



102271

IN REPLY REFER TO:

## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
NEVADA STATE OFFICE  
300 Booth Street  
P.O. Box 12000  
Reno, Nevada 89520

Nev-067173  
2800  
(NV-943.2)

Certified Mail  
Return Receipt Requested

## DECISION

Nevada Dept. of Transportation  
1263 South Stewart Street  
Carson City, Nevada 89712

Right-of-Way

## RIGHT-OF-WAY GRANT AMENDED

Right-of-way Nev-067173 was granted to the State of Nevada, Department of Transportation, effective May 5, 1966 for a Federal Aid Highway pursuant to the provisions of the Act of August 27, 1958 (72 Stat. 885, 23 U.S.C. Sec. 317).

On January 7, 1986, the Nevada Department of Transportation filed an application to amend their right-of-way to include two parcels of land to build flood protection for the highway within T. 34 N., R. 51 E., MDM, sec. 26, Lot 1, NW $\frac{1}{4}$ NW $\frac{1}{4}$ . The grantee has complied with all the terms and conditions of the original grant, and the application to amend conforms to the appropriate laws and regulations.

Therefore, pursuant to the authority vested in the undersigned, by BLM Manual Section 1203, effective January 3, 1983, the right-of-way is hereby amended in accordance with your application filed January 7, 1986, subject to the following terms and conditions:

1. All valid rights existing on this date.
2. All terms and conditions of the original grant continue to apply.
3. Filing of proof of construction on the amended portion within 90 days of completion of construction. Filing of proof of construction shall not exceed ten years from the date of this decision.
4. Prior to abandonment of the facilities authorized by this grant, the Holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The Authorized Officer must approve the plan in writing prior to the

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Holder commencing any abandonment and/or rehabilitation activities.  
The plan may include removal of drainage structures or surface  
material; recontouring; replacement of topsoil; seeding, mulching,  
etc.

If you have any questions please call Ken Stowers at (702) 784-5703.

*Marla B. Bohl*

Marla B. Bohl, Chief  
Branch of Lands and Minerals Operations

Enclosures:  
Appendix B  
Assurance of Compliance

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APPENDIX B

In respect of a grant made pursuant to its application NEV-067173, the Nevada Department of Transportation agrees to comply with the regulations contained in 43 CFR 23 and with the General Surface Protection Clause and the stipulations set out below:

General Surface Protection Clause

Grantee shall take such reasonable steps as necessary to prevent causing or contributing to soil erosion, crop and timber damage, damage to improvements and damage to antiquities. When American antiquities or other objects of historic or scientific interest, including historic or prehistoric ruins, vertebrate fossils or artifacts are discovered they will be left intact and immediately brought to the attention of the district manager. The site shall be maintained in a condition that is not hazardous to humans or livestock.

The Nevada Department of Transportation further agrees that before any removal of material may take place, the Department shall submit a mining plan to the authorized officer of the Bureau of Land Management which, upon approval, shall attach to and become a part of this grant (43 CFR 23.8).

Standard Stipulations

- (a) Prior to the removal of any material for construction purposes, the top six (6) inches of material shall be stripped and stockpiled in such a manner that it may later be used to cover the excavated area as directed in subparagraph (c) below.
- (b) Prior to completion of the project, the banks of the entire excavated area shall be sloped to a ratio of not less than 3:1 and the bottom or floor of the excavated area shall be graded to present a neat and uniform appearance.
- (c) All waste (except for brush removed from the deposit area) resulting from operations shall be placed on the floor of the deposit area and shaped to blend therewith. After all waste material has been placed on the floor of the pit and the sides and bottom of the excavated area have been shaped as specified, the material excavated and stockpiled as required in subparagraph (a) shall be uniformly distributed over the entire excavated area in such a manner that the area will present a neat and uniform appearance satisfactory to the district manager. Brush removed from the deposit area shall be mulched and mixed with the top six (6) inches of material as it is spread over the deposit area or said brush shall otherwise be disposed of in a manner satisfactory to the district manager.

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

Date

1/7/86

22:21 L-107

*John H. Sweetland*  
Supervisor, Right-of-Way Engineering  
1263 South Stewart Street  
Carson City, Nevada 89712

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U. S. DEPARTMENT OF THE INTERIOR  
ASSURANCE OF COMPLIANCE  
(Title VI, Civil Rights Act of 1964)

THE STATE OF NEVADA, Department of Transportation (hereinafter called "applicant-recipient"),

HEREBY AGREES THAT IT will comply with Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and all requirements imposed by or pursuant to the Department of the Interior Regulation (43 CFR 17) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the applicant-recipient receives financial assistance from the Bureau of Land Management, and

HEREBY GIVES ASSURANCE THAT IT will immediately take any measures to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of federal financial assistance extended to the applicant-recipient by the Bureau of Land Management, this assurance obligates the applicant-recipient, or in the case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance obligates the applicant-recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance obligates the applicant-recipient for the period during which the federal financial assistance is extended to it by the Bureau of Land Management.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property discounts or other federal financial assistance extended after the date hereof to the applicant-recipient by the bureau or office, including installment payments after such date on account of arrangements for federal financial assistance which were approved before such date. The applicant-recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall reserve the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant-recipient, its successors, transferees, and assignees, and the person or persons whose signature appear below are authorized to sign this assurance on behalf of the applicant-recipient.

