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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Moab District
P. O. Box 970
Moab, Utah 84532

IN REPLY REFER TO
2890
U-37642
(U-067)

CERTIFIED--RETURN RECEIPT REQUESTED
Certification No. 4248970

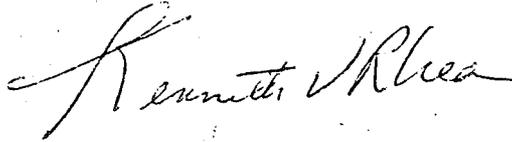
DECISION

:

Right-of-Way Amendment

Serial Number:	U-37642
Name of Holder:	Utah Power & Light Company P. O. Box 899 Salt Lake City, Utah 84110
Map showing the Location and Dimensions of Grant	
Map Designation:	Utah Power & Light Company Exhibits I, II, and V
Dimensions:	275 feet wide by 450 feet long containing 3.5 acres
Legal Description:	SLM, T. 17 S., R. 7 E., Sec 34: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 35: SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Date Filed:	August 28, 1981
Permitted Use:	Waste Rock Storage
Authority:	Federal Land Policy and Management Act of 1976 (90 Stat. 2776, 43 U.S.C. 1761, Sec. 501(a)(7))
Effective Date:	Effective the date of this decision
Termination Date:	August 30, 2007
Rental	No additional rental

Pursuant to the authority vested in the undersigned by Order No. 701 of the Director, Bureau of Land Management, dated July 23, 1964 (20 F.R. 10526), and amended and redelgated, a right-of-way bearing the above-referenced serial number is hereby granted, subject to the details shown above, and subject to the terms and conditions in Appendix A, attached hereto and made a part hereof.



ACTING District Manager

Enclosures (2)
1-Terms and Conditions
2-Form 1842-1

Appendix A
Terms and Conditions

1. The holder shall comply with applicable regulations in 43 CFR Group 2800.
2. The holder shall observe valid rights existing on the date of this grant.
3. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest. The right-of-way grant will be reviewed at the end of the 20th year.
4. The holder shall comply with applicable Federal and State laws and regulations issued thereunder, existing or hereafter enacted or promulgated, affecting in any manner construction, operation, maintenance or termination of facilities located on the right-of-way to include all applicable regulations in 30 CFR Chapter VII and regulations developed to implement the Coal Mining Reclamation Act of 1978 (U.C.A. 40-10-1 et. seq.) Chapter I Parts U.M.C. 700-845.
5. With regard to location, construction and maintenance of the right-of-way, (1) The holder shall ensure full compliance with the terms and conditions of this grant by its agents, employees and contractors (including subcontractors of any tier) and the employees of each of them; (2) Unless clearly inapplicable, the requirements and prohibitions imposed upon the holder by these terms and conditions are also imposed upon the holder's agents, employees, contractors, and subcontractors, and the employees of each of them; (3) Failure or refusal of the holder's agents, employees, contractors, subcontractors or their employees to comply with these terms and conditions shall be deemed to be the failure or refusal of the holder; (4) The holder shall require its agents, contractors and subcontractors to include these terms and conditions in all contracts and subcontracts which are entered into by any of them, together with a provision that the other contracting party, together with its agents, employees, contractors, subcontractors and the employees of each of them shall likewise be bound to comply with these terms and conditions.
6. 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/operations under this 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 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 information that the Authorized Officer may require. The plan should be submitted no later than December 1 or any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1981 deadline for a fiscal year 1983 action). Emergency use of pesticides may

occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be only in accordance with its registered uses and within other limitations if the Secretary has imposed limitation. Pesticides shall not be permanently stored on public lands authorized for use under this permit.

7. The holder agrees not to exclude any person from participating in employment of procurement activity connected with this grant on the grounds of race, creed, color, national origin or sex, and to ensure against such exclusions, the holder further agrees to develop and submit to the proper reviewing official specific goals and time tables with respect to minority and female participation in employment and procurement activity connected with this grant. The holder will take affirmative action to utilize business enterprises owned and controlled by minorities or women in its procurement practices connected with this grant. Affirmative action will be taken by the holder to assure all minorities or women applicants full consideration of all employment opportunities connected with this grant. The holder also agrees to post in conspicuous places on its premises which are available to contractors, subcontractors, employees and other interested individuals, notices which set forth equal opportunity terms; and to notify interested individuals, such as bidders, contractors, purchasers and labor unions or representatives of workers with whom it has collective bargaining agreements, of the holder's equal opportunity obligations.

