

found, shall be the responsibility of the holder, regardless of fault. Upon failure of the holder to control, dispose of, or clean up 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 deemed 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.

5. No project construction can begin unless and until the Mitigation Trust Fund moneys for that action have been received by BLM. (See attachment)

6. The holder shall conduct all activities associated with the construction, operation, and termination of the rights-of-way within the authorized limits of the rights-of-way.

7. No well or plant sites will be allowed on slopes over 20 percent. Other use or occupancy on slopes over 20 percent would be limited. Uses permitted might include mineral material extraction sites, surface pipelines, projects designed to enhance or protect renewable natural resources, or other uses as approved by the Authorized Officer (AO). Projects on these steep grades will be considered on a case-by-case basis, and may require special conditions or stipulations for slope mitigation.

8. The holder shall minimize disturbance to existing fences and other improvements on public lands. The holder is required to promptly repair impacted improvements to at least their former state. The holder shall contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be braced on both sides of the passageway prior to cutting of the fence. No permanent gates will be allowed in existing fences unless approved by the Authorized Officer.

9. All above-ground structures not subject to safety requirements shall be painted by the holder to reduce visual contrasts and to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The colors selected for this project include: ☐ A "Carlsbad Canyon" (Munsell Soil Color Chart [MSCC] Number 2.5Y 6/2), ☐ B "Slate Gray" (MSCC Number 5Y 6/1), ☐ C "Desert Brown" (MSCC Number 10YR 6/3), and ☒ D "Juniper Green" (no MSCC Number), the color(s) for individual facilities will be specified depending on the site-specific contrasts caused by the individual action. Exceptions to these color requirements may be authorized on a case-by-case basis, if determined to be more effective in meeting site-specific VRM objectives, such as for power poles, fenceposts, signs, etc.

10. The holder shall take whatever steps are necessary to ensure that non-road rights-of-way are not used as roadways. The holder shall not use non-road rights-of-way as roads or access for purposes other than routine maintenance as determined necessary by the Authorized Officer in consultation with the holder.

11. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on the holder's 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 the proper mitigation measures will be made by the Authorized Officer after consulting with the holder.