

Worksheet
Documentation of Land Use Plan Conformance and
Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Utah Bureau of Land Management (BLM)

BLM OFFICE: Kingman Field Office (KFO)

NEPA DOCUMENT NUMBER: DOI-BLM-AZ-C010-2012-0024-DNA
CASE FILE NUMBER. : PHX-086056E

PROPOSED ACTION TITLE/TYPE: Temporary Use Permit for El Paso Natural Gas Company (EPNG)

LOCATION OF PROPOSED ACTION: T. 12 N., R. 15 W., sec. 32, NW¹/₄NE¹/₄NE¹/₄

APPLICANT: EL PASO NATURAL GAS COMPANY

A. Description of the Proposed Action: EPNG was granted an amendment to Right-of-Way (ROW) PHX 086056 and a Temporary Use Permit (TUP) PHX-086056E for a work area to install a deep bed cathodic protection station. The TUP was for 30 days and the contractor that was hired to do the construction was unable to complete the work in the allotted time frame because of problems with equipment.

The proposed action would be to grant a TUP to EPNG. The 100 ft. by 100 ft. Temporary Use Permit area adjacent (on the West) to the existing ROW would be needed for 30 days. The construction of the CPS is estimated to take 7-14 days. The 30 days allows adequate time for construction and rehabilitation of the area. The TUP area would be used to store vehicles and equipment used for construction of the CPS. The equipment on site would include pick-up trucks, drilling rig, water truck and a rubber tired back-hoe. As part of the proposed action, the area would be restored, as practical, to the conditions existing prior to the construction at the completion of the project. This will be included in the terms and conditions. They will include contouring the area, transplanting cactus, yucca, ocotillo, nolina and other state protected plants in the TUP area and reseeding. The length of the TUP would be 30 days from the grant date to ensure there is sufficient time for construction of the CPS and rehab of the area.

B. Land Use Plan (LUP) Conformance

LUP Name: *Kingman Resource Management Plan/EIS*

Date Approved: March 1995

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 decisions (objectives, terms, and conditions): Pages 66 and 67 of the RMP, a portion of item 2 of the errata sheet issued with the RMP/FEIS, and Decision L13a/V states “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.”

Although the LUP is silent in regards to TUPs, these are ROWs actions used to authorize development and/or construction activities for facilities authorized under ROWs but are separated because once the development and/or construction activities are completed the areas covered under these are no longer required for the operation and maintenance of the facilities authorized under ROWs. TUPs are generally processed concurrently with ROWs and are authorized under the same statutes as ROWs.

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

DOI-BLM-AZ-CO10-2011-0038-EA

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)?** Yes, the proposed action is the same action that had been analyzed in the reference EA except for the dates.
- 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?** Yes, There is no new information or circumstances that would change the results of the analysis in the reference EA in regards to issuing the TUP to EPNG.
- 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?**

Yes, there is no new information or circumstances that would change the results of the analysis in the reference EA in regards to issuing a TUP to EPNG.

- 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?** Yes, the direct, indirect, and cumulative environmental effects that would result from issuing a TUP to EPNG as described in the Proposed Action would be the same, both quantitatively and qualitatively, as those that were disclosed in the reference EA.

- 5. Are the public involvement and interagency review associated with existing NEPA documents adequate for the current proposed action?** Yes, the degree of public and interagency involvement that occurred in preparation of the reference EA is considered adequate for the current proposal.

E. Persons/Agencies/BLM Staff Consulted

This project proposal was presented at the Kingman Field Office interdisciplinary Project Coordination meeting on July 5, 2011.

<u>Name</u>	<u>Title</u>	<u>Agency Represented</u>
Rebecca Peck	Wildlife Biologist	BLM Kingman Field Office
Tim Watkins	Archaeologist	BLM Kingman Field Office

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

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 constitutes BLM's compliance with the requirements of the NEPA.

