



ORIGINAL

Contract Number

19-891

SAP Number

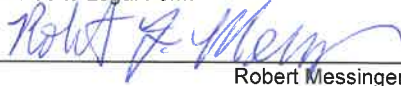
Real Estate Services Department

Department Contract Representative	Terry W. Thompson, Director Real Estate Services Department
Telephone Number	(909) 387-5252
Contractor	US Department of the Interior – Bureau of Land Management (BLM)
Contractor Representative	Sheri Ahrens, Realty Specialist
Telephone Number	(928) 505-1284
Contract Term	Effective upon execution through December 31, 2047
Original Contract Amount	N/A
Amendment Amount	N/A
Total Contract Amount	
Cost Center	

Briefly describe the general nature of the contract: This Right-of-Way Grant/Temporary Use Permit CACA 57793 grants the County the authority to operate and maintain existing Needles Highway, where it traverses withdrawn federal lands under the management of the BLM, and further grants the right to use a mixing table for road maintenance purposes, and the future right to construct, operate, maintain and terminate Needles Highway pursuant to the Needles Highway Roadway and Drainage Improvement Project at no cost.

FOR COUNTY USE ONLY

Approved as to Legal Form

► 
Robert Messinger,
Principal Assistant County Counsel

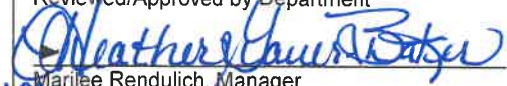
Date 12-10-19

Reviewed for Contract Compliance

► _____

Date _____

Reviewed/Approved by Department

► 
Marilee Rendulich, Manager

Date 12/9/19

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
Lake Havasu (AZC030)

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Serial Number
CACA 57793

1. A (right-of-way) or (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 San Bernardino County - Department of Public Works receives a right to construct, operate, maintain, and terminate a road by the name of "Needles Highway" and a mixing pad on public lands described as follows:

San Bernardino Meridian, CA

T. 9 N. R. 22 E.,

Section 2, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 13, Lots 3, 4, 9, and 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$; (mixing table)

Section 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$; (mixing table)

T. 10 N. R. 22 E.,

Section 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 35, Lots 2, 3, and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

T. 11 N. R. 21 E.,

Section 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 11, Lot 1;

Section 14, Lots 4, 5, 6, and 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 15, Lot 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 23, Lots 9 and 10;

Section 35, Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 36, lot 1.

Tract 39;

Tract 43.

- b. The right-of-way or permit area granted herein is 600 feet wide, 7.06 miles long and contains 494.071 acres, more or less. A site type facility (mixing table) is included, the facility is 100 feet wide and 1,251.196 feet long.
- c. This instrument shall terminate on December 31, 2047, 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 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 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 Exhibit(s) A and B, dated July 18, 2018, 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.

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.

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)

Curt Hagman, Chairman, Board of Supervisors
(Title)

Field Manager
(Title)

DEC 17 2019

(Date)

