

Serial No. C-38362  
Expiration Date Sept. 16, 1989  
5 years

Right-of-Way Grant

This grant, the details of which are shown below, is a nonexclusive, nonpossessory right-of-way issued by the Bureau of Land Management under Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1761-1771).

Sec. A. Details of Grant

1. Name of Holder: Noel E. Address & Michael Cooper
2. Address of Holder: 15410 Hwy 149 Box 713  
Powderhorn, CO 81243 Crested Butte, CO  
81224

The holder shall promptly notify the Montrose District Manager, Bureau of Land Management, of any subsequent change in status or address. See 43 CFR 2803.2(c).

3. Location of the Right-of-Way: The above-named holder is hereby authorized to use, subject to the terms, conditions and stipulations set out below, the following-described public land:

T. 14 S. R. 86 W., 6th P.M., CO.  
Sec. 1: S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

4. Description of the Right-of-Way Facility and Purpose: The above-named holder is hereby authorized to construct, operate, maintain and terminate a(n) access road on the above-described public land.

Dimensions of the Right-of-Way: The right-of-way authorized herein shall vary being 100 feet in length and 100 feet in width, ~~containing approximately~~ ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ for part and 553.45 feet long by 60 feet wide for the remaining part as shown on the approved right-of-way map.

Approved Map:

A map showing the location of this right-of-way over the above described public land is attached as Exhibit B.

This right-of-way may be used only for the purposes specified above. See 43 CFR 2801.1-1(b).

Filed for record the 8th day of January, A.D. 1985, at 2:35 o'clock P.M. by Joanne M. Reiting, Recorder. Reception No. 3855662

Terms and Conditions

## Sec. 8.

This right-of-way is granted subject to all valid rights existing on the effective date it is granted and to the following terms and conditions:

1. The holder agrees to comply with applicable regulations contained in 43 CFR, Part 2800, which regulations are incorporated herein and made a part hereof, as well as with all State and Federal laws and implementing regulations applicable to the authorized use now or hereafter in force.
2. The authorized officer may temporarily suspend all activities under this right-of-way grant upon a determination that the holder is in violation of the terms and conditions of this grant and that such suspension is necessary to protect the public health and safety or the environment.
3. Upon written notice to the holder, the authorized officer may suspend or terminate this right-of-way if he determines that the holder has failed to comply with applicable laws or regulations, or any of the terms, conditions or stipulations of this grant; or has abandoned the right-of-way.
4. The holder shall relinquish the right-of-way to the United States if the authorized facilities are no longer needed.
5. The United States reserves all rights in the public land affected by this right-of-way not expressly granted herein to the holder, including, but not limited to, a continuing right of access onto the public lands and upon reasonable notice to the holder, access to any facility constructed on the right-of-way; and the right of the authorized officer to require common use of the right-of-way and to grant additional uses of the right-of-way for compatible purposes.
6. The holder shall comply with the stipulations attached hereto as Exhibit A and made a part hereof.
- ~~7. In consideration for the right to use the public lands described above, the holder agrees to pay to the Bureau of Land Management the fair market value for the right-of-way as determined by the authorized officer. The initial rental determination shall be reviewed periodically and may be adjusted as necessary to insure payment to the United States of fair market value for the right-of-way. Failure of the holder to submit any required payment within 30 days after notice of default may result in termination of this grant.~~

Right-of-Way Grant

Serial No. C-38362

- 8. This right-of-way may be renewed at the end of its term if the facility authorized herein is still in existence and being used for the purposes authorized herein. If renewed, the right-of-way shall be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary by the authorized officer to protect the public interest.
- 9. The United States retains the right to review this right-of-way at the end of the twentieth year of its term, and at regular intervals thereafter not to exceed ten years, and to revise or modify its terms at that time if necessary to protect the public interest.

Sec. C. Execution and Agreement

This right-of-way grant, and the authority to use the public land described above, shall become effective on the date it is executed by an authorized officer of the Bureau of Land Management.

For Execution by the Holder:

The undersigned agrees to the terms, conditions and stipulations of this right-of-way grant.

Noel Andress 8/31/84  
 Noel Andress/Date

Michael Cooper 9/5/84  
 Michael Cooper/Date

For Execution by the United States:

This right-of-way grant is executed this 17 th day of Sept, 1984.

