

**U.S. Department of the Interior  
Bureau of Land Management**

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DATE: December 9, 2011**

**ENVIRONMENTAL ASSESSMENT  
For the  
Renewal and Expansion of the Tonopah Community Pit  
Commonly known as the Speedway Pit**

File Number: NVN 20298, NVN 76113

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It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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## **1.0 INTRODUCTION**

The Bureau of Land Management Tonopah Field Office (BLM) is conducting an Environmental Assessment (EA) of an existing sand and gravel material pit located near the Tonopah Airport, Nye County, Nevada, also known as the Speedway Community Pit. The Proposed Action meets the needs of the overlapping interest of the Nye County Road Department (Road Department), a subdivision of Nye County Public Works, and the Town of Tonopah public's need for material resources.

The Tonopah Airport mineral material pit is located approximately eight miles east of the central business district of Tonopah, a town in rural Nye County, Nevada (Figure 1, page 10). Tonopah is located at the junction of U.S. Routes 6 and 95 approximately mid-way between Las Vegas and Reno, Nevada. The Project site located across from the Tonopah Airport, is situated in Ralston Valley with the Monitor Range to the northeast and east; the Monitor Hills to the east; Mud Lake to the south, and the San Antonio Mountains to the west and northwest.

### **Nye County Road Department:**

The Road Department conducts construction and maintenance on roads in rural areas of Nye County. The roads require periodic shoulder work and resurfacing. To complete the required maintenance of roads within the northern portion of Nye County, the Road Department has been mining and removing sand and gravel (mineral materials) from pits within the county. The BLM grants free use of the materials to Nye County for road maintenance and construction under the 43 CFR 3604 regulations.

In 2002, the BLM issued a Free Use Permit (FUP), case file NVN 76113, to the Road Department for a ten-year interval for mining in the Speedway Community Pit. This FUP is due to expire on July 22, 2012.

### **Other Users:**

The public and other interested parties also have a need of this material site for various purposes. The BLM allows for the public to purchase materials from this location at fair market costs under the Code of Federal Regulations (CFR) §3602 regulations utilizing a standard mineral materials contract. Under the present system, the process of authorizing even small sales of sand and gravel may take upwards of three weeks. This involves scheduling interdisciplinary meetings, preparation of environmental documents, contracts, and data processing. The BLM is required to charge the applicant for the costs involved in processing these small, mineral material sales. BLM, other government entities and non-profit organizations may also request FUPs for materials under the regulations. These FUPs go through a similar review process prior to issuance.

To facilitate the public and other user's need of materials from this location, the BLM is proposing to designate the expansion of the mineral material site used by Nye County and the

public, as a community pit. If the proposed project is approved, the 40-acre gravel pit authorized in 1977 by case file NVN 20298, will expand to the south and east to encompass 160 acres. The 1977 pit authorization was issued in perpetuity. The original material site being evaluated in this EA has been previously designated as a community pit.

## **2.0 PURPOSE AND NEED**

The purpose of the action is to renew the FUP to the Nye County Road Department and provide for expansion of the community pit.

1. Nye County needs this renewal for construction and maintenance on over 63.95 miles of roads in a small rural area of Nye County (Appendices – page 49).
2. The gravel pit has outgrown its original designated area on the south and east sides and must be expanded to allow for future growth over the next ten years.
3. The environmental assessment for the existing pit analyzed the impacts of removing approximately 100,000 cubic yards of mineral materials from the 40 acre site. At this time, approximately 100,000 cubic yards of material have been extracted from the site.
4. The public and other users have a need of these material sites for various purposes.
5. Renewal of the FUP and designating the expansion pit as a community pit, would assist the BLM in improving customer service by reducing the time and cost involved in complying with 43 CFR 3600 regulations which provides for the issuance of various kinds of permits, sales and contracts.

### **2.1 Land Use Plan Conformance**

The action is in conformance with the Tonopah Resource Plan (RMP), dated October 2, 1997.

Although the action is not specifically addressed, the Mineral Materials objective on page 23, states “Provide for the extraction of mineral materials such as sand, gravel, building stone, cinders, etc., to meet public demand.”

The RMP determinations: A total of 5,377,858 acres (88% of the Tonopah Planning Area) will be open to mineral material disposal under standard terms and conditions. Continue to provide mineral materials from existing authorized sources unless closed to meet specific management objectives of other resources. Open new sand and gravel pits as necessary.

