

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
BISHOP FIELD OFFICE

Serial Number
CACA 054155

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 GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT receives a right to construct, operate, maintain, and terminate a KEELER DUNES DUST CONTROL PROJECT on public lands (or Federal land for MLA Rights-of-Way) described as follows:

MOUNT DIABLO BASE and MERIDIAN, CALIFORNIA,

T. 16 S., R. 37 E.,

SECTION 25,

S1/2 of the NE1/4, E1/2 of the NW1/4,

E1/2 of the SW1/4, SE1/4;

T. 16 S., R. 38 E.,

SECTION 30,

S1/2 of Lot 2 of the SW1/4;

SECTION 31,

S1/2 of Lot 1 of the NW1/4,

Lot 2 of the NE1/4, Lot 1 of the SW1/4,

N1/2 of the SE1/4.

Project ROW more specifically defined and located by Exhibit C dated August 11, 2014 for CACA 054155

- b. The right-of-way or permit area granted herein is _____ feet wide, _____ feet long and contains _____ acres, more or less. If a site type facility, the facility contains 144.5 acres.
- c. This instrument shall terminate on DECEMBER 31, 2017, 3 + 4 MN 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 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.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Bishop Field Office
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Bishop, California 93514
www.blm.gov/ca/bishop

EXHIBIT A

RightMof-Way Stipulations Keeler
Dunes Dust Control Project CACA
054155
August 11, 2014

1. BLM retains a continuing right of access to enter the public lands covered by the right-of-way grant.
2. BLM retains a continuing right to physically enter any part of a facility constructed on a right-of-way for inspection, monitoring, or any other purpose consistent with the needs or obligations of the United States. This right is subject to giving the holder reasonable notice.
3. BLM may require the holder to share the right-of-way with other compatible right-of-way uses or other compatible multiple uses. Compatibility is determined by the authorized officer after consultation with the holder.
4. BLM retains the right to authorize third parties to use the public lands within the right-of-way. Such use shall be compatible with the holder's use.
5. All rights granted are subject to valid existing rights.
6. A right-of-way grant or permit does not give or authorize the holder to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 U.S.C. 601 *et seq.*
7. The holder shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous Material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 *et seq.* and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 *et seq.* and its regulations. The term Hazardous Material also includes any nuclear or by

product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.



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Exhibit B

Right-of-Way Stipulations Keeler
Dunes Dust Control Project CACA
054155
August 11, 2014

1. The construction, operation, maintenance, and termination of the Keeler Dunes Dust Control Project on public lands shall incorporate and conform to all design features, best management practices, and other minimizing measures (mitigations) identified for Alternative 5 in environmental assessment 001-BLM-CAC-070-2014-0023-EA in addition to the right-of-way stipulations explicitly listed below.
2. A reclamation and rehabilitation bond in the amount of \$120,000.00 (One Hundred Twenty Thousand Dollars and 00 Cents) shall be submitted to the BLM Bishop Field Office. The bond will be maintained for the term of the right-of-way (ROW) grant or until such time that the BLM authorized officer determines that the bond is no longer needed (Decision for ROW Grant Issuance CACA 054155).
3. Approximately 17 acres within the right-of-way (ROW) are reserved for phased treatment, if needed, due to sensitive environmental resource concerns. If project effectiveness monitoring indicates that treatment of the reserved area is required to achieve minimum air quality standards and/or to protect sensitive environmental resources, the District shall consult with the BLM and other affected interests to determine the appropriate treatment measures to be applied. No treatment in the reserved area may occur without subsequent written authorization from the BLM authorized officer. A map of the reserved area is on file at the BLM Bishop Field Office and incorporated into this ROW by reference.
4. All straw bales used at the dunes must be certified as weed free to minimize the threat from invasive weeds (EA pg. 2-8).
5. After the project maintenance period of approximately 3 years, when the plants are expected to be established, any non-organic material used to bind the straw bales shall be removed from the project area and disposed of properly in a landfill or recycled to avoid the potential of litter in the project area (EA pg. 2-8).
6. Protective structures for the plants shall be removed within 3 years of installation or when the plants begin to outgrow the structure (EA pg. 2-12).

