

**Worksheet**  
**Determination of NEPA Adequacy (DNA)**  
U.S. Department of the Interior  
Bureau of Land Management

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OFFICE: Winnemucca District Office, Humboldt River Field Office

TRACKING NUMBER: DOI-BLM-NV-W010-2012-0033-DNA

CASEFILE/PROJECT NUMBER: There would be multiple case file numbers pending evaluation of the individual sites.

PROPOSED ACTION TITLE/TYPE: Humboldt County Community Pit Designations

LOCATION/LEGAL DESCRIPTIONS:

Donna Schee: T37N, R32E, section 17, SESE, and section 20, NENE

Rebel Creek: T43N, R37E, section 15, SWNENE, NWSWNW

Section 4: T42N, R37E, section 4, SWSW

Valmy: T34N, R43E, section 32, SE

Orovada Barber: T42N, R37E, section 32, NESE

APPLICANT (if any): BLM

**A. Description of the Proposed Action with attached map(s) and any applicable mitigation measures.**

The *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* Environmental Assessment (EA) was completed in July of 2009. That EA analyzed the impacts associated with 27 material sites (gravel pits) throughout Humboldt County, 23 of which were designated as “community pits.” With the designation of 23 community pits, public individuals can obtain contracts to remove gravel much quicker and easier than before. Since the completion of the EA, there has been a demand for sales from material sites in Humboldt County that were not analyzed in the EA, but warrant designation as “community pits”. These material sites are: the Donna Schee, Rebel Creek, Section 4, and Valmy pits. One gravel pit, the Orovada Barber pit, was designated as a community pit based on the 2009 EA, but requires expansion to meet the future needs of the public and the Humboldt County Road Department (HCRD). The public uses these pits for maintenance of agricultural pivots/fields and property improvements. The HCRD uses the Orovada Barber pit for the maintenance of county roads. Mining of the material is usually completed using a front-end loader, backhoe, or excavator, and it is typically hauled with belly-bump or end-dump trucks. Mining and removal of material could take place any time of the year. Existing roads would be used to access the pits. The proposed community pits are described below in further detail.

Additionally, as part of the Proposed Action, the stipulations for community pit sales in the Decision Record for the EA, signed July 16, 2009, would be modified to more adequately address community pit sales, while still meeting the intent of the existing stipulations. The stipulations currently attached to community pit sales were primarily developed for the HCRD, and do not accurately reflect the requirements of public individuals. Refer to the Decision Record (DR) for the EA, signed July 16, 2009. The proposed modifications to the existing stipulations are:

- **Consolidation and Reorganization to better emphasize priorities**
  - Rationale: One set of stipulations for all community pit sales in Humboldt County would reduce confusion. The current stipulations for Humboldt County community pit sales are separated into two categories based on the quantity of material purchased: volumes between 0-100 cubic yards and 100-15,000 cubic yards have separate language. Community pit sales in the Winnemucca District are generally less than 1,000 cubic yards, and very rarely as much as 15,000. Additionally, sales in excess of approximately 3,000 cubic yards would require a different contract (BLM Form 5450-5 is only usable for transactions up to \$2,000). Anything in excess of \$2,000 would be completed as a contracted sale on BLM Form 3600-9, and could be subject to site specific stipulations, such as annual production reports and production verification, if appropriate.
    - Modification: The proposed stipulations have consolidated the two volume-based stipulations into one comprehensive list that addresses all sales. See consolidated stipulations attached. Refer to the DR for a precise comparison.
  - Rationale: The stipulations would be reorganized in a way that generally emphasizes the importance of key stipulations. This would ensure that individuals purchasing gravel from community pits would read the more important stipulations first.
    - Modification: The proposed stipulations have been reorganized to add emphasis to requirements that may otherwise be overlooked by community pit users. See reorganized stipulations attached. Refer to the DR for a precise comparison.
- **Modification to assist BLM in verifying authorized users**
  - Rationale: One method to ensure that community pit users are authorized to be mining from a given site is to ask them to provide a copy of the contract. Occasionally, the person operating the equipment does not have a copy of the contract on-hand, making it difficult to know if they are being truthful when saying they are authorized.
    - Modification: The proposed stipulations add a requirement for contract holders to have a copy of the contract readily available for BLM verification while in the field. This verification may be completed by the minerals specialist or a BLM Law Enforcement Officer.