### **2.2 Relationship to Laws, Regulations and Other Plans or Other EA’s**

The surface and mineral estates of the proposed material sites are in federal ownership, and are administered by the BLM. BLM’s authority to dispose of sand, gravel, and other mineral and vegetative materials that are not subject to mineral leasing or location under the mining laws is established by the Minerals Act of 1947, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended.

The Materials Act of 1947 as amended (30 USC 601 *et seq.*) forms the foundation of the Bureau's mineral material sales and free-use programs. The most recent revision of the regulations dealing with disposal of mineral materials (43 CFR 3600) was published in the Federal Register on November 23, 2001. BLM conducts sales and grants free-use of mineral materials pursuant to these regulations.

Subpart 3603.10(a) deals with the establishment of community pits. This subpart states that BLM may make mineral material sales and allow free-use under permit from the same deposit within areas designated for that purpose. The public can then purchase small amounts of mineral materials from a community pit over the counter, utilizing a permit rather than the more complicated contract process. This improves customer service by the BLM and saves time and reduces costs for our customers. If a sale from this community pit involves more than 2,000 cubic yards of material, or if more than 90 days is needed for removal, a contract would be provided.

There are no pre-1955 mining claims on the subject land. Effective July 23, 1955, 30 USC 611 specified that common varieties of sand and gravel would no longer be considered valuable mineral deposits and would not be locatable. If there were mining claims existing at the site prior to the approval of a contract, permit, or community pit designation, BLM would proceed in accordance with 43 CFR 3601.14, and seek a waiver from the claimant. BLM may not be able to compel a sale from a claim where its location pre-dates July 23, 1955. Approval of a free-use permit establishes a superior right against any claim or entry of the land from the date of approval (or sooner, if the land was previously designated as suitable for mineral materials disposal) until two years after its termination, including any extensions. Similarly, designation of a community pit establishes a superior right against any claim or entry of the land from the date of approval until such time as the designation is removed. In either case, mining claims or other land uses may not hinder the development of the material resources.

There is no geothermal activity or leases nor oil and gas leases within the area.

An environmental document was approved on May 2, 1977 and October 1, 2001.

Nevada State law requires the applicant to conform to air and water quality regulations.

The Tonopah Resource Management Plan and Record of Decision is the Tonopah Field Office's planning document required by the Federal Land Policy and Management Act. A copy of the Resource Management Plan is available for review at the BLM Tonopah Field Office, located at 1553 S. Main Street, Tonopah, Nevada.

Implementation of the Proposed Action would in effect, reserve a 160 acre area for mineral materials extraction. If the area is designated as a community pit, then that designation goes on the BLM's master title plats. While the designation is in effect, a right to remove the materials would be superior to any subsequent claim or entry of the lands (43 CFR 3603.11).

On April 3, 1985, the Nye County Board of County Commissioners adopted a county policy plan for public lands under the Nevada Statewide Policy Plan for Public Lands authorized by Senate Bill 40. Senate Bill 40 directs the State Land Use Planning Agency to work together with local planning entities to prepare local plans and policy statements regarding the use of federal land in Nevada. The Nye County Policy Plan states: "Public lands should continue to be made available for state and local government purposes." Further, it indicates that opportunities are to be increased for local economic development by promoting the expansion of mining operations and development of potential mineral deposits.

In 1994, the Nye County Board of County Commissioners adopted the Nye County Comprehensive Plan, which is also referred to as the Nye County Master Plan. A draft update to the plan was recently developed and was adopted by the Board of County Commissioners in April 2011. Section 2.2.2 of the updated Nye County Comprehensive Plan lists the goals, objectives, and policies that Nye County has developed for public lands. Among many objectives for public lands, the updated Nye County Comprehensive Plan specifically states that public lands continue to be made available for state and local government purposes such as, but not limited to, schools, parks, trails, roads, and public facilities.

### **2.3 Issues**

Based on internal scoping the following issues regarding the Proposed Action were identified:

