

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

SERIAL NUMBER CACA-051552-01

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:

Ocotillo Express LLC
1600 Smith St., Suite 4025
Houston, Texas 77002

receives a right to construct, operate, maintain and terminate a total of 155 MASW survey sites, 16 geotechnical boring sites, 16 electrical resistivity surveys areas and various soil samples in preparation of and in connection with the Ocotillo Express Wind Energy project site located on public lands within Imperial County, California. Maps of the Project Areas and testing areas are shown within the attached Plan of Development ("POD").
 - b. The right-of-way area granted herein contains approximately 1 acre, more or less.
 - c. This instrument shall terminate one (1) 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 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:**

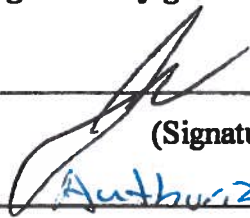
- a. This grant ~~or permit~~ is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer. *If improvements are not removed and the lands rehabilitated within the time set by the Authorized Officer, the Holder shall be liable for the costs incurred by the United States in removal and rehabilitation*
- 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, plans, maps, or designs set forth in Appendix A and the Plan of Development, 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 workman like manner so as to ensure protection of the environment and the health and safety of the public.

5. **Definitions:**

- a. **Holder** means any entity with a BLM right-of-way authorization.

- b. **Public lands** means any land and interest in land owned by the United States within the several states and administered by the Secretary of the Interior through BLM, except lands located on the Outer Continental Shelf, and those held for the benefit of Indians, Aleuts, and Eskimos.
- c. **Right-of-Way** means the public lands authorized to be used or occupied pursuant to a right-of-way grant.
- d. **Right-of-Way Grant** means an instrument issued pursuant to Title V of the Federal Land Policy and Management Act authorizing the use of a right-of-way over, upon, under or through public lands for construction, operation, maintenance and termination of a project.
- e. **Authorized Officer** means any employee of the Department of the Interior to whom has been delegated the authority to perform the duties described in 43 CFR 2880 in respect to this grant.

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




 (Signature of Holder)

 Authorized Signatory

 (Title)
 12/7/11

 (Date)



 acting for Margaret L. Goodro, Field Manager

 (Title)
 12/9/2011

 (Date)