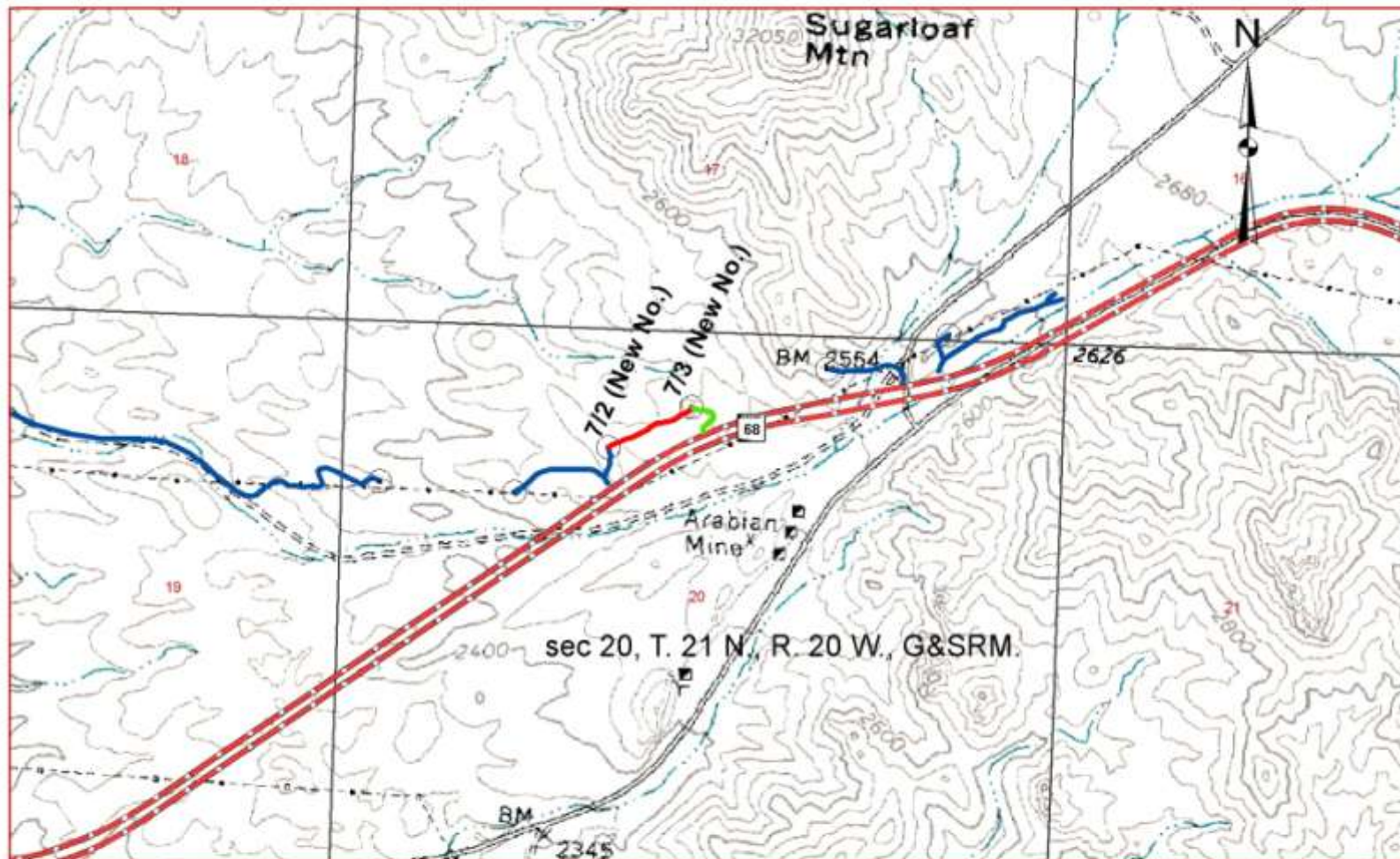
No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.05 0.1 0.2 Miles

LEGEND

- Existing Authorized Access Roads
- Relinquished Access Roads
- Access Road Authorized Under Amendment #7
- Pole Structure Location and Number

EXHIBIT B
AZPHX 83786 Amendment #7
February 12, 2013



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.05 0.1 0.2
Miles

LEGEND



Pole Structure Location
and Number

- Existing Authorized Access Roads
- Relinquished Access Roads
- Access Road Authorized Under Amendment #7

AZPHX 83786 Amendment #7
Additional Terms and Conditions
Exhibit C
February 12, 2013

