

Township 12 North, Range 11 East, Section 6, 5, 1

Township 13 North, Range 11 East, Sections 27, 26, 31, 32, 33, 34, 35, 36

Township 12 North, Range 12 East, Sections 6, 7, 8, 9, 10, 11, 12

Township 12 North, Range 13 East, Sections 7, 8, 9, 10, 3

Township 13 North, Range 13 East, Section 34, 35, 36, 26, 25

Township 13 North, Range 14 East, Sections 30, 29, 28, & S½ Section 27

If any subsequent survey of said existing Forest Highway shows that any portion crosses Forest Service land, not described herein, this Highway Easement Deed shall be amended to include the additional lands traversed.

Said right of way being described as follows:

A strip of land 200 feet wide, being offset 100 feet each side of the centerline of said Forest Highway Route 137, Wentworth Springs Road.

Together with the above described parcels:

Any and all man-made features, including cut and fill slopes and drainage structures adjacent to and appurtenant to said existing Forest Highway.

Excepting from the above described parcels:

All intersecting roads, adjacent roads, trailheads, trails, Forest Service administrative sites, and irrigation ditches adjacent to the roadbed of said existing Forest Highway.

The Forest Highway traverses approximately 21.02 miles of roadway situated upon National Forest land, encompassing an area of 510 acres, more or less, within the right-of-way corridor.

Forest Highway 137 is depicted on the locator map, attached hereto and made a part hereof, labeled as "Exhibit 3"

Subject to the following terms, conditions, and covenants:

1. This right of way easement is subject to existing rights as of the date of this grant and the Grantee shall obtain such permission as may be necessary relating to any such outstanding valid claims.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object discovered by the Grantee, or any person working on his behalf, on public or federal land shall be immediately reported to the Forest Service authorized officer. Grantee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Forest Service authorized officer. An evaluation of the discovery will be made by the Forest Service authorized officer to determine appropriate

actions to prevent the loss of significant cultural or scientific values. The Grantee will be responsible for the cost of the evaluation and any decision as to proper mitigation measures will be made by Forest Service authorized officer after consulting with the Grantee.

3. The easement herein granted is limited to use of the described right of way and the space above and below the established grade line of the highway for the purpose of reconstruction, operation, and maintenance of the existing highway and does not include the grant of any rights for non-highway purposes or facilities:
 - a. Provided, the Forest Service retains the rights to use or authorize the use of any portion of the right of way for non-highway purposes, except where such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration regulations issued pursuant thereto, or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case, the Grantee and the Department shall be consulted prior to the exercise of such rights, and;
 - b. Provided further, that nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture signs on the portions of the right of way outside of construction clearing limits.
4. The Grantee shall maintain the right of way and highway facilities to acceptable standards of repair, orderliness, neatness, sanitation and safety.
5. Consistent with highway safety standards, the Grantee shall:
 - a. Protect and preserve the soil, vegetative cover and scenic and esthetic values within the right of way outside of construction limits;
 - b. Provide for the prevention and control of soil erosion within the right of way and adjacent lands that might be affected by the reconstruction, operation or maintenance of the existing highway;
 - c. Vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary by a joint review between the Forest Supervisor and the Grantee prior to the completion of the highway;
 - d. Maintain all erosion control features appurtenant to the highway. This provision shall also apply to slopes that are reshaped following slides that occur during or after construction;
 - e. Maintain the right-of-way clearing by means of chemicals only after consultation with the Forest Supervisor. Consultation must address the time, method, type and quantity of chemicals, and the exact portion of the right of way to be chemically treated;

- f. Comply with all Federal, State and local laws and regulations existing, or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported or stored within the right of way. Promptly and properly clean up, mitigate, and remedy, if necessary, all spills of petroleum products, hazardous materials, or other chemical or biological products;
 - g. Grantee shall not use the right of way for disposal of toxic or hazardous material, including asphalt.
 - h. The Grantee shall not establish borrow, sand, or gravel pits; stone quarries; permanent storage areas; or sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right of way without first obtaining approval of the Forest Supervisor.
- 6. The Grantee does hereby covenant and agree that it shall not transfer or assign any interest granted hereby without the prior written consent of the Department, to be granted or withheld in its sole discretion.
- 7. The Grantee will obtain approval from the Forest Supervisor before any merchantable timber can be cut for roadway maintenance purposes.
- 8. The Grantee, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 242) shall be complied with in that:
 - a. No person 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed.
 - b. The Grantee shall use said easement and right of way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and said regulations as may be amended.
- 9. In the event the easement of right of way granted hereby should no longer be needed or used by the Grantee for the highway uses contemplated herein, or is used by the Grantee, its successors or assigns, for any purpose not contemplated by this deed without prior written authorization from the Department, the easement shall immediately terminate and the right of way and any facilities thereon shall revert to and vest in and become the absolute property of the Forest Service, or its successors or assigns, as such interest existed prior to this instrument. In the event the easement of right of way granted hereby should no longer be needed by the Grantee, the Grantee shall timely provide written notice to the Department acknowledging the reversion of the right of way.

