

**City of Carson City  
Agenda Report**

**Date Submitted:** January 21, 2011

**Agenda Date Requested:** February 3, 2011  
**Time Requested:** Consent Agenda

**To:** Mayor and Supervisors  
**From:** Public Works

**Subject Title:** Action to approve the Right-of-Way Grant (NVN 088364) between the United States Department of Interior Bureau of Land Management (BLM) and Carson City for a Right-of-Way Grant which will allow Carson to construct a portion of the North/South Transmission Main Phase II Project and related facilities on BLM property. *(Tom Guinn)*

**Staff Summary:** The primary purpose of this amendment is to provide Carson City the access necessary to construct the North/South Transmission Main Phase II Project, bury utilities and build a multi-use path. Carson City has received a low interest loan from NDEP in order to build the transmission main and this agreement will allow the City's contractor to work on BLM property.

**Type of Action Requested:** (check one)

Resolution                       Ordinance  
 Formal Action/Motion       Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to approve the Right-of-Way Grant (NVN 088364) between the United States Department of Interior Bureau of Land Management (BLM) and Carson City for a Right-of-Way Grant which will allow Carson to construct a portion of the North/South Transmission Main Phase II Project and related facilities on BLM property. *(Tom Guinn)*

**Explanation for Recommended Board Action:** The primary purpose of this agreement is to provide access for the construction of the North/South Transmission Main Phase II.

**Applicable Statute, Code, Policy, Rule or Regulation:** NRS 408

**Fiscal Impact:** No fiscal impact.

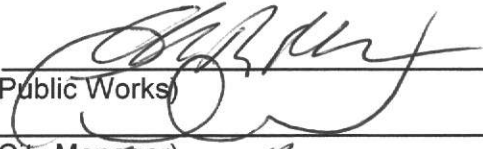


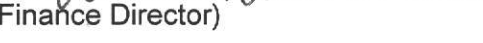
**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** Provide other direction pursuant to Board Action.

**Supporting Material:** Right-of-Way Grant Renewal (NVN 088364)

**Prepared By:** Tom Guinn, Senior Project Manager.

Reviewed By:  Date: 1-25-11  
 (Public Works)  
 Date: 1-25-11  
 (City Manager)  
 Date: 1/25/11  
 (District Attorney)  
 Date: 1/25/11  
 (Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
 2) \_\_\_\_\_ \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Vote Recorded By)



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Carson City District – Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701-1448

[http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field.html](http://www.blm.gov/nv/st/en/fo/carson_city_field.html)

In Reply Refer To:  
NVN 088364  
2800 (NVC0200)

JAN 19 2011

Larry Werner, City Manager  
City Hall  
201 N. Carson St., #3  
Carson City, NV 89701

Dear Mr. Werner,

Enclosed are two copies of an unsigned right-of-way (ROW) grant (BLM Form 2800-14) for your water transmission main, roads and other buried utilities and a multi-use path in the Carson City area (Carson City County), serial number NVN 088364. Please review the document and if it meets with your approval, sign and date both copies and return to the address shown above. Upon our receipt of the signed documents, we will issue the ROW grant, absent any other unresolved issues.

Please be aware that you may not conduct any activities related to your ROW project on public lands until you have received an authorized grant from this office.

If you have any questions, please contact Cory Gardner, Land Law Examiner at (775) 885-6020.

Sincerely,

Linda J. Kelly  
Field Manager  
Sierra Front Field Office

Enclosures

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office  
**Sierra Front Field Office**

Serial Number  
NVN 088364

1. A (right-of-way) (permit) 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 Carson City- City Hall, 201 N. Carson St., #3, Carson City, NV 89701 receives a right to construct, operate, maintain, and terminate a water transmission main, roads and other buried utilities and a multi-use path on public lands (or Federal land for MLA Rights-of-Way) described as follows:

**Mount Diablo Meridian**

**T. 15 N., R. 20 E.,  
sec. 15, lot 1;  
sec. 21, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 28 NE $\frac{1}{4}$ SW $\frac{1}{4}$ .**

- b. The right-of-way or permit area granted herein is \*varies feet wide, \*varies feet long and contains \*see below acres, more or less. If a site type facility, the facility contains n/a acres.
- c. This instrument shall terminate on December 31, 2040, n/a 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 120 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 (1-3) and B (1-2), dated n/a, 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.

