

Wildlife Stipulations

CX#: DOI-BLM-NV-W010-2012-0023-CX

Serial#N-28999

(ROWS/Mining Notices)

General Stipulations		
1.	<input type="checkbox"/>	For all water developments, install escape ramps and a mechanism such as a float or shut-off valve to control the flow of water in tanks and troughs. (WO-IM-2012-044 P)
2.	<input type="checkbox"/>	For water developments, design structures in a manner that minimizes potential for production of mosquitos which may carry West Nile virus. (WO-IM-2012-044 P)
3.	<input type="checkbox"/>	Design fences to minimize impacts to wildlife including spacing, materials, and visibility: <ul style="list-style-type: none"> <input type="checkbox"/> Sage-grouse <input type="checkbox"/> Pronghorn antelope <input type="checkbox"/> Mule deer <input type="checkbox"/> Bighorn sheep
4.	<input type="checkbox"/>	Mitigation is recommended for the following species: <i>(List species)</i>
5.	<input type="checkbox"/>	To prevent night-time collisions from birds and bats, the applicant shall install collision deterrent or suitable "bird diverter" devices as appropriate. (WO-IM-2101-22 P and Nevada Energy and Infrastructure Standards to Conserve Greater Sage-Grouse, April 2010)
6.	<input type="checkbox"/>	All guy wires shall have permanent markers attached for their entire length to increase visibility. These devices and markers will be checked periodically and replaced as needed. (WO-IM-2101-22 P and Nevada Energy and Infrastructure Standards to Conserve Greater Sage-Grouse, April 2010)
7.	<input type="checkbox"/>	The proposed project falls within crucial winter range for wildlife. Activities that may disturb and displace wildlife will not be authorized during the following time periods. <ul style="list-style-type: none"> <input type="checkbox"/> Pronghorn antelope (November 15 through April 30) <input type="checkbox"/> Mule deer (November 15 through April 30) <input type="checkbox"/> Bighorn sheep (November 15 through April 30) <input type="checkbox"/> Elk (November 15 through April 30)

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8.	<input type="checkbox"/>	<p>The proposed project falls within known kidding, fawning, lambing and calving range for wildlife. Activities that may disturb and displace wildlife will not be authorized within a quarter-mile of the known habitat during the following time periods.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pronghorn antelope (April 1 through June 30) <input type="checkbox"/> Mule deer (May 15 through June 15) <input type="checkbox"/> Desert Bighorn sheep (February 1 through April 30) <input type="checkbox"/> California Bighorn sheep (April 1 through June 30) <input type="checkbox"/> Elk (May 1 through June 30)
9.	<input type="checkbox"/>	<p>The proposed project falls within crucial winter range for wildlife. Please try to avoid activities that may disturb and displace wildlife during the following time periods.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pronghorn antelope (November 15 through April 30) <input type="checkbox"/> Mule deer (November 15 through April 30) <input type="checkbox"/> Bighorn sheep (November 15 through April 30) <input type="checkbox"/> Elk (November 15 through April 30)
10	<input type="checkbox"/>	<p>The proposed project falls within known kidding, fawning, lambing and calving range for wildlife. Please try to avoid activities that may disturb and displace wildlife during the following time periods.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pronghorn antelope (April 1 through June 30) <input type="checkbox"/> Mule deer (May 15 through June 15) <input type="checkbox"/> Desert Bighorn sheep (February 1 through April 30) <input type="checkbox"/> California Bighorn sheep (April 1 through June 30) <input type="checkbox"/> Elk (May 1 through June 30)

Raptors

1.	<input type="checkbox"/>	<p>Power and/or communication lines shall be constructed in accordance to standards outlined in "Suggested Practices for Avian Protection on Power Lines, The State of the Art in 2006," (Avian Power Line Interaction Committee (APLIC), 2006, Edison Electric Institute and the raptor Research Foundation, Inc., Washington, DC) and Avian Protection Plan (APP) Guidelines (USFWS, 2005). This stipulation is applicable to renewals of ROWs as well as new ROWs.</p>
2.	<input type="checkbox"/>	<p>Power and/or communication lines are located in a fall and/or spring migration corridor. The applicant shall install collision deterrent (e.g. line markers) or suitable "bird diverter" devices as appropriate.</p>
3.	<input type="checkbox"/>	<p>If the proposed project has the potential to impact Golden eagles or their habitat, an</p>

