

STANDARD STIPULATIONS

N- 79742

1. In the event that the public land underlying the easement encompassed in this grant is conveyed out of Federal ownership, Grantor waives any right it has to administer the easement within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2880, including any rights to have the Grantee apply to Grantor for amendments, modifications, or assignments and for Grantor to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, Grantor's successors and assigns shall succeed to the interests of the Grantor in all matters relating to the easement within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the easement shall be considered a civil matter between the Grantee and the Grantor's successors and assigns.
2. Holder means any party granted this right-of-way and/or temporary use permit, its agents, contractors, representatives, or other persons directed by holder to construct, maintain, repair, restore, relinquish, abandon, modify, rehabilitate, or terminate this right-of-way, and holder's successors, or assigns.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
5. The holder shall maintain the right-of-way in a sanitary condition at all times during construction, maintenance or other operations during the term of this right-of-way. Any waste material, to include all discarded matter, will be disposed of promptly at a State of Nevada approved sanitary landfill site by the holder. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
6. The 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. (1982) with regards to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, 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.
7. The holder of Right-of-Way No. N-79742 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 6901, et. seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et. seq.) on the right-of-way (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.

8. Any relocation, additional construction, or use that is not in accord with the right-of-way grant, shall not be initiated without prior written approval of the authorized officer.
9. The holder shall conduct all activities directly or indirectly associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. Any cultural and/or paleontological resource (historic or prehistoric site or 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.
11. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.
12. No less than 60 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The authorized officer must approve the plan in writing prior to the holder commencing any termination activities.
13. The holder shall comply with the provision of Title VI of the Civil Rights Act of 1964, and will not engage in any discriminatory actions prohibited by 43 CFR Part 17, to the end that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the holder has received a Federal authorization.
14. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
15. Prior to entering public lands, the contractor, operator, or permit holder will provide information and training regarding noxious weed management and identification to all personnel who will be affiliated with the implementation and maintenance phases of the project. The importance of preventing the spread of weeds to uninfested areas and importance of controlling existing populations of weeds will be explained.

16. To eliminate the transport of vehicle-borne weed seeds, roots, or rhizomes all vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; for emergency fire suppression; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagules. All such vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Cleaning efforts will concentrate on tracks, feet and tires, and on the undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Field Office Weed Coordinator or designated contact person.
17. Removal and disturbance of vegetation would be kept to a minimum through construction site management (e.g. using previously disturbed areas and existing easements, limiting equipment/materials storage and staging area sites, etc.)
18. Mixing of herbicides and rinsing of herbicide containers and spray equipment would be conducted only in areas that are safe distance from environmentally sensitive areas and points of entry to bodies of water (storm drains, irrigation ditches, streams, lakes, or wells).
19. Methods used to accomplish weed and insect control objectives would consider seasonal distribution of large wildlife species.
20. No noxious weeds will be allowed on the site at the time of reclamation release. Any noxious weeds that become established will be controlled.
21. In accordance with Instruction Memorandum (2008-050) dated 12/18/2007, actions which have the potential to affect migratory bird species of concern must be minimized or avoided. Most migratory birds nest between May 15 to July 15, but dates will be adjusted for the species present in the area and the specific proposed activity. Activities may not occur during this period without special authorization, and only after breeding bird surveys have been conducted by the field office wildlife team. If you wish to conduct activities during this period, you must notify the Ely Field Office wildlife team a minimum of 30 days prior to the day you wish to begin in order for the required survey to be conducted. Authorization for construction during this breeding period would be contingent on the findings of the survey.