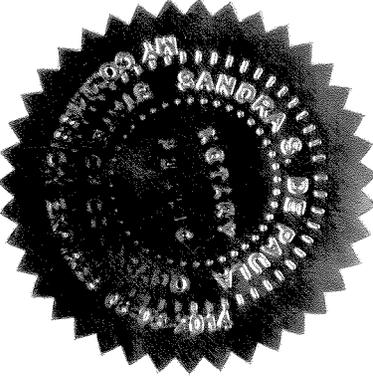
10. In the event of a reversion, the Grantee shall reasonably restore the land subject to the easement to the condition which existed prior the transfer and be responsible for its protection and maintenance until such time as the Grantee executes and records a quitclaim deed documenting the termination of the easement and the reversion of title in the United States.

AND further subject to the following terms, conditions, and covenants attached herewith and made a part thereof as stated in attached "Exhibit 1" and "Exhibit 2."

IN WITNESS WHEREOF, I, RICARDO SUAREZ, Division Engineer, pursuant to delegations of authority from the Secretary of Transportation and the Federal Highway Administrator, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

Ricardo Suarez
Federal Highway Administration
Division Engineer

County of Jefferson State of Colorado,
Before me personally appeared said Ricardo Suarez and acknowledged the foregoing instrument to be his free act and deed this 9th day of March, 2011.



SANDRA S. DE PAULA
Notary Public
State of Colorado
My Commission Expires August 03, 2014

Sandra S. De Paula
Notary Public
My commission expires Aug. 3, 2014

In compliance with the conditions set forth in the foregoing Deed, County of El Dorado, State of California, certifies, and by the acceptance of this Deed, accepts the right of way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

Chairperson of the Board of County Supervisors

Date

State of California, County of El Dorado

Notary Acknowledgement Attached

EXHIBIT 1 STIPULATIONS

The following stipulations, as defined by the Forest Service, are supplementary to the terms and conditions of the Highway Easement Deed between the United States, acting through the Department of Transportation, Federal Highway Administration, and the County of El Dorado. These stipulations are necessary for the adequate protection of National Forest System lands and resources.

The Forest Service will retain authority and responsibility for installation and maintenance of guide signs, interpretive signs and National Forest System Road route markers. Locations for installation will be mutually agreed to by the County of El Dorado and the Forest Service. All other highway signing will be the responsibility of FHWA and the County of El Dorado.

1. In the event that cultural resources are encountered during road construction or maintenance activities, all work will stop immediately in the area and the local District Ranger shall be notified.
2. Any Special Use Permits for the existing road or existing road easements granted to the County of El Dorado by the Eldorado National Forest (issued 4/11/1961 and 2/26/1962) are to be relinquished by the County of El Dorado in favor of the permanent DOT easement issued under the Federal Highway Act of 1958, 23 USC 317.
3. A Letter of Consent to transfer an easement from the Forest Service and subsequent Department of Transportation easement does not grant fee title to National Forest System lands or resources and removal of such resources requires authorization from the authorized officer. All non-highway related use of the road right of way must be approved by the Regional Forester.
4. Before the Grantee commences any clearing of the right of way, or construction of the highway, the Grantee shall prepare, in cooperation with the Regional Forester:
 - a. A fire protection plan that sets forth in detail the fire prevention, presuppression, and suppression measures that will be taken by the Grantee, its employees, contractors, and subcontractors, and their employees in all operations during the construction stage. The fire plan shall be made available to all bidders prior to letting the contract and the Grantee shall cause its contractors to comply with all provisions of the fire plan and of all burning permits issued for disposal of flammable materials.
 - b. A clearing plan that sets forth in detail the procedures and standards that will apply to:
 - i. all clearing and disposal of merchantable timber and young growth in the right of way.
 - ii. debris disposals, including debris removal from all streams.
 - c. Such plan shall include provision for payment by the Grantee or its contractors for the merchantable timber on lands of the United States to be cut, used, or destroyed in the construction of the highway or in clearing of said right of way. Payment for merchantable timber shall be at appraised value as determined by the Regional Forester: Provided, that

the Regional Forester may dispose of the merchantable timber to other than the Grantee or its contractors at no stumpage cost to the Grantee or its contractors.