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		Avian Protection Plan (APP) is required by the BLM as a condition of the ROW grant. The APP will be developed by the applicant in coordination with FWS to evaluate options to avoid and minimize project impacts to Golden eagles.
4.	<input type="checkbox"/>	Bald and/or golden eagles may now or hereafter be found to utilize the project area. The BLM will not issue a notice to proceed for any project that is likely to result in take of bald eagles and/or golden eagles until the applicant completes its obligation under applicable requirements of the Eagle Act, including completion of any required procedure for coordination with the FWS or any required permit. The BLM hereby notifies the applicant that compliance with the Eagle Act is a dynamic and adaptable process which may require the applicant to conduct further analysis and mitigation following assessment of operational impacts. Any additional analysis or mitigation required to comply with the Eagle Act will be developed with the FWS and coordinated with the BLM. (WO-IM-2010-156 P)
7.	<input type="checkbox"/>	Raptor nest(s) and/or burrows are located in or near the project area. Between March 1 st and August 31 st no disturbance can take place within ¼-mile non-line of sight and 1/2 – mile line of sight from the nest(s). Blasting is restricted within 1-mile of nests during this time period.
8.	<input type="checkbox"/>	Bald eagle nest(s) are located in or near the project area. Between January 1 st and August 31 st no disturbance can take place within ¼-mile non-line of sight and ½-mile line of sight. Blasting is restricted within 1-mile of nests during this time period.
9.	<input type="checkbox"/>	Bald eagle winter roosts are located in or near the project area. Between December 1 st and April 1 st no disturbance can take place within ½-mile of winter roosting sites.
10.	<input type="checkbox"/>	Golden eagle nest(s) are located in or near the project area. Between February 1 st and August 31 st no disturbance can take place within ¼-mile non-line of sight and ½-mile line of sight of nests.
11.	<input type="checkbox"/>	Coordination with the FWS should occur early and throughout the project planning process regarding golden eagles and their habitat. All projects must document and include as part of the administrative record any and all written correspondence from the FWS indicating whether or not the project, as proposed, is or is not likely to take golden eagles. Correspondence must also address whether or not the FWS considers the development of an APP an option for the project as proposed, or if an alternative project proposal should be considered. If FWS considers an APP to be an option for the project, a letter of concurrence must be sought and received from the FWS that addresses the adequacy of the APP. (WO-IM-2010-156 P and NV-IM-2010-063 P)
12.	<input type="checkbox"/>	Raptors are known to occur in the area and/or potential nesting habitat is present. The applicant shall contact FWS to determine project specific survey requirements for raptors. All projects must document and include as part of the administrative record any

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		and all written correspondence from the FWS. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.
Migratory Birds		
1.	<input type="checkbox"/>	No surface disturbance is authorized during the avian breeding season (March 1 st through August 31st).
2.	<input checked="" type="checkbox"/>	In order to avoid potential impacts to breeding migratory birds, a nest survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1 st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, implementation of the project should commence within 10 days of survey completion.
3.	<input type="checkbox"/>	In order to avoid potential impacts to breeding migratory birds, a careful visual inspection of habitat in the project area should be made prior to any surface disturbance (including cross-country routes) during the avian breeding season (March 1 st through August 31 st). Nesting activities may include eggs or young present in nest, adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.
4.	<input type="checkbox"/>	Permittees must strive to conduct their mining activities outside of the migratory bird nesting season which runs from March 1 st through August 31 st . In the event the permittee finds it can't avoid activity during this time, the permittee must at least plan ahead and clear the native vegetation in those areas outside of the nesting season to deter birds from nesting there. Vegetation must be cleared only in the footprint of the projected disturbance for that year. For example, a pit would be cleared of only several acres of previously disturbed habitat at any one time (the projected years need) instead of clearing the entire permitted area at once. Once cleared of vegetation, any material taken from the area must be within the area devoid of vegetation. The Permittee must take measures to deter weeds and native vegetation from returning to the disturbed area such as applying a BLM approved herbicide or blading the area again as needed.
5.	<input type="checkbox"/>	Should a need for material arise during the nesting season in an area that has not been cleared of vegetation, any authorized permit / contract holder may request approval from the BLM to initiate a pre-disturbance migratory bird nesting survey. A pre-