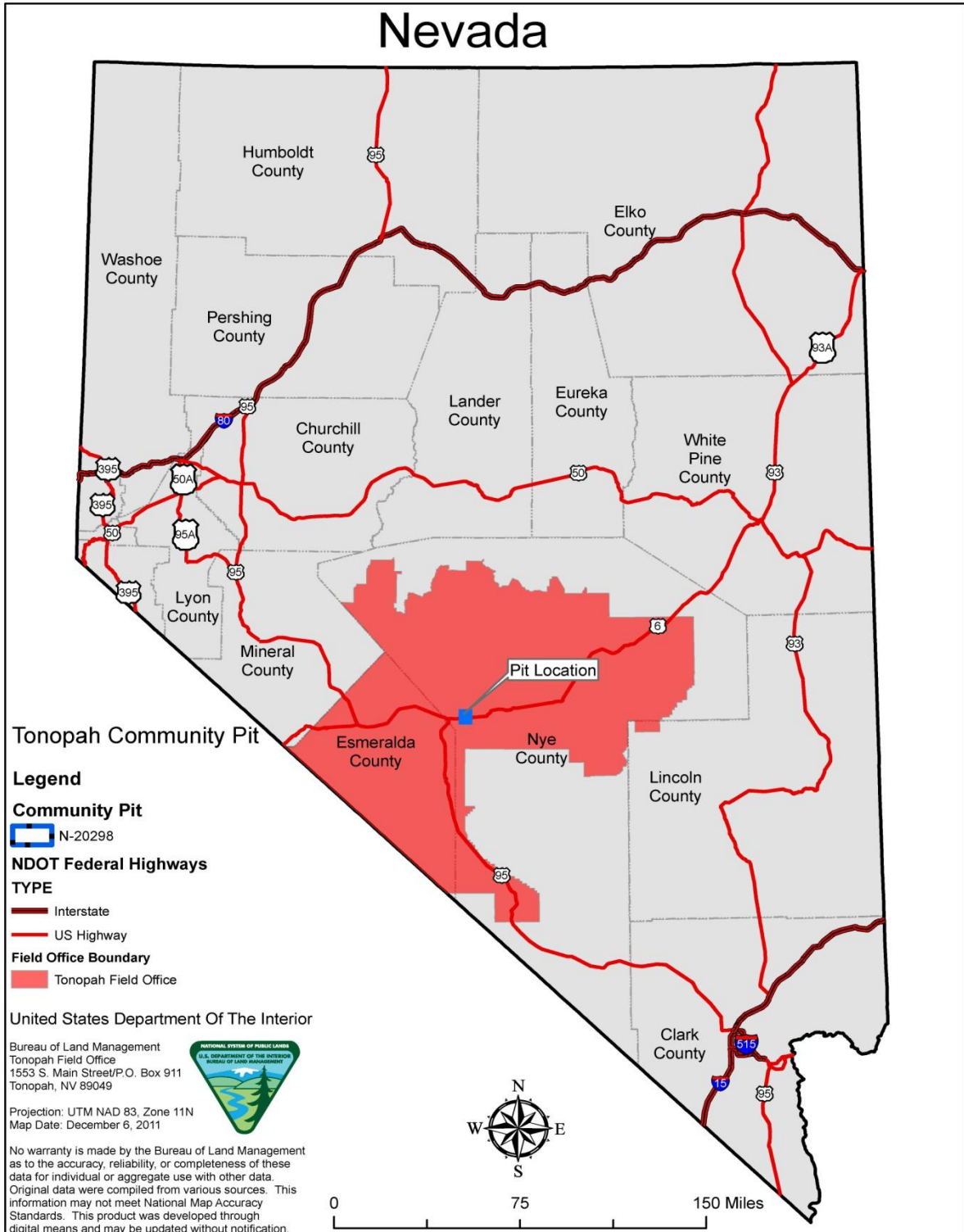
- Two rights-of-way would be included in the proposed expansion. NVN 35341 is an access road of 60-feet in width, granted for access to a private parcel; and a 69 kV transmission line, Nev 061469 of 30-feet wide. *Issue resolution:* Notification to the right-of-way holders would be provided.
- The potential expansion of the pit would involve surface disturbance in previously undisturbed areas. *Issue resolution:* Prior to any surface disturbing activities, a cultural survey would be required.