- **Modification to reclamation requirements**
  - Rationale: The current stipulations include detailed reclamation requirements of community pit users. These detailed requirements are not necessary because a reclamation fee is collected from each community pit sale specifically for BLM to complete the reclamation. Therefore, the modified stipulations would clarify the public user's reclamation responsibilities when operating in a community pit.
    - Modification: The detailed reclamation requirements described in each existing set of stipulations (for <100 cubic yards and >100 cubic yards) has been removed completely. The proposed reclamation measures for community pit users has been clarified to include simply maintaining pit walls at 3h:1v slopes to prevent public safety hazards and stockpiling rejected oversize material.
  
- **Modification to ensure compliance with Migratory Bird Treaty Act**
  - Rationale: The current stipulations address compliance with the Migratory Bird Treaty Act by stating that "Permittee must strive to conduct their mining activities outside of the migratory bird nesting season which runs from April 15-July15. In the event Permittee finds it can't avoid activity during that time, 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." This stipulation is well-intended, however there are instances where mining activities would be conducted during the nesting season in an area that has not been cleared of vegetation.
    - Modification: The proposed modified stipulations would provide additional information regarding nesting behavior that could be identified by the community pit users. This would allow pit users to conduct a survey/inspection for nesting migratory birds prior to commencing operations during the nesting season, which has also been modified to March 1 – August 31. See proposed stipulations attached. Refer to the DR for a precise comparison.
  
- **Removal of requirement to post signs regarding cultural material**
  - Rationale: The current stipulations include a requirement to post signs at each community pit which state, "Any person who, without authorization, excavates, removes, damages, or otherwise alters or defaces any historic or prehistoric site, artifact or object of antiquity on the public lands of the United States is subject to arrest and penalty of law." These signs are well-intended, but upon implementation of this mitigation and monitoring its effectiveness, the value of the mitigation over time, considering the long-term costs involved, has not proved to be justifiable. Furthermore, the stipulations already contain requirements for the material site users to report previously undiscovered antiquities to the BLM.
    - Modification: The requirement to install and maintain these signs has been removed from the proposed modified stipulations. Additionally, the language in the proposed modified stipulations

has been updated to ensure protection of cultural resources. See proposed stipulations attached. Refer to the DR for a precise comparison.

- **Additional requirement to avoid existing Rights-of-Way (ROW)**
  - Rationale: Some of the existing and proposed community pits are in close proximity to existing ROWs. Adding a table of material sites with known ROWs in the immediate vicinity will help to ensure that the ROWs are not affected by removal activities. Community pit users would be aware of the ROWs, whether overhead or underground, and exercise caution to prevent impacts.
    - Modification: The table below would be added to the stipulations as a way of ensuring that all community pit users acknowledge the presence of existing ROWs and avoid impacting them.

<b>Mineral Material Site Name</b>	<b>Right of Way holder</b>
Quinn River #2 Com. Pit	Harney Electric Cooperative Inc. Commnet Wireless LLC
Denio Community Pit	Harney Electric Cooperative Inc. Oregon-Idaho Utilities Inc. Nevada Department of Transportation
Blue Mountain Com. Pit	Sierra Pacific Power Co. DBA NV Energy
Jungo – 13 Mile Com. Pit	Humboldt County (Road Department) T-Quarter Circle
Jungo – South Com. Pit	Sprint Communications Company LP Sierra Pacific Power Co. DBA NV Energy
Morey Creek Com. Pit	Nevada Department of Transportation Humboldt National Forest Oregon-Idaho Utilities Inc. Sierra Pacific Power Co.
Rebel Creek Community Pit	Harney Electric Cooperative Inc.

The rationale for each of these modifications has been developed over several years of issuing community pit sales in Humboldt County and seeing a need for changes.