\*2b

**The ROW would have the following dimensions:**

- **water transmission main- 1,200 feet by 50 feet;**
- **access and buried utility lines- 1,900 feet by 60 feet;**
- **multi-use-path- 195 feet by 30 feet and 526 feet by 40 feet.**

**Total acres = 4.61**

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

\_\_\_\_\_  
(Signature of Holder)

\_\_\_\_\_  
(Signature of Authorized Officer)

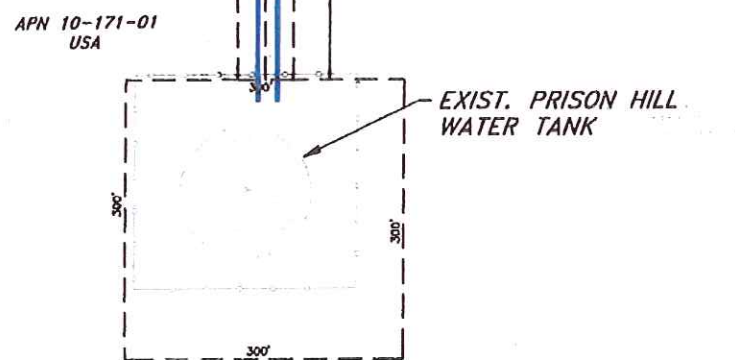
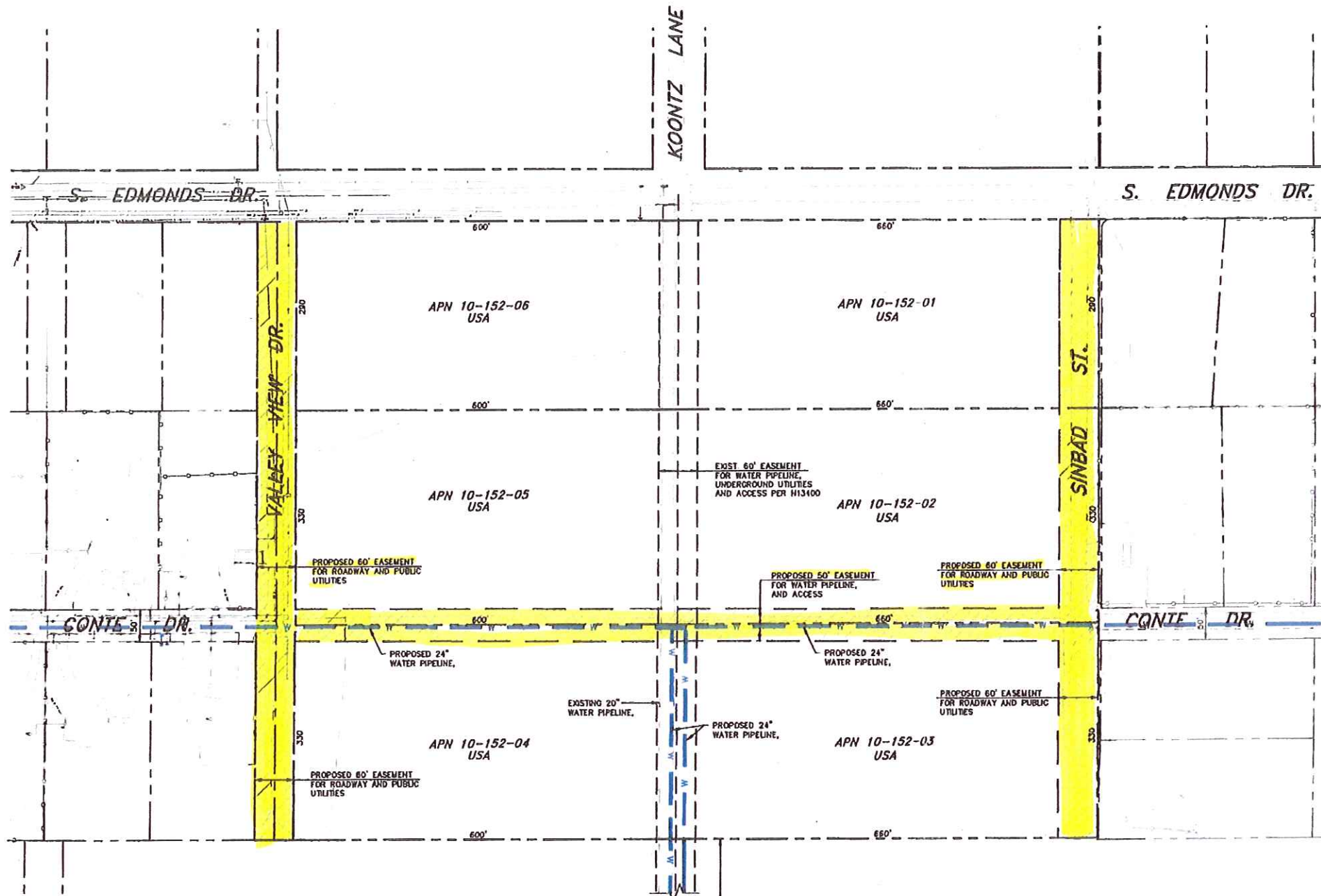
\_\_\_\_\_  
(Title)