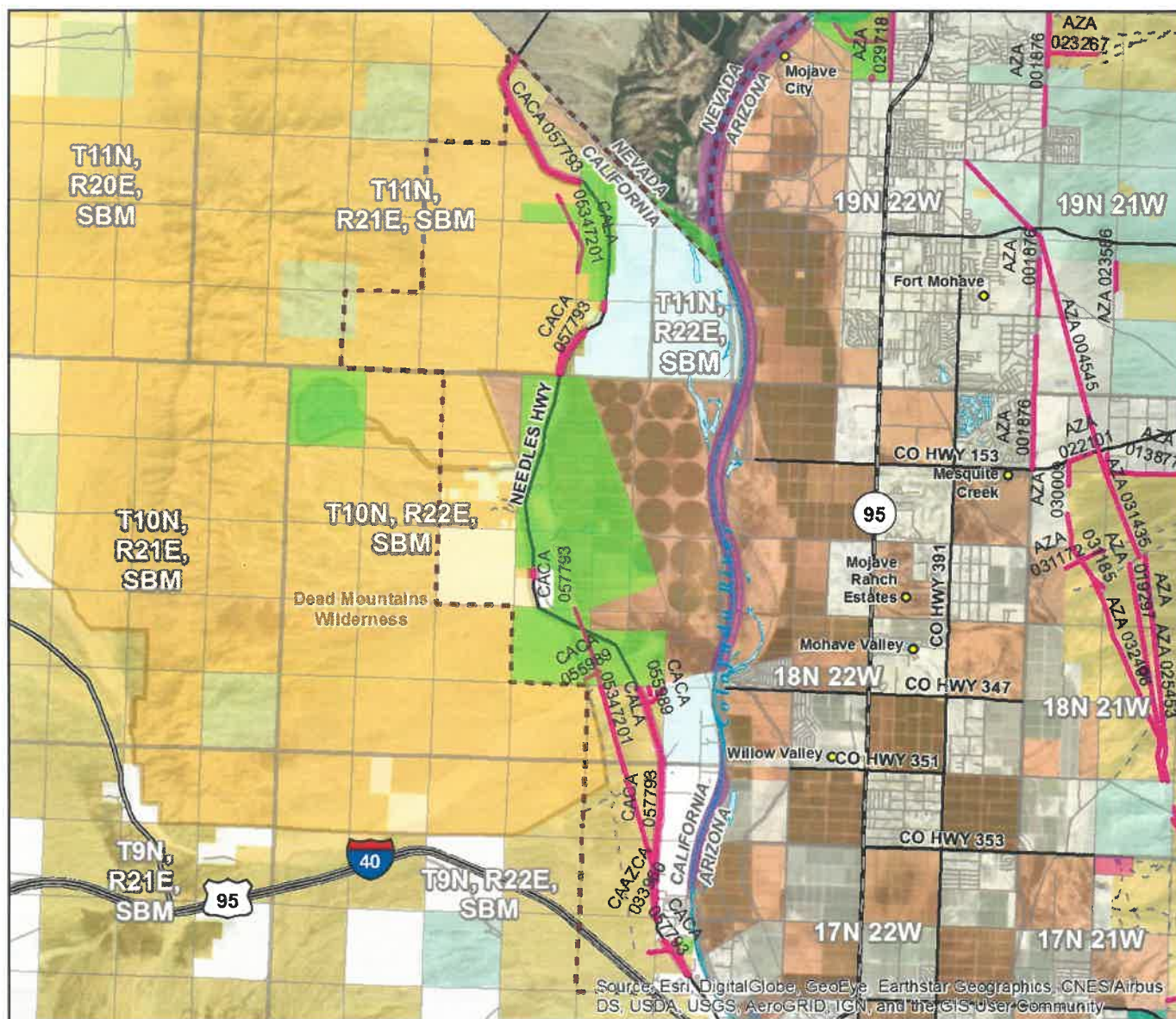
(Effective Date of Grant)

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD.
LYNNA MONELL
Clerk of the Board of Supervisors
of the County of San Bernardino

By _____

Deputy





Map Location within the Lake Havasu Field Office

CACA 57793 San Bernardino Co. Public Works - Needles Hwy

Colorado River District - Lake Havasu Field Office

TYPE

Easements	Interstate highway	Secondary Road Unpaved	Waterbody	BLM
Fee	U.S. highway	Tertiary Road Unpaved	River	Indian Lands
Withdrawn	State highway		Township / Range	Private
Authorized Use Point	County Routes		Section	State
Authorized Use Line	Minor Routes			State Wildlife Area
Authorized Use Polygon				
Town				
Field Office boundary				
State boundary				



Author: sahrsns
 File: CACA 57793_SBC_Needles_Hwy
 Date: 7/16/2019
 Coordinate System: NAD 1983 UTM Zone 12N



Field Office boundary

DISCLAIMER: The Bureau of Land Management (BLM) makes no representations or warranties regarding the accuracy or completeness of this map. This map does not address questions which an accurate survey may disclose. This map is representational and is to be used as an illustration only. This map and the data from which it was derived are not binding on the BLM and may be revised at any time in the future. The BLM shall not be liable under any circumstances for any damages with respect to any use of this map or the data from which it was derived. Routes depicted on non-BLM lands are displayed for information purposes only and do not grant access to non-BLM lands.



U.S. DEPARTMENT OF THE INTERIOR
**BUREAU OF LAND
 MANAGEMENT**

San Bernardino County Stipulations per Environmental Assessment:

- Traffic and Transportation/Pedestrian and Bicycle Facilities - The following measure will be implemented to further avoid and minimize impacts during construction (TRA-Traffic):
 - TRA 1-A comprehensive Transportation Management Plan (TMP) will be required to minimize the traffic impact due to construction activities. Some of the elements that will be included are public awareness campaign (PAC), Construction Zone Enhancement Enforcement Program (COZEEP), portable changeable message signs, and radar speed message sign.
- Visual/Aesthetics - Visible physical changes that are expected to occur within most of the project segments include new pavement surfaces, addition of paved shoulders, drainage culverts, and graded swales pavement restriping, the addition of guardrails and additional informational signage. In addition, in Segments 1, 2, and 3 the roadway would be realigned to improve the horizontal and vertical geometry of the roadway. The horizontal realignment would result in limited vegetation removal and in some locations cutting or filling of the natural terrain.
 - VIA-1-Areas where the current roadway would be removed and realigned, the topography will be graded to match existing surrounding contours to appear more natural. Cut and fill will be kept to the least limits feasible.
 - VIA-2-Where cuts are required; the slopes will be graded to look like naturally occurring contours.
 - VIA-3- Apply rock stain to new slopes that expose un-weathered rock, and galvanized surface stain to all galvanized surfaces to minimize glare.
 - VIA-4-The use of standard BMPs (screening, good housekeeping, phasing to minimize disturbance) will be implemented to reduce the temporary effects of construction activities.
 - VIA-5-Staging areas will be located in areas that have previously been disturbed or developed.
 - VIA-6-Vegetation removal will be minimized to the least extent possible. Vegetation loss will be replaced using on-site restoration. If needed, additional restoration will occur off-site in areas where similar desert habitat exists.
- Cultural Resources - Twenty-three historic properties identified within private and public lands portions of the Alternative 5 will be protected in place during project construction through the establishment of an ESA according to Stipulation VII.C.3 of Section 106 PA. Only one historic property identified within the tribal lands portion of the project lies within the Alternative 5 and will be protected in place during construction. The following measures will be implemented to protect cultural resources in place, and prevent any impacts (CUL- Cultural):
 - CUL-I-Establish ESAs: In accordance of Section 106 PA Stipulation VIII.C., historic properties identified within the non-tribal portions of the project will be protected in place during construction through the establishment of ESAs. An archaeologist meeting the Department of Interior standards as a principal investigator must be contracted and a

