

FORM 2800-14
(August 1985)

Issuing Office
Taos Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER MNM 120617

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:

Buckman Direct Diversion Board
P.O. Box 909
Santa Fe, NM 87504

Receives a right to construct, operate, maintain, and terminate a Fiber Optics Line on public lands in Santa Fe County and described as follows:

New Mexico Principal Meridian, New Mexico

T. 18 N., R. 7 E.,

sec. 1, lots 1 and 2, SW1/4NE1/4NE1/4, and SE1/4NE1/4.

T. 17 N., R. 8 E.,

sec. 4, lots 3 thru 6, and SW1/4SW1/4NE1/4;

sec. 9, lots 1 thru 4;

sec. 15, lots 1 and 2, and SW1/4SW1/4;

sec. 22, SW1/4SW1/4NE1/4, SW1/4NE1/4NW1/4, E1/2NW1/4NW1/4,

N1/2SE1/4NW1/4, and SE1/4SE1/4NW1/4.

T. 18 N., R. 8 E.,

sec. 6, lots 5 and 6, SW1/4NE1/4SW1/4, and SE1/4SW1/4;

sec. 7, lots 4 and 5, W1/2SW1/4NE1/4, NE1/4NW1/4, and E1/2SE1/4NW1/4;

sec. 17, lot 1, SW1/4NW1/4NW1/4, SW1/4NW1/4, SW1/4NE1/4SW1/4, and E1/2SE1/4SW1/4;

sec. 18, lot 1;

sec. 20, lots 1 thru 4, and E1/2SW1/4NE1/4;

sec. 28, lot 1 and SW1/4NW1/4SW1/4;

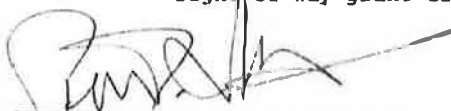
sec. 29, lots 1 thru 3;

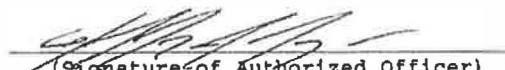
sec. 33, lots 1 thru 5.

As shown on the attached map (Exhibit A).

- b. The right-of-way or permit area granted herein is 10 feet wide 53,281 feet long, and contains 12.23 acres.
 - c. This instrument shall terminate December 31, 2047, 30 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.

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



 (Signature of Holder)
 BDD Board Chair
 (Title)
 9/16/18
 (Date)


 (Signature of Authorized Officer)
 Field Manager, Acting
 (Title)
 10/22/18
 (Effective Date of Grant)

APPROVED TO AS FORM


 Nancy R. Long BDDB Counsel

ATTEST


 Kristine Mihelcic, City Clerk XIV



**BUREAU OF LAND MANAGEMENT
TAOS FIELD OFFICE
EXHIBIT B**

**GENERAL PROJECT DESIGN FEATURES/GUIDE STIPULATIONS
FOR RIGHTS-OF-WAY AND OTHER LAND USE AUTHORIZATIONS**

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1. REALTY

- a) The Holder shall construct, operate, and maintain the facilities, improvements, and structures within the authorized area in strict conformity with the guide stipulations, plan of development and the terms and conditions of the authorization. Any relocation, additional construction, or use that is not in accord with the guide stipulations, shall not be initiated without the prior written approval of the Bureau of Land Management (BLM) Authorized Officer. A copy of the complete authorization, including all stipulations, shall be made available on the authorized area during construction, operation, and termination to the Authorized Officer. Noncompliance with the above will be grounds for immediate temporary suspension of activities if the noncompliance constitutes a threat to public health and safety or the environment.
- b) All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven applicable engineering practices, codes, specifications, and standards.

stakes and/or laths at the entrance to and the exit from public land. The Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed and approved by the Authorized Officer. The stakes and/or laths will then be removed at the direction of the Authorized Officer.