7. The District shall work with representatives of the local Native American tribes, to include their participation, to the maximum extent practicable, in the installation of the plants, particularly in sensitive areas (EA pg. 2-10).
8. The District shall periodically keep the BLM apprised of dust abatement progress and fully share dust and other project effectiveness monitoring results (EA pg. 2-16).
9. If metal irrigation pipes are used, they shall be painted a color that blends in with the surrounding landscape. If black plastic pipe is used, any areas where the black pipe is considered a visible nuisance shall be manually covered with sand or painted or camouflaged in a manner that eliminates or minimizes visibility from the highway (EA pg. 4.1-18). The trunk lines shall be painted a color that blends in with the surrounding landscape. The water tank shall also be painted a color that blends in with the surrounding landscape, likely a dull dark olive green or grey.
10. Construction equipment shall be turned off when not in use. The construction contractor must be required to ensure that all equipment is properly maintained. All vehicles must utilize exhaust mufflers and engine enclosure covers (as designed by the manufacturer) at all times (EA VI.I, Sec. 2.1.5.3).
11. A Worker Education and Awareness Program (WEAP) shall be implemented in cooperation with BLM Bishop Field Office archeologist to avoid and minimize potential impacts to sensitive resources in the project area. The WEAP will train workers on cultural sensitivity and the areas of environmental concern that are off-limits to all construction personnel and equipment. The WEAP will also describe the required notification process should human remains be discovered by workers in the project area (EA VI.I, Sec. 2.1.5.3). All workers are required to complete the WEAP and sign an Archeological Resources Protection Act (ARPA) awareness form provided by the BLM before they are allowed to access and work in the project area.
12. The Worker Education and Awareness Program (WEAP) shall also be used to educate workers that: 1) alcohol, firearms, and illegal drugs are prohibited in the project area, and 2) pets are prohibited in the project area to prevent the harassment or mortality of native wildlife or the destruction of habitat (EA VI.I, Sec. 2.1.5.3).
13. All trained workers shall be given a sticker that must be affixed to their hardhat and must be visible at all times when working in the project area. A list of trained workers shall be kept on site, and must also be on file with the District and the BLM (EA VI.I, Sec. 2.1.5.3).

14. Dust emissions shall be controlled and minimized through development and of a Fugitive Dust Control Plan, to comply with District Rules 400 and 401 through the application of Best Available Control Measures during project implementation. All vehicles and equipment used on site must be maintained in good condition. ATVs are restricted to travel at less than 15 mph to minimize dust levels (EA VI.I, Sec. 2.1.5.3).
15. No alteration of drainages is allowed (EA VI.I, Sec. 2.1.5.3).
16. Restoration of disturbed areas, including staging areas and the temporary access routes, shall occur at the end of the first 3 years of the project. Restoration will include de-compaction and smoothing of staging areas, followed by broadcast seeding (with a seed mixture approved by the BLM Bishop Field Office) and raking done by hand. Erosion control best management practices will remain in place, or be repositioned, around the staging areas. Seeding shall be appropriately timed for optimal germination, such as late fall or late winter/early spring. The temporary access routes between the staging areas and the project area will not be de-compacted, but will be smoothed, seeded, and raked in the same manner as the staging areas (EA VI.I, Sec. 2.1.5.3).
17. A pre-construction archeological survey shall be undertaken by the District, in consultation with the BLM and in the presence of a Tribal monitor, no sooner than 21 days prior to project implementation. The results of the survey will be used as the basis for development of the final site plan, which must be approved by the BLM prior to any project construction activities (EA VI.I, Sec. 2.1.5.3).
18. A Tribal monitor must be present during all stages of project construction and termination (EA VI.I, Sec. 2.1.5.3).
19. A qualified archeologist must be present during all work to ensure that no cultural deposits are adversely affected by the transport and placement of the irrigation line, straw bales, vegetation or other project elements (EA VI.I, Sec. 2.1.5.3).
20. An Inadvertent Discovery Plan shall be submitted to the BLM for approval prior to construction and must include the following: an overview of the project; regulatory context; professional qualifications; definition of resource types (prehistoric and historic); avoidance and preservation; monitoring plan; discovery protocols; management and treatment of human remains; data management and curation; references; and attachments. Attachments must include a map of avoidance areas, daily monitoring forms, and contact list (EA VI.I, Sec. 2.1.5.3).
21. Temporary restrictions to control public access to the project area for casual (passive) recreational purposes shall be in place during hours when active construction is under way. Public access during construction and subsequent project monitoring shall be managed by the placement of appropriate signage.

Signage shall be developed in consultation with the BLM Bishop Field Office and the City of Los Angeles Department of Water and Power and placed to direct individuals away from the construction and dust control areas to a corridor located east of the dust control areas and parallel to California State Route 136 (EA VI.I, Sec. 2.1.5.3).