Dr. Wain  
 (Authorized Officer)

for DISTRICT MANAGER  
 (Title)

Attachments:

- Exhibit A, Stipulations
- Exhibit B, Right-of-Way Map

## Standard Stipulations:

Exhibit A

1. The holder shall immediately bring to the attention of the authorized officer any and all antiquities or other objects of historic or scientific interest including, but not limited to, historic or prehistoric ruins or artifacts discovered as a result of operations under this right-of-way grant. The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until told to proceed by the authorized officer. Approval to proceed will be based upon evaluation of the cultural significance of the object. Evaluation shall be by a qualified professional selected by the authorized officer from a Federal agency insofar as practicable. When not practicable, the holder shall bear the cost of the service of a non-Federal professional. The holder shall follow the mitigation requirements set forth by the authorized officer concerning protection, preservation or disposition of any sites or material discovered. In those situations where the authorized officer determines that data recovery and/or salvage excavations are necessary, the holder shall bear the cost of such data recovery and/or salvage operations.
2. The holder shall comply with the applicable Federal and state laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities and/or operations under this right-of-way grant. The holder shall obtain from the authorized officer approval of a written plan prior to the use of such substances. The plan must provide for the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application, the location for storage and disposal of containers, and other pertinent information that the authorized officer may require. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year.

If need for emergency use of pesticides is identified, the use must be approved by the authorized officer. The use of substances on or near the right-of-way area shall be in accordance with the approved plan. A pesticide shall be used only in accordance with its registered uses and without other limitations if the Secretary of the Interior has not imposed restrictions. A pesticide shall not be used if the Secretary has prohibited its use. Pesticides shall not be permanently stored on Federal lands authorized for use under this right-of-way grant.
3. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the right-of-way shall be allowed under this grant.
4. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.

## Standard Stipulations

## Exhibit A

5. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder, its employees, contractors or employees of the contractors.
6. The holder shall be fully liable for injuries or damages to third parties resulting from activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred. The holder shall fully indemnify the United States for liability, damage or claims arising in connection with the holder's use and occupancy of the right-of-way area.
7. In the construction, operation, maintenance and termination of the facilities authorized by this grant, the holder shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. All subcontracts shall include an identical provision.

## Special Stipulations:

1. The road to be constructed upon this right-of-way is to be constructed to Gunnison County road standards.

388283

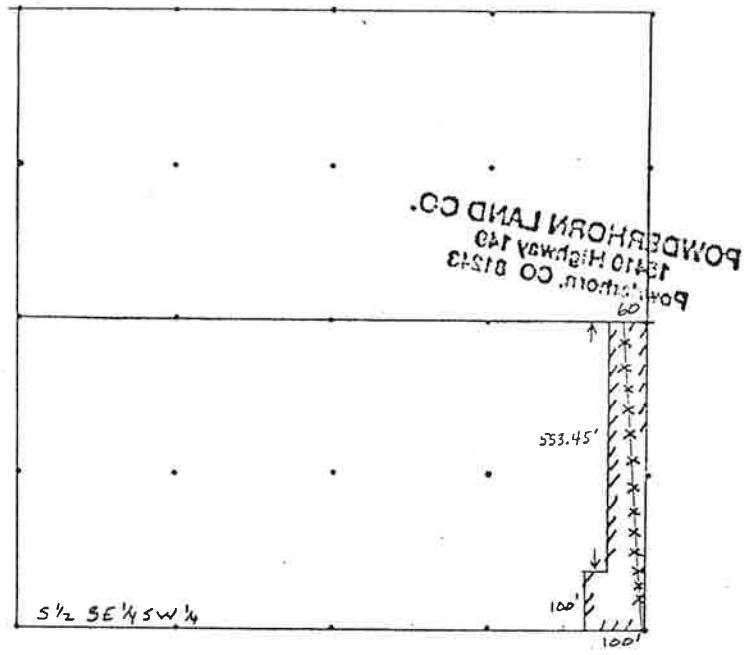
UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

EXHIBIT B

SITE PLOT

Serial Number  
C-38362

Township 14 S, Range 86 W, 6th Princ. Meridian




LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 330'

xxxx	Existing fence		
	R/W Boundary		

OTHER DATA


  
 388283