1. The Holder will designate a field contact representative who will be responsible for overseeing compliance with these mitigation measures and for coordination on compliance with the BLM. The field contact representative and authorized/qualified biologist(s) will have the authority and the responsibility to halt all project activities that are in violation of these mitigation measures. The field contact representative will be responsible for oversight of compliance with these mitigation measures, coordination with permitting agencies, land managers, and the state wildlife agency, and will serve as a contact point for personnel that encounter desert tortoises. The field contact representative will be on site during project activities and will be familiar with and have a copy of these mitigation measures.
2. The Holder will get permission from the Arizona Department of Transportation (ADOT) for access from State Route 68 to structure 7/3.
3. Future use and maintenance of the roads authorized under this amendment will be subject to the following reclamation measures:

Segment 1 (Access to structures 26/3) The access road to structure 26/3 as granted under amendment #4 is to be relinquished and substituted with the road shown on Exhibit A of this amendment. The width of the right-of-way is requested for construction activities to be authorized under a temporary use permit (AZPHX 83786 C). Prior to road construction, in consultation with the BLM, the centerline of the route will be flagged and no construction will begin until after the BLM has reviewed the flagged route and written approval is issued by the Authorized Officer or his/her representative.

After power line rebuilding activities are completed, this access road will be maintained with a 12 foot travel lane in the following manner:

- i. Berms and material windrows will be obliterated;
- ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the "desert varnish" side up;
- iii. The 12 foot wide permanent travel area would be seeded with the seed mix and rates shown in Table 1 (below). This will help to keep the road as unnoticeable as possible while still allowing for vehicle use.

Item 3, cont'd

TABLE 1: SEED MIX FOR AREAS WITHIN TRAVEL LANE*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Sphaeralcea ambigua</i>)	4 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	10 lb.
Brittlebush (<i>Encelia frutescens</i>)	10 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

The remainder of the 18 foot width within the right-of-way and the areas under the temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in Table 2 (below):

SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Sphaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	9 lb.
Flattop Buckwheat (<i>Eriogonum fasciculatum</i>)	1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Purple Threeawn (<i>Aristida purpurea</i>)	1/2 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Prior to seeding, these areas would be "roughed up" and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Item 3, cont'd.

Segment 2 (Access to Structure 7/3) The width for this right-of-way for this segment is 30 feet. This road will be reclaimed to and maintained at a width of 12 feet after activities requiring disturbance outside of this width are performed. Berms and windrows will be obliterated or "pulled in" within the 12 foot maintained width. The seed mix and rates shown on Table 2 above will be applied to reclaim those areas outside the 12 foot wide travel lane. Prior to seeding, to prepare a proper seedbed the disturbed areas will be "roughed up". Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within 2 days of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle.

If vehicle use outside of the 12 foot wide travel lane is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

Existing Access Road between structure 7/2 and 7/3 The entire road authorized under AZPHXZ 83786 Amendment #4 and TUP AZPHX 83786 A between structure 7/2 and 7/3 is to be reclaimed in the same manner as is described above for the portions of segment 2 outside of the travel lane.

4. A copy of the complete right-of-way reservation/grant, as amended, including all stipulations, will be kept on site during construction activities authorized under this right-of-way amendment. 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.
5. This amendment is subject to prior rights. The Holder is responsible for coordinating with rights-of-way holders for activities which could affect their rights/facilities.
6. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
7. The Holder will reconstruct the road, reclaim the adjacent lands, and maintain the roads in a manner that will reduce erosion.

8. No construction or routine maintenance activities will be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six inches deep, the soil will be deemed too wet to adequately support construction equipment.

9. **DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING:** If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

10. The lands affected by this permit are within desert tortoise habitat. Work performed on these lands will adhere to the following mitigations measures:
- a. Within 48 hours or prior to onset of surface-disturbing activities, the construction right-of-way within desert tortoise habitat that is subject to immediate disturbance will be inspected by a qualified biologist for tortoises and their burrows. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim (Refer to Exhibit D, Tortoise Handling Procedures).
 - b. All tortoises found on the ground surface within construction corridors will be moved a minimum of 500 feet but not more than 1/2 mile, from their original location and placed in a shaded location. Tortoises that wander onto construction corridors during construction periods will also be removed to a safe location as necessary and will be moved solely for the purpose of preventing death or injury (Refer to Exhibit D, Tortoise Handling Procedures).
 - c. If a tortoise is endangered by any construction, the activity will cease until a worker who has been through the tortoise education program can move the tortoise out of the line of danger in accordance with stipulations 9. a. and b. above.