8. There is hereby reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.

9. The holder acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not interfere with the management, administration or disposal by the United States of the lands affected thereby, or the full and safe utilization thereof by the United States, for necessary operations incident to such management, administration or disposal. The holder agrees and consents to the occupancy and use by the United States, its grantees, permittees or lessees of any part of the right-of-way not actually occupied or required by the project for purposes which are not in conflict with holder's use of the right-of-way.

10. If the Authorized Officer determines that an immediate temporary suspension of activities within the right-of-way for violation of the terms and conditions of the right-of-way authorization is necessary to protect public health or safety, or the environment, he/she may give an immediate temporary suspension order. This order may be orally or in writing at the site of the activity to the holder, contractor, subcontractor or to any representative, agent, employee or contractor of the holder, and the suspended activity shall cease at that time. As soon as practical, the Authorized Officer shall confirm an oral order by a written notice to the holder addressed to the holder or the holder's designated agent.

11. The holder shall maintain the site in a neat and orderly appearance at all times. Trash and debris shall not be allowed to accumulate. The Authorized Officer shall prescribe any measure deemed necessary to maintain the site in a neat and orderly appearance.

12. During construction the holder shall regulate public access and vehicular traffic as required to facilitate construction operations and to protect the public, wildlife and livestock from hazards associated with the project. For this purpose, the holder shall provide warnings, flagmen, barricades and other safety measures as required by the Authorized Officer.

13. The holder shall be responsible for dust suppression where required by the Authorized Officer. The Authorized Officer shall determine what method of dust suppression to be employed and may require chemical, water or a combination of treatments.

14. The holder shall test the coal waste material at least once a year for five (5) years to determine if the material contains any toxic elements that could cause plant growth problems or is lacking in any essential growth element. After this period, the Authorized Officer shall make the determination whether or not testing shall continue and at what intervals. Testing shall be conducted by a certified laboratory.

The following laboratory tests shall be submitted: available (N), potassium (K), phosphorous (P); trace elements present including copper, chlorine, cobalt, molybdenum, zinc, iron, manganese and boron; heavy metals present including nickel and cadmium. Other tests to be submitted are the sodium absorption ratio (SAR), exchangeable sodium percentage (ESP), potential hydrogen (pH) and electrical conductivity (ECe).

15. The holder shall follow the disposal and reclamation plan as proposed in the application except as changed in these terms and conditions. Any deviations shall be approved by the Authorized Officer in writing.

16. The Authorized Officer shall be notified at least 4 (four) days before the following critical construction:

- A. Removal of all organic material and soil;
- B. Final placement and leveling of fill materials;
- C. Revegetation.

17. The berm shall be mulched to stabilize the banks until the seed grows.

18. Prior to rehabilitation, the material shall be tested to determine its suitability for use as topsoil. If it is not comparable to soil in the surrounding area, comparable topsoil shall be brought in and spread to a depth of 4 inches (approximately 2,000 cubic yards). The fertilizer shall be spread and worked into the soil prior to seeding. The seed mixture shall be as proposed for temporary revegetation. However, the seed mixture will be evaluated prior to final reclamation by the Authorized Officer in

conjunction with the Utah Division of Oil, Gas and Mining and the seed mixture will be as determined at that time.

19. Seeding and planting shall take place from mid-October through November unless supplemental irrigation is used.

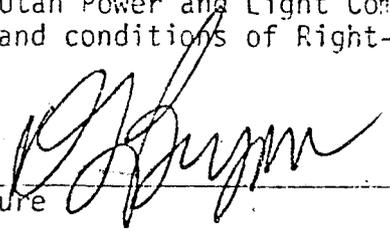
20. The holder shall fence the waste disposal site with a four-strand barbed wire fence that conforms to BLM fence specifications. If it is determined that the site poses a hazard to wildlife, a fence capable of excluding wildlife may be required.

21. The holder shall notify the BLM Area Manager fourteen (14) days in advance of his intent to commence any field operations associated with this right-of-way grant.

22. When all development and rehabilitation have been completed, a joint compliance check of the right-of-way shall be made by the holder and the Authorized Officer to determine compliance with the terms and conditions of this grant. The holder shall perform at his own expense any required modifications or reclamation work needed to comply with the terms of the grant.

I certify that I am an Authorized Officer for Utah Power and Light Company and that I have reviewed and accept the terms and conditions of Right-of-Way Grant U-37642, Amendment 1.

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Signature

Vice President

Title

October 13, 1981

Date