### **2.4 Scoping and Public Involvement**

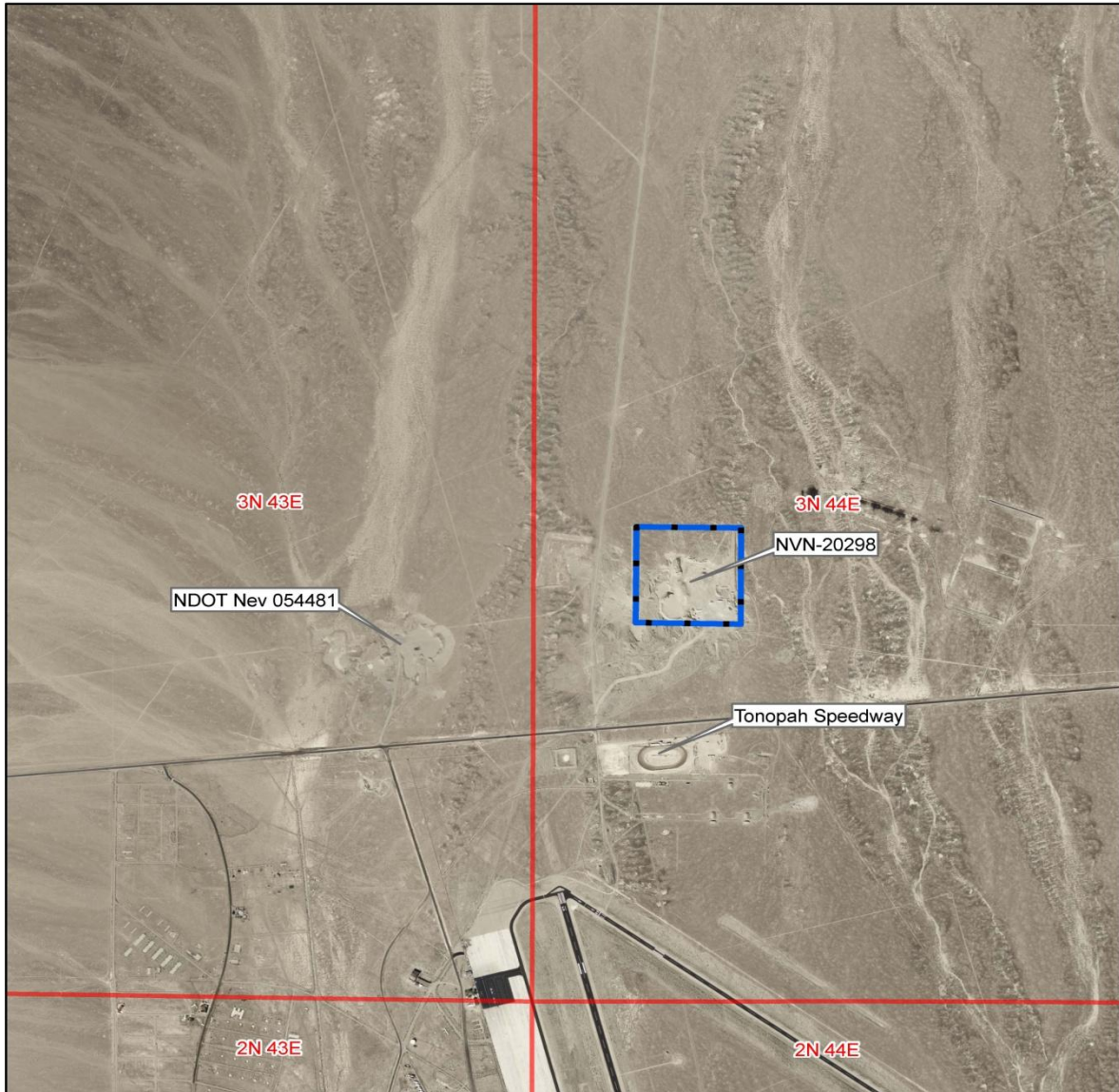
Coordination between Nye County Public Works and the manager of the Town of Tonopah for the renewal and expansion of the Speedway Pit has been on-going over the past several months due to projected growth for the town.

A Dear Reader Letter and the Environmental Assessment will be posted for 15 days to the Battle Mountain District's Web page at:

[http://www.blm.gov/nv/st/en/fo/battle\\_mountain\\_field/blm\\_information/national\\_environmental.html](http://www.blm.gov/nv/st/en/fo/battle_mountain_field/blm_information/national_environmental.html)



**Figure 1: General Location Map**



## Tonopah Community Pit

### Legend

#### Community Pit

 N-20298

Imagery Date 2006

0 2,000 4,000 Feet



United States Department Of The Interior

Bureau of Land Management  
Tonopah Field Office  
1553 S. Main Street/P.O. Box 911  
Tonopah, NV 89049



Projection: UTM NAD 83, Zone 11N  
Map Date: December 6, 2011

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**Figure 2: Looking North from Tonopah Airport**

## **3.0 DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES**

### **3.1. Proposed Action**

#### **Nye County Mineral Material Permit Renewal and Public Mineral Material Sales with Expansion and BLM Community Pit Designation**

In this Proposed Action, expansion of the Tonopah Speedway community pit from 40 to 160 acres and sale or free use of up to 100,000 cubic yards of mineral materials from the area in the next 10 years is being analyzed. This pit is being analyzed in anticipation of a request by the Nye County Road Department to renew a FUP within the boundary of the community pit and to allow for future mineral material sales and contracts to the public.

