

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

Issuing Office  
**SHOSHONE FIELD OFFICE**

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Serial Number  
**IDI-17990**

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c.  Other (*describe*) \_\_\_\_\_

2. Nature of Interest:

a. By this instrument, the holder:

**ROBERT STRUTHERS  
762 ROBERT ST., PICABO RT.  
BELLEVUE, ID 83313**

receives a right to ~~construct~~, operate, maintain, and terminate **an access roadway** on public lands described as follows:

**Boise Meridian, Camas County, Idaho;  
T. 2 S., R. 18 E.,  
Section 10: A portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Section 11: A portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
A Portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .**

- b. The right-of-way or permit area granted herein is: **60 feet wide and about 2,772.13 feet long and contains about 3.82 acres**, more or less.
- c. This instrument shall terminate on **December 31, 2040, about 30 years** from its effective date 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  **may not** be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of the 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 and 2880.
- 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 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 exhibits **A (Stipulations)**, **B (Right-of-Way Map) dated October, 2011**, and **C (Original Application Map) dated September 8, 1981**, attached hereto or located within the associated case file, 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.

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

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(Signature of Holder)

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(Signature of BLM Authorized Officer)

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(Title)

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(Title)

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(Date)

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(Effective Date of Grant)

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**EXHIBIT A**  
**RIGHT-OF-WAY GRANT**  
**IDI-17990 STIPULATIONS**

1. The holder, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
  - a. To the extent practicable, all Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the grant.
  - b. That in the operation, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, age, religion, disability or national origin and all subcontracts shall include an identical provision.
  - c. When requested by the authorized officer, the holder shall make his equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project. Payment for such services will be made at rates determined by the authorized officer.
2. 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.
3. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.
4. The authorized officer may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
5. Holder shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder 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 permit area or on facilities authorized under this permit. (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 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. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substances 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 the permit area (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.
7. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant.

8. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way. If at any time the holder wishes to reconstruct, remodel or relocate any portion of the right-of-way, or the improvements, prior written approval must be obtained from the authorized officer. No such approval will be given unless the request is authorized by law, and an application is made under applicable regulations.
9. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
10. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
11. Any cultural and/or paleontological resource (historic or prehistoric site object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
12. The holder shall protect all survey monuments found within the right-of-way. 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 recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
13. The holder shall conduct all activities associated with the operation and termination of the right-of-way in a manner that will minimize disturbance to vegetation, drainage channels and stream banks. The holder shall take resource conservation and protection measures on the right-of-way as the authorized officer deems reasonably necessary. Areas disturbed during activities associated with the operation and termination of the right-of-way shall be reseeded at the discretion of the authorized officer with a seed mixture and rate of success to be determined by the authorized officer.
14. No activities associated with the operation and termination of the right-of-way 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. If the holder needs to access these areas to perform required maintenance prior written approval must be obtained from the authorized officer. Areas disturbed during activities shall be rehabilitated at the discretion of the authorized officer.
15. If snow removal from right-of-way area is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 1.5 inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.

16. Specific sites as identified by the authorized officer (e.g., archeological sites, areas with threatened and endangered species, or fragile watersheds) where maintenance equipment and vehicles shall not be allowed shall be clearly marked onsite by the holder before any surface disturbing activities begin. The holder shall be responsible for assuring that personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
17. The holder shall contact the authorized officer at least 30 days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a conference with the holder prior to the holder commencing surface disturbing activities on the right-of-way.
18. 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).
19. The holder is responsible to ensure that the undercarriages of equipment and/or vehicles used in the operation and termination of the right-of-way be free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species or the spread of existing species to new areas. High concentrations of noxious weeds in the immediate area of mechanical operations shall be mowed to ground level prior to the start of project activities. All equipment and vehicles operating off of main roads shall be cleaned off prior to leaving the job site when the job site includes noxious weed populations.
20. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the 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 such use. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.
21. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
22. The holder shall keep the right-of-way area clean by removal of any debris or waste resulting from operational activities.
23. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
24. If the designated access routes, roads, or trails are damaged by the holder, the holder will be required to repair the damage. All of holder's controlled equipment or equipment under contract to the holder operating upon such access routes, roads, or trails shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize accident hazards. All equipment and vehicle operators shall have a valid license to operate the associated equipment or vehicle(s).
25. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
26. The holder shall construct and maintain the road in accordance with Camas County road specification requirements.