

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

SERIAL NUMBER WYW-174598-01
Amendment

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).

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2. Nature of Interest:

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a. By this instrument, the holder:

Bureau of Land Management
Rawlins Field Office

Idaho Power Company
1221 W Idaho St
Boise, Idaho 83702

PacifiCorp
1407 W North Temple, Suite 110
Salt Lake City, Utah 84116-3187

receives a right to construct, operate, maintain, and terminate soil boring test sites and overland access routes, on public lands described as follows:

for right-of-way legal descriptions refer to the attached Plan of Development (Exhibit A)

- Table 3, Borehole Locations on BLM Lands by Field Office
- Appendix B, Location of Roads on BLM Lands for Access

- b. The right-of-way area granted herein authorizes 25 geotechnical bore hole locations (0.037 acres per bore hole) encompassing .93 acres. Access roads totaling 22.59 miles, within a 30-foot wide right-of-way, will encompass an additional 82.150 acres. The right-of-way amendment contains a total of 83.076 acres, more-or-less.
- c. This instrument shall terminate on December 31, 2012 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 not be renewed. If an extension is required, a new application shall be submitted. The right-of-way 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 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 Exhibit(s) A, Plan of Development (Plan of Development for the Gateway West Transmission Line Project, Geotechnical Study Phase I (Revision)), dated February 24, 2011, Exhibit B (Reclamation Plan), and Exhibit C (maps) 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.
- g. The holder shall comply with all Federal, State, and local regulations whether or not specifically mentioned within this grant.
- h. 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.
- i. The holder is responsible for informing all persons in the area who are associated with this project that they will be subjected to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the holder will immediately stop work that might further disturb such materials and contact the authorized officer (AO) in the field office where the discovery occurred. Within five working days the AO will inform the holder as to:
 - Whether the materials appear eligible for the National Register of Historic Places
 - The mitigation measure the holder will likely have to undertake before the site can be used (assuming in-situ preservation is not necessary)
 - A timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the SHPO, that the findings of the AO are correct and the mitigation is appropriate.

The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

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- j. Weeds shall be controlled on project disturbed areas and native areas infested as a direct result of the project. The control methods shall be in accordance with the approved weed management plan (to be submitted by the Holder), and guidelines established by the EPA, BLM, state and local authorities. Prior to the use of pesticides, the holder will obtain written approval from the BLM Authorized Officer—Weed Coordinator (meaning an approved Pesticide Use Proposal form). Copies of daily Pesticide Application Records (required by the State of Wyoming) and Summary Herbicide Use Reports are due monthly to the BLM AO – Weed Coordinator.
- k. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
- l. 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 (4)** inches deep, the soil shall be deemed too wet to adequately support construction equipment.
- m. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- n. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard 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 of 1980, 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.
- o. The holder of Right-of-Way No. WYW-174598-01 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.
- p. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the existing reclamation plan and termination provisions of the grant or agree to a new updated reclamation plan.

5. Additional Terms and Conditions:

Construction:

- a. 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 a written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
- b. 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 (Plan of Development for the Gateway West Transmission Line Project, Geotechnical Study Phase I (Revision)), dated February 24, 2011, 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. Non-compliance 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.

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- c. The authorized officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
- d. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- e. Construction sites shall be maintained 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.
- f. Construction over and/or immediately adjacent to existing pipelines shall be coordinated, and in accordance with, the relevant pipeline companies' policy.
- g. Construction-related traffic shall be restricted to routes approved by the AO. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the AO. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the AO.
- h. Fences, gates, and brace panels shall be reconstructed to appropriate Bureau standards and/or specifications as determined by the AO.

Operations:

- a. The holder shall meet Federal, State, and local emission standards for air quality.
- b. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the AO.
- c. The holder must be prepared to provide BLM copies of applications for and approved federal, state, and local operating permits.
- d. 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.

Reclamation:

- a. When construction of the facilities authorized herein is completed, holder shall restore all disturbed areas to the original contour.
- b. The holder shall seed all disturbed areas with the seed mixture agreed upon by the authorized officer. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS) per acre. There shall be NO primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law and within 9 months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law and available for inspection by the authorized officer.
- c. Fall seeding must be completed after September 1 and prior to ground frost. Spring seeding must be completed after the frost has left the ground and prior to May 15.
- d. The seed mixture shall be evenly and uniformly planted over the disturbed area at a depth not greater than one-half inch. Seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the first growing season after seeding. The authorized officer is to be notified a minimum of 15 days prior to seeding of the project.

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IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Dee Williams
(Signature of Holder)

Donald A. Spin
(Signature of BLM Authorized Officer)

MANAGER Right of Way Services
(Title)

State Director, Wyoming BLM
(Title)

8/25/11
(Date)

SEP. 12 2011
(Effective Date of Grant)

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