

DECISION RECORD

Pershing County Road Department Free Use Permit Renewals and Expansions and Community Pit Designations Environmental Assessment DOI-BLM-NV-W010-2013-0012-EA

Introduction/Background

The Pershing County Road Department (PCRD) conducts construction and maintenance on over 1,000 miles of roads in rural Pershing County, Nevada. The 1,000 miles of roads in Pershing County includes 914 miles of gravel roads and 86 miles of paved roads that require periodic shoulder work and resurfacing. To complete the required maintenance of roads within Pershing County, the PCRD has been mining and removing sand and gravel (mineral materials) from over 40 mineral material sites within the county. The BLM grants free use of the materials to PCRD for road maintenance and construction under the 43 CFR 3604 regulations. PCRD has applied for the renewal of 28 previously permitted Free Use Permits (FUPs). PCRD has also requested FUPs from 5 locations that would be new mineral material sites.

The public and other interested parties also have a need of these mineral material sites for various purposes. The BLM allows for the public to purchase mineral materials from the locations at fair market costs under the 43 CFR 3602 regulations utilizing a standard mineral materials contract. To facilitate the public's need of materials from such locations, the BLM is proposing to designate 34 of the mineral material sites as new community pits. One of the mineral material sites evaluated in this EA has been previously designated as a community pit, and is recommended for expansion, to allow for future growth.

DECISION

Based on the Pershing County Road Department Free Use Permit Renewals and Expansions and Community Pit Designations Environmental Assessment (EA), DOI-BLM-NV-W010-2013-0012-EA and the Finding of No Significant Impact (FONSI) it is my decision to select the Proposed Action Alternative, with exceptions for the Big Five and Big Meadows material sites and for the proposed Humboldt River Ranch Community pit. This decision is subject to implementation of mitigation recommended in the EA and identified below.

Based on Native American Consultation and recommended mitigation, the Big Five material site will not be expanded.

Based on Native American Consultation and recommended mitigation, the Big Meadows material site boundary will be reduced by 1/3 of the proposed size. The boundary of this site will be as identified in Figure 2 of the EA. In order to access this mineral material site, PCRD will need to obtain a right-of-way authorization from the BLM.

The decision to authorize the proposed Humboldt River Ranch Community pit will be deferred until legal access can be obtained.

The Dixie Cut-off and Butcher Canyon material sites will have extra staking along the boundaries of the material sites, in addition to the corner staking, to limit ground disturbing activities to the proposed areas. This will make the boundaries more visible to material site users.

BLM will meet with a representative of Paiute Pipeline Co. at the proposed Sonoma Canyon community pit to identify and visually delineate an existing high-pressure gas line near the material site to avoid any possible impacts.

Prior to issuance of FUPs for material sites within potential habitat for special status plants, a plant survey will be conducted by a qualified botanist and the reports will be submitted to BLM for review and approval. Should a sensitive plant species occur, the habitat for the species will be mapped out and no surface disturbance will occur within that area. BLM will provide PCRD with a list of mineral material sites that may contain suitable habitat for sensitive plant species.

Prior to designation of community pits in locations with known habitat for sensitive plant species, a plant survey will be conducted by a qualified botanist and the reports will be submitted to BLM for review and approval. Should a sensitive plant species occur, the habitat for the species will be mapped out and no surface disturbance will occur within that area.

The following recommended mitigation developed through the EA will be incorporated into the Standard Field Office Stipulations attached to each FUP or sale. The stipulations for PCRD are provided as Appendix I and the stipulations for public individuals under community pit sales are provided as Appendix II. In order to develop one comprehensive list of resource protection measures, the environmental protection measures as described in section 2.1.2 of the Proposed Action will also be integrated into the stipulations.

Stipulations in Addition to the Standard Field Office Stipulations

Native American Religious Concerns

Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils or artifacts are discovered in the performance of this permit, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM.

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Lands and Realty

To avoid disturbance of existing power, telephone, and road rights-of-way, no excavation within 40 feet of power poles, telephone poles, pole anchors, or the nearest side of an existing road will occur.

Prior to surface disturbing activities, the PCRD will contact the ROW holder(s) for locations of underground and overhead utilities at the following locations:

Mineral material site Name	Right of Way holder
Butcher Canyon	Orni (Ormat Nevada)
Imlay	Nevada Department of Transportation
Big Five	Nevada Bell
Pedro	Sierra Pacific Power Company Southwest Gas U S Gypsum Co
Ragged Top	Sierra Pacific Power Company Southwest Gas
Irish American	Nevada Bell Lovelock Meadows Nevada Division of State Lands Sierra Pacific Power Company
Jersey Valley	Nevada Bell AT & T Sierra Pacific Power Company
Humboldt River Ranch	Humboldt River Ranch Association

Additionally, PCRD will be responsible to maintain the physical markings of any underground utilities to ensure they are not affected by material removal operations.