To ensure consistency, the updated stipulations would be applied, not only to sales from the new proposed community pits, but to all community pit sales in Humboldt County.

**Description of material sites proposed for community pit designation or expansion:**

*Donna Schee-* The Donna Schee Community pit would be located within T37N, R32E, section 17, SESE, and section 20, NENE. The HCRD was issued a free-use permit (FUP) for this pit in October, 2000, under serial number N-73827. The disturbance associated with this FUP was evaluated under Categorical Exclusion (CX) number NV020-01-CX-04. The existing disturbance footprint is approximately 3.75 acres, and the proposed community pit designation would increase that amount by approximately 10 acres, for a total pit area of approximately 13.75 acres. See attached maps.

*Rebel Creek-* The Rebel Creek Community pit would be located within T43N, R37E, section 15, SWNE, NWSWNW. Local farmers and ranchers have used this pit over the past several years, and the most recent sale out of this pit expired in 2012 (N-89662). Multiple CXs have been completed for this pit (the most recent CX completed is NV-020-03-CX-76), resulting in individual sales. The existing disturbance footprint is approximately 7 acres, and the proposed community pit designation would increase that amount by approximately 5 acres, for a total pit area of approximately 12 acres. See attached maps.

*Section 4-* The Section 4 Community pit would be located in T42N, R37E, section 4, SWSW. This pit is used by local farmers and ranchers very often because the material is decomposed granite which is useful in a variety of ways. There are currently 2 sales authorized in this pit (N-88128 and N-90071). Again, several CXs have been completed for this pit (the most recent CX completed is NV-W010-2010-0010-CX), resulting in individual sales. The existing disturbance footprint is approximately 15 acres, and the proposed community pit designation would increase that amount by approximately 25 acres, for a total pit area of approximately 40 acres. See attached maps.

*Valmy-* The Valmy Community pit would be located in T34N, R43E, section 32, SE. This pit was originally authorized under a FUP to the Nevada Department of Transportation for 160 acres of surface disturbance which was analyzed in an EA dated 1978 (EA-NV-020-8-19). Other sales have been authorized since the referenced EA was completed, and the most recent CX was completed in July of 2008 (CX number: NV-020-08-CX-57) for an individual sale. The existing disturbance footprint is approximately 50 acres, and the proposed community pit designation would increase that amount by approximately 20 acres, for a total pit area of approximately 70 acres. See attached maps.

*Orovada Barber-* The Orovada Barber Community pit, located in T42N, R37E, section 32, NESE, was designated based on the 2009 EA. The public has continued to use this material site and there is a need to expand the boundary of the pit. The pit boundary currently includes all of the NESE of section 32 except for the SWNESE. Therefore, the proposed expansion would add approximately 10 acres to the community pit. See attached maps.

## **B. Land Use Plan (LUP) Conformance**

LUP Name: Paradise-Denio Management Framework Plan Date Approved: July 9, 1982

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with objective M-1 which states: “provide to the public the opportunity to acquire minerals from public lands to meet market demands”.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name, number and date (DR/FONSI or ROD) all applicable NEPA documents that cover the proposed action:

The impacts associated with the proposed community pits have been analyzed in:

*Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* Environmental Assessment number DOI-BLM-NV-W010-2009-0005-EA, Finding of No Significant Impact (FONSI) signed: July 16, 2009; Decision Record (DR) signed: July 16, 2009.

Further analysis and support is provided in:

*Pershing County Road Department Free Use Permit Renewals and Expansions and Community Pit Designations* Environmental Assessment number DOI-BLM-NV-W010-2013-0012-EA, FONSI signed: December 19, 2012; DR signed: December 19, 2012.

The following NEPA documents are applicable to each specific site for background information, as identified:

Donna Schee: Categorical Exclusion number NV020-01-CX-04,  
Decision Date: October 18, 2000.

Rebel Creek: Categorical Exclusion number NV-020-03-CX-76,  
Decision Date: July 30, 2003.

Section 4: Categorical Exclusion number NV-W010-2010-0010-CX,  
Decision Date: March 2, 2010.