**Manager, Sierra Front Field Office**  
\_\_\_\_\_  
(Title)

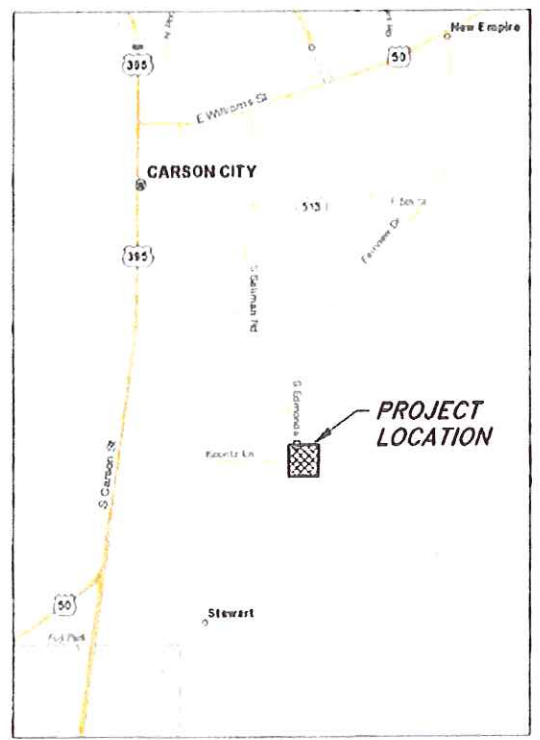
\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Effective Date of Grant)

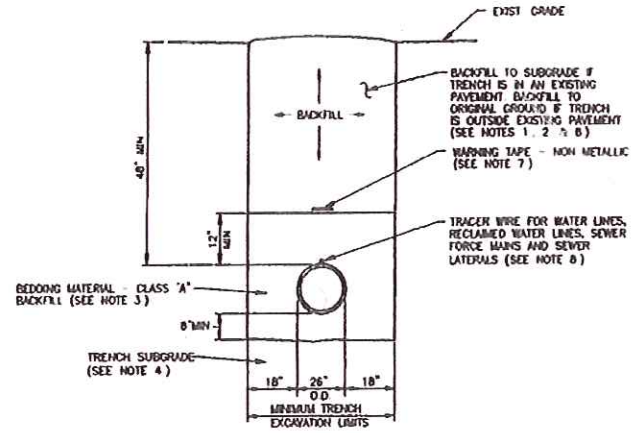
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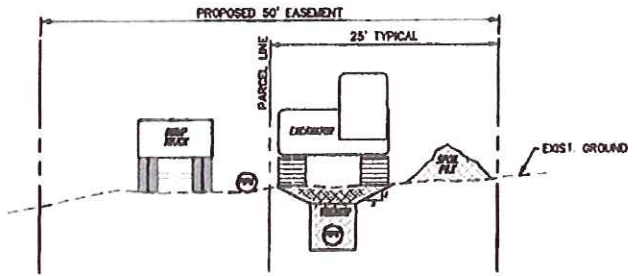
**BLM EASEMENT PLAN**  
 APN's 10-171-01 & 10-152-01, 02, & 03  
 SCALE 1" = 200'