This EA document analyzes 160-acres for a total of up to 1,600,000 cubic yards of potential removable mineral material. The 1.6 million cubic yards is based upon 160 acres of recoverable sand and gravel to a depth of 25-feet. The BLM plans to initially reauthorize a 10-year period of expansion of mineral material for 100,000 cubic yards per 10 years. A review every 100,000 cubic yards or 10 years, whichever occurs first, will initiate a new review or permitting process.

The existing community pit has expanded to an area of approximately 40 acres; including, approximately 15 acres on the west, south, and east sides of the authorized pit area (Figures 2, 3, and 4). An expansion is proposed to the south and east of the existing gravel pit for a total of 120 acres of new surface disturbance. This expansion area has been identified in the field with metal t-posts at the corners. After 10 years or as the resource is exhausted, whichever comes first, the gravel pit would be reclaimed and closed as specified in the stipulations that accompany a FUP. Should the Proposed Action be implemented, FUPs would be renewed with Nye County and small scale sales would be conducted over the counter. Other mineral material permitting, such as contract sales, would be streamlined as a result of implementation of the Proposed Action. Each permit, sale or contract would be subject to BLM Tonopah Field Office Standard Field Office Stipulations (Appendices – page 50).

#### **3.1.1 Operations**

Both Nye County and the public would strip and stockpile any overburden consisting of topsoil and fines from areas that they intend to remove sand and gravel. Though the entire mixture (overburden plus gravel) is preferred by some operators because it acts as a binder, the operator is required to save the overburden as it is a growth medium used for reclamation and revegetation when the permitted pit areas reach exhaustion. This operation would only be done when expanding into areas that had not already been pre-stripped for prior activities.

A reclamation fee would be calculated and a cost per cubic yard would then be charged from every community pit sale from the designated community pit. This charge is itemized on the sales permit and the fees are paid to a special reclamation account. Thus individuals with small sales within the community pit would not actually perform the reclamation work. At the final

conclusion of mining, when the community pit reaches exhaustion, these fees are applied to the final reclamation costs.

Under contract sales, the applicant would be required to provide a reclamation bond which is based on the calculated value of reclamation costs. In the event the reclamation work was not done, the bond would be forfeited and the funds would be used to hire a contractor to do the reclamation work.

Under the FUP, Nye County will complete reclamation of their disturbance at the site as required in the stipulations of the permit.

The actual mining and removal of the sand and gravel would utilize a variety of heavy equipment including bull-dozers, scrapers, front-end loaders and various sized haul trucks. Bulk fuels and lubricants would be available on site as work was carried out by the county and various public customers. These materials would not be stored on site. Both the county and the public may also utilize screening and/or crushing plants at the site. This type of equipment is mobile and would move from site to site, such as in the case of the county, as the need arose. Temporary water storage ponds may also be constructed to stockpile water used for washing the mineral materials and to reduce airborne particles while screening and crushing.

All equipment would be removed from the material sites at the conclusion of a material sale as specified in the contracts. The majority of small material sales operators do not use these specialized screening/crushing plants and would simply load from a bank of gravel and remove the gravel to a job site. Over-sized boulders would also be stockpiled as it has been determined that the over-sized rocks are a sought after material and consequently are quite saleable. Between operating periods, the pit walls would be maintained at a slope ratio not to exceed 2h:1v (horizontal: vertical). Upon final pit exhaustion, the reclamation would consist of burial of all fines and any remaining over-sized material, re-contouring the pit walls to a 3h:1v slope, scarifying the pit floors and access roads, spreading the stockpiled topsoil over the pit area, and finally seeding the area with an approved Tonopah BLM seed mixture.

Occupancy of the various FUP sites is a possibility during actual periods of work activity. The majority of occupancy would only be the presence of equipment such as a front-end loader or a back-hoe that was left on site during the mining and removal of the material. These active periods tend to be of short duration, occurring for a few days or a week in a year, over a contract with perhaps a five year term. Occasionally, a larger piece of equipment such as a screening plant might be left in a material site during a project. These are all portable units and are removed at the end of a project. Usually a stock pile of processed materials is created which is then drawn from as needed.