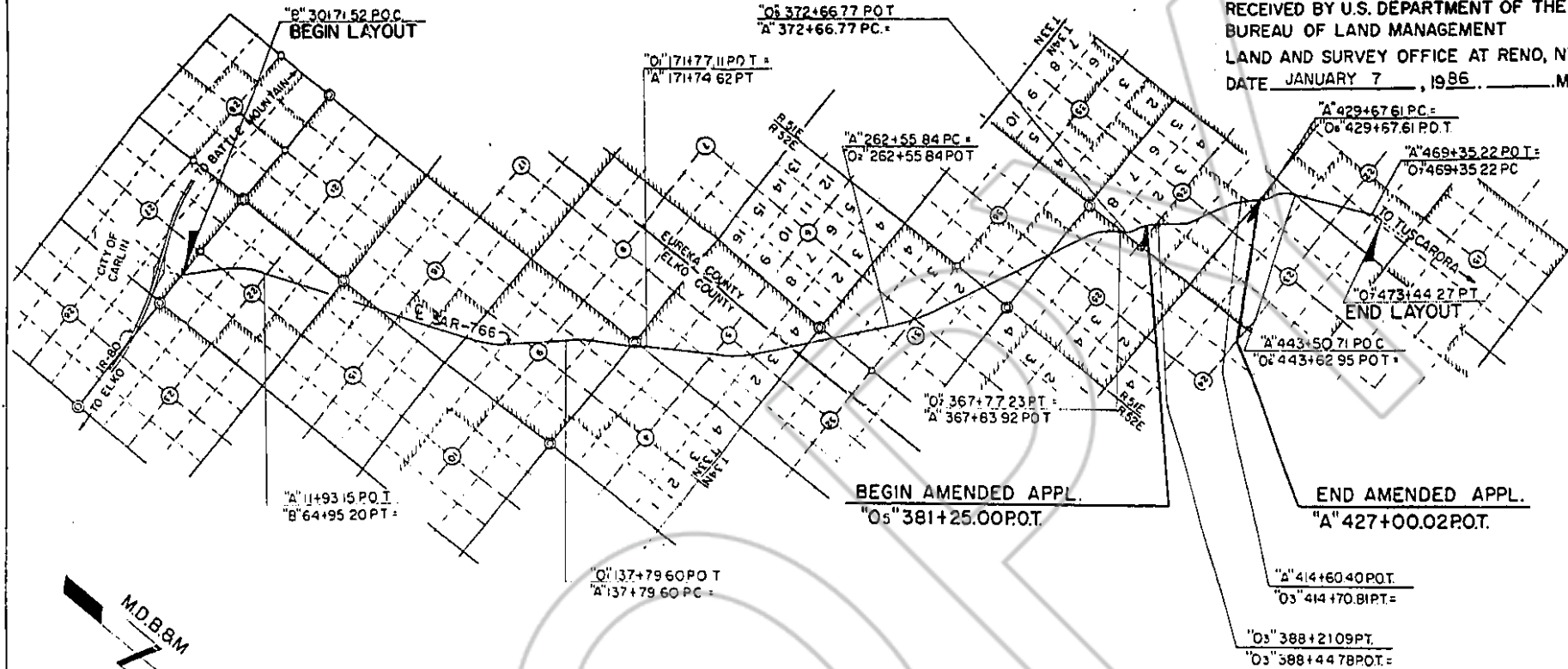
Date: 1/7/86

STATE OF NEVADA, Department of Transportation

*John A. Sweetland*  
Supervisor, Right-of-Way Engineering  
1263 South Stewart Street  
Carson City, Nevada 89712

RECEIVED BY U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
LAND AND SURVEY OFFICE AT RENO, NEVADA  
DATE JANUARY 7, 1986. \_\_\_\_\_ M. —