5. Comply with the following requirements of the California State Department of Fish and Game and Forest Service for wildlife and fish management:
 - a. Take all necessary precautions to avoid damage to fish habitat and exercise every reasonable precaution to prevent muddying or silting live streams. For the purpose of these stipulations, Canyon Creek, Pilot Creek and ephemeral and perennial tributaries shall be considered live streams.
 - b. Do not deposit material removed from the roadway or channel changes in live streams or into the streams or stream channel where it could be washed away by high stream flows.
 - c. Do not haul materials, including logs, brush, and debris by fording live streams, but provide temporary bridges or other structures for this purpose.
 - d. Do not operate mechanized equipment in live streams, except as may be required to construct bridges, retaining walls, or channel changes as stipulated.
 - e. Do not allow oil or greasy substances originating from construction operations to enter or be placed where they may later enter a live stream.
 - f. Comply with provisions of the State Fish and Game Code and other applicable statutes relating to pollution prevention and abatement
 - g. Do not remove gravel from the bed of any creek or any important spawning stream.
6. Dispose of waste material resulting from slides during and after construction and surplus material at locations approved by the Forest Supervisor. A plan showing the proposed method of disposal shall be submitted by the Grantee at the time approval is requested.
7. Reestablish or restore public land monuments disturbed or destroyed by construction, reconstruction, or maintenance according to instructions of the Bureau of Land Management, Department of the Interior. Other land monuments and property corners or witness markers shall not be damaged, destroyed, or obliterated without the prior permission of the Regional Forester and shall be relocated or reestablished in accordance with standards satisfactory to the Regional Forester.
8. Prepare, in cooperation with the Regional Forester, a landscape and erosion control plan with the objective of protecting, restoring, or enhancing the roadside landscape, protecting the soil, and protecting or reestablishing vegetative cover. Such plan shall, when appropriate, provide vegetating cuts, fills and other areas damaged as a result of highway construction; maintenance or operation; and for terraces, drainage, waste disposal areas, soil replacement, and other related requirements necessary to achieve the objective.
9. Build suitable access structures, grade separations and/or connecting roads to standards that conform with the approved plans and specifications at the following locations:

Any existing or planned National Forest development (or other Forest Service controlled road) intersected or blocked by the right-of-way.

10. Provide standard highway signs in accordance with the Manual of Uniform Traffic Control devices (MUTCD) to identify the following locations:

Primary and Secondary Highways

11. If federally listed or Forest Service sensitive plant species are identified along the easement after transfer of the permanent easement, the District Ranger will inform El Dorado County Department of Transportation of the occurrences. Prior to working in these areas, contact district botanist to ensure that rare plants are protected. These occurrences should be avoided and buffered by at least 25'.
12. Harden or compact the soil on the road shoulders to discourage weed establishment.
13. Follow Best Management Practices (USDA Forest Service 2000):
 - a. Servicing and Refueling Equipment 2-12
 - b. Control of Construction and Maintenance Activities Adjacent to SMZs 2-13
 - c. Controlling In-Channel Excavation 2-14
 - d. Diversion of Flows Around Construction Sites 2-15
 - e. Bridge and Culvert Installation 2-17
 - f. Snow Removal Controls to Avoid Resource Damage 2-25
 - g. Surface Erosion at Facility Sites 2-28
14. Ensure that culvert design readily allows for fish passage.
15. Use certified weed-free products for erosion control/revegetation. Follow the Eldorado National Forest Seed, Mulch and Fertilizer Prescription (attached).
16. Wash all equipment that operates off roads before it enters this project area to reduce potential for the introduction of noxious weeds.
17. Protect all existing improvements including, but not limited to, mailboxes, driveways and the buried water lines located underneath the road.

