

UTU-87894
FORM 2800-14
(August 1985)

TOOELE COUNTY CORPORATION
CONTRACT # 110706

Issuing Office
Salt Lake Field Office

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

SERIAL NUMBER UTU-87894

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:

Tooele County
47 South Main
Tooele UT 84074

receives a right to construct, operate, maintain and terminate a trail head facility including the right to upgrade and use of the existing access road as described in the Plan of Development and Map attached, on public land described as follows:

T. 5 S., R. 4 W., SLM, Tooele County, Utah
Section 13; Portions of Lot 14.
Section 24; Portions of NE $\frac{1}{4}$ NE $\frac{1}{4}$.

b. The right-of-way or permit area granted herein for the trail head parking lot and kiosk is an irregularly shaped trapezoid as shown on the survey map in the Plan of Development, containing 23,506 square feet or .54 acres, more or less. The portion of the access road on public land is approximately 1200 feet long by 10 feet wide, containing .28 acres more or less.

c. This instrument shall terminate on December 31, 2020 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:

This grant is determined to be rental exempt under the provisions of Title 43, Code of Federal Regulations, Section 2806.14(b).

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 part 2800.
- 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 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 Exhibits A (Plan of Development) and B (Map), 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. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was approved and made part of this grant. 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.
- f. 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.
- g. 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.

Colleen Johnson
(Signature of Holder)

Commissioner
(Title)

5 July 2011
(Date)

(Signature of BLM Authorized Officer)

Assistant Field Manager, Non-Renewable
(Title)

(Effective Date of Grant)

ATTEST:

Marilyn K. Gillette
MARILYN K. GILLETTE
TOOELE COUNTY CLERK



EXHIBIT A

OPHIR CANYON TRAIL HEAD

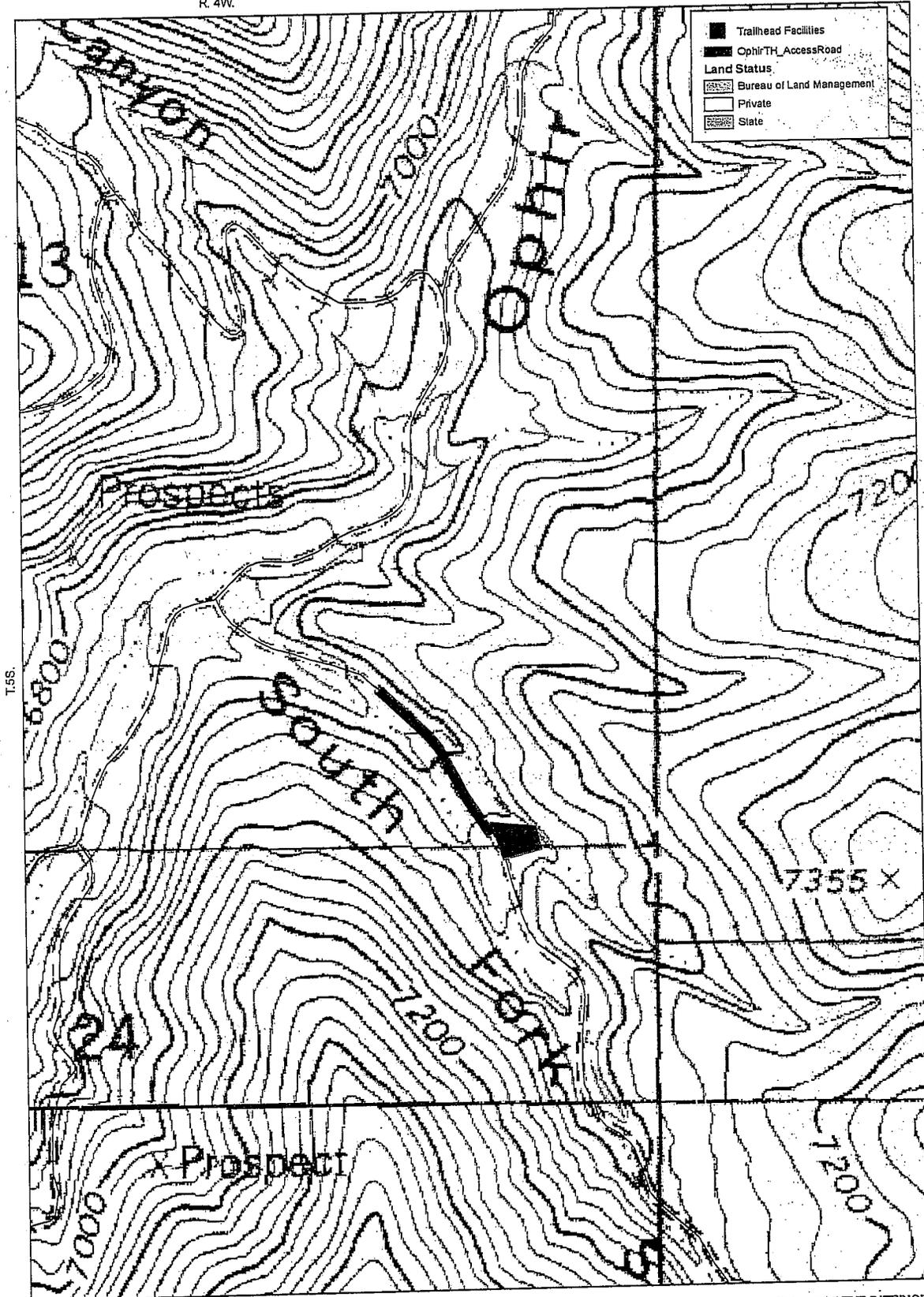
Tooele County Trails will construct a trail head in Ophir Canyon (shape file enclosed).