The BLM will be responsible to contact ROW holders and maintain any physical marking of underground utilities at the Sonoma Canyon Community Pit as identified below. Community pit users will be made aware of ROWs at all locations identified in the EA.

Mineral material site Name	Right of Way holder
Sonoma Canyon	Sierra Pacific Power Company Nevada Bell Southwest Gas (Paiute Pipeline Co.) BLM-ROWs

Soils

To protect biological crust, the proposed Dixie Cut-off and Butcher Canyon material sites will have additional interim staking, in addition to the corner staking, to limit ground disturbing activities to the proposed areas.

Rationale for Selected Alternative

Alternatives evaluated in the EA were the Proposed Action and No Action. Selection of the Proposed Action Alternative is based on factors including, but not limited to:

- Authority for this decision as it relates to the BLM-managed public lands is contained in the Act of July 31, 1947, as amended (30 U.S.C. 601 *et seq.*), commonly referred to as the Materials Act, the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the Code of Federal Regulations (CFR) at 43 CFR 3600.
- The Proposed Action, subject to implementation of all mitigation recommended in the EA, meets the purpose and need for the federal action.
- The Proposed Action is in conformance with the Sonoma-Gerlach Management Framework Plan.
- Based on the consultation, coordination, and public involvement that has occurred, it is determined that this is a well informed decision (refer to section below).
- Based on the EA, it is determined that this decision will not result in any unnecessary or undue environmental degradation of public lands and is consistent with federal, state, and local laws, regulations and plans.
- The selected alternative and application of recommended mitigation will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required per WO IM No 2002-053 and NV IM 2002-049.

Compliance/Conformance

The proposed action is in conformance with the Sonoma-Gerlach Management Framework Plan, approved 1982. Although the action is not specifically addressed, objective M-1 states "Make all public lands and other federally owned minerals available for the exploration and development of mineral and material commodities." In addition, objective M-3 states "Provide sand, gravel, and other mineral materials as needed for construction purposes to federal, state, local government, private industries, and individuals". The proposed action is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions. No federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Native American Consultation

At the planning stage of the proposal, a consultation meeting was held with the Fallon Paiute and Shoshone Tribe in July of 2011. Letters were sent on May 4, 2012, notifying the following tribal governments of the proposed action: Battle Mountain Band, Fallon Paiute and Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribe, Lovelock Paiute Tribe, and Pyramid Lake Paiute Tribe. Through the consultation process, mitigation was recommended to not authorize the expansion of the Big Five material site and reduce the overall size of the Big Meadows material site.

On November 15, 2012, a letter and copy of the preliminary EA were provided to the Battle Mountain Band, Fallon Paiute and Shoshone Tribe, Lovelock Paiute Tribe, and Pyramid Lake Paiute Tribe. No comments or concerns were provided to the BLM from the Native American groups contacted regarding review of the preliminary EA.

Intergovernmental Partners

Under the Federal Land Policy and Management Act of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities. Although the Nevada Department of Wildlife (NDOW) did not opt for cooperating agency status on this particular project, there was coordination between BLM and NDOW with regard to sage grouse habitat and potential mitigation.

Public Involvement

On April 27, 2010, a letter and map were sent to a list of potentially interested parties for external scoping where other agencies, organizations, tribes, local governments, and the general public were offered the opportunity to provide feedback regarding issues, concerns, data needs and such things as potential alternatives. This assisted the BLM in refining issues and in identifying new issues, coordination needs, and possible alternatives. The scoping letter and map were also posted on the BLM's Winnemucca District National Environmental Policy Act (NEPA) web page (http://www.blm.gov/nv/st/en/fo/wfo/blm_information/nepa0.html).

On November 14, 2012, public notification of the availability of a preliminary EA for a 14 day public review period was provided to 106 groups and individuals via direct mail. The preliminary EA was also posted to the BLM website.

