

FORM 2800-14
(August 1985)

Issuing Office
ARCATA FIELD OFFICE
1695 Heindon Road
Arcata, CA 95521-4573

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER CACA106320409

- 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).
- 2. Nature of Interest:
 - a. By this instrument, the Holder:

Phillip Kreider
31304 42nd PL SW
Federal Way, Washington 98023-2118

receives a right to use and maintain an unnamed road right-of-way off King Peak Road in the King Range National Conservation Area in Humboldt County, California, more particularly described as follows:

Humboldt Meridian, California

T. 4 S., R. 1 E.,
sec. 9, NW¼NE¼.

The area described contains 40 acres.

- b. The right-of-way granted herein is approximately ~736 feet in length and ~20 feet wide and contains approximately 0.33 acres.
- c. This instrument shall terminate on December 31, 2053, 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 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 annually 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 value as determined by the application of sound business management principals, and so far, as practicable and feasible and 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 and 2880.
- b. Upon termination by the authorized officer, all improvements shall be removed from the public land within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as direct 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 (Exhibit A), Maps (Exhibit B) 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.

Philip Kreider
(Signature of Holder)

(Title)

(Date)

[Signature]
(Signature) Field Manager

6/27/2024
(Effective Date of Grant)

Appendix A

Notification

1. The BLM Authorized Officer shall be notified 7 days prior to the removal of road maintenance equipment for the annual and final road inspections. Should Holder's road maintenance equipment not be available at the site for additional required work, it will be the Holder's responsibility to return the necessary equipment to the site at Holder's expense. Call BLM Arcata Realty Specialist or Arcata Field Manager at (707) 825-2300 to schedule an inspection.
2. Holder shall designate a representative who shall have the authority to act upon and to implement instructions from the Authorized Officer. Holder's representative(s) shall be available for communication with the Authorized Officer when construction or other surface disturbing activities are underway.

Holder's Representative Chad Meleski Telephone Number (707) 223-1405

General

1. 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. Any new routing or road construction is specifically prohibited unless the right-of-way is amended in writing by the Authorized Officer.
2. This right-of-way provides ingress/egress to private property by Holder or his tenant for residential purposes. The right-of-way does not cover use for commercial purposes such as timber hauling. If Holder desires to use this road for timber-hauling or other commercial purposes, he must make application for an amendment to the right-of-way for such use.
3. 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
4. This right-of-way or temporary use permit may be terminated if the BLM determines that the permit holder is manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled substance on the public lands described herein in violation of the Controlled Substances Act of 1970, 21 U.S.C. §801 *et seq.*
5. Holder shall move gate to align with private and public property boundary as determined by the private survey that was conducted by Holder.
6. Holder may relocate the sign closer to King Peak Road to deter the public from going further up the road onto private property.

Stop-Work Conditions

1. The Authorized Officer may suspend or terminate in whole or in part any notice to proceed which has been issued when, in his/her judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect public health and safety or to protect the environment.
2. No construction, routine maintenance or use 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 2 inches deep, the soil shall be deemed too wet to adequately support the equipment.
3. Road included in this right-of-way is designated as seasonal. Holder shall not use road when rutting of two or more inches occurs.

Cultural Resources Protection

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by Holder, or any person working on his behalf, on public or Federal land within the right-of-way area 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. 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 Holder.
2. Any new surface disturbing activities, including maintenance, will require notification to the BLM, and may require a BLM approved cultural resource survey prior to the issuance of a notice to proceed for the activity. A cultural monitor may be required, at the discretion of BLM, during the surface disturbing activities.

Weed Abatement

In order to comply with Executive Order 13112, all vehicles, and heavy equipment (paying special attention to the body and undercarriage) shall be inspected for any attached invasive, nonnative weed seeds or other plant parts capable of reproduction or spread and be removed before entering BLM r oadways or land.