EXHIBIT 2



United States
Department of
Agriculture

Forest
Service

Eldorado
National
Forest

100 Forni Road
Placerville, CA 95667
(530) 622-5061
(530) 626-4552 (TTY)

Date: March 21, 2000

File Code: 2500, 2670, 7100
Route To:
Subject: Seed, Mulch and Fertilizer Prescription

To: Forest Leadership Team

Enclosed are the new Eldorado National Forest Seed, Mulch and Fertilizer Prescriptions. These prescriptions supercede any previous recommendations. Please note one of the primary changes is the replacement of non-native species in the standard seed mix for special projects with native species found in the Sierra Nevada. The reason for changing the seed mix is due to increasing evidence of the importance of native species in ecosystems and the need to preserve and restore native bio-diversity. To reflect this new information Region 5 adopted a policy in June 1994 regarding the use of native plant material in restoration and revegetation projects.

This policy states that on the use of native vegetative materials on National Forests: "To the extent practical, seeds and plants used in erosion control, fire rehabilitation, riparian restoration, forage enhancement, and other vegetation projects shall originate from genetically local sources of native plants."

1. Prescriptions for use of plant materials for revegetation must be developed by knowledgeable plant resource specialists prior to implementation to ensure that the project is feasible and suitable plant material is used.
2. All revegetation facets must be evaluated early in the planning process for Forest projects.
3. Plant materials (seed, cuttings, and whole plants) used in all revegetation projects shall originate from genetically local sources of native species, to the extent practical.
4. Do not use plant materials of species sold as natives if the genetic origin is not known.
5. Plant materials collected or purchased for Forest projects must be carefully evaluated to ensure that these materials are healthy, free of pests, and that they are properly handled, stored, and conditioned for successful use.

Efforts to protect native species and restore bio-diversity also include measures to reduce the risk of introducing noxious weeds. Forest Service Manual, 2080 Noxious Weed Management, states: Make every effort to ensure that all seed, feed, hay, and straw used on National Forest System lands is free of noxious weed seeds. (FSH 6309.12, sec. 42 and 42.1). To this end straw used for erosion control on the Eldorado National Forest will be certified weed-free. A state-wide certification program is being developed. Implementation of a weed-free forage and mulch program by the California Agricultural Commissioners and Sealers Association (CACASA) is scheduled for 2004. Pending implementation of that program, rice straw, (local) native grass straw, or pine needle mulch may be substituted for weed-free certified mulch.

10-0209.B.10

When a fertilizer application is necessary the use of quick release, inorganic materials should be avoided. Beneficial effects from these types of fertilizers are short term and tend to favor the initial establishment of exotic grasses and weeds. A slow release organic product that provides a slow release of nutrients over multiple seasons, will be used.

Although this change in the ENF standard seed mix for special projects does not entirely meet the intent of Region 5 policy, it is a step in the right direction. Please ensure that this new prescription is accepted as quickly as possible and that the original seed mix is no longer used. The recommended seed and fertilizer are commercially available. If there are any questions or concerns regarding these changes please contact Mike Taylor, at 530-621-5219 or Dave Jones, at 530-621-5248.

/s/ *Judie L. Tartaglia*
JUDIE L. TARTAGLIA
Acting Forest Supervisor

FERTILIZER, SEED MIXES AND MULCHES

Below are the new fertilizer, seed mixtures and mulch requirements to be used on the Eldorado National Forest. Although only two seed mixtures, designed to accommodate broad spectrums of conditions, are listed, alternative species mixes are appropriate and will likely be necessary as some of the listed cultivated varieties become unavailable. Basically the idea behind these mixtures are to simplify the process by providing a variety of species, which will increase the chances of seedling establishment across a range of environmental conditions.

For additional information or seed recommendations (site-specific recommendations are encouraged) please call Mike Taylor, 621-5219, or Dave Jones, 621-5248.

SEEDING AND MULCHING is revised as follows:

- Seeding season - Unless approved otherwise, the normal seasonal date for seeding remains September 1 to October 15.
- Seed shall conform to California Seed Law as to purity and germination.

Application Methods for Fertilizer, Seed and Mulches.

Dry Method: When vegetative mulch is applied simultaneously with the seed and fertilizer, the seed and fertilizer shall be applied at the rates shown below. If vegetative mulch is applied after seeding and fertilizing, the seeding rate can be reduced by half but the fertilizer application shall remain the same.