/ s / Melissa Patriquin
Signature of Project Lead
Melissa Patriquin

2/10/2012
Date

/ s / Ramone B. McCoy
Signature of NEPA Coordinator
Ramone McCoy

2/16/2012
Date

/ s / Ruben A. Sánchez
Signature of Supervisor
Ruben Sánchez

2/16/2012
Date

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

2/16/2012
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest and appeal under 43 CFR Part 4 and the program-specific regulations.

KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-CO10-2012-24-DNA _____
 NEPA Document Number RMP Implementation No.

S:/BLMshare:
 Document Location

Land Description: sec. 32, T. 12 N., R. 15 W., G&SRM.
 Applicant: El Paso Natural Gas Co.
 Authorization: PHX-086056E

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	
	General Recreation	
X	Cultural and Paleontological Resources	/s/ Tim Watkins 02/10/2012
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
	Wildlife	
X	Threatened and Endangered Plants and Animals	/s/ Rebecca L. Peck 2/10/2012
X	Migratory Birds	/s/ Rebecca L. Peck 2/10/2012
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
	Visual Resources	
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: _____ / s / Melissa Patriquin

Date: 2/10/2012

Environmental Coordinator: _____ / s / Ramone B. McCoy

Date: 2/16/2012

Field Manager: _____ / s / Ruben A. Sánchez

Date: 2/16/2012

PLAN OF DEVELOPMENT
El Paso Natural Gas Company (EPNG)
Cathodic Protection Station (CPS) No. 2081
October, 2011

Right-of-Way Location

The requested temporary work space and existing pipeline right of way (ROW) are located entirely on public land administered by the Bureau of Land Management (BLM):

Gila and Salt River Meridian, Mohave County, Arizona
Township 12 North, Range 15 West, Section 32

Construction of the Facilities

- EPNG shall construct, operate and maintain facilities, improvements and structures for this project in conformity with this Plan of Development ("POD"). Any relocation, additional construction or use that is not in accordance with the POD shall not be initiated without prior written approval of the BLM Authorized Officer. Non-compliance 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.
- EPNG shall designate a representative who shall have the authority to act upon and to implement instructions from the BLM Authorized Officer. The representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
- EPNG will notify the grazing permittee (if any) when the BLM advises a name/address of the permittee.
- EPNG will make the required Arizona Blue Stake call.
- All work is restricted to the existing, previously disturbed pipeline right of way and the temporary work space (TWS) authorized by the BLM. The approximate location of the new deep bed CPS has been previously provided. When complete, a formal, as-built drawing will be provided to the BLM.
- Equipment will be temporarily stored on-site within the pipeline and/or TWS.
- Construction is expected to take place in the near future during 2011 and will require approximately three to four weeks from start to finish. The location is in a remote area; therefore, construction duration is affected/extended by the transit time for the construction crew to reach the site each day.
- The existing pipeline ROW and TWS will be marked.
- Equipment will consist of pick-up truck(s), water truck, portable drilling rig and rubber tired backhoe. Equipment photos (examples) previously provided.
- EPNG will ensure all construction related equipment and vehicles use only existing roads.
- No construction activities shall be performed when the soil is too wet to adequately support construction equipment.
- The drilling rig will drill a (approximate) 10-12 inch diameter hole vertically to 500-700 feet.
- Sacrificial anodes will be lowered in the hole and the cables (connected to each anode) are connected to an above ground junction box and then connected to an on-site rectifier. Example photos previously provided.

- EPNG will maintain the construction site in a sanitary condition at all times. Waste materials at the site shall be disposed of promptly at an appropriate waste disposal facility. Large cuttings (spoil) from the (drilled) hole will remain on-site in such a manner as to blend with the surrounding terrain.
- Upon completion of construction, trash in the general area of the project will be cleaned up and all equipment removed and the site returned, as practical, to the conditions existing prior to construction.

Purpose and Need

El Paso Natural Gas (EPNG) proposes to construct Cathodic Protection Station No. 2081 ("CPS 2081") connected to EPNG's existing pipeline no. 1104. The purpose of this project is to provide adequate high pressure gas pipeline corrosion protection in accordance with the U.S. Department of Transportation (DOT) regulations.