qualified archaeological monitor will be present to monitor ESAs during project construction.

- CUL-2- Establish Archaeological Monitoring Area (AMA): AMAs are areas within the construction limits where access is allowed, but work is subject to archaeological monitoring. An AMA will be established within the construction limits along non- tribal portions of Segments 1, 2 and 3 of the project alignment. A qualified archaeological monitor must be on site to monitor all job site activities within the AMA. No work will be allowed within the AMA unless an archaeological monitor is present. If archaeological resources are discovered within the AMA all work within a 60-foot radius must stop so that the discovery area may protected and the Engineer and principal investigator must be notified. The principal investigator will assess the nature and significance of the find. Work within the discovery area may not resume until authorized by the principal investigator and Engineer.
- CUL-3 - In the event of a change in the project location, or an unanticipated discovery on non-tribal lands portions of the project, the principal investigator will be contacted so that cultural resources can be evaluated and appropriate measures taken in accordance with 36 CFR Part 800.
- CUL-4-In the event of a change in the project location, or an unanticipated discovery on tribal lands portions of the FMIT's Cultural Resources Director and the BIA's Regional Archeologist will be contacted so that cultural resources can be evaluated and appropriate measures taken in accordance with 36 CFR 800.
- CUL-5-An on-call archeological tribal monitor shall be present during construction for inspections of activities involving subsurface trenching. In the event cremation remains or cultural materials are inadvertently discovered the tribal monitor and FMIT will notify the Ahamakav Cultural Society.
- Construction Impacts Construction activities under build alternative would disturb 262.2 acres of soil along Needles Highway between "N" Street in the City and the California-Nevada state line. Pollutants of concern during construction include sediments, trash, petroleum products, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on surface water quality, aquatic habitats, and groundwater quality. During the construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion compared to existing conditions. Additionally, during a storm event, soils would be exposed to potential mobilization by rainfall/runoff; therefore, soil erosion and sediment releases could occur at an accelerated rate. The following measures will be adopted as part of this project to avoid and minimize impacts to water quality and storm water (WQ-Water Quality):
 - WQ-1-Consistent with NPDES permit requirements as well as with County and state standards, selected Construction, Design Pollution Prevention, and Post- Construction BMPs will be incorporated into the final design of the Needles Highway project. The County will also implement long-term maintenance BMPs.
 - WQ-2-The County will comply with the provisions of the National Pollutant

Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities and any subsequent permit as they relate to construction activities for the project. This will include:

- Submission of the Permit Registration Documents, including a NOI, site map, SWPPP, annual fee, and signed certification statement to the SWRCB at least 14 days prior to the start of construction.
- The SWPPP will meet the requirements of the COP and will identify potential pollutant sources associated with construction activities; identify non-storm water discharges; and identify, implement, and maintain BMPs to reduce or eliminate pollutants associated with the construction site.
- The BMPs identified in the SWPPP will be implemented during project construction. A Notice of Termination (NOT) will be submitted to the SWRCB upon completion of construction and stabilization of the site.
- The County will implement erosion control, sediment control, non-storm water management, run-on and runoff controls, and good site management housekeeping practices.
- WQ-3-If dewatering is required to construct the proposed project, dewatering activities shall be subject to requirements of the Dewatering Permit from the Colorado River Basin RWQCB. Dewatering activities associated with tribal land is subject to the EPA's NPDES Construction Permit, CAR1200001.
- WQ-4-For construction activities on tribal land, the project shall comply with the provisions of the COP (CGP Number: CAR 120001). The COP requires compliance with effluent limits and other permit requirements, such as the development of a SWPPP. Construction operators intending to seek coverage under EPA's CGP must submit a NOI certifying that they have met the permit's eligibility conditions and that they will comply with the permit's effluent limits and other requirements. To submit the NOI, the operator should use the "electronic NOI system".
- WQ-5-Comply with the specific requirements of section 401 as applicable to water quality, and beneficial uses.
- Geology/Soils/Seismic/Topography - The following avoidance and minimization measures are required for this project (GEO-Geology):
 - GEO-1-The materials and methods used for pavement construction should conform to the latest edition of the SSPWC.
 - GEO-2-All vegetation, trash, debris, and no-engineered fill shall be excavated and removed down to competent ground prior to placement of compacted fills. Estimated depth of removal shall be based on evaluation by the Geotechnical Engineer.
 - GEO-3-Geotechnical engineer should be contacted to provide observations and testing during the clearing and grubbing of the site; demolition of any existing structures, buried utilities, or other existing improvements; excavation and over excavation of compressible soils; all phases of rough grading including over excavation, pre-compaction, benching, filling operations, and cut slope excavation; and when unusual conditions are encountered during grading.