1. Fertilizer: "BIOSOL MIX" 7-2-3 at 1,000 pounds per acre
2. Mulch: Weed-free mulch shall be applied at the rate of 3,000 pounds per acre, which should provide a 2 to 3 inch covering of straw on the ground surface. On slopes one and one half to one and steeper, mechanical methods of mulch anchoring shall not be required provided a "smoothing operation" has not been performed on the constructed fill slope.
3. Seed Mixtures (NOTE some of these species are no longer commercially produced (i.e. *Deschampsia elongata*) and substitutions will be necessary)

Mix A - dry to moderate sites (low-mid elevations)

Deschampsia elongata , 'Eldorado Canal'	4.0 pounds per acre
Lotus purshianus, 'Sierra' or 'Plumas'	7.0 pounds per acre
Bromus carinatus var. carinatus,	
'Eldorado Ice House'	9.0 pounds per acre
Elymus Glaucus 'Stanislaus 2000'	4.0 pounds per acre

10-0209.B.11

Elymus Glaucus, 'Eldorado Ice House'	4.0 pounds per acre
Elymus elymoides, 'Native Cal' (poor sites)	2.0 pounds per acre
Festuca rubra, 'Mokelumne Fescue'	4.0 pounds per acre
Poa secunda v. juncafolia 'Eldorado Ice House'	3.0 pounds per acre
Stipa lemmonii, 'Eldorado'	2.0 pounds per acre
	total: 45.0 pounds per acre

Mix B - moderate to moist sites (mid to high elevations)

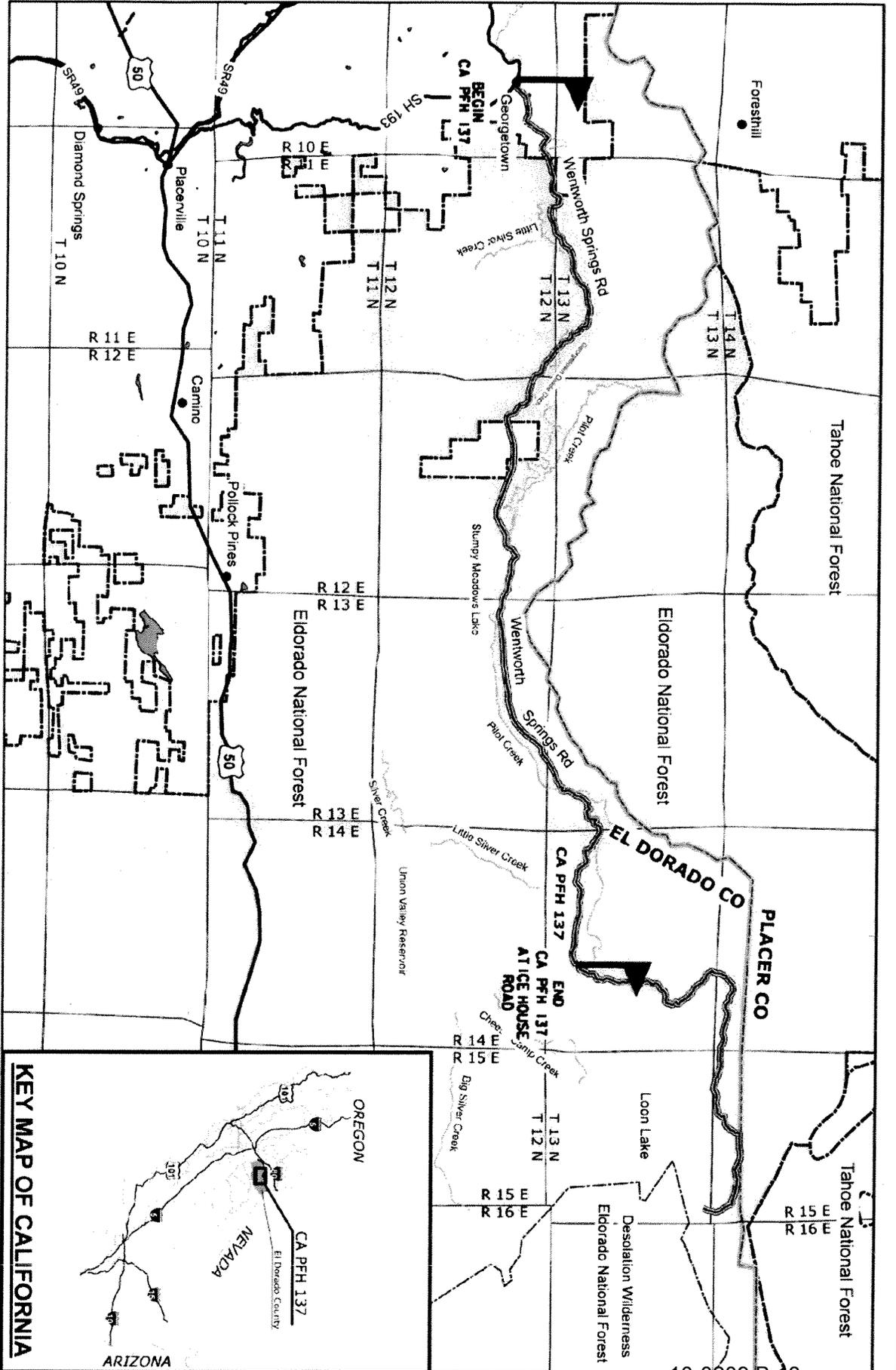
Festuca rubra, 'Mokelumne Fescue'	4.0 pounds per acre
Deschampsia elongata, 'Eldorado Canal'	11.0 pounds per acre
Bromus carinatus var. carinatus, 'Mokelumne Brome'	10.0 pounds per acre
Lotus purshianus, 'Sierra'	6.0 pounds per acre
Elymus glaucus, 'Stanislaus 5000'	5.0 pounds per acre
Elymus glaucus, 'Eldorado'	5.0 pounds per acre
Festuca rubra, 'Mokelumne Fescue'	4.0 pounds per acre
	total 45.0 pounds per acre