Basic Cathodic Protection Function and Description

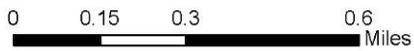
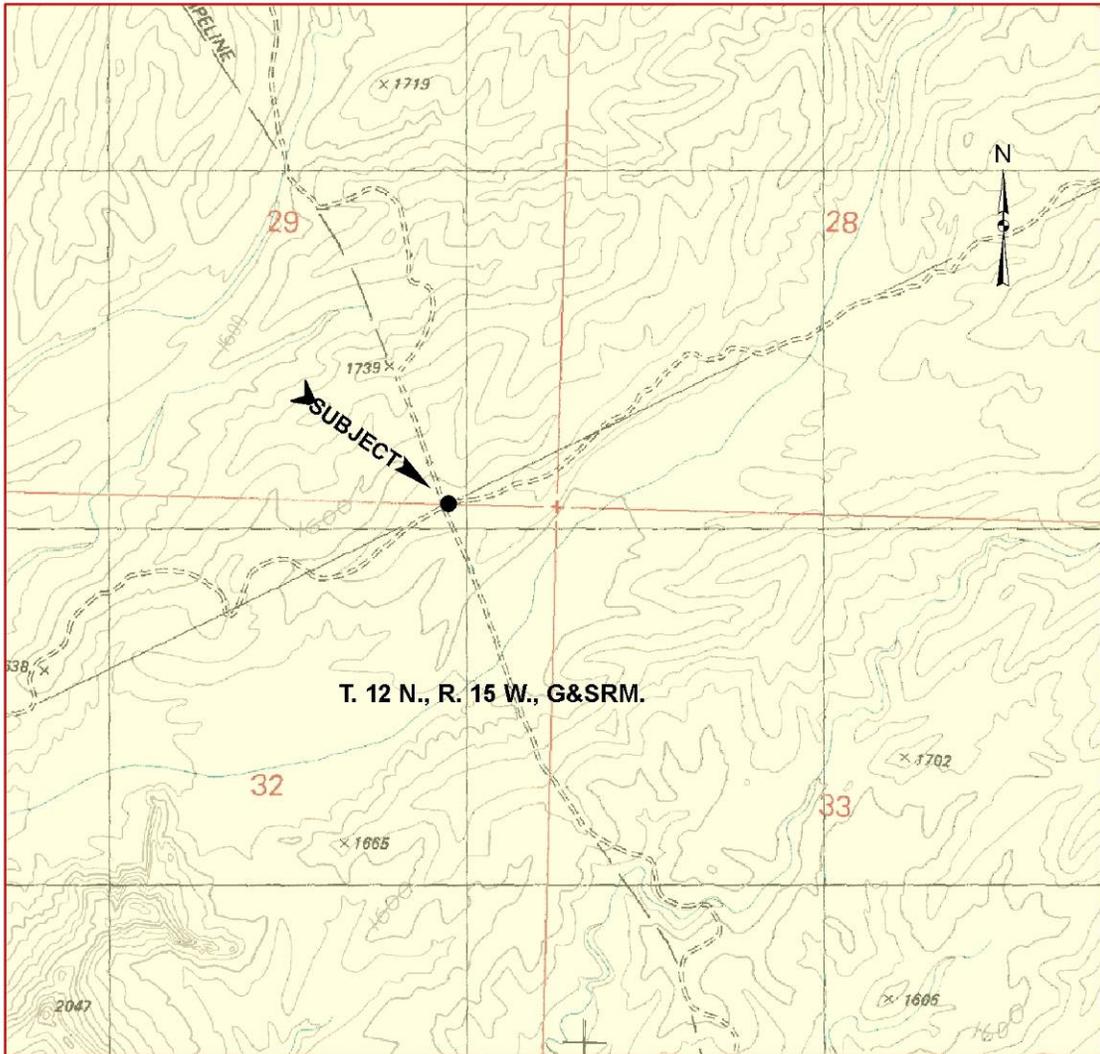
- In general terms, buried steel pipelines are subject to corrosion due to the natural flow of static electricity (created by natural gas moving through the pipeline) away from the pipe to the surrounding earth/soil.
- Cathodic (corrosion) protection is achieved when the pipeline collects current (rather than current flowing away from the pipe). This "reversal" is accomplished by forcing an electrical current (from an external source) onto all surfaces of the pipeline. The pipeline is then "cathodic" and protected from corrosion.
- This cathodic protection is achieved as follows: (a) an electrical generator installed at the site generates AC power (alternating current) which is delivered to a rectifier and converted to DC power (direct current flowing in only one direction), (b) a negative (-) cable from the rectifier is connected (spot welded) directly to the natural gas pipeline to be protected, (c) a separate positive (+) cable from the rectifier is connected to the CPS ground bed, (d) the soil (earth) completes the circuit and this electrical current flow overpowers the corrosion current discharging from the pipeline, resulting in a net current flow onto the steel pipe causing the natural gas pipeline to be protected and the sacrificial anodes (installed down hole in the deep bed CPS) to corrode.
- Corrosion protection is provided (depending on soil conductivity) for 10-15 miles of pipeline for a period of approximately 20-25 years at which time the CPS must be replaced.
- Through years of experience, various means of testing have been developed to determine if pipeline protection is adequate. EPNG has various test points located along the pipeline right-of-way to determine the degree and optimum location of cathodic protection needed.
- There are no alternative locations identified since testing has shown this location is needed to provide maximum corrosion protection covering the most distance on the pipeline.