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		disturbance migratory bird nesting survey shall be conducted by a qualified biologist within potential breeding habitat prior to any surface disturbance proposed during the avian breeding season (March 1st through August 31st). Surveys must be conducted no more than 10 days and no less than 3 days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active nests are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established. If no active nests are present in the area surveyed, vegetation should be cleared within 10 days of survey completion.
Bats		
1.	<input type="checkbox"/>	A concern exists regarding the potential for bats to occur on the site, since they have been known to inhabit abandoned mines in the area. During the fall bats will enter abandoned mines to hibernate until about April. The BLM prefers potential bat-disturbing activities remain a quarter-mile or more from their habitat whenever possible. However, if activities are proposed closer to potential bat areas the BLM requests the following recommendations be taken into consideration: (1) drilling and construction/reclamation activities proximal to potential areas where bats hibernate should be avoided from mid-October to April and from dusk to dawn (when bats may be entering/exiting mines) without prior consultation with BLM, (2) the mines should not be entered, and (3) drilling through existing underground workings that may contain bats should be avoided.
2.	<input checked="" type="checkbox"/>	Potential bat hibernacula are present in or near the project area. No disturbance activities will be permitted from mid-October to April within a quarter-mile of hibernacula, unless pre-disturbance clearance surveys have been conducted in accordance with BLM protocols and approved by the BLM biologist.
3.	<input checked="" type="checkbox"/>	Potential bat habitat is present in or near the project area. No entry into caves, adits or shafts is permitted unless prior authorization from the BLM Authorized Officer is obtained. (This includes entry for bat surveys.)
4.	<input type="checkbox"/>	Potential bat habitat is present in or near the project area. No drilling through existing underground workings containing potential bat habitat is permitted.
5.	<input type="checkbox"/>	Prior to closure of caves, adits or shafts containing potential bat habitat, surveys will be conducted to determine presence or absence of bats. If bat presence is confirmed, appropriate bat access devices, approved by the BLM, must be installed.
6.	<input type="checkbox"/>	The applicant is encouraged to install bat detection devices on met towers to collect data regarding these species (minimum two years) during the wind data collection phase, in order to expedite the planning and permitting of a wind generation facility.

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Pygmy Rabbits		
1.	<input type="checkbox"/>	Our review of your proposed project determined that the area may have suitable habitat for pygmy rabbits. Please avoid disturbing sagebrush to the greatest possible extent. This may be accomplished by using existing roads and other areas devoid of sagebrush. (IM-NV-2003-064 P)
2.	<input type="checkbox"/>	Review of your proposed project determined that the project area has suitable habitat for pygmy rabbits. Prior to any ground disturbing activities, a survey to determine the presence/absence of pygmy rabbits must be conducted. If burrows or burrow complexes are found, a minimum 400 foot buffer within suitable sage-brush habitat will be applied to ensure that the burrows are not impacted by the proposed project. (IM-NV-2003-064 P and NDOW telemetry data 2010 and 2011)
Sage-grouse		
1.	<input type="checkbox"/>	<p>The area of the proposed project is designated Preliminary Priority Habitat (PPH) and/or Preliminary General Habitat (PGH) for the Greater sage-grouse. Disturbance of sagebrush shall be avoided to the greatest possible extent. This may be accomplished by using existing roads and other areas devoid of sagebrush. Disturbance to meadow and riparian areas also should be avoided as these areas provide important summer habitat for sage-grouse and sage-grouse chicks. (WO-IM-2012-043 P)</p> <p>Roads</p> <ul style="list-style-type: none"> <input type="checkbox"/> Locate roads to avoid high quality sagebrush habitats and areas. <input type="checkbox"/> Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose. <input type="checkbox"/> Coordinate road construction and use among ROW holders. <input type="checkbox"/> Do not issue ROWs to counties on mining development roads, unless for temporary use consistent with all other terms and conditions included in this stipulation. <input type="checkbox"/> Construct road crossings at right angles to ephemeral drainages and stream crossings. <input type="checkbox"/> Design roads to be driven at slower speeds and reduce driving speeds on existing roads to reduce vehicle/wildlife collisions. <input type="checkbox"/> Restrict vehicle traffic to only authorized users on newly constructed routes (e.g. signing, gates, etc.). <input type="checkbox"/> Use dust abatement practices on roads and pads (water). <input type="checkbox"/> Close and reclaim duplicate roads, by restoring original landform and establishing desired vegetation. <p>Operations</p>