- i) The Holder shall place slope stakes, culvert location and grade stakes, and other construction control stakes as deemed necessary by the Authorized Officer to ensure construction in accordance with the plan of development. If stakes are disturbed or removed, they shall be reset before proceeding with construction.
- j) Specific sites as previously identified by the Authorized Officer (e.g. archeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles shall not be allowed shall be clearly marked onsite by the Holder before construction or surface disturbing activities begin. The Holder shall be responsible for ensuring that construction personnel are well-trained to recognize these markers and understand the equipment movement restrictions involved.
- k) The Holder shall conduct all construction, operation, maintenance, and termination activities within the authorized area.
- l) The Holder shall post as directed by the Authorized Officer, the BLM serial number assigned to this authorization.
- m) The Holder shall protect all survey monuments found within the authorized area. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the Authorized Officer and the respective installing authority if known. Where General Land Office or BLM monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a BLM cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the *Manual of Surveying Instructions for the Survey of the Public Lands in the United States*, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the BLM cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
- n) Prior to any ground disturbing activity, the Holder will obtain any required Federal, state, or local government, and private landowner express written permission(s). This includes but is not limited to authorizations, permits, easements, and licenses. The Holder must provide copies of these permissions to the BLM prior to final issuance of the land use authorization.

- v) The United States, its officers and employees shall be held harmless from and indemnified against any damage, injury, or liability resulting from the operation, maintenance, or termination of this authorization; including but not limited to any liability which the United States may have as owner of the land which is the subject of the authorization.
- w) The Holder shall within 30 days following completion of the facility, submit proof of construction. Said proof shall include "as built" drawings of site construction, location of building, tower, roads, utility lines, and an "as built" drawing of the building showing all changes from the approved design. Final approval and occupancy will not be allowed until these drawings are approved by the Authorized Officer. At the discretion of the Authorized Officer, "as built" drawings may be required to be certified by a Professional Engineer, registered in the State of New Mexico, that the facilities have been constructed in conformance with approved designs.
- x) The Holder shall inform the BLM of any changes to their authorization; all information required in the SF-299 application and 2920-1 permit must be updated throughout the term of the authorization. Changes include actions, but are not limited to: change in use, name change, assignment, address change, ownership, and any data entry required in the SF-299, including supplemental documents.
- y) If the authorization is renewable, a new application must be received (BLM date-stamped) within 120 days before the authorization expiration date in order to retain the existing authorization serial case number. If the authorization is renewable and an application is received after the 120-day requirement as noted above, the authorization will be adjudicated under a new serial case number.

2. AIR

- a) The Holder shall meet all Federal, State of New Mexico, and local emission standards for air quality.
- b) The Holder shall meet all Federal, State of New Mexico, and local standards for necessary dust control measures as approved by the Authorized Officer.
- c) The Holder shall implement dust abatement measures as needed to prevent fugitive dust from vehicular traffic, equipment operations, or wind events. The BLM may direct the operator to change the level and type of treatment (watering or application of various dust agents, surfactants, and road surfacing material) if dust abatement measures are observed to be insufficient to prevent fugitive dust.

3. CULTURAL

Any cultural resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his or her behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations within 100 feet of such

- f) The Holder shall properly report the occurrence of any spills associated with project construction and operation, and shall report and respond to spills of potential contaminants, such as gasoline, diesel, motor oils, solvents, chemicals, toxic and corrosive substances, etc., which may be a threat to public health or the environment. A Spill Prevention Control and Countermeasure Plan, as required for compliance with the Act, shall ensure minimal impact of on-site petroleum storage.

5. LIVESTOCK

- a) The Holder shall minimize disturbance to existing fences and other improvements on public land. 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 shall be braced on both sides of the passageway prior to cutting of the fence. No permanent gates shall be allowed unless approved by the Authorized Officer. If livestock are present in the area, ensure no cattle pass while gate is constructed.
- b) Fences, gates, and brace panels shall be constructed to appropriate BLM standards and/or specifications as determined by the Authorized Officer.
- c) When construction activity in connection with the authorization breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the Authorized Officer and fenced by the Holder as per instruction of the Authorized Officer.

6. MINERALS

- a) Use of native minerals materials is allowed within the authorized area on land administered by the BLM. Mineral materials shall not be removed from the authorized area without the Holder obtaining the appropriate mineral materials permit.
- b) All off-site borrow areas must be approved in writing by the Authorized Officer in advance of excavation.
- c) Excess excavated, unsuitable, or slide materials shall be disposed of as directed by the Authorized Officer. Appropriate mineral materials authorization shall be obtained prior to disposal.