Government Agency Involvement

- Only public lands managed by BLM will be affected by this project. There is no State or private lands involved.
- This project can be accomplished under 18 CFR 2.55(a) of the Natural Gas Act and is exempt from requirements for a certificate of public convenience authorization by the Federal Energy Regulatory Commission (FERC).

- The U. S. Department of Transportation is responsible for assuring safety regulation compliance of the interstate gas pipeline.
- EPNG shall inform the authorized officer within 48 hours of any accident(s) on public lands that shall require reporting to the Department of Transportation as required by 49 CFR Part 195. All waste and/or spills (if any) caused by construction activities will be removed and disposed of in an approved manner.
- EPNG shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. Although the need for the following is remote since no toxic materials are used in constructing the CPS, EPNG will 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 ROW or on facilities authorized under this ROW 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 or spill of any toxic substances shall be furnished to the BLM Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
- EPNG construction crews will adhere to all applicable OSHA standards, including the use of personal protective equipment (PPE) and operating equipment. A daily tailgate meeting discussing the scope of the job is held before any construction is commenced to discuss aspects of the project and review any mitigation and safety concerns about the project.

Proposed TUP
AZPHX 86056 E



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

LEGEND	
●	Proposed TUP
LAND OWNERSHIP/ADMINISTRATION	
	Bureau of Land Management
	Bureau of Indian Affairs
	National Park Service
	U.S Fish and Wildlife Service
	Private or County
	State

Taken 8/31/2011 North
PHX 86056



Taken 8/31/2011 Southeast
PHX 86056



Taken 8/31/2011 West
PHX 86056



FORM 2800-14
(August 1985)

Issuing Office
Kingman Field Office

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

SERIAL NUMBER PHX 86056E

-
1. A right-of-way is hereby granted pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).
 2. Nature of Interest:
 - a. By this instrument, the holder:

El Paso Natural Gas Company
7776 South Pointe Parkway West, Suite 185
Phoenix, AZ 85044

receives a right to construct, operate, maintain, and terminate a work area 100 ft. by 100 ft. for a mud pit used during drilling 500ft.- 700ft. deep with a diameter of one foot in conjunction with the deep bed cathodic protection station authorized under PHX 86056 on public lands(or Federal lands for MLA Rights-of-Way)described as follows:

Gila and Salt River Meridian, Arizona

T. 12 N., R. 15 W., sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$
 - b. The temporary use permit area granted herein is 100 feet wide and 100 feet long, and contains 0.230 acres, more or less.
 - c. This instrument is issued for 30 days from the 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 be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

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

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations 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. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, and C, dated February 6, 2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. 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.