- GE0-4-After the completion of rough grading, geotechnical engineer should provide observation and testing during trenching and backfilling operations of buried improvements and utilities backfill; prior to placement of reinforcing steel or concrete within footing trenches; and during fine or precise grading for placement of concrete flatwork.
- GE0-5-Excavation from quarries and borrow areas would be designed and performed in a manner that optimizes resource removal. Borrow areas would be reconstructed to 4:1 slopes.
- Paleontology-In order to avoid, minimize, or mitigate any potential impacts, the following steps are required for construction excavation (PAL-Paleontology):
 - PAL-I-A trained paleontological monitor will be present during ground-disturbing activities within the project area in sediments identified in the PRIE Report to likely contain paleontological resources. If paleontological resources are located during excavation, the monitor will be authorized to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor will be equipped to rapidly remove any large fossil specimens encountered during excavation.
 - PAL-2-During monitoring, samples will be collected and processed to recover fossils. Processing will include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.
 - PAL-3-Upon encountering a large deposit of bone, salvage of all bone in the area will be conducted with additional field staff and in accordance with modern paleontological techniques.
 - PAL-4-All fossils collected during the project will be prepared to a reasonable point of identification.
 - PAL-5-Excess sediment or matrix will be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified will be provided to the museum repository along with the specimens.
 - PAL-6-A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared to document findings from monitoring activities.
 - PAL-7-All fossils collected during this work, along with the itemized inventory of these specimens will be deposited in a museum repository for permanent curation and storage.
- Hazardous Waste or Materials - The following measures are required during final design, and prior to beginning of project construction (HAZ-Hazardous):
 - HAZ-1-Test the projects proposed right-of-way limits for presence of ADL. Depending on the amount present, appropriate handling and disposal of this hazardous material, will be required. Should the soil exceed lead concentrations specified in Section 25157.8 of the California Health and Safety Code, appropriate measures must be taken to insure proper disposal at a permitted off-site disposal facility.
 - HAZ-2-Removed yellow traffic striping and pavement-marking material must be tested. If the pavement-marking materials are found to contain hazardous waste then removal of said paint should follow standards and regulations.
 - HAZ-3-Determine if groundwater will be impacted during construction. A Site Assessment (SI) for potentially contaminated groundwater as well as for the former dumpsite shall be conducted if they will be impacted by right-of - way

requirements for the project. Remedial actions will be required according to requirements of the RWQCB, Colorado River Basin

- Region, consistent with NPDES.
 - HAZ-4-Conduct testing for pesticides of soil samples for properties within the project's limits. Soil samplings should be done in accordance with DTSC. Based on the testing results, the appropriate way to handle and dispose of the soil will be determined.
 - HAZ-5-Utility search should be conducted, and any utility owners should mark the location of underground utilities to prevent impacts to utilities, and the potential for hazardous material leak.
 - HAZ-6-If any hazardous waste is encountered during project construction activities, all work will be stopped in the affected area, and the appropriate agency, and trained personnel will be contacted for handling the waste.
 - HAZ-7-If a batch plant is to be located on FMIR's rock quarry and borrow sites; appropriate storage and usage procedures of petroleum products associated with the plant will be implemented to prevent spill or contamination. A spill containment and emergency response plan will be prepared to prevent contamination in case of spill during use and storage.
- Air Quality - Implementation of the following measures, some of which may also be required for other purposes such as storm water pollution control, will reduce any air quality impacts resulting from construction activities (AQ-Air Quality):
- AQ-1-The contractors shall comply with any government air pollution control rules, regulations, ordinances and statutes regarding exhaust emissions. The contractors shall maintain and operate construction equipment in a manner that minimizes exhaust emissions.
 - AQ-2-The contractors shall follow MDAQMD Rule 403 requirements to control fugitive dust. Such requirements could include the following:
 - Apply water or other dust palliative to the site and equipment as frequently as necessary to control fugitive dust emissions. Fugitive emissions generally must meet a "no visible dust" criterion either at the point of emission or at the right-of-way line depending on local regulations.
 - Spread soil binder on any unpaved roads used for construction purposes, and all project construction parking areas.
 - Wash off trucks as they leave the right-of-way as necessary to control fugitive dust emissions
 - Properly tune and maintain construction equipment and vehicles. Use low-sulfur fuel in all construction equipment as provided in CA Code of Regulations Title 17, Section 93114.
 - Develop a dust control plan documenting sprinkling, temporary paving, speed limits, and expedited revegetation of disturbed slopes as needed to minimize construction impacts to existing communities.
 - Locate equipment and materials storage sites as far away from residential and park uses as practical.
 - Keep construction areas clean and orderly.
 - Near sensitive air receptors, establish ESAs or their equivalent within which construction activities involving the extended idling of diesel equipment would be prohibited, to the extent feasible.
 - Use track-out reduction measures such as gravel pads at project access points to minimize dust and mud deposits on roads affected by

