ITEM # 8

FORM 2800-14
(August 1985)

Issuing Office
Grand Staircase-Escalante
National Monument

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT RENEWAL

SERIAL NUMBER UTU-55664

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1. A right-of-way 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).

2. Nature of Interest:

   a. By this instrument, the holder:

      Kane County
      76 North Main Street
      Kanab, Utah 84741

      receives a right to construct, operate, maintain, and terminate a road right-of-way on public lands described as follows:

      T. 41 S., R. 5 W., Salt Lake Meridian, Kane County, Utah
      Section 11: SW1/4NE1/4, N1/2NW1/4, NE1/4SE1/4NW1/4, NW1/4SE1/4, E1/2SE1/4;
      Section 12: SW1/4SW1/4SW1/4;
      Section 13: NW1/4, NE1/4SW1/4, Lot 5;
      Section 24: SE1/4NW1/4, NW1/4SW1/4, Lot 3;
      Section 25: W1/2NW1/4, NW1/4SW1/4;
      Section 26: SE1/4SE1/4;
      Section 35: E1/2E1/2;

   b. The right-of-way or permit area granted herein is a mostly paved portion of Johnson Canyon Road that is 66 feet wide, 30,624 feet (5.8 miles) long and contains 46.400 acres, more or less.

   c. This instrument shall be perpetual, 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.

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, ashes, wires, and equipment.

g. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the terms in the right-of-way application and exhibits which were submitted with the application. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. 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.

h. **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.

In addition, Kane County assumes the responsibility for archaeological sites 42KA2665, 2666, 2667, and 2668, and will continue to maintain the road to avoid additional impacts to these sites. Kane County assumes the cost of mitigating damages should their construction or future maintenance activities impact any of the subject four sites. Site mitigation, if required, will be determined by the Bureau of Land Management in consultation with the State Historic Preservation Officer.

i. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall 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 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.

j. 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).

k. The holder shall protect all survey monuments found within the right-of-way. Survey monuments

to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

r. The holder of Right-of-Way No. **UTU-55664** 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. 9601, 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.

s. **Timing Stipulation**: Due to the existence of crucial mule deer winter habitat within this right-of-way, construction, maintenance, and other surface-disturbing activities between November 15 and April 15 require prior written approval from the authorized officer before work begins. This prior approval will be in the form of a *Notice to Proceed.* Emergency maintenance may be permitted during this time on a case-by-case basic only after seeking approval from the authorizing officer.

t. **Rehab Stipulation**: At the conclusion of construction or ground-disturbing maintenance, staging areas and disturbed areas should be reseeded with a seed mix approved by the BLM to the satisfaction of the authorizing officer.

u. Holder shall coordinate all ground-disturbing activities with Blue Stakes and the holders of other valid existing rights within the right-of-way project area, and specifically with Kane County Water Conservancy District, which operates a buried water pipeline in the vicinity under right-of-way number UTU-83081.

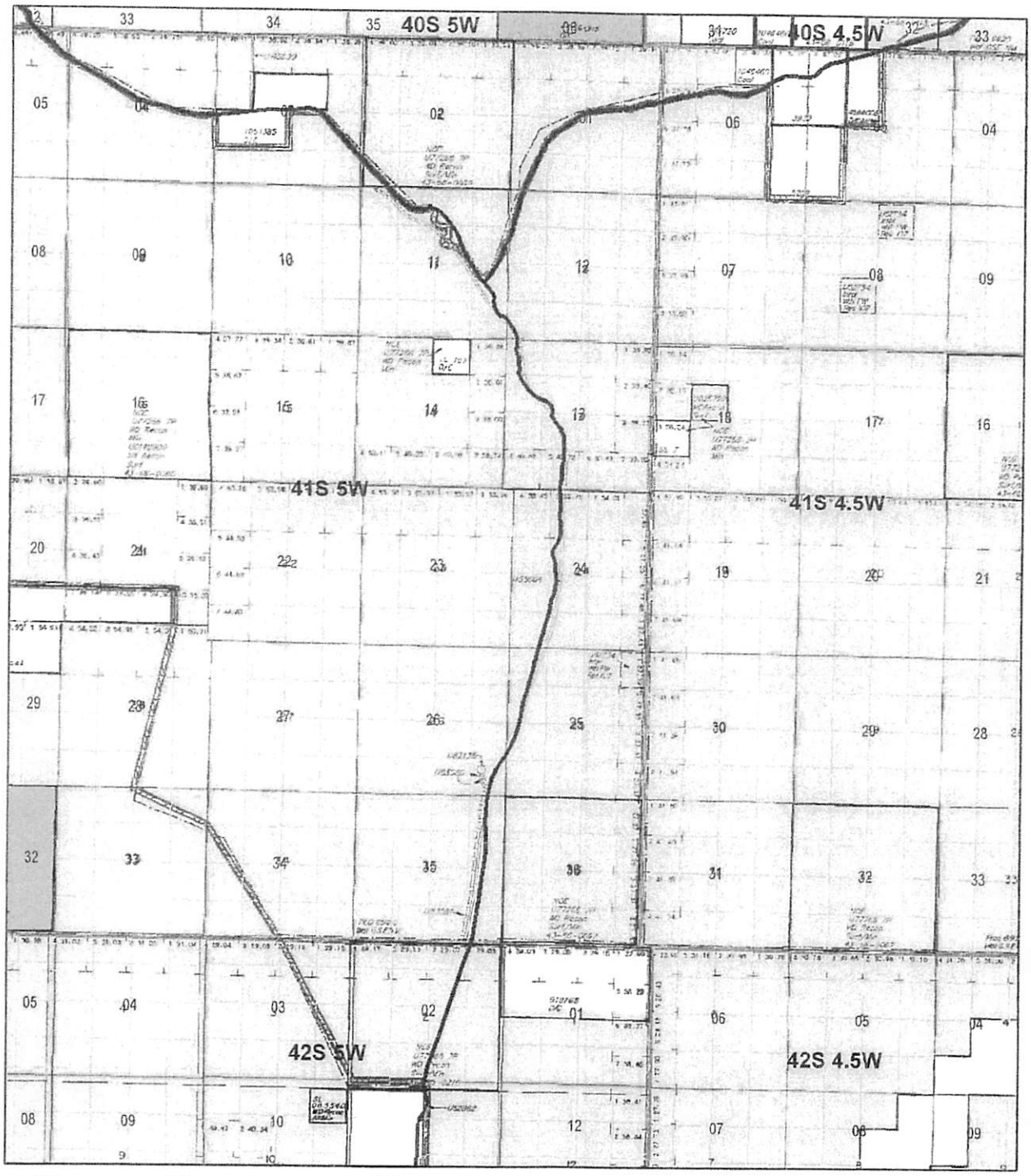
v. Clearing of vegetation from within the right-of-way will be limited to that area necessary to construct, operate, maintain, and terminate the road.

w. Changes to the existing route or facilities beyond routine maintenance, including paving the portion of the right-of-way north of the intersection with Skutumpah Road, would require an amendment application and additional site-specific NEPA before any proposed changes could be authorized.

UTU-55664 Renewal Overview Plat

April 2016

BLM



BLM | BLM Wilderness | National Forest | National Park | State | Private

BLM WSA

UTAH

N

0 0.5 1 Miles

0 0.75 1.5 Kilometers

Projection: Transverse Mercator
Coordinate System: UTM
Datum: North American Datum of 1983 (NAD 83)

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KANAB FIELD OFFICE