22. The District shall provide a comprehensive, adaptive Weed Control Plan for review and approval by the BLM. The purpose of the plan is to minimize the establishment and spread of non-native and invasive weed species within the project area (EA pg. 2-11). Minimum requirements for the Weed Control Plan shall include (EA VI.I, Sec. 2.1.5.3):

o Preventative Measures:

a. All landscaping and restoration seeds and plant materials shall be certified weed free.

b. All straw materials shall be certified weed free.

c. Selection of staging areas and the temporary access route shall be done in a way that minimizes disturbance of vegetation.

d. Areas of temporary disturbance shall be vegetated with local native plant species as soon as construction is complete to reduce erosion and inhibit the establishment of invasive weeds.

e. Vehicles and equipment shall be cleaned (with water or high-pressure air) prior to commencing work in off-road areas. Vehicles and equipment shall be cleaned at existing construction yards, legally operating car washes, or on-site washing station(s) at project access points. Once equipment and vehicles have been staged on site, no further washing is required unless the vehicles or equipment are exposed to populations of nonnative and invasive weeds present on the site or if the equipment leaves the site for a different project and then returns to continue work. The contractor shall document that all vehicles have been washed prior to entering the project/work area. A written log shall be kept for all vehicle/equipment washing that states the date, time, and location of washing; type of equipment washed; washing methods used; and staff present during washing of equipment. The log shall include the signature of a responsible staff member. Logs shall be available to the BLM for inspection at any time and shall be submitted to the BLM upon request.

o Control Measures

a. Species-specific control procedures shall be developed for high-priority invasive weeds (as determined through consultation with the BLM staff), including non-native *Sa/sola* species.

b. Potential weed-control methods shall include physical or mechanical removal, and/or environmental control. Methods shall be approved by the BLM prior to weed control.

- c. Weeds shall be removed by the District during the implementation of dust control measures as part of the project. Removal methods shall be approved by the BLM prior to implementation.
- d. A long-term schedule shall be established for regular weed control throughout the project/work area.
- e. A regular weed-control program shall be established that uses approved procedures, properly maintained equipment, and safety gear.
- f. Monitoring and follow-up shall be conducted in accordance with the project's operational long-term effectiveness monitoring described in the section below.
- g. Annual monitoring shall be conducted to assess weed presence and the success of control measures.
- h. Remedial (follow-up) control measures shall be implemented by the District under the direction of the BLM if previous procedures have not achieved eradication or control objectives.

- o Reporting

- a. A final report shall be prepared and submitted to the BLM Bishop Field Office at the end of the project construction phase. The report shall document the implementation of the Weed Control Plan, including the outcome of the weed control measures and recommendations for changes to improve rates of success.

23. Construction must comply with the National Pollution Discharge Elimination System (NPDES) Program administered by the California Regional Water Quality Control Board, Lahontan Region, as they relate to avoiding impacts from storm water runoff during construction. Prior to project implementation, the District shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and incorporate best management practices (BMPs) consistent with the guidelines provided in the *California Storm Water Quality Handbooks: Construction Site Best Management Practices Manual*. Should the construction period occur during rain events, supplemental erosion and sediment control measures may be implemented, including, but not limited to, the use of (EA VI.I, Sec. 2.1.5.3):

- o Mulching
- o Geotextiles and mats
- o Earth dikes
- o Temporary drains and gullies
- o Silt fencing
- o Straw-bale barriers
- o Sand-bag barriers
- o Brush or rock filters
- o Sediment traps
- o De-silting basins

24. A Hazardous Materials Business Plan (HMBP) and Spill Prevention Control and Countermeasure (SPCC) program shall be developed and must include all applicable statutes and regulations. The project contractor shall submit the HMBP and SPCC program to Inyo County for review and approval. The project contractor shall demonstrate approval of the HMBP and SPCC by Inyo County to the District and the BLM prior to the use, storage, and handling of hazardous materials in conjunction with construction or operation of the project. Only personnel trained in refueling vehicles are allowed to engage in such activities (EA VI.I, Sec. 2.1.5.3).
25. All waste, including trash, litter, garbage, and any other solid waste generated by the project shall be removed to a disposal facility authorized to accept such materials. Commercial garbage collection and hauling may be contracted to remove waste and recyclable materials. During project activities, all waste must be stored in a manner that wildlife cannot access it (EA VI.I, Sec. 2.1.5.3).
26. In the event that straw bales with non-degradable binding are used for the project, at the end of the project maintenance period, plastic or other non-degradable binding materials shall be removed from all bales and be collected and removed from the project area. This waste must be taken to a disposal facility authorized to accept such materials or be recycled (EA VI.I, Sec. 2.1.5.3).
27. Portable toilets for on-site personnel shall be provided at staging areas 1, 2, and 3 and removed for each 30-day period when on-site personnel are not scheduled to be present (EA VI.I, Sec. 2.1.5.3).
28. If prior to or during construction of the project Special Status Plants/BLM Designated Sensitive Plants are found (on public land administered by the BLM) in the project area they must be avoided and/or impacts must be fully mitigated under the guidance of the BLM (EA VI.I, Sec. 2.1.5.3).
29. If project activities occur during the migratory bird nesting season (March 15 - July 30), a nesting bird survey shall be conducted at least one week before the onset of construction to determine the presence or absence of nesting birds. If nesting birds are observed, work activities shall be avoided within 100 feet of active nests until it has been determined that the young have left the nest (EA VI.I, Sec. 2.1.5.3).
30. Prior to removal of the irrigation pipeline system, the BLM must be consulted regarding the best method and extent of pipeline removal.