Item 10, cont'd.

d. Tortoise burrows within construction rights-of-way that are avoidable will be protected by the installation of welded wire fencing or other appropriate fencing placed at a maximum distance from the burrow allowable by construction activities. If a minimum fence distance from such burrows of 15 feet cannot be accommodated, the burrow will be excavated. Tortoises removed from excavated burrows during inactive periods will be relocated to unoccupied natural burrows (Refer to Exhibit D, Tortoise Handling Procedures).

e. All locations of desert tortoise or their sign will be mapped on a 7½ minute topography map with Township, Range, section and quarter section noted, date, observer's name, and vegetation type. Copies of this information will be given to the BLM authorized officer and to the Arizona Game and Fish Department, Heritage Data Base Manager, in Phoenix.

f. The Holder is required to obtain all necessary permits for handling or collecting of desert tortoise prior to construction (Refer to Exhibit D, Tortoise Handling Procedures).

g. The proponent will develop and implement a worker education program that addresses (i) the occurrence and distribution of the desert tortoise within the construction area; (ii) measures being implemented to protect the tortoise and its habitat in the construction area; (iii) specific protocols to observe if desert tortoises are encountered in the field.

h. The proponent will limit speed of all vehicles within the right-of-way area and access roads to 15 miles per hour on BLM administered public lands to prevent running over desert tortoises. Construction and maintenance employees will also be advised that care should be exercised when commuting to and from the project area to reduce road mortality.

11. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be H-braced on both sides of the passageway prior to cutting the fence.

12. Project features that might trap wildlife such as open trenches, pits, open pipes, etc., will be covered overnight or modified to prevent entrapment of wildlife.

13. No pets (e.g., dogs) will be allowed on construction site.

14. The Holder will remove only the minimum amount of vegetation necessary for the construction and maintenance of the road.

15. All viable cacti, yucca, nolina (beargrass) ocotillo, agave, or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them on public lands within this ROW. Yucca, nolina, and agave plants will be transplanted, the same day that they are uprooted. Cacti may be stockpiled for up to 2 weeks and replanted. Where practical these plants will be used to reclaim areas disturbed by construction activities.

16. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will 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. Holder will maintain the right-of-way area in a safe, usable condition, as directed by the authorized officer. Porta-potty areas will be kept in a sanitary condition and cleaning and maintenance must be in conformance with standard waste company procedures.

17. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

18. All vehicles and equipment will be washed at the contractor's storage facility prior to arriving on the construction site to prevent the introduction of weed seed. All vehicles and equipment will be washed prior to leaving the construction site to prevent weed seeds from leaving the site.

19. The Holder will 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.

20. 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 Holder will obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pests(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 such use.

21. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 US Code § 9601, et seq., or the Resource Conservation and Recovery Act, 42 US Code § 6901, et seq.) will be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder will immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

22. The Holder will immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.

23. As required by law, the Holder will have responsibility for and will take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

24. The Holder will not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder will be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder will be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

25. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

26. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.

25. The United States Department of Energy, in the manner and to the extent provided by the Federal Tort Claims Act, as amended (28 United States Code (USC) Sections 2671-2680) will be liable for, and will hold the Department of Interior harmless from, claims for damage or loss of property, personal injury or death caused by the acts or omissions of the United States Department of energy, its officers, employees and agents in the use of the right-of-way.

B. TERMINATION

1. Ninety days prior to termination of the right-of-way, Holder will 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 will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



AZPHX 83786 Amendment #7

Exhibit D

February 12, 2013

GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. **Do not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicle or equipment at the project site check for tortoise under the vehicles.



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

SERIAL NUMBER AZPHX 83786 C

1. A temporary use 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) and any current or future amendment.

2. Nature of Interest:

a. By this instrument, the holder:

The United States of America, acting by and through the
Department of Energy, Western Area Power Administration
P.O. Box 6457
Phoenix, Arizona 85005-6457

receives a right to construct, operate, maintain, and terminate
access roads on public lands (or Federal lands for MLA Rights-of-Way)
described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 17 W.,
sec. 16, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 21 N., R. 20 W.,
sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

b. The right-of-way or permit area granted herein is 35 feet wide each side of the right-of-way area granted under AZPHX 83786 Amendment #7, 450 feet alongside the right-of-way area for access road to structure 26/3 (new structure number) designated herein as Segment 1, and 286 feet alongside the right-of-way area for the access road to structure 7/3 (new structure number) designated herein as Segment 2. These areas aggregate 1.183 acres, more or less.