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- Cluster disturbances associated with operations and facilities as close as possible.
- Apply a phased development approach with concurrent reclamation.
- Place infrastructure in already disturbed locations where habitat has not been restored.
- Restrict the construction of tall facilities and fences to the minimum number and amount needed. Build sage-grouse friendly fences that increase visibility (e.g. pipe-rail, chain-link, wire fences marked with reflectors) to reduce chance of collision and entanglement.
- Site and/or minimize linear ROWs to reduce disturbance to sagebrush habitats.
- Place new utility developments and transportation routes in existing utility or transportation corridors.
- Bury power lines.
- Cover (e.g. fine mesh netting or other effective techniques) all pits and tanks regardless of size to reduce sage-grouse mortality.
- Equip tanks and other above ground facilities with structures or devices that discourage nesting and perching of raptors and corvids.
- Control the spread and effects of non-native plant species.
- Restrict pit and impoundment construction to reduce or eliminate threats from West Nile Virus. Remove or re-inject produced water to reduce habitat for mosquitos. If surface disposal of produced water is used, design reservoirs to limit favorable mosquito habitat.
- Install sage-grouse safe exclusion fences around sumps.
- Use noise shields when drilling in PPH and PGH habitat.
- Fit transmission towers with anti-perch devices.
- Clean up refuse.
- Locate man camps outside of PPH and PGH designated areas.

Fluid Mineral Development Only

- Use directional and horizontal drilling to reduce surface disturbance.
- Consider using oak (or other material) mats for drilling activities to reduce vegetation disturbance and for roads between closely spaced wells to reduce soil compaction and maintain soil structure to increase likelihood of vegetation reestablishment following drilling.
- Place liquid gathering facilities outside of priority areas. Have no tanks at well locations within priority areas (minimizes perching and nesting opportunities for ravens and raptors and truck traffic). Pipelines must be under or immediately adjacent to roads.
- Locate corridor power, flow, and small pipelines under or immediately adjacent to roads.
- Design or site permanent structures which create movement (e.g. a pump jack) to minimize impacts to sage-grouse.

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		<ul style="list-style-type: none"> <input type="checkbox"/> Cover (e.g. fine mesh netting or use other effective techniques) all drilling and production pits and tanks regardless of size to reduce sage-grouse mortality. <input type="checkbox"/> Use only closed-loop systems for drilling operation and no reserve pits. <input type="checkbox"/> Locate new compressor stations outside PPH/PGH areas and design them to reduce noise that may be directed toward PPH/PGH areas. <p>Reclamation (Use BLM-approved seed mixes for PPH/PGH areas)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Include restoration objectives to meet sage-grouse habitat needs in reclamation practices/sites. Address post-reclamation management in reclamation plans such that goals and objectives are to protect and improve sage-grouse habitat needs. <input type="checkbox"/> Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, top-soiling, and re-vegetating cut and fill slopes. <input type="checkbox"/> Restore disturbed areas at final reclamation to pre-disturbance landform and desired plant community. <input type="checkbox"/> Irrigate interim reclamation as necessary during dry periods and utilize mulching techniques to expedite reclamation and to protect soils.
2.	<input type="checkbox"/>	Sage-grouse lek(s) are present within 0.6 miles of the project area. Avoid activities in the project area between March 1st and June 30 th .
3.	<input type="checkbox"/>	Roads used to access the project area are within close proximity to sage-grouse leks. Between March 1 st and May 15 th avoid driving on these roads in early morning (before 10 am) and late evening (after 4 pm) and limit total amount of traffic.
4.	<input type="checkbox"/>	<p>Sage-grouse leks are present within 4 miles of the project area. In order to avoid potential impacts to breeding sage-grouse, a careful visual inspection of habitat in the project area shall be made prior to any surface disturbance (including cross-country routes) from April 1st through June 30th. Nesting and early brood-rearing activities may include eggs or young present in nest, adult behavioral displays (e.g. faking injury, won't leave the area, agitated calling, etc.), and young sage-grouse present. If active nests or broods are located, the BLM biologist must be notified immediately and appropriate protection measures which may include avoidance or restriction of activities will be established.</p> <p>(WO-IM-2012-044 P)</p>
5.	<input type="checkbox"/>	<p>Limit noise to less than 10 decibels above ambient measures (20-24 dBA) at sunrise and sunset near leks from March 1st through May 15th. Use noise shields during drilling activities.</p> <p>(WO-IM-2012-044 P) (Nevada Energy and Infrastructure Standards to Conserve Greater Sage-Grouse, April 2010)</p>

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6.	<input type="checkbox"/>	Sage-grouse lek(s) are present within four miles of the project area, no surface occupancy is authorized. (WO-IM-2012-044 P)
7.	<input type="checkbox"/>	Avoid placement of met towers within 0.6 miles of springs, meadows, or riparian corridors in identified brood rearing habitat. (Nevada Energy and Infrastructure Standards to Conserve Greater Sage-Grouse, April 2010)

Wildlife Biologist Signature *A. D. Forest* Date *4/26/12*