During the public comment period for the preliminary EA 4 comment letters were received: 2 from property owners in the Humboldt River Ranch Association, 1 from the Humboldt River Ranch Association Board of Directors, and 1 from Paiute Pipeline Co. (a.k.a. Southwest Gas Corp.). The letters from the Humboldt River Ranch Association (HRRA) Board of Directors and community members requested that BLM not authorize the use of the proposed Humboldt River Ranch Community pit for reasons including decreased property values; increased traffic and subsequent road degradation requiring maintenance (the roads are currently maintained by the HRRA through fees from the members); extraction of the material would not benefit the community; lack of free and unhindered access; increased traffic may decrease security and privacy; increased fugitive dust; and increased noise. As stated in the EA, authorization of the Humboldt River Ranch Community pit is contingent upon the acquisition of legal access to the material site. The acquisition of legal access would require NEPA review, and the impacts associated with the development of the Humboldt River Ranch Community pit will be deferred until the need for, and preparation of, the access-related NEPA document. The comment from Paiute Pipeline Co. (Paiute) was regarding the proximity of the Sonoma Canyon pit to one of their high pressure gas lines. The comment requested that Paiute be contacted prior to excavation activities to reduce the likelihood of impacts to the pipeline. This request is addressed in the EA as recommended mitigation in Section 4.1.2.1. Lands and Realty. Additionally, in communication with Paiute, BLM agreed to meet with Paiute on-site to further delineate the pipeline and apply a buffer with visible markers to avoid impacts.

As a result of comments received and additional internal review, the following changes were made between the Preliminary EA and the Final EA:

- Environmental protection measures for Lands and Realty (Rights-of-way) and Lands with Wilderness Characteristics were added under community pit designations (Section 2.1.2.).
- The environmental protection measure for migratory birds under community pit designations was modified (Section 2.1.2.).
- Added clarification to recommended mitigation for Lands and Realty that Southwest Gas Corp. and Paiute Pipeline Co. are synonymous (Section 4.1.2.1. and Section 6.1.)
- Added clarification to recommended mitigation for Special Status Species plants (Section 4.1.2.8.).
- Editorial changes were made throughout the document.

In total, comments received did not result in substantial change to the analysis or conclusions made from the analysis.

Authority

The authority for this decision as it relates to the BLM-managed public lands is contained in the Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.), commonly referred to as the Materials Act, the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the Code of Federal Regulations (CFR) at 43 CFR 3600.

Appeal of the Decision

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Edward Seum, Field Manager, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 (enclosed) provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

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The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

\S\ Ken Loda for
Edward Seum
Field Manager
Humboldt River Field Office

19 December 2012
Date

Attachments:
Stipulations and Environmental Protection Measures
Form 1842-1 (September 2005)

Appendix I

Stipulations and Environmental Protection Measures

Environmental Protection Measures:

1. The PCRD will reduce fugitive dust emissions by implementing best management practices. A water truck will be used to minimize fugitive dust, as necessary.
2. Any cultural resource discovered by the PCRD, or any person working on their behalf, during the course of activities on federal land will be immediately reported to the authorized officer by telephone, with written confirmation. The operator will 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. This evaluation will determine the significance of the discovery and what mitigation measures will be necessary to allow activities to proceed. The PCRD will be responsible for the cost of evaluation and mitigation. Operations may resume only upon written authorization to proceed from the authorized officer.

Additionally, the PCRD, or any person working on their behalf, will not knowingly remove, disturb, alter, or destroy any scientifically important cultural resources such as a historical or archaeological site, structure, building, object or artifact that qualify for listing on the National Register of Historic Places (NRHP) or have not been evaluated for listing on the National Register.

3. The PCRD will be responsible for controlling all noxious weeds and other undesirable invading plant species in the mining area until revegetation activities have been determined to be successful by the BLM authorized officer. The PCRD will be responsible for contacting the BLM for concurrence with any proposed weed control program prior to application of any chemical treatments for weeds on public lands.

If noxious weeds are identified during periodic monitoring by BLM, PCRD will work collaboratively with BLM to treat identified noxious weed populations within pits until eradicated. PCRD will quarantine stockpiled materials that are infested with noxious weeds and would not utilize those materials in areas that are free of noxious weeds.

4. The proposed Dixie Valley pit will not be expanded beyond the existing footprint.
5. PCRD will strive to conduct their mining activities outside of the migratory bird nesting season which runs from March 1 to August 31. Should they find that they can't avoid activity during that time, they will plan ahead and clear the native vegetation in those areas outside of the nesting season to deter birds from nesting there. Vegetation shall be cleared only in the footprint of the projected disturbance for that year. Once cleared of vegetation, any material taken from the area shall be within the area devoid of vegetation. PCRD shall 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.

Should a need for material arise during the nesting season in an area that has not been cleared of vegetation, PCRD will have a qualified wildlife biologist acceptable to the BLM survey

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the area just prior to disturbance to insure no nests are present. If nests with eggs or young are found, all mining activity will cease and the BLM shall be notified. Once the birds have fledged the mining activity may continue. PCRD will halt operations and notify BLM upon the discovery that birds or active nests have been destroyed for documentation purposes.