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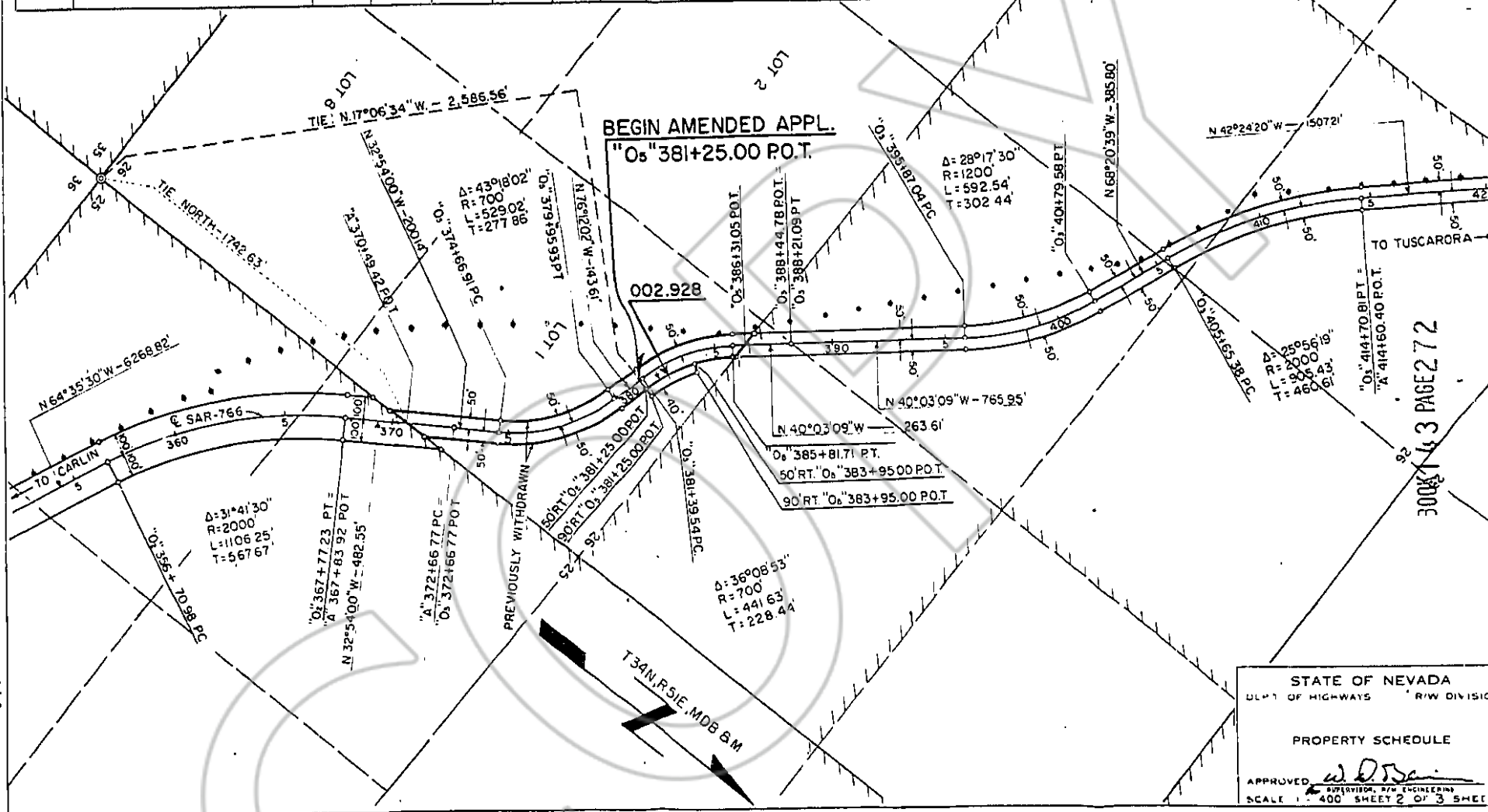
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U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION NEVADA DIVISION		STATE OF NEVADA (FH) OF TRANSPORTATION R/W DIVISION DATE: DECEMBER, 1985 US-40 IN CARLIN TO 9.9 MILES NW
APPROVED: <i>E. B. Bower</i> DIVISION ADMINISTRATOR	12/26/85 DATE	SCALE: 1"=4000' SHEET 1 OF 3 SHEETS

PROPERTY SCHEDULE									
STATE OF NEVADA DEPT. OF HIGHWAYS									
PARCEL NO.	GRANTOR	GROSS AREA	PREV ACQU.	NET AREA	EXCESS AREA	RECORDING DATA			REMARKS
						BX	PG	DATE	
002.298	U.S. GOVERNMENT	9,778 S.F.		9,778 S.F.					ADDED BY AMENDMENT 12/85

ED PLAN	STATE	PROJECT NO.	COUNTY	CONTROL STATE	SHEET TOTAL
7	NEVADA	S-384 (1)	ELKO	07-048	4 5
				EUREKA	11-019

AMENDED APPLICATION NEV. 067123



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STATE OF NEVADA  
DEPT. OF HIGHWAYS R/W DIVISION

PROPERTY SCHEDULE

APPROVED *[Signature]*  
SUPERVISOR, R/W ENGINEERING

SCALE 1" = 400' SHEET 2 OF 3 SHEET