The corner boundaries of the community material site would be marked with steel posts. This would reduce expansion into unauthorized areas, and identify the actual physical site on the ground. The community pit would have signs posted in conspicuous locations. These signs

would identify the material site as a community pit and would have advice as to how to obtain materials.



### Tonopah Community Pit

#### Legend

#### Community Pit

 N-20298

Imagery Date 2006



0 500 1,000 Feet



United States Department Of The Interior

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Projection: UTM NAD 83, Zone 11N  
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**Figure 3: Approximate boundary and surface disturbance associated with the existing authorized FUP and community pit.**

### **3.2.1 No Action Alternative**

Under the No Action Alternative, the permit would not be renewed. Currently, the only gravel pit being utilized that is involved in this proposal is the Tonopah Airport. Under the No Action, it would be utilized within its currently permitted area of disturbance for the remainder of its 10-year permit. Under the No Action Alternative, this gravel pit would not be expanded. This gravel pit would be reclaimed as specified in the stipulations that accompany its FUP.

Although the FUP does not expire until the summer of 2012, the reclamation and closure process has not been initiated so that this proposal for permit renewal, expansion and community pit designation may be evaluated; and because this pit is currently being utilized by the general public under sales agreements. The non-issuance of FUPs and mineral material sales contracts would effectively close this pit.

Nye County and the general public would need to make their gravel purchases from the private sector at the Tonopah Airport. There are no suitable (sizeable, quality) gravel pits currently on private land in or near the Town of Tonopah. This would make it difficult for Nye County to conduct its road work efficiently as it needs to have gravel pits close to the location where the road work is needed especially when it is emergency work. This would hinder any future potential growth for the Town of Tonopah. This would delay renewable energy projects such as the Tonopah Solar Energy Project (power tower), the Tonopah Public Utilities transmission water line upgrade project, as well as other renewable energy projects already under construction and planned projects that have been under contract with the Town and/or Nye County.

### **3.2.2 Alternatives Considered but Eliminated from Further Analysis**

Alternatives considered but eliminated from further analysis included expanding the project to the west. This alternative was rejected because of a Nevada Department of Transportation pit for 160 acres would be contiguous. Additionally, many other rights-of-way, including the water line for the Town of Tonopah and Sierra Pacific Power Company transmission line (NV Energy) would be impacted.

The no action alternative and the proposed action should provide a sufficient range of impacts to inform the decision-maker of the effects of the proposed action.

### **3.2.3 BLM Decision to be Made**

The decision to be made is whether to, 1) renew the FUP and/or expand the community pit, through additional mitigation or stipulations; including, but not limited to, use of timing restrictions, surface use restrictions, relocation or configuration of the expansion of the community pit, or 2) deny renewal of the FUP and expansion of the community pit. The decision would be made through consideration of the results of this environmental analysis conducted under the NEPA and other applicable federal, state, or local laws or requirements.

## **4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

### **4.1 Supplemental Authorities to be Considered**

To comply with the National Environmental Policy Act (NEPA), the Bureau of Land Management is required to address specific elements of the environment that are subject to requirements specified in statute or regulation or by executive order (BLM 1988, BLM 1997, BLM 2008). The following table outlines the elements that must be addressed in all environmental assessments, as well as other resources deemed appropriate for evaluation by the BLM, and denotes if the proposed action or no action alternative affects those elements.

**Table 1 Supplemental Authority Elements Considered for Analysis**

Supplemental Authority <sup>1</sup>	Not Present <sup>2</sup>	Present/Not Affected	Present/May be Affected <sup>3</sup>	Rationale
Air Quality		X		Construction equipment proposed would be powered by internal combustion engines. These engines produce exhaust emissions that include 5 of the 6 federal criteria pollutants (excluding only lead). The project equipment fleet would be relatively small. No significant impacts to air quality would result from the proposed project. See discussion in Section 4.3.1.
Area of Critical Environmental Concern	X			No Areas of Critical Environmental Concern has been designated in the project area.
Cultural Resources			X	A Class III inventory of the project area has been completed. See discussion in Section 4.3.2.
Environmental Justice	X			The project would not impact any of the designated populations as described in the Environmental Justice Executive Order.
Farmlands Prime or Unique	X			No farmlands are present within the proposed action project area.
Fish Habitat	X			Resource is not present.
Floodplains		X		Most surface disturbance associated with the proposed action would be temporary and restored to pre-construction conditions. There are no active floodplains in the project area. This area is within a 100-year floodplain. Environmental protection measures and best management practices would be implemented during expansion of the pit and prevent sedimentation and deposition within the floodplain.
Forests and Rangelands (Healthy Forest Restoration Act only)	X			The proposed project does not meet the criteria to qualify as a Healthy Forest Restoration Act project.
Human Health and Safety	X			Stipulations address noxious weeds and herbicide treatments, and ensure application of herbicide is performed safely and properly. The proposed action would not present any human health or safety issues.
Migratory Birds			X	See discussion in Section 4.3.5.
Native American Religious Concerns	X			See discussion in Section 4.3.2.
Noxious Weeds/Invasive Non-native Species		X		Invasion of noxious weeds and invasive, non-native species would be prevented. See discussion in Section 4.3.8.