7. PALEONTOLOGY

The Holder shall immediately notify the BLM Authorized Officer of any paleontological resources discovered as a result of operation under this authorization. The Holder shall suspend all activities in the vicinity of such discovery until notified to proceed by the Authorized Officer and shall protect the discovery from damage or looting. The Holder may not be required to suspend all operations if activities can be adjusted to avoid further impacts to a discovered locality or be continued elsewhere. The Authorized Officer will evaluate, or

- e) The Holder shall re-contour disturbed areas, or designated sections of the authorized area by grading to restore the sites to approximately the original contour of the ground, as determined by the Authorized Officer.
- f) The Holder shall, as directed by the Authorized Officer, rectify backfill settling in the authorized area.
- g) When sufficiently abundant, overburden and topsoil will be stockpiled (within the authorized area) during construction for use during reclamation. Prior to seeding, the topsoil will be re-deposited (shaped and contoured) to resemble surrounding topography. Ripping or plowing compacted soils may be necessary in some areas and will be addressed on a case-by-case basis, as directed by the Authorized Officer.
- h) The Holder shall uniformly spread topsoil over all unoccupied disturbed areas (outside the ditch line, fence line, or work area). Spreading shall not be done while the ground or topsoil is frozen or wet.
- i) The Holder shall restore drainages, to the greatest extent possible, to the original bank concentration, stream-bottom width and channel gradient.
- j) The Holder shall construct, maintain, repair, or replace, erosion control measures (water bars, etc.), barriers, and sedimentation control devices as necessary to ensure optimum function, as directed by the Authorized Officer.

10. VEGETATION

- a) The Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
- b) The Holder shall, as determined and directed by the Authorized Officer, 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 Authorized Officer upon evaluation.
 - i. Seed-bed preparation shall be performed to provide a hospitable environment for germinating seed by breaking up impermeable soil layers that have formed and increasing void spaces for air and water. Ground shall be roughed-up prior to seeding, by raking, harrowing or other methods, especially those areas that are compacted during project construction.
 - ii. Seeding shall be accomplished in June or July to coincide with the "rainy" season to achieve optimum results. Seed will be planted a quarter to half inch deep using a disc type or similar rangeland drill sufficient to accommodate variations in seed sizes, or if broadcast, the rates should be doubled. If broadcasted, seed shall be broadcast with a "cyclone" hand seeder or similar broadcast seeder to facilitate an

11. **VISUAL**

- a) All above-ground structures not subject to safety requirements shall be color treated by the Holder to blend in with the natural color of the landscape, as directed by the Authorized Officer. The color treatment used shall be a color which simulates *Standard Environmental Colors* designated by the Rocky Mountain Five-State Interagency Committee.
- b) No signs or advertising devices shall be placed on the premises or on adjacent public land except those posted by or at the direction of the Authorized Officer.

12. **WATER**

- a) The Holder is prohibited from discharging oil or other pollutants into or upon the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone in violation of Section 311 of the Clean Water Act as amended, 33 U.S.C. 1321, and the regulations issued thereunder, or applicable laws of the State(s) of [user entry] and regulations issued thereunder. The Holder shall give immediate notice of any such discharge to the Authorized Officer and such other Federal and State officials as are required by law to be given such notice.
- b) The Holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the "nationwide permit" required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the Holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the Authorized Officer with a copy of the same. Failure to comply with this requirement shall be cause for suspension or termination of this authorization.
- c) The Holder shall construct water diversions on all disturbed areas to the spacing and cross sections specified by the Authorized Officer. Water diversions are to be constructed to: (1) simulate the imaginary contour lines of the slope (ideally with a grade of 1 or 2 percent); (2) drain away from the disturbed area; and (3) begin and end in vegetation or rock whenever possible. Water diversions typically will consist of water bars constructed at the following spacing intervals:

PERCENT SLOPE	SPACING INTERVAL
Less than 1%	400 feet
1-5%	300 feet
5-15%	200 feet
15-25%	100 feet
More than 25%	50 feet

15. SPECIAL STATUS PLANTS

For construction and maintenance activities on authorizations that are in and adjacent to occupied habitat for special status plants (endangered, threatened, BLM sensitive), the project area will be inspected by a qualified botanist prior to beginning work. Special status plants will be identified and avoided, or the Authorized Officer will be contacted if this is not possible. Special status plant observations will be provided to the Authorized Officer.