**VICINITY MAP**



**TYPICAL TRENCH SECTION**  
 HTS



**TYPICAL WORK ZONE SECTION**  
 SCALE 1" = 20'

DESIGNED BY: DR	DR
DRAWN BY: DR	DR
CHECKED BY: MB	MB
DWG NO.: 4-0800 Fairview Path	
SCALE (HORIZ): NOTED	
SCALE (VERT): N/A	
PLOT DATE: 5/10/10	

<b>CARSON CITY</b>	<b>PUBLIC WORKS DEPARTMENT</b>
3505 BUTTE WAY	CARSON CITY, NEVADA 89701
PH: 887-2355	FAX: 887-2112

REV.	DATE	DESCRIPTION	BY	APP'D

<b>NORTH/SOUTH WATER TRANSMISSION MAIN</b>
<b>PROJECT - PHASE 2</b>
<b>PROJECT No. 4-0900</b>
<b>BLM EASEMENT PLAN</b>
<b>APN 10-171-01 AND</b>
<b>APN's 10-152-01, 02, &amp; 03</b>

SHEET	1
OF	1

SN: NVN088364

**EXHIBIT A-1**







Grant NVN 088364  
Exhibit B-1  
Special Stipulations

- a. The grant is subject to all valid rights existing on the effective date of the grant.
- b. In case of change of address, the holder shall immediately notify the authorized officer.
- c. Any cultural (historic or prehistoric site or object) or paleontological resources or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.

For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder. Operations may resume only upon written authorization to proceed from the authorized officer.

For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the holder must stop activities in the immediate vicinity of the discovery and protect it from activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder.

- d. Construction sites shall be maintained in a sanitary condition at all times; waste material at those sites shall be disposed of promptly at an appropriate waste disposal site.
- e. The holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer.
- f. The holder shall be responsible for continued noxious weed control within the limits of the ROW in consultation with the BLM or the appropriate local authority.
- g. In the event that the public land underlying the ROW encompassed in this grant, or portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations in Title 43 CFR parts 2800 and 2880, as well as any rights to have the holder apply to the BLM for amendments, modifications, or assignments and for the BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning

compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder.

- h. Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
- i. The holder shall seed all disturbed areas using an agreed upon method suitable and seed mixture for the location (Attachment B-2). Seeding shall be repeated if a satisfactory stand is not obtained as determined by the Authorized Officer upon evaluation after the growing season.

## ATTACHMENT 1

**Carson City N-S Water Main ROW NVN 088364  
Native Seed Mix for Restoration and Reclamation.**

The following native species are adapted to the environmental conditions at the site. Availability of the seed for each species may vary. If certain species are not available, then a native species substitute may be used when approved by the BLM office.

Seeding Rate Calculations

Seeding method: broadcast

Acres to seed: <1.0

Rate calculation method: NRCS seed rate

Species	Mix %	Standard Seeding Rate (lb/acre)	Standard Seeds/sqft	Actual Seeding Rate (lb/acre)	Actual Seeds/sqft	Total lb PLS	Germ %	Purity %	Total lbs. Bulk*
<i>antelope bitterbrush</i>	10	50.67	20	5.06	2	5.06	0.90	0.95	6
<i>Sandberg bluegrass</i>	35	1.66	40	0.58	14	0.58	0.80	0.9	1
<i>squirreltail</i>	35	9.07	40	3.17	14	3.17	0.80	0.9	5
<i>winterfat</i>	10	7.86	20	0.78	2	0.78	0.50	0.6	3
<i>woolly mule-ears</i>	10	69.69	40	6.96	4	6.96	0.80	0.9	10

Total Mix: 100 Total seeds/sqft: 36

Total seed required (lbs): 24

\*The Total lb. Bulk, is the actual amount of seed to be purchased and would need to be calculated at the time of the seed purchase as each seed lot will have different percentages for seed purity and germ that is specific to each seed lot. All seed purchased must be certified as "weed free".