6. In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery will be required.
7. The corner boundaries of all material sites will be marked with steel posts. Additional permit boundary demarcations will be installed on the northern and eastern boundaries of the Big Five pit, the northern boundary of the Leach Hot Springs pit, the northern boundary of the Big Meadows pit, and on all sides of the Dixie Cut-off and Butcher Canyon pits. This will reduce expansion into unauthorized areas, and identify the material sites on the ground.
8. Stockpiles at the Rye Patch Reservoir pit will be maintained at a height equivalent to the existing stockpiles, and any new stockpiles will not exceed the height of current existing stockpiles.
9. All material sites with known sensitive resources in the vicinity will be monitored annually for compliance with permit boundaries, etc. Other material sites will be monitored annually, if possible, or at least every two years.

Stipulations:

1. Permittee shall provide an annual statement of production.
2. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils or artifacts are discovered in the performance of this permit, the item(s) or conditions(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM.

3. To avoid disturbance of existing power, telephone, and road rights-of-way, there will be no excavation within 40 feet of power poles, telephone poles, pole anchors, or the nearest side of an existing road.
4. Prior to surface disturbing activities, PCRD shall contact ROW holders for location of underground or overhead utilities at the following locations:

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Mineral Material Site Name	Right of Way holder
Butcher Canyon	Orni (Ormat Nevada)
Sonoma Canyon	Sierra Pacific Power Company Nevada Bell Southwest Gas (Paiute Pipeline Co.) BLM-ROWs
Imlay	Nevada Department of Transportation
Big Five	Nevada Bell
Pedro	Sierra Pacific Power Company Southwest Gas U S Gypsum Co
Ragged Top	Sierra Pacific Power Company Southwest Gas
Irish American	Nevada Bell Lovelock Meadows Nevada Division of State Lands Sierra Pacific Power Company
Jersey Valley	Nevada Bell AT & T Sierra Pacific Power Company
Humboldt River Ranch	Humboldt River Ranch Association

5. The Dixie Cut-off and Butcher Canyon material sites will have additional interim staking, in addition to the corner staking, to limit ground disturbing activities to the proposed areas.
6. Topsoil must be stockpiled for pit rehabilitation measures.
7. All equipment and machinery shall have properly functioning spark arrestors and mufflers. Permittee is responsible for all suppression costs for any fire resulting from their operation and practices.
8. No toxic materials shall be disposed of at the material site. Permittee is responsible for disposing of all debris in accordance with state and federal regulations
9. Warning signs shall be placed where appropriate during operational phases to minimize hazards to passing traffic.
10. No stockpiles shall be left after a job is finished, or they are to be flattened out.
11. Between operating periods the pit walls shall be maintained at a slope ratio not steeper than 3h:1v.
12. Pit walls and nearby pit floor areas shall be reclaimed as described below, as soon as practicable after each section reaches the final pit boundary.
13. Pit reclamation shall consist of the following requirements:
 - a. Sloping pit walls to not steeper than 3h:1v, blending with surrounding contours.
 - b. Scarifying the pit floor to loosen compacted soils

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- c. Spreading stockpiled topsoil evenly over the sides and bottom of the pit excavation.
- d. Areas stripped of vegetation shall be re-seeded, after scarifying along contour and **using a seed drill**, with the following mixture (per acre):
 - 4 lb. Indian Rice Grass
 - 3 lb. Squirrel tail
 - 1 lb. Fourwing saltbush (*Atriplex canescens*)
 - 1 lb. Shadscale
 - 2 lb. Nev. Ephedra
- e. Or, the site may be scarified along contour and the following mixture broadcast (per acre):
 - 2 lb. Fourwing saltbush (*Atriplex canescens*)
 - 3 lb. Squirrel tail
 - 4 lb. Indian Rice Grass
 - 2 lb. Nev. Ephedra

The non-native exotic species contained in these seed mixtures were selected because they can be confined to the project area and can compete successfully against invasive noxious weeds.

The use of these exotic species is in accordance with Executive Order 11987 – Exotic organisms, dated May 24, 1977, Sec. 2(d): Where there has been a determination that there will be no effect on natural ecosystems.
- f. Upon pit exhaustion the access shall be reclaimed in a manner similar to the pit floor.

14. All seed shall be tested for purity, noxious, poisonous and/or prohibited plant species, and the test results submitted to and approved by the BLM authorized officer, unless certified weed free seed is procured for this reclamation project.

Pershing County Road Department agrees to abide by these Stipulations.