Contract 3202548

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT Bill for Collection		Bill Number: 2023016495 Date: 01/05/2023
Make Remittance Payable To DOI/BLM and Mail To: TAOS FIELD OFFICE 1024 PSO DEL. PBLO S TAOS, NM 87571-6149 (575)758-8851		Please include bill number on all remittances.
Payor: CITY OF SANTA FE BUCKMAN DIRECT DIVERSION 341 CAJA DEL RIO RD SANTA FE, NM 87501 US		

DATE	DESCRIPTION	AMOUNT
	NMNM 120617 01/01/2023 - 12/31/2032 RIGHT OF WAY RENTAL: SANTA FE COUNTY - 12.30 ACRES \$4,332.10	\$4,332.10
	BLM CONTACT: BLM OFFICE, (575)758-8851	
AMOUNT DUE THIS BILL:		\$4,332.10
DATE DUE:		02/04/2023
<ul style="list-style-type: none"> • BLM Tax ID #84-0437540 • A late payment fee of \$25 or 10% of the unpaid amount, whichever is greater, will be assessed if full payment is not received in a BLM office within 15 calendar days of the Due Date per 43 CFR 2806.13(a). Pursuant to 43 CFR 2806.13(c), if the BLM does not receive your rent and payment, late payment fee and any administrative fees within 90 calendar days after the payment was due, the BLM may terminate your grant or lease under section 2807.17 of this part and you may not remove any facility or equipment without written permission from the BLM per section 2807.19 of this part. The payment due, late payment fee and any administrative fees remain a debt that you owe to the United States. • Payment is due immediately upon receipt of this bill; however, payment must be received no later than the due date shown above. • See attached Payment Instructions and Details. • See attached Notice of Actions in Event of Delinquency. • Interest will be assessed at the rate of 1% per year if full payment is not made. • If the above name and address is incorrect, please contact the BLM office listed above. 		

This Bill was generated by the automated BLM Collections and Billings System and is a paper representation of a portion of the official electronic record contained therein.

Memorandum



Buckman Direct Diversion

Date: February 2, 2023

To: Buckman Direct Diversion Board

From: Antoinette Armijo-Rougemont, BDD Accounting Supervisor

ANTOINETTE ARMIJOR

Via: Rick Carpenter, BDD Facilities Manager

RLC

Rick Carpenter (Jan 23, 2023 15:44 MST)

Re: Payment to the Bureau of Land Management

ITEM AND ISSUE:

Request of approval of annual payment to the Bureau of Land Management in the amount of \$70,372.56. For BDDDB Right-of-Way lease fees.

BACKGROUND AND SUMMARY:

The Buckman Direct Diversion Board currently has several right-of-way (ROW) grant agreements with the Bureau of Land Management. These lease agreements include an annual lease payment as follows:

NMNM 107524 Payment Period (01/01/2023-12/31/2023)

Buckman Water Treatment Plant & Solar Site (22.60 acres)

Annual Fee - \$63,000.00

NMNM 103816-03 Payment Period (01/01/2023-12/31/2023)

Booster Station 2A Solar Site (4.80 acres)

Annual Fee - \$3,040.46

(Includes Photovoltaic Capacity Fee)

NMNM 120617 Payment Period (01/01/2023-12/31/2023)

Fiber Optic Line (12.30 acres)

Annual Fee - \$4,332.10

The rental fees for these agreements were included in the FY 2022/2023 BDD Operating Budget and will continue to be a part of the annual budget request.

ACTION REQUESTED:

Staff Recommends approval of payment to the Bureau of Land Management in the amount of \$70,372.56 For payment Period 01/01/2023-12/31/2023).

[Signature]

Feb 10, 2023
Approved/Date

Denied/Date



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



23-0074 US Department of the Interior, Bureau of Land Management

Final Audit Report


2023-02-28

Created:	2023-02-28
By:	Xavier Vigil (xivigil@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAg5mYSpitRSHxB7TeOOaTEkc0nkl2gLL5

"23-0074 US Department of the Interior, Bureau of Land Management" History

 Document created by Xavier Vigil (xivigil@ci.santa-fe.nm.us)

2023-02-28 - 8:55:47 PM GMT- IP address: 63.232.20.2

 Document emailed to Kristine Mihelcic (kmmihelcic@santafenm.gov) for signature

2023-02-28 - 8:56:19 PM GMT

 Email viewed by Kristine Mihelcic (kmmihelcic@santafenm.gov)

2023-02-28 - 9:44:56 PM GMT- IP address: 174.205.37.92

 Document e-signed by Kristine Mihelcic (kmmihelcic@santafenm.gov)

Signature Date: 2023-02-28 - 9:45:22 PM GMT - Time Source: server- IP address: 174.205.37.92

 Agreement completed.

2023-02-28 - 9:45:22 PM GMT