Supplemental Authority <sup>1</sup>	Not Present <sup>2</sup>	Present/Not Affected	Present/May be Affected <sup>3</sup>	Rationale
Threatened and Endangered Species (Special Status Species, plants & animals)		X		Federally listed threatened and endangered species or species proposed for federal listing are not known to occur within the project area. See Section 4.3.5 for discussion of special-status species.
Waste-Hazardous and Solid		X		The lack of substantial quantities of hazardous materials, combined with the environmental protection measures would prevent impacts from the proposed action.
Water Quality (Surface/Ground)	X			Operators have purchased water from private sources.
Wetlands/Riparian Zones	X			There are no wetland areas or riparian zones within the project area.
Wild & Scenic Rivers	X			There are no rivers designated as wild and scenic within the proposed project area.
Wilderness	X			No wilderness areas have been designated within the project area.
Wilderness Characteristics	X			No lands meeting the criteria established by Secretarial Order Number 3310 exist within the project area.

<sup>1</sup> See H-1790 (January 2008) Appendix 1 Supplemental Authorities to be Considered.

<sup>2</sup> Supplemental Authorities determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in document.

<sup>3</sup> Supplemental Authorities determined to be present/May be Affected must be carried forward for analysis in the document.

## 4.2 Other Resources

Other resources of the human environment that have been considered for this Environmental Assessment are listed in Table 2. Elements that may be affected are further described in the Environmental Assessment. Rationale for those elements that would not substantially or adversely be affected by the proposed action and no action alternative is listed in Table 2.

**Table 2 Other Resources Considered for Analysis**

Other Resources	Not Present <sup>1</sup>	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management		X		This project is within the Ralston Allotment. Potential area impacted by proposed action would be a negligible portion of total area in allotment. Most impacts would be temporary and disturbance reclaimed. No short- or long-term impacts to grazing Animal Unit Months would be expected; grazing management would not be affected. There is no grazing permittee at this time.
Land Use Authorization			X	See discussion in Section 4.3.3.
Geology and Minerals		X		See discussion in Section 4.3.4.

Other Resources	Not Present <sup>1</sup>	Present/Not Affected	Present/May be Affected	Rationale
Paleontological Resources	X			Paleontological resources would not be expected to occur within the proposed action project area. The proposed action project area is located in Ralston Valley, on Quaternary-aged alluvial fill. There are no fossil-bearing geologic formations that occur in the immediate vicinity of the project area.
Recreation		X		Unique or developed recreational sites do not occur within the proposed action project area, but dispersed recreation may occur. Recreational access would not be restricted by the proposed action, and any impacts would be short-term for the duration of construction. Recreation would not be affected as a result of the proposed action.
Socio-Economic Values			X	See discussion in Section 4.3.6.
Soils			X	See discussion in Section 4.3.7.
Vegetation			X	See discussion in Section 4.3.7.
Visual Resources		X		The proposed action is within a Class IV Visual Resource Management area. The Class IV objective provides for (1) management activities that require major modifications to the existing character of the landscape and may dominate the view of the casual observer or attract attention and (2) a level of change that can be high. Approximately 88.7 percent of the Tonopah Planning Area is managed for Class IV Visual Resource Management objectives.
Wild Horses and Burros		X		The proposed action would not impact wild horses or burros. Permanent surface disturbance would be negligible and have inconsequential effects on grazing area.
Wildlife			X	See discussion in Section 4.3.9.
Fire Management		X		Measures combined with the regulatory practices of BLM and Nye County, would be anticipated to prevent impacts.

<sup>1</sup> Other Resources determined to be Not Present or Present/Not Affected need not be carried forward for analysis or discussed further in the document based on the rationale provided.

