



United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
WHITE RIVER RESOURCE AREA  
73544 HIGHWAY 64  
P.O. BOX 928  
MEEKER, COLORADO 81641

TAKE  
PRIDE IN  
AMERICA  
2800 (162 WRRRA)  
COC-54039

SEP 15 1992

REC'D 9/17/92

CERTIFIED MAIL NO. P 991 604 941  
RETURN RECEIPT REQUESTED

D E C I S I O N

Strachan Exploration, Inc.  
1675 Broadway, Suite 2330  
Denver, Colorado 80202

Right-of-Way Grant Issued  
Rental Determined

Right-of-way grant COC-54039 is hereby issued effective the date of this decision.

In accordance with 43 CFR 2803.1-2, rental is determined to be \$208.00 for the period of September 14, 1992, through December 31, 1996; which amount has been received (receipt enclosed).

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals. The appellant has the burden of showing that the decision appealed from is in error.

B. Curtis Smith  
Area Manager

Enclosures

Right-of-Way Grant  
Rental Determination Worksheet  
Receipt #1935647  
Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office

White River Resource Area

Serial Number

COC-54039

1. A (right-of-way) (~~XXXX~~) 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 Strachan Exploration, Inc. receives a right to construct, operate, maintain, and terminate a n access Road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Sixth Principal Meridian, Colorado  
T. 3 S., R. 95 W.,  
sec. 18, lots 1-4.

- b. The right-of-way or permit area granted herein is 40 feet wide, 3,500 feet long and contains 3.21 acres, more or less. If a site type facility, the facility contains 0 acres.
- c. This instrument shall terminate on December 31, 1996, 5 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, B, & C, dated SEP 08 1992, 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.

Stephen M. Atkinson  
(Signature of Holder)

B. P. Smith  
(Signature of Authorized Officer)

PRESIDENT, STRACHAN EXPLORATION, INC.  
(Title)

Area Manager  
(Title)

SEPTEMBER 10, 1992  
(Date)

9/15/92  
(Effective Date of Grant)







## SPECIAL STIPULATIONS

Exhibit B

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1. The holder shall conduct all activities authorized herein within the limits of the of the right-of-way. These limits area: 20 feet each side of centerline from Station 0+00 to Station 26+00, as described on the plat for the Sprague Gulch Easement (COC-22085), and from 10 feet to the east side of the centerline, to 125 feet to the west side of the centerline, from Station 26+00 to approximately Station 35+00 of said easement survey. Applicable excerpts of this plat are attached to, and made a part of this grant as Exhibit C.
2. The holder shall survey the exterior limits of the Sprague Gulch Easement, and shall mark said limits. No activities authorized herein shall take place outside the limits of the easement.
3. If the relocated segment of road crosses Sprague Gulch, the holder shall furnish and install culverts of the gauge, materials, diameter(s), and length(s), indicated and approved by the authorized officer. Culverts shall be free of corrosion, dents, or other deleterious conditions. Culverts shall be placed on channel bottoms on firm, uniform beds which have been shaped to accept them and aligned to minimize erosion. Backfill shall be thoroughly compacted. No equipment shall be routed over a culvert until backfill depth is adequate to protect the culverts.
4. 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.
5. 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).
6. 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. 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.

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7. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
8. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season.
9. Existing roads and trails on public lands that are blocked as the result of the construction project shall be rerouted or rebuilt as directed by the authorized officer. Adequate public access shall be available at all times, to the satisfaction of the authorized officer.
10. 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.
11. 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.
12. The holder of Right-of-Way No. COC-54039 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.

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13. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the grant.

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