- c. This instrument will terminate on December 31, 2013 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 per 43 Code of Federal Regulations 2807.22 (a). 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:

This grant or permit is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Holder's/Permittee's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant or permit termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. 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 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, C, and D dated February 12, 2013 attached hereto, are

incorporated into and made a part of this grant or permit 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. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.
- 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.

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

(Signature of Holder)

(Signature of Authorized
Officer)

(Print Name)

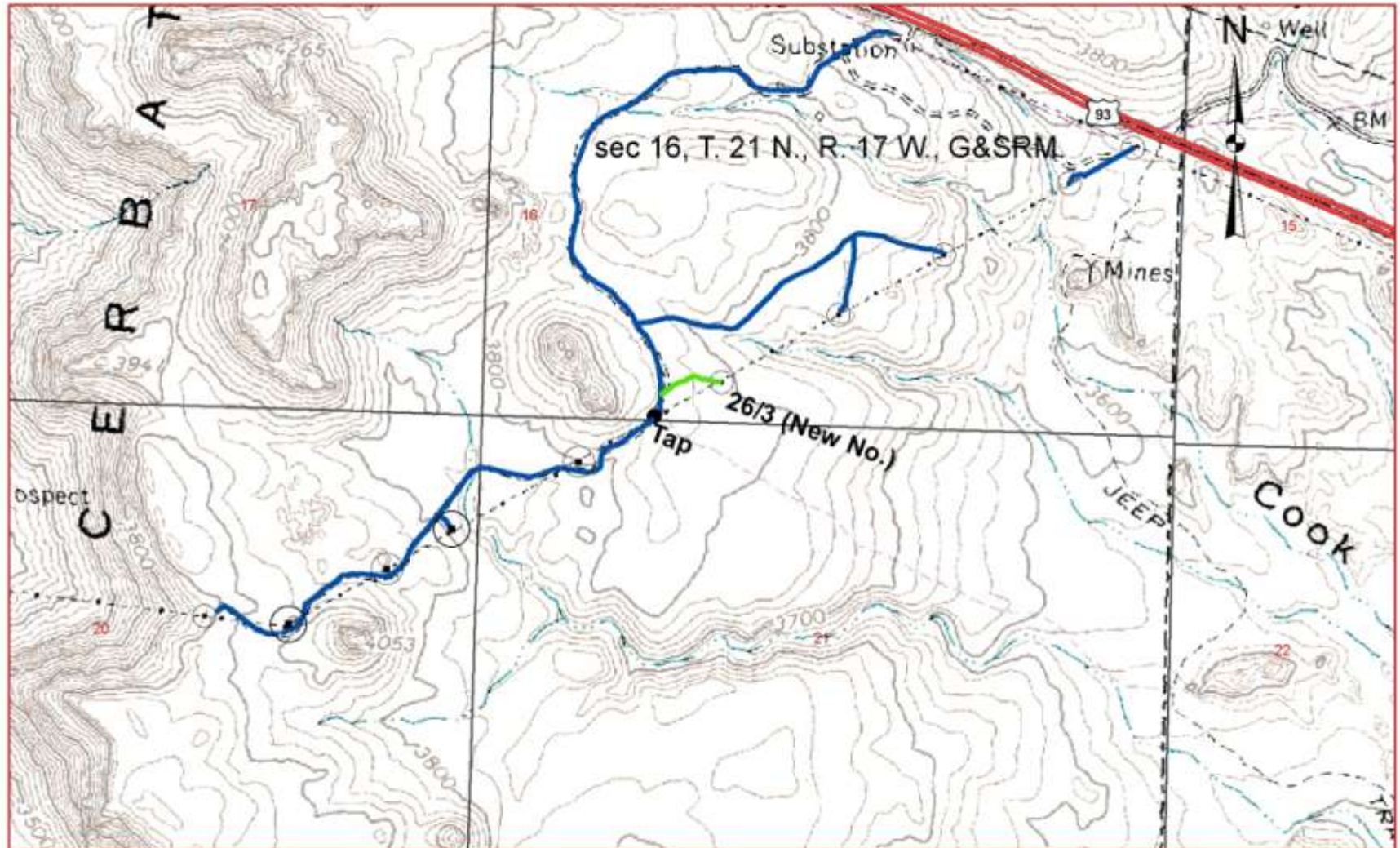
(Title)

(Title)

(Effective Date of Grant)