- construction traffic.
 - Cover all transported loads of soils and wet materials prior to transport, or provide adequate freeboard (space from the top of the material to the top of the truck) to minimize emission of dust (particulate matter) during transportation.
 - Promptly and regularly, remove dust and mud that are deposited on paved, public roads due to construction activity and traffic to decrease PM.
 - Route and schedule construction traffic to avoid peak travel times as much as possible, to reduce congestion and related air quality impacts caused by idling vehicles along local roads.
 - Install mulch or plant vegetation as soon as practical after grading to reduce windblown particulate in the area. Be aware that certain methods of mulch placement, such as straw blowing, may themselves cause dust and visible emission issues and may need to use controls such as dampened straw.
- Noise - Implementing the following measures would minimize the temporary noise impacts from construction (NO1-Noise):
 - NO1-1 - All equipment will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an un-muffled exhaust, and noise levels will not be allowed to exceed local ordinance requirements for construction noise.
 - NOI-2-The contractor will implement appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.
- Biological Environment - The following measures would be implemented as part of this project (BIO-Biology):
 - BIO-1-To the greatest extent possible, project design shall achieve maximum avoidance of the plant communities, specifically the Desert dry wash woodland, and Mesquite Bosque, including reducing the lateral work limits, and locating construction staging areas in areas that have been previously disturbed or developed.
 - BIO-2-Compensatory Mitigation-Compensatory mitigation will be implemented in the form of on-site habitat restoration, and/or enhancement, or off-site mitigation in the form of habitat restoration and/or enhancement in areas where similar habitat exists, as required by Regulatory Agencies.
 - Wetlands and Other Waters - It is anticipated that the project will not adversely affect water resources. With the implementation of identified measures, the construction impacts of the project will be further reduces.
 - BIO-3-Design and implement plans to avoid and minimize impacts to waters, streambeds, and riparian habitat to the least possible extent, and as required by Regulatory Permits.

- 81O-4-Obtain required permits that include CWA Section 404 permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and CDFW Code Section 1602 Streambed Alteration Agreement from the CDFW.
- Animal Species - Following are measures for species that are potentially present within the project area.
 - BIO-5-A pre-construction burrowing owl survey is required to determine the presence/absence of the burrowing owl. The pre-construction survey will be conducted according to the survey protocol provided in the CDFW Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (Staff Report) or currently accepted protocol. The survey will be conducted within 14 days prior to any ground-disturbing activities.
 - BIO-6-If the burrowing owl is found to be present during the pre-construction survey, the following avoidance measures will be implemented, as necessary and as feasible, per the guidelines of the Staff Report:
 - Avoid disturbing occupied burrows during the breeding/nesting period, from February 1 through August 31. Construction Activities within or near migratory birds nesting areas will also be avoid during this period
 - Avoid impacts to burrows occupied during the non-breeding season by resident burrowing owls.
 - Avoid direct destruction of burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking.
 - Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection.
 - Place visible markers near burrows to ensure that equipment and other machinery does not collapse burrows.
 - Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur.
 - BIO-7-In addition to the burrowing owl discussed above, to avoid potential effects to fully protected raptors and other nesting birds protected by the MBTA and CDFG Code the following measures must be followed:
 - Vegetation clearing and the majority of preliminary ground-disturbance work should be completed outside of bird breeding season (typically set as February 1 through August 31).
 - In the event that initial groundwork cannot be conducted outside the bird-breeding season, focused surveys will be conducted prior to ground-disturbing activities. Should nesting birds be found, an exclusionary buffer will be established by the biologist. The buffer may be up to 500 feet in diameter depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the biologist, and construction or clearing will not be conducted within this zone until the biologist determines that the young have fledged or the nest is no longer active.
 - BIO-8-A pre-construction survey will be conducted to determine the presence/absence of desert kit fox burrows.