Valmy: 160 acres of disturbance analyzed under a 1978 EA number:  
EA-NV-020-8-19 (no DR or FONSI available).  
Categorical Exclusion number NV-020-08-CX-57  
Decision Date: July 24, 2008.

#### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Yes. The Donna Schee, Rebel Creek, Section 4, Valmy and Orovada Barber pits are within the project area previously analyzed and designated for mineral material disposal in the Paradise-Denio Management Framework Plan and the *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions*

EA. The EA analyzed and mitigated potential resource conflicts associated with the renewal of expired FUP authorizations, expansion of select material sites, and designation of select material sites as “community pits”. Based on the EA, 26 FUPs were renewed and 23 material sites were designated as community pits, resulting in an authorized surface disturbance footprint of up to 720 acres. The Proposed Action would add approximately 146 acres of authorized surface disturbance as designated community pits. Impacts associated with the Proposed Action are not substantially different from those analyzed in the EA. The proposed modifications to the stipulations would enhance BLM’s ability to protect natural and cultural resources.

**2. Is the range of alternatives analyzed in the existing NEPA documents(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Yes. Current environmental concerns, interests, and resource values have not changed substantially since the *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* EA, FONSI, and DR were signed on July 16, 2009. The only alternative to the Proposed Action was the No Action alternative, which would have resulted in not renewing the FUPs or designating community pits. The alternatives analyzed in the EA are still appropriate since the environmental constraints to the areas open to mineral material sales have not changed since the EA was finalized.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Yes. The *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* EA analyzed the impacts associated with the allocation of 720 acres of public land for the use of mineral material sites. There have been recent updates on information regarding BLM sensitive species and particularly sage grouse, however the analysis conducted in the EA is still valid because the new Proposed Action would not affect any known sage grouse habitat. Additionally, a review of special status plants was conducted to determine the likelihood of their presence with regard to the new proposed community pits. Our review determined that special status plant habitat was not present near the proposed material sites, and therefore, field inventories were not required. The removal of mineral materials from the Donna Schee, Rebel Creek, Section 4, Valmy and Orovada Barber pits would be very similar to the removal from other material sites throughout Humboldt County, and the impacts associated with the removal of mineral materials were adequately analyzed in the EA.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Yes. The direct, indirect, and cumulative impacts of the current Proposed Action are not substantially different from those previously analyzed. The removal of mineral materials from the Donna Schee, Rebel Creek, Section 4, Valmy and Orovada Barber pits would be very similar to the removal from other material sites throughout Humboldt County, and the impacts associated with the removal of mineral materials were adequately analyzed in the *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* EA. There are approximately 6,181,120 acres of land in Humboldt County. The EA analyzed the impacts associated with the allocation of 720 acres of public land for the use of mineral material sites through FUPs or community pit disposals. There are numerous material sites throughout Humboldt County that were not included in this EA, and the public continues to request sales from these pits. The current Proposed Action would allocate an additional 146 acres of public land for the disposal of mineral materials, which would bring the total amount of surface disturbance associated with designated community pits to 866 acres. This represents an increase of 20.27% from the EA, and 0.014% of the total acres in Humboldt County. To reduce potential resource conflicts, mitigation was developed through the analysis completed in the EA. These mitigation measures were implemented as several sets of stipulations to address the various pit users. The stipulations that address the Humboldt County Road Department FUPs work quite well, but we have modified the stipulations to more adequately address the community pit sales. The modified stipulations would be attached to all future community pit sales within Humboldt County. Specific modifications to the stipulations and the rationale are described in Section A above, and the complete set of proposed stipulations is attached.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Yes. No need has been identified for additional public involvement or interagency review. In addition to the public scoping and 30 day comment period provided to the public, several State Agencies, Local Governments, the Fish and Wildlife Service and other interested parties were contacted for comments on the *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* EA. Comments were taken into consideration prior to the final Finding of No Significant Impact/Decision Record.