- e. 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)

(Title)

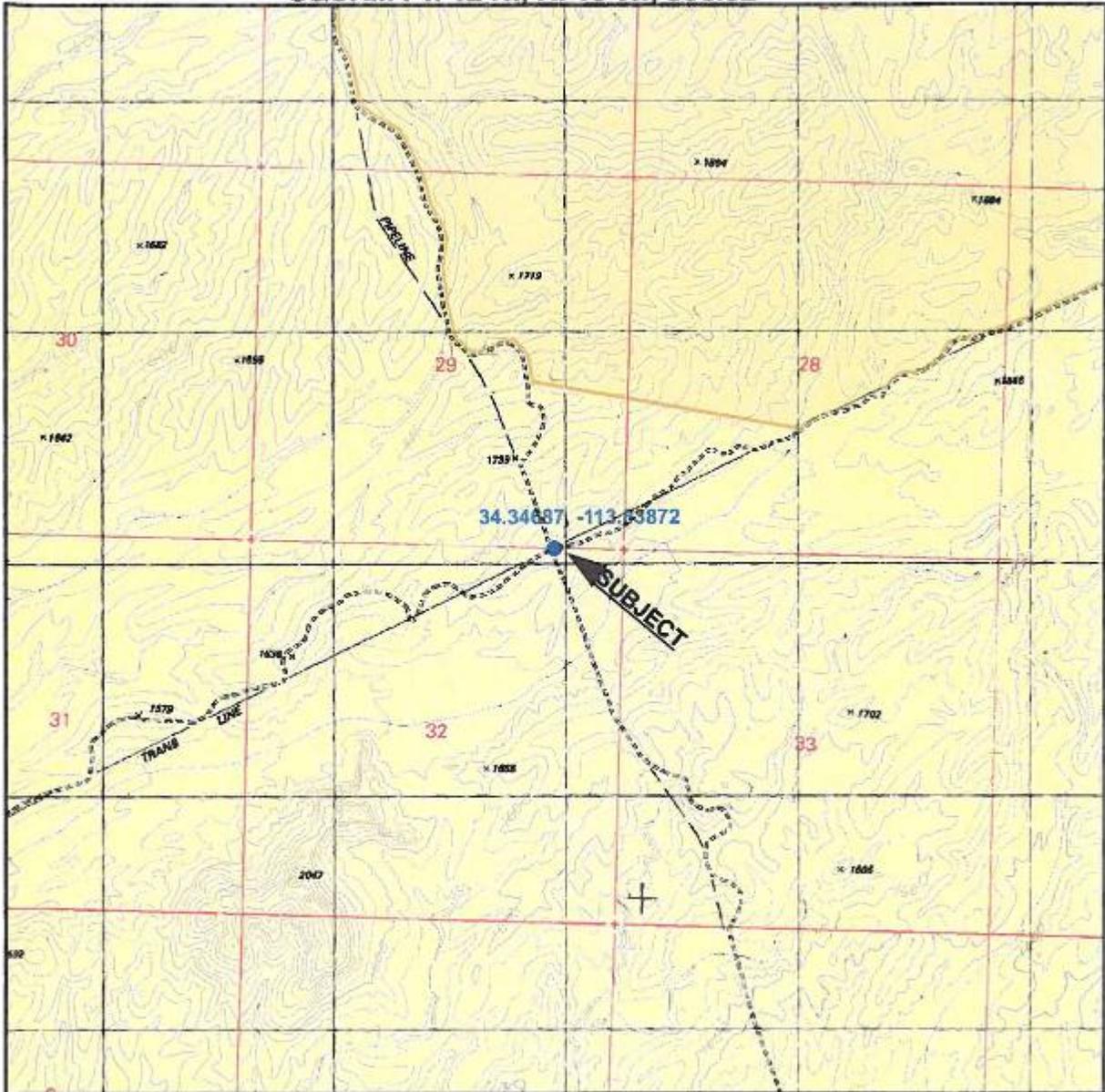
(Title)