- 810-9-If desert kit fox burrows are found; a passive relocation plan will be developed and implemented in coordination with the CDFW.
- Threatened and Endangered Species - The following measures are required for this project and they are documented in the USFWS Biological Opinion. All measures outlined in the Biological Opinion and future CDFW take permit will be strictly adhered to.
 - Bonytail Chub & Razorback sucker
 - BIO-10-Measures should be implemented to minimize and avoid impacts to altering the existing sediment transport into the drainage system. Permanent measures may include down gradient check dams, settling basins, and riprap to control sediment transport.
 - BIO-11-Temporary measures shall be implemented during construction to prevent impact to habitats and may include gravel bags, fiber blankets, and silt fences.
 - Arizona's Bell's Vireo
 - BIO-12-All construction-related activities shall be confined to the proposed impact boundaries by installing fencing along the boundary to prevent any construction activities from encroaching into adjacent areas. Construction access points shall be limited to the maximum extent feasible in proximity to the suitable habitat for this species.
 - BIO-13-A qualified biological monitor will be on site during all construction activities within and adjacent to suitable ABV habitat.
 - BIO-14-Immediately prior to construction, the monitoring biologist shall provide an employee education program for listed species that may be affected by project work activities for all persons who will work on site during construction.
 - BIO-15-Vegetation removal should not occur during the primary nesting season for ABV (March 31 to August 31).
 - BIO-16-If work must be conducted in these areas during this period, then pre-construction surveys shall be conducted by a qualified biologist within the project boundaries and within 100 feet from the BSA boundary, to the extent access is granted by adjacent property owners, to identify nesting birds within or adjacent to the proposed project. Preconstruction surveys for this species shall be conducted a minimum of three times on separate days after initiation of the nesting season. These surveys will be conducted within the week prior to initiation of brushing, grading, or other construction activities if these activities are initiated during the breeding season. One survey will be conducted the day immediately prior to work initiation. If active nests are observed within or adjacent to the project boundary, then a buffer is required until either the young have fledged or the nest becomes inactive. The size of the buffer shall be determined by the qualified biologist. In addition, a nest monitoring program shall be prepared and implemented to document the success of nesting activities within the established buffer should they occur.
 - Desert tortoise
 - BIO-17-The designated Field Contact Representative (FCR) is responsible for overseeing compliance with the protective stipulations and coordination with other involved regulatory agencies. The FCR will be on the project site during all project activities and will have the authority to halt activities that violate measures applicable to the proposed project. The

FCR will be a contracted biologist.

- BIO-18-FHWA/Caltrans will ensure that all construction personnel attend a worker education program presented by the authorized biologist. The program will include information on special status species within the project area, identification of these species and their habitats, techniques being implemented during construction to avoid impacts to species, consequences of killing or injuring an individual of a listed species, and reporting procedures when encountering listed or sensitive species. Construction crews, foremen, and other personnel potentially working on site will attend this desert tortoise education program and place their name on a sign-in sheet.
- BIO-19-Only biologists authorized by the Service will handle desert tortoises. Caltrans will submit the name(s) of the proposed authorized biologist(s) to the Service for review and approval at least 30 days prior to the onset of activities. Caltrans will be responsible for submitting only those names of individuals that meet the minimum standards for being an authorized biologist. No construction activities will begin until the approval of the authorized biologist(s) has been completed. The authorized biologist(s) will follow the protocols outlined in Chapter 7 of the Desert Tortoise Field Manual for handling and marking desert tortoises
- BIO-20-Prior to the start of construction, FHWA/Caltrans will require the contractor to install fencing to exclude desert tortoises from all work areas and right-of-way under the direction of an authorized biologist. FHWA/Caltrans will construct the fence according to the protocols provided in chapter 8 of the Desert Tortoise Field Manual (Service 2009). FHWA/Caltrans has committed to developing a Translocation Plan that will provide specific guidance in dealing with desert tortoises found within project area. Guidance opportunities in this translocation plan may include: moving individual tortoises the shortest distance possible to an area outside the fence where it will be safe; temporarily penning tortoises within the area surrounding its burrow or, relocating any tortoises found inside the permanent desert tortoise fence onto adjacent Bureau land. The authorized biologist will use his or her judgment regarding the best measures to use to ensure the desert tortoise does not immediately return to the area inside of the fence. The authorized biologist may contact the Service or CDFW to discuss specific situations if the need arises.
 - FHWA/Caltrans will maintain the integrity of the fence to ensure that desert tortoises are excluded from the work area during construction. The fence will be inspected weekly, but FHWA/Caltrans may adopt a different schedule, based on experience and with concurrence, I Service. FHWA/Caltrans will inspect and, if necessary, repair the fence immediately after any rainstorm that occurs during the construction period.
- BIO-21-After the fencing is installed and before the onset of ground-disturbing activities, the authorized biologist will survey the area and remove all desert tortoises following Service established survey protocols. Desert tortoises that are found inside the fenced area will be placed on the other side of the desert tortoise exclusion fence onto suitable lands identified in the translocation plan that will be developed for this. The authorized biologist will use his or her best judgment to determine the optimal location for placement of desert tortoises. The authorized biologist will follow the protocols provided in chapter 7 of the Desert Tortoise Field Manual (Service 2009) for marking and translocating desert tortoises.
- BIO-22-FHWA/Caltrans will have an authorized biologist available throughout the construction period to monitor relocated desert tortoises and to remove any additional