Additionally, in developing the *Humboldt County Road Department Free Use Permit Renewals, Community Pit Designations, and Expansions* EA, the Battle Mountain Band Council, Fort McDermitt Paiute and Shoshone Tribe, Summit Lake Paiute Tribe, and the Winnemucca Indian Colony were contacted as part of the Native American Consultation process. Concerns that were raised through consultation included effects to cultural resources or unearthing cultural resources not evident on the surface, potential for burials, and loss of plant and animal habitat. These concerns were addressed through the of a stipulation to add signs regarding cultural resources. This stipulation was well-intended, however upon implementation of the stipulation and monitoring its effectiveness, the value of the mitigation over time, considering the long-term costs involved, has not proved to be justifiable. Furthermore, the stipulations already contain requirements for

the material site users to report previously undiscovered antiquities to the BLM, making the signage requirement redundant. Therefore the stipulations would be modified to remove the signage requirement.

**E. Persons/Agencies/BLM Staff Consulted**

*See Attached Section E for Review Signatures and Conclusion*

Bureau of Land Management  
Winnemucca District Office

Determination of NEPA Adequacy  
(Continued from DNA form)

DOI-BLM-NV-W010-2012-0033-DNA

**E. Persons/Agencies/BLM Staff Consulted**

<b>Name /Title</b>	<b>Resource/Agency Represented</b>	<b>Signature/Date</b>	<b>Comments (Attach if more room is needed)</b>
Pat Haynal	Cultural Resources	\S\ Patrick Haynal 8/1/13	
Mark E. Hall	NAC	\S\ Mark E. Hall	9/30/2013
Julie McKinnon	Lands and Realty	\S\ Julie McKinnon 9/18/13	None
Joey Carmosino	Recreation/VRM	\S\ VJ Carmosino 9/18/13	
Wes Barry	Range	\S\ Wes A. Barry 04/18/2012	
Rob Burton	Invasive, Nonnative	\S\ Eric Baxter 9/18/2013	for Burton
Joanne Lowden	Wildlife, T&E, SSS	\S\ Amanda DeForest 9/18/13	for J. Lowden
Kristine Struck	LWC	\S\ Kristine Struck 7/12/13	-
Lynn Ricci	NEPA Compliance	\S\ Lynn B. Ricci 9/30/13	
Daniel Atkinson	Minerals	\S\ Daniel Atkinson 9/30/13	

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**Conclusion** *(If you found that one or more of these criteria is not met, you will not be able to check this box.)*

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM' compliance with the requirements of the NEPA.

\S\ Daniel Atkinson  
Signature of Project Lead

\S\ Lynn B. Ricci  
Signature of NEPA Coordinator

\S\ Derek Messmer 9/20/2013  
Signature of the Responsible Official Date

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

**Stipulations**  
**Humboldt County**  
**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 1<sup>st</sup> through August 31<sup>st</sup>) in an area that has not been cleared of vegetation, the contract holder will conduct a 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. Community pit users are hereby made aware of the following Right of Way holders with underground or overhead utilities, and the need to avoid these utilities, at the following locations:

<b>Mineral Material Site Name</b>	<b>Right of Way holder</b>
Quinn River #2 Com. Pit	Harney Electric Cooperative Inc. Commnet Wireless LLC
Denio Community Pit	Harney Electric Cooperative Inc. Oregon-Idaho Utilities Inc. Nevada Department of Transportation
Blue Mountain Com. Pit	Sierra Pacific Power Co. DBA NV Energy
Jungo – 13 Mile Com. Pit	Humboldt County (Road Department) T-Quarter Circle

<b>Mineral Material Site Name</b>	<b>Right of Way holder</b>
Jungo – South Com. Pit	Sprint Communications Company LP Sierra Pacific Power Co. DBA NV Energy
Morey Creek Com. Pit	Nevada Department of Transportation Humboldt National Forest Oregon-Idaho Utilities Inc. Sierra Pacific Power Co.
Rebel Creek Community Pit	Harney Electric Cooperative Inc.

11. 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.
12. 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.
13. No stockpiles shall be left after a job is finished, or they are to be flattened out.
14. Between operating periods the pit walls shall be maintained at a slope ratio not steeper than 3h:1v.
15. There shall be no mining, prospecting or testing outside the pit working faces without contacting BLM before any work is done.
16. 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