(Date)

(Effective Date of Grant)

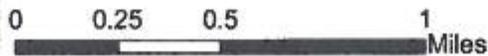
Exhibit A
PHX 86056 E
Proposed TUP
October 18, 2011

G&SRM . T. 12 N., R. 15 W., sec.32



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

SCALE 1:24,000



LAND OWNERSHIP LEGEND

-  BLM Wilderness Area
-  Bureau of Land Management (BLM)
-  Proposed CPS and TUP

Temporary Use Permit
AZ PHX 86056 E
Exhibit B
February 6, 2012
Terms and Conditions

A. CONSTRUCTION, OPERATION, AND MAINTENANCE

- a. Any subsurface cultural or paleontological resource (historic or prehistoric site or object) on public or Federal land which may be affected by the construction, operation, maintenance, or termination of the facilities authorized herein will be immediately reported to 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.
- b. All 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 15 feet of this right-of-way. The plants will be transplanted by hand, the same day that they are uprooted
- c. If any desert tortoise are observed in this right-of-way during construction or maintenance activities or while accessing the facilities authorized herein they will be handled in accordance with the protocol of the Guidelines for Handling Desert Tortoise Encountered On Roads and Vehicle Ways as described in Exhibit C, attached.
- d. All activities associated with the construction, operation, and termination of the facilities/improvements for which this temporary use permit is granted will be conducted within the area specified herein. All other activities associated with construction, operation and termination will be conducted within the existing ROW.
- e. The holder will remove only the minimum amount of vegetation necessary for the construction of the facilities/improvements for which this temporary use permit is granted.
- f. The holder will limit excavation to the areas of construction 100ft. x 100ft. No borrow areas for fill material will be permitted on the site. All waste material resulting from construction or use of the site by the holder will be removed from the site, and disposed of at an approved facility.

AZ PHX 086056 E Exhibit B, page 2

- g. Disposal of all liquid and solid waste used or 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.
- h. Vehicle access is limited to existing roads, jeep trails, and navigable washes and no "cross country" vehicular access is permitted unless in writing from the Authorized Officer.
- i. 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.
- j. The Holder shall 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. The Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence shall be H-braced on both sides of the passageway prior to cutting the fence.
- k. 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.
- l. No drilling fluids will be discharged directly onto the ground. All drilling fluids are to be contained in portable mud pits. The mud pits are to be lined with a 5-mil (minimum) impermeable barrier. Care shall be taken during construction to minimize damage to adjacent ground.
- m. The lining and any remaining drilling fluids are to be removed and disposed of at an approved waste disposal site.
- n. The large cuttings will be used to fill in the excavated area used for the mud pit.

AZ PHX 086056 E Exhibit B, page 3

o. Vehicles and equipment will be spray washed to remove and minimize the introduction of noxious weeds prior to arriving at the worksite. All construction equipment and project vehicles will arrive at the work site clean, and remain weed free for the duration of this project.

p. Reclamation of disturbed areas as stipulated below will be implemented immediately following construction. Upon completion of reclamation holder must notify Melissa Patriquin (928) 718-3706 within one week so compliance check can be conducted.

q. The contractor shall install drip pans or other suitable containment devices to collect all vehicle fluids when performing on-site maintenance. All waste fluids shall be removed from the site by Contractor and disposed of properly.

r. There will be drip pans or other suitable containment devices under the generator and all waste fluids shall be removed from site and disposed of properly.