individuals encountered during construction. The authorized biologist will follow the protocols provided in chapter 7 of the Desert Tortoise Field Manual (Service 2009) for marking and translocating desert tortoises.

- BIO-23-Tortoises and Construction Equipment. Workers will inspect for desert tortoise under vehicles and construction equipment prior to moving them. If a desert tortoise is present, the vehicle will be moved only if necessary and if the desert tortoise will not be injured. If it is not possible to move a vehicle without injuring a tortoise, the vehicle will not be moved until the tortoise has moved out from under the vehicle or an authorized biologist has carefully moved the tortoise following project's translocation plan.
- BIO-24-No firearms, dogs, or pets will be allowed at the project site. Firearms carried by authorized security and law enforcement are exempt.
- BIO-25-Trash and discarded food items will be promptly contained within closed, raven-proof containers. Container contents will be regularly removed from the construction site to reduce the attractions to ravens and other predators of desert tortoises. Open trenches or holes will be inspected a minimum of three times per day immediately prior to backfilling.
- BIO-26-Vehicular traffic and parking at work sites and along existing roads will be conducted so as to minimize the potential for running over desert tortoises and to prevent damage to tortoise habitat. Construction vehicles will be driven and parked only within designated areas. Driving speeds will be limited to no more than 20 miles per hour on all dirt roads.
- BIO-27-Upon locating desert tortoises killed or injured by construction activities, initial notification within 24 hours of their finding must be made to the USFWS. Care must be taken in handling injured animals to ensure effective treatment, and care and in handling dead specimens to preserve biological material in the best possible state.
- BIO-28-Design Standards and Modification of Existing Drainage Facilities that allow for Desert Tortoise Ingress/Egress should be incorporated in the project design.
- BIO-29-The FHWA and the County shall coordinate with the FMIR to ensure that the operation of Tribe-owned borrow site and attendant activities outside tribal boundaries in Segment 2, north of Needles Highway, comply with desert tortoise mitigation measures in accordance with the FESA.
- BIO-30-FHW A/Caltrans will submit a post-construction report to the Service and CDFW within 30 days of the completion of work. This report will include information on the number of desert tortoises handled, injured, and killed; the results of monitoring of relocated desert tortoises; and any difficulties in implementing the protective measures.
- Compensatory Mitigation
- BIO-31-Appropriate compensatory mitigation will be made for impacts on desert tortoise habitat, as required by USFWS and CDFW permits.
- Invasive Species - The following measures will be implemented to avoid and minimize impacts that could result from invasive species to the project area as a result of construction activities:
 - BIO-32-During construction, the construction contractor shall inspect and clean construction equipment at the beginning and end of each day, and prior to transporting equipment. Consideration should be given to the use of water conservation methods.
 - BIO-33-During construction, soil and vegetation disturbance will be minimized to

the greatest extent feasible to avoid encroaching of invasive species to recently disturbed areas.

- BIO-34-During construction, the construction contractor shall ensure that all active portions of the construction site are watered a minimum of twice daily or more often when needed, to prevent excessive amounts of dust and the spread of invasive wind dispersed seeds. The construction contractor shall ensure that all material stockpiled is sufficiently contained using water or other palliatives to prevent excessive amounts of dust, and the spread of invasive wind dispersed seeds.
- BIO-35-All soil/gravel/rock, and straw/mulch/fiber rolls used for construction and erosion control will be obtained from weed-free sources.
- BIO-36-After construction, affected areas adjacent to native vegetation will be revegetated with plant species native to the vicinity and approved by the County Biologist. In compliance with the EO on Invasive Species, EO 13112, and subsequent guidance from the FHWA, the landscaping and erosion control included in the project will not use species listed as invasive.
- BIO-37- In areas of particular sensitivity, extra precautions will be taken if invasive species are found in or adjacent to the construction areas. All woody invasive species (i.e., tamarisk) will be removed from the project limits.