Hazardous Materials

1. Holder will comply with all federal laws regarding toxic substances, including leaks and spills that may occur during operations.
2. Heavy equipment will be inspected daily by Holder, or designee, to check for leaks. Equipment that leaks lubricants or fuels will not be used until leaks are repaired. Fuel trucks (if used) and/or refueling will be done outside of riparian areas and stream crossings. A spill plan will be available to onsite personnel.

3. Holder 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 USC 9601, et seq., and/or the Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq.) on the right-of-way (unless the 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 Holder, its agent, or unrelated third parties.

Fire Control

During operation, use, maintenance of the right-of-way, during May 1 through November 30, all vehicles, gas- or diesel-powered equipment and flues shall be equipped with USDA approved spark arresters approved by the Authorized Officer.

Dust Abatement

1. Holder shall provide for dust abatement during road work.
2. Holder shall furnish and apply water or use other means satisfactory to the Authorized Officer for dust control, sufficient to prevent surface fines from being lost.

Vegetation Removal

1. Permission for cutting hazard trees will be done on a case-by-case basis. If a hazard tree cutting is permitted, it cannot be moved from the site unless absolutely necessary to enable safe road use. If a hazard tree is moved, it shall only be moved to the extent necessary to enable safe road use and no further.
2. Brush disposal must be conducted in a manner so as to cause no harm to riparian resources. Brush may not be piled or burned within riparian areas.
3. Clearing shall be accomplished without mixing topsoil or subsoil with vegetation. Cleared vegetative materials shall be disposed of by lopping and scattering the material or as otherwise directed by the Authorized Officer. Should vegetation clearing require the cutting of merchantable trees, Holder shall purchase a vegetative material permit from the BLM for the cutting and removal of the trees.
4. Retain shade along roadsides to suppress weeds, particularly along southern aspects to limit the habitat available to invasive, nonnative weeds which generally prefer full sun and less competition.
5. Vegetation trimming or removal will be moved only to the extent necessary to provide for safe road use; and 2) Conifers exceeding 12 inches diameter will not be cut from Riparian areas unless it is absolutely necessary for safe use of the road segment. If a conifer exceeding 3 inches diameter must be cut, it may not be moved from the riparian areas or stream corridor without review from a BLM fishery biologist or designee.

Road Repairs and Construction

1. Holder shall spot rock the road as necessary to prevent potholes from getting larger.
2. Holder shall grade the road once a year when moisture level is not too wet or too dry.
3. All non-emergency road repairs will occur only when road conditions are not wet and when the chance of precipitation is minimal.
4. Holder shall keep culverts free of debris (rocks, sticks, or other material clogging the culvert).
5. Holder may initiate emergency repairs on the road if the road is blocked or unsafe to pass.
6. Holder shall maintain the right-of-way in a safe, usable condition. A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation, and surfacing.
7. The road surface at locations where water seasonally crosses the road shall be rock armored to prevent erosion and/or road damage.
8. Restrict sidecasting as necessary to prevent the introduction of sediment into streams.
9. Storage of topsoil removed in conjunction with clearing and stripping shall be conserved in stockpiles outside of riparian areas, within the right-of-way. Authorized Officer may issue further instructions on use or transport of topsoil.
10. Minimize disruption of natural hydrologic flow paths, including diversion of streamflow and interception of surface and subsurface flow.
11. Install 7-12 rolling dips or other suitable lead-out structures that serve to dissipate water from the road tread.
12. Rock would be imported to armor these structures if not present onsite.
13. At the bottom of the road, at an existing seep, right-of-way holder would outslope and armor the road to allow for water to cross the road without concentrating.

End-of-Season or End-of-Term

1. Holder shall perform preventative road maintenance at the beginning of each dry season. This may include, but shall not be limited to, slide repair, cross-ditching, post hauling blading to remove ruts or other surface irregularities which would interfere with normal runoff of water, the construction of waterbars, rolling water dips and the cleaning of ditches and culverts.
2. Prior to termination of the right-of-way, Holder shall contact the Authorized Officer to arrange a pre-termination conference in coordination with Humboldt County Planning Division. This conference will be held to review the termination provisions of the grant and the provisions of the subdivision.

Exhibit B- Map of the right-of-way