AZ PHX 086056 E Exhibit B, page 4

B. Reclamation

- i. 1. The areas authorized under this temporary use permit (TUP) which have been impacted by construction activities will be reclaimed to its former slopes and contours and seeded. The seed mix will be certified weed-free and rates shown on Table 1 will be used for reclaiming these areas on BLM administered public lands in sec. 32, T. 12 N., R. 15 W., G&SRM. Prior to seeding, to prepare a proper seedbed the disturbed areas identified in these terms and conditions and the approved Plan of Development will be “roughed up.” Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within 1 day of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle.

TABLE 1: SEED MIX*	
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.
White Bursage (<i>Ambrosia dumosa</i>)	2 1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Brittlebush (<i>Encelia farinosa</i>)	1 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.

FORM 2800-14
(August 1985)

Issuing Office
Kingman Field Office

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

SERIAL NUMBER PHX 86056 amendment #6

1. A right of way is hereby granted pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).
2. Nature of Interest:
 - a. By this instrument, the holder:

El Paso Natural Gas Company
7776 South Pointe Parkway West, Suite 185
Phoenix, AZ 85044

receives a right to construct, operate, maintain, and terminate a deep bed cathodic protection station on public lands(or Federal lands for MLA Rights-of-Way)described as follows:

Gila and Salt River Meridian, Arizona

T. 12 N., R. 15 W., sec. 32, NW¹/₄NE¹/₄NE¹/₄

- b. This amendment does not modify the area authorized under right-of-way PHX 86056, as amended.
- 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. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

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

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations 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. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, and C, dated October 18, 2011 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. 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.

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

(Signature of Holder)

(Title)

(Date)

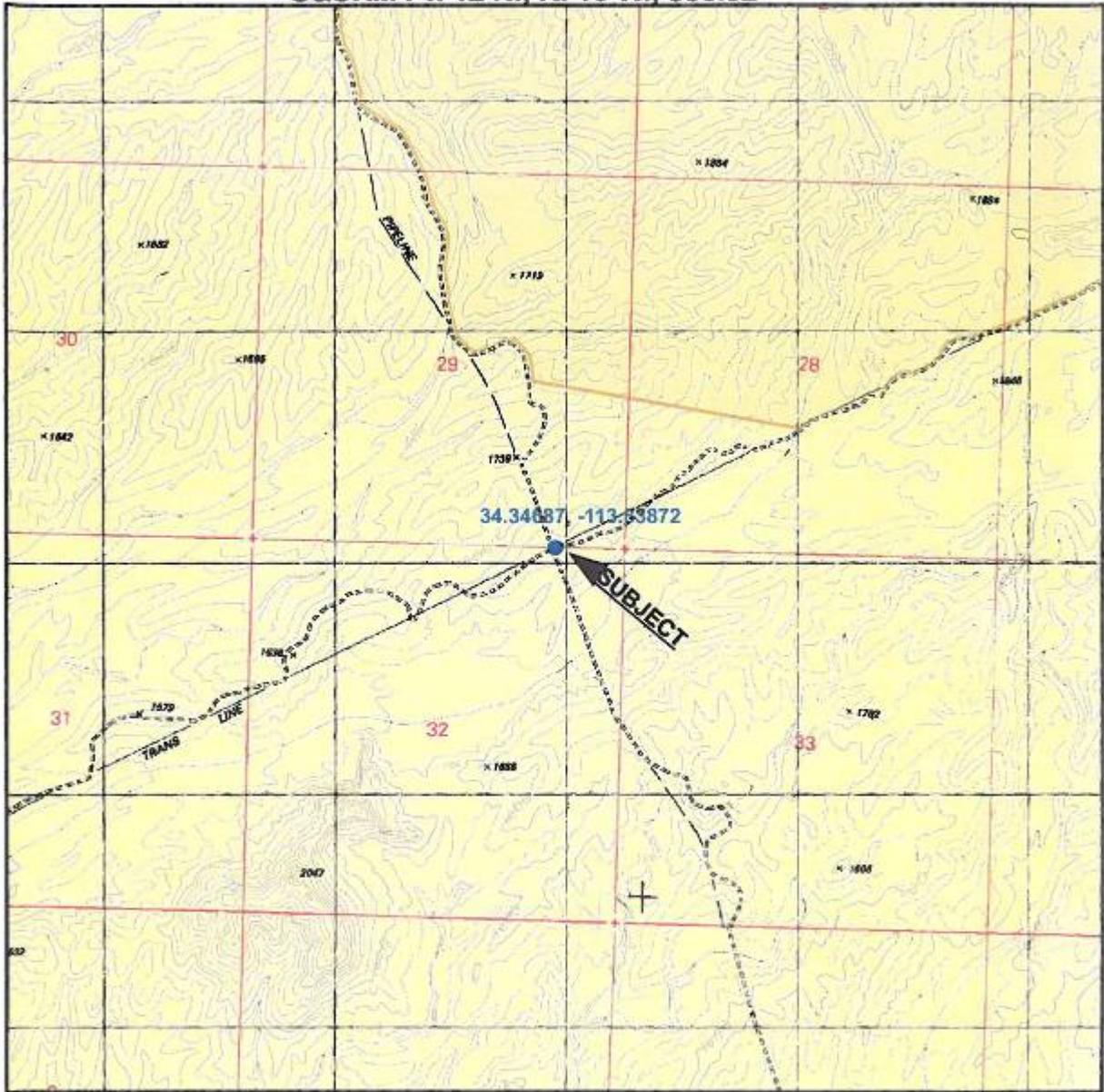
(Signature of Authorized Officer)