Bureau of Land Management Stipulations:

1. The holder shall conduct all activities associated with the construction, operation, maintenance and termination of the right-of-way within the authorized limits of the right-of-way.
2. The holder shall give written notice to the Bureau of Land Management (BLM) of any anticipated changes in the Plan of Development and management, construction timetables, and shall obtain formal approval from the BLM prior to initiating changes.
3. The holder shall remove trash, rubbish, and other construction debris shall be removed from the site and disposed of at a designated sanitary landfill, and the grounds shall be maintained in a neat and orderly manner at all times.
4. All activities directly or indirectly associated with construction, operation and maintenance shall be conducted within the limits of the approved right-of-way. This right-of-way does not allow for any surface disturbing activities outside the right-of-way area.
5. Actions other than those explicitly approved by the BLM, which result in impacts upon archaeological or historical resources, shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. As property of the United States, no person may, without authorization, excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands.
6. The holder shall immediately bring to the attention of the Lake Havasu Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation.
7. All personnel will report any sightings of desert tortoise, bighorn sheep, other wildlife species and federally listed migratory birds (such as peregrine falcon, bald eagle, brown pelican, etc.) to the Lake Havasu Field Office, Wildlife Biologist at (928) 505-1200.

8. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to Arizona Game & Fish Department at (928) 342-0091.
9. All personnel will be prohibited from approaching bighorn sheep on foot or by vehicle. Site visits to water tanks, wildlife catchments, or any other wildlife related facility are prohibited.
10. Harassment of wildlife or destruction of private and public improvements, such as fences and gates, is prohibited. The taking of any threatened or endangered plant or animal is prohibited.
11. Milkweed plant (*Asclepias* spp.) removal is prohibited to conserve monarch butterflies. If milkweed removal is required, the LHFO wildlife biologist must be notified prior to removal of milkweeds. On a case by case basis, operators may be asked to salvage and replant milkweeds.
12. Removal of trees, saguaros, or BLM sensitive plant species on LHFO managed lands must be coordinated with the LHFO Wildlife Biologist at (928) 505-1200. On a case by case basis, operators may be asked to salvage and replant removed trees, saguaros, or BLM sensitive plant species if ROW location is within sensitive habitat.

San Bernardino County:

*** = BLM Sensitive**

Algodones Dunes Sunflower	<i>Helianthus niveus</i> ssp. <i>tephrodes</i>
Aravaipa Woodfern*	<i>Thelypteris puberula</i> var. <i>sonorensis</i>
Blue Palo Verde	<i>Parkinsonia florida</i>
Desert Ironwood	<i>Olneya tesota</i>
Flannel Bush*	<i>Fremontodendron californicum</i>
Foothill Palo Verde	<i>Parkinsonia microphylla</i>
Joshua Tree*	<i>Yucca brevifolia</i>
Munz's Onion	<i>Allium munzii</i>
Parish's Onion*	<i>Allium parishii</i>
Parish's Phacelia*	<i>Phacelia parishii</i>
Peirson's Milkvetch	<i>Astragalus magdalenae</i> var. <i>peirsonii</i>
Pinto Beardtongue*	<i>Penstemon bicolor</i> ssp. <i>roseus</i>
Saguaro	<i>Carnegiea gigantea</i>
Scaly Stemmed Sandplant	<i>Pholisma arenarium</i>
Screwbean Mesquite	<i>Prosopis pubescens</i>
Smoke Tree	<i>Psoralea argophylla</i>
Western Honey Mesquite	<i>Prosopis glandulosa</i> var. <i>torreyana</i>
White Margin Penstemon*	<i>Penstemon albomarginatus</i>

13. It shall be the responsibility of the lessee to comply with the Bald and Golden Eagle Protection Act (Eagle Act) with respect to "take" of either eagle species. Under the Eagle Act, "take" includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest and disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle; (2) a decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering; or (3) nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior. Avoidance of eagle nest sites, particularly during nesting season, is the primary and preferred method to avoid a take. If an eagle is sighted during construction, the BLM Lake Havasu Wildlife Biologist should be notified (928-505-1200).

14. No hazardous material, 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, 42 U.S.C. 6901, et seq.) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the holder. The holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

The holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the holder is aware.

As required by law, holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

15. 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 right-of-way stipulations.
16. The holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the holder's use or occupancy of the right-of-way, regardless of whether the holder has actually developed or caused development to occur on the right-of-way, from the time of the issuance of this right-of-way to the holder, and during the term of this right-of-way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the holder, its agents, contractors, or third parties. If the liability is caused by third parties, the holder will pursue legal remedies against such third parties as if the holder were the fee owner of the right-of-way.

Notwithstanding any limits to the holder's ability to indemnify and hold harmless the United States which may exist under state law, the holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the holder's use or occupancy of the right-of-way regardless of whether the holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the holder and during the term of this right-of-way.

17. The holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The holder shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the holder

would cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the holder.

Prior to relinquishment, abandonment, or termination of this right-of-way, the holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

18. 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. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.
19. In the event that the public land underlying the right-of-way encompassed in this right-of-way, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, 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 right-of-way shall be considered a civil matter between the patentee/and the holder.