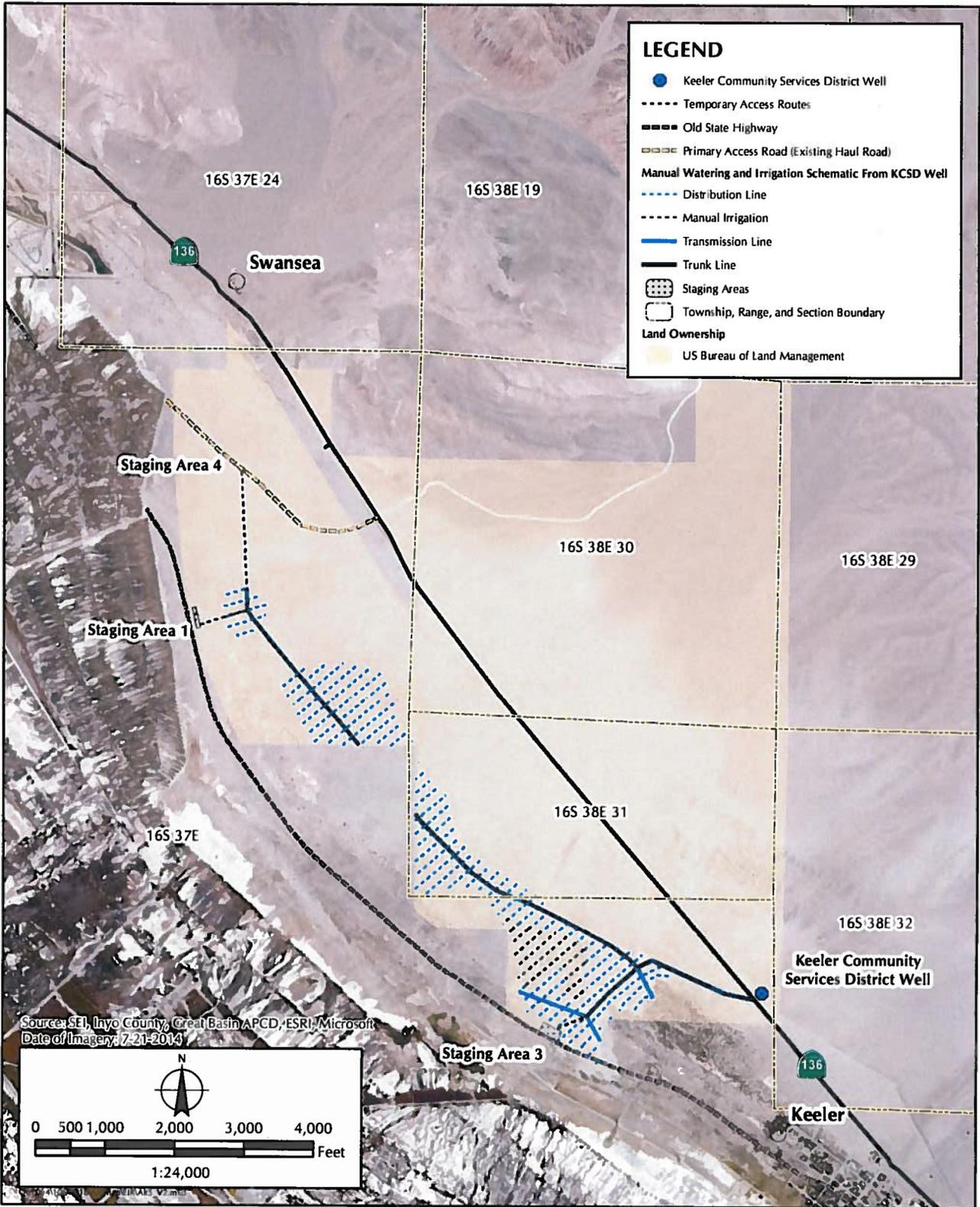


EXHIBIT C
Keeler Dunes Dust Control Project
BLM Right of Way CACA 054155*
August 11, 2014
 *Map shows portion of project located on BLM public land