(Title)

(Effective Date of Grant)

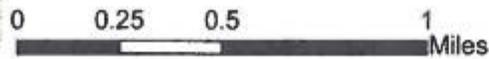
Exhibit A
PHX 86056
Amendment #6
October 18, 2011

G&SRM . T. 12 N., R. 15 W., sec.32



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

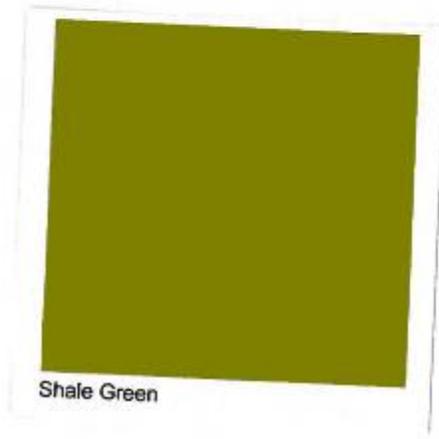
SCALE 1:24,000



LAND OWNERSHIP LEGEND

- BLM Wilderness Area
- Bureau of Land Management (BLM)
- Proposed CPS and TUP

**PHX 86056 amendment #6
Exhibit C
October 18, 2011**



- Copy -
Please refer to original paint chip for
actual color

AMMENDMENT #6
AZ PHX 86056
Exhibit B
October 18, 2011

A. TERMS AND CONDITIONS

- a. The fence surrounding the above ground appurtenances will have privacy strips that shall be painted by Holder to blend with the natural color of the landscape. The paint used shall be a non-glare, non-reflective, non-chalking color shale green attached as exhibit C. The privacy strips will be maintained. Upon failure to maintain the privacy strips, the appurtenances will be required to be painted using a non-glare, non-reflective, non-chalking color shale green attached as exhibit C.
- b. Only the appurtenances described in the plan of development or approved by the BLM will be allowed in the right of way. Storage of maintenance fluids and any other materials for the generator and the CPS covered under this amendment is prohibited.
- c. A pan will be used under the generator at all times to catch fluids that may leak.
- d. If noise impacts the serenity of the Aubrey Peak Wilderness any time in the future the holder will be required to reasonably mitigate the noise from the generator to the satisfaction of the Authorized Officer (A.O).
- e. If the exhaust fumes from the continuous running of the generator have a negative effect the holder will be required to reasonably mitigate the fumes from the generator to the satisfaction of the A.O.
- f. During construction of the CPS all relevant terms and conditions of the TUP AZ PHX 86056 E will be adhered to within the right of way and by the holder and its agents.