NOTE:

- Use 3/4 seeding rate (above) when soil conditions are optimum, chances of weed invasion are low, site is level, duff/topsoil is being returned after disturbance, etc.
- Use recommended rate when "normal" adversity is expected.
- Use 1.25X recommended rate when on poor site, hot dry south aspect, serpentine soil, poor soil prep, or additional speed or efficacy is required (for these poorer sites rely heavily on Elymus elymoides' native cal', Vulpia microstachys 'Sierra N.F.', and Lotus purshianus, 'Sierra').
- Continue to increase up to 2X recommended rate as overall conditions deteriorate or demand for fast establishment is of the essence.

Hydraulic Method: The seed and fertilizer shall be mixed with water to produce a slurry and then applied under pressure at the following rates. Vegetative mulch (wood cellulose or weed-free grass straw fiber) may be applied with the seed and fertilizer.

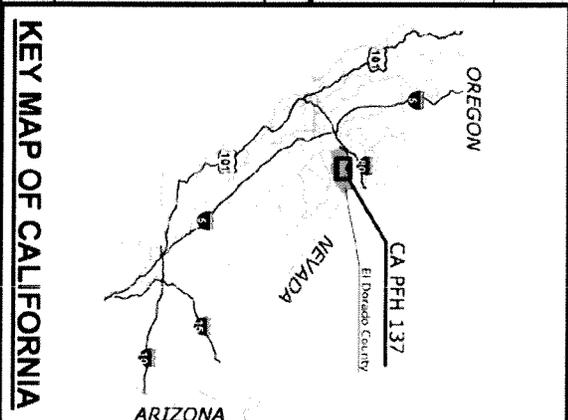
- | | |
|---|---|
| 1. Fertilizer - "BIOSOL MIX" 7-2-3 | 1,000 pounds per acre |
| 2. Mulch: Wood cellulose or weed-free grass straw fiber | 1,500 pounds per acre |
| 3. Seed Mixtures applied at double the dry method rate | Mix A = 90 pounds per acre
Mix B = 106 pounds per acre |



Legend

- Wentworth Springs Road
- Major Roads
- Cities/Towns
- ▭ County
- ▭ National Forest
- ▭ Lake
- River

CA PFH 137
Wentworth Springs Road
Exhibit 3



NOT TO SCALE

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:

County of El Dorado
Board of Supervisors
330 Fair Lane
Placerville, CA 95667

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Highway Easement Deed dated March 9, 2011, by and between the **UNITED STATES OF AMERICA, acting by and through the Department of Transportation, Federal Highway Administration**, to the **COUNTY OF EL DORADO, a political subdivision of the State of California**, is hereby accepted by order of the County of El Dorado Board of Supervisors and the grantee consents to the recordation thereof by its duly authorized officer.

California Forest Highway Route 137, Wentworth Springs Road,
Also known as El Dorado County Road 63

Dated this _____ day of _____, 2011.

COUNTY OF EL DORADO

By: _____
Raymond J. Nutting, Chair
Board of Supervisors

ATTEST:

Suzanne Allen de Sanchez
Clerk of the Board of Supervisors

By: _____