(Date)

EXHIBIT A
AZPHX 83786 C
February 12, 2013



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.05 0.1 0.2
Miles

LEGEND

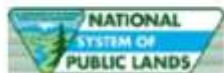


Pole Structure Location
and Number

Existing Authorized Access Roads

Temporary Use Permit Area
(35 ft. Each Side of Access Roads
Authorized Under Amendment #7)

EXHIBIT B
AZPHX 83786 C
February 12, 2013



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.05 0.1 0.2
Miles

LEGEND



Pole Structure Location
and Number

Existing Authorized Access Roads

Temporary Use Permit Area
(35 ft. Each Side of Access Roads
Authorized Under Amendment #7)

AZPHX 83786 C
Additional Terms and Conditions
Exhibit C
February 12, 2013

1. The Holder will designate a field contact representative who will be responsible for overseeing compliance with these mitigation measures and for coordination on compliance with the BLM. The field contact representative and authorized/qualified biologist(s) will have the authority and the responsibility to halt all project activities that are in violation of these mitigation measures. The field contact representative will be responsible for oversight of compliance with these mitigation measures, coordination with permitting agencies, land managers, and the state wildlife agency, and will serve as a contact point for personnel that encounter desert tortoises. The field contact representative will be on site during project activities and will be familiar with and have a copy of these mitigation measures.
2. After power line rebuilding activities are completed, the area authorized under this permit designated as Segment 1 will be reclaimed in the following manner:
 - i. Berms and material windrows will be obliterated;
 - ii. If required by the Authorized Officer rock staining will be applied where necessary. Where appropriate, rocks with caliche coatings will be placed with the “desert varnish” side up;
 - iii. The areas under this temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in the table below:

SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Spaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	9 lb.
Flattop Buckwheat (<i>Eriogonum fasciculatum</i>)	1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Purple Threeawn (<i>Aristida purpurea</i>)	1/2 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Item 2, cont'd

Prior to seeding, these areas would be “roughed up” and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

3. After power line rebuilding activities are completed, the area authorized under this permit designated as Segment 2 will be reclaimed in the following manner:
- i. Berms and material windrows will be obliterated (berms/windrows are allowed to exist at the edges of the right-of-way area granted under AZPHX 83786 Amendment #7);
 - ii. The areas under this temporary use permit that requires reclamation because of blading or substantial vehicle use or other activity would be seeded with the species in the below below:

SEED MIX FOR PERMANENT RECLAMATION*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Sphaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
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Prior to seeding, these areas would be “roughed up” and after seed application the seedbed would be covered by dragging a piece of chain link fence behind an ATV or similar light vehicle as with the other reclamation measures stipulated in the right-of-way amendment and temporary use permit.

Item 3, cont'd.

If vehicle use is not substantial as determined by the Authorized Officer or his/her representative, tracks would be raked out and other reasonable measures taken at the direction of the Authorized Officer or his/her representative.

4. A copy of the complete temporary use permit, including all stipulations, will be kept on site during construction activities authorized under this permit. 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.
5. This amendment is subject to prior rights. The Holder is responsible for coordinating with rights-of-way holders for activities which could affect their rights/facilities.
6. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the roads within the authorized limits of the permit.
7. No construction or routine maintenance activities will be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of six inches deep, the soil will be deemed too wet to adequately support construction equipment.
8. **DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING:** If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

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 - d. Tortoise burrows within construction rights-of-way that are avoidable will be protected by the installation of welded wire fencing or other appropriate fencing placed at a maximum distance from the burrow allowable by construction activities. If a minimum fence distance from such burrows of 15 feet cannot be accommodated, the burrow will be excavated. Tortoises removed from excavated burrows during inactive periods will be relocated to unoccupied natural burrows (Refer to Exhibit D, Tortoise Handling Procedures).
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22. As required by law, the Holder will have responsibility for and will take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

22. The Holder will not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder will be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder will be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

23. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

24. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.

25. The United States Department of Energy, in the manner and to the extent provided by the Federal Tort Claims Act, as amended (28 United States Code (USC) Sections 2671-2680) will be liable for, and will hold the Department of Interior harmless from, claims for damage or loss of property, personal injury or death caused by the acts or omissions of the United States Department of energy, its officers, employees and agents in the use of the right-of-way.

B. TERMINATION

1. Ninety days prior to termination of the right-of-way, Holder will 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 will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Exhibit D

February 12, 2013

GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. **Do not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicle or equipment at the project site check for tortoise under the vehicles.