The trail head will be on BLM ground 2100 ft. off the main road. A parking area will be 1200 ft. It will have rail fencing on three sides with a large entrance.

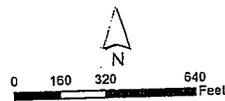
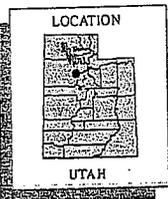
1.5 in. diameter crushed gravel will be used for the parking area. There will be directional signs from the main road to the trail head and at the trail head there will be trail information. Tooele County Trails will provide full maintenance and repair of trail head. Tooele County Sheriff's Department will provide security. Tooele County Road Shop will maintain the road. The road will be ditched and have a 4 in. deep layer of commercial road material.

29-0119
79-0001

R. 4W.



T.5S.



1:5,000

March 2011

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SALT LAKE FIELD OFFICE



This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause misalignment of data layers. Transportation network has not been verified.

EXHIBIT "C"

SPECIAL STIPULATIONS FOR RIGHT-OF-WAY GRANT UTU-87894

1. The holder shall survey and clearly mark the centerline and/or exterior limits of the right-of-way.
2. 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. Use of vehicles or equipment outside of the established boundary of the right-of-way is strictly prohibited. Any violations of this stipulation shall be grounds for termination of the right-of-way.
3. The holder shall designate a representative who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.
4. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
5. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be in the form of a written **Notice to Proceed** issued by the authorized officer's representative. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
6. The holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Only those areas where safety, absolute need for construction or other regulations may warrant the use of topsoil removal by blading or scalping. This right-of-way clearing shall be limited to the limits of the right-of-way. Suitable topsoil material removed in conjunction with clearing and stripping shall be conserved in stockpiles within the right-of-way. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation.
7. The holder shall cover construction holes to be left open over night. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
8. 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 four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
9. Construction activity and surface disturbance will be prohibited during the following periods for the protection of listed wildlife and their habitat: November 15 – April 30 big game crucial winter range March 1 – July 15 migratory bird and raptor nesting/brooding season. Any exceptions to this requirement must have prior written approval from the authorized officer.
10. The holder shall meet Federal, State, and local emission standards for air quality.
11. The holder shall re-contour all disturbed areas and obliterate all earthwork by removing embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the right-of-way.
12. The holder shall prepare a seedbed by either scarifying the disturbed area, distributing topsoil uniformly, or disking the topsoil as determined appropriate by the authorized officer.
13. The holder shall seed all disturbed areas with the seed mixture submitted to and approved in advance by the authorized officer.
14. The holder shall restore drainages, to the greatest extent possible, to the original bank configuration, stream bottom width, and channel gradient. Loose soil, fill, and culverts shall be removed from drainage channels as directed by the authorized officer.

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 grant stipulations). Equipment shall be cleaned of all caked mud, dust and plant material before entering the right-of-way area.
16. 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.
17. If during any phase of the construction, operation, or termination any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.
18. 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. The 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.
19. The holder shall protect all survey monuments found within the right-of-way. 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 recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
20. The holder or its contractors will notify the BLM of any fires and comply with all rules and regulations administered by the BLM concerning the use, prevention and suppression of fires on federal lands, including any fire prevention orders that may be in effect at the time of the permitted activity. The holder or its contractors may be held liable for the cost of fire suppression, stabilization and rehabilitation. In the event of a fire, personal safety will be the first priority of the holder or its contractors. The holder or its contractors will:
 - a. Operate all internal and external combustion engines on federally managed lands per 36 CFR 261.52, which requires all such engines to be equipped with a qualified spark arrester that is maintained and not modified.
 - b. Carry shovels, water, and fire extinguishers that are rated at a minimum as ABC -10 pound on all equipment and vehicles. If a fire spreads beyond the suppression capability of workers with these

tools, all will cease fire suppression action and leave the area immediately via pre-identified escape routes.

c. Initiate fire suppression actions in the work area to prevent fire spread to or on federally administered lands.

d. Notify the Northern Utah Interagency Fire Center (801) 908-1901 (or 911) immediately of the location and status of any escaped fire.

21. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
22. The holder shall maintain the right-of-way area 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.
23. The holder is strictly prohibited from storing, or disposing of any toxic or hazardous substance on the right-of-way area.
24. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock or facilities constructed within the right-of-way.
25. The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
26. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is transferred out of Federal ownership and administration of the ROW or the land underlying the ROW is not reserved to the United States in the patent/deed and/or 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 ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.
27. The holder shall contact the authorized officer to arrange a pre-termination conference 180 days prior to termination of the right-of-way. This conference will be held to review the termination provisions of the grant.