Signature

Date

Appendix II
Stipulations
Community Pit Sales

1. Topsoil must be stockpiled for pit rehabilitation measures.
2. The contract holder must have a copy of the contract readily available while operating for BLM to verify their use of the material.
3. All equipment in pits must have the operators name posted, in a conspicuous place, in order that authorized use can be verified.
4. Any cultural resource discovered by the contract holder, or any person working on their behalf, during the course of activities on federal land will be immediately reported to the BLM by telephone, with written confirmation. The operator will 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. This evaluation will determine the significance of the discovery and what mitigation measures will be necessary to allow activities to proceed. The contract holder may be responsible for the cost of evaluation and mitigation. Operations may resume only upon written authorization to proceed from the authorized officer.

Additionally, the contract holder, or any person working on their behalf, will not knowingly remove, disturb, alter, or destroy any scientifically important cultural resources such as a historical or archaeological site, structure, building, object or artifact that qualify for listing on the National Register of Historic Places (NRHP) or have not been evaluated for listing on the National Register.

5. On a case-by-case basis, the contract holder will be responsible for controlling all noxious weeds and other undesirable invading plant species in the mining area until reclamation activities have been determined to be successful by the BLM authorized officer. The contract holder will be responsible for contacting the BLM for concurrence with any proposed weed control program prior to application of any chemical treatments for weeds on public lands.
6. The contract holder will strive to conduct their mining activities outside of the migratory bird nesting season which runs from March 1 to August 31. Should they find that they can't avoid activity during that time, they will plan ahead and clear the native vegetation in those areas outside of the nesting season to deter birds from nesting there. Vegetation shall be cleared only in the footprint of the projected disturbance for that contract.. Once cleared of vegetation, any material taken from the area shall be within the area devoid of vegetation. The contract holder shall 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.

Should a need for material arise during the nesting season (March 1st through August 31st) in an area that has not been cleared of vegetation, the contract holder will conduct a

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careful visual inspection of habitat in the area to be disturbed prior to any surface disturbance. Nesting activities may include eggs or young present in nest and adult behavioral displays (e.g. dive-bombing, faking injury, won't leave the area, agitated calling, etc.). If nesting activities are identified, the BLM biologist must be notified immediately and appropriate protection measures, which may include avoidance or restriction of activities, will be established.

7. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify BLM, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

When previously undiscovered antiquities or other objects of historic or scientific interest including but not limited to historic or prehistoric ruins, vertebrate fossils or artifacts are discovered in the performance of this permit, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM.

8. In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.
9. To avoid disturbance of existing power, telephone, and road rights-of-way, there will be no excavation within 40 feet of power poles, telephone poles, pole anchors, or the nearest side of an existing road.
10. The proposed Dixie Valley pit will not be expanded beyond the existing footprint.
11. Community pit users are hereby made aware of the following ROW holders with underground or overhead utilities, and the need to avoid these utilities, at the following locations:

Mineral Material Site Name	Right of Way holder
Butcher Canyon	Orni (Ormat Nevada)
Sonoma Canyon	Sierra Pacific Power Company Nevada Bell Southwest Gas (Paiute Pipeline Co.) BLM-ROWs
Imlay	Nevada Department of Transportation
Big Five	Nevada Bell
Pedro	Sierra Pacific Power Company Southwest Gas U S Gypsum Co
Ragged Top	Sierra Pacific Power Company

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Mineral Material Site Name	Right of Way holder
	Southwest Gas
Irish American	Nevada Bell Lovelock Meadows Nevada Division of State Lands Sierra Pacific Power Company
Jersey Valley	Nevada Bell AT & T Sierra Pacific Power Company
Humboldt River Ranch	Humboldt River Ranch Association

12. Stockpiles at the Rye Patch Reservoir pit would be maintained at a height equivalent to the existing stockpiles, and any new stockpiles would not exceed the height of current existing stockpiles.
13. All equipment and machinery shall have properly functioning spark arrestors and mufflers. Contract holder is responsible for all suppression costs for any fire resulting from their operation and practices.
14. No toxic materials shall be disposed of at the material site. Contract holder is responsible for disposing of all debris in accordance with state and federal regulations.
15. No stockpiles shall be left after a job is finished, or they are to be flattened out.
16. Between operating periods the pit walls shall be maintained at a slope ratio not steeper than 3h:1v.
17. There shall be no mining, prospecting or testing outside the pit working faces without contacting BLM before any work is done.
18. Reclamation measures shall consist of:
 - a. During operations, the pit walls shall be maintained at a slope ratio not to exceed 3:1, so as to minimize slope failure potential and public safety hazards.
 - b. All rejected oversized material will be stockpiled.

Community Pit contract holder agrees to abide by these Stipulations.

Signature

Date