Bureau specialists have further determined that the resources identified as not affected by the proposed action would not be further analyzed in this EA. These resources include; Fire Management Grazing, Paleontological, Recreation, Visual Resources, Forests and Rangelands (Healthy Forest Restoration Act only), and Wild Horses and Burros.

### 4.3 Impacts Requiring Further Analysis

The following resources have been determined, through internal scoping, to be present and affected by the proposed action: Cultural Resources, Land Use Authorizations, Soils, Socio-Economics, Vegetation, Wildlife, Migratory Birds. These resources will be brought forth for further analysis in this Environmental Assessment. Air Quality, Threatened and Endangered

Species, Special Status Species, and Noxious or Invasive Weeds, Floodplains, and Geology and Minerals are present, but not affected and are brought forth for discussion purposes only.

## **General Setting**

The existing mineral material pit is located in central Ralston Valley, east of Tonopah, in Nye County, Nevada. Most of Nevada, including the project area, is within the Basin and Range Physiographic Province which is characterized by linear mountain ranges and intervening valleys arranged generally in a north-south parallel pattern.

Climate and weather data has been collected by the Western Regional Climate Center at the Tonopah Airport since 1954. Data collected monthly between then and 2010 show hot summer months, with high temperatures averaging about 90 degrees Fahrenheit during July and August. Winters lows average 19 degrees Fahrenheit during December and January. Average annual precipitation is just over 5 inches, occurring sporadically as either winter snow and rain or occasional summer thunderstorms (Western Regional Climate Center 2010).

The landscape is typical of moderate to high elevations in the southern extent of the Great Basin. The project area slopes gently toward the south-southeast. Elevations in the project area range from about 5,452 feet to 5,438 feet above mean sea level. Predominant vegetation cover is a mix of salt desert scrub species, with shadscale saltbush (*Atriplex confertifolia*), bud sagebrush (*Picrothamnus desertorum*), and rabbit brush (*Chrysothamnus spp.*) as dominant species. Numerous ephemeral drains cross the proposed project area, and may carry surface runoff flows to or toward Mud Flat playa during periods of snowmelt or after thundershowers.

### **4.3.1 Air Quality**

#### **4.3.1.1 Affected Environment**

Weather in central Nevada is arid, with low humidity, and characterized by warm, dry summers and moderately cold winters, precipitation mainly occurs in the winter and spring. Prevailing wind patterns are generally from the west but locally follow the north-south orientations of the mountain ranges. Occasional intense winds can cause localized dust storms and decreased visibility.

Dust from barren agricultural fields, burned areas, or barren lands (playas) can contribute dust to the atmosphere for short periods during strong wind events. Wildfires outside the assessment area, agricultural burns, or prescribed fires occasionally emit particulate matter (smoke) into the air, producing short-term deterioration of air quality.

Air quality in Nye County is regulated by the Environmental Protection Agency (EPA) and the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (BAPC) and Bureau of Air Quality Planning. Each of these agencies develops rules, regulations, policies, and/or goals to comply with applicable legislation. EPA uses monitoring data to designate areas

according to their attainment status for criteria air pollutants. The purpose of these designations is to identify those areas with air-quality problems and thereby initiate planning efforts for improvement. The three basic designation categories are “non-attainment,” “attainment,” and “unclassified.” “Unclassified” is used in an area that cannot be classified on the basis of available information as meeting or not meeting the standards.

The proposal is located within the Ralston Valley Hydrographic Area. Hydrographic regions/basins are also used as air regions/basins. This basin is considered “unclassified” relative to attainment of the federal air quality standards. This air quality designation is typical of largely undeveloped regions of the Western United States with limited sources of pollutants.

With respect to fugitive emissions, Nye County is to control fugitive dust emissions from surface disturbance using the “best practical methods”, which generally include watering and revegetation. Under the Proposed Action and No Action Alternatives processed gravel, stockpiles, road ways, and pits could be sources of fugitive dust.

#### **4.3.1.2 Environmental Consequences of the Proposed Action on Air Quality**

If the proposed action is approved, the fine-grained nature of the existing soils within the assessment area would likely contribute to a localized increase in dust particles from mineral materials mining and access road construction and maintenance. The effect on air quality would be mainly in the form of an increase in fugitive dust related to the freshly disturbed ground surfaces and exhaust fumes from motorized equipment during construction activities. Increased traffic on the existing roads would also add to the total; however, the impacts would be minor, and implementation of the stipulations in Appendices, page 50, would reduce any potential impacts. All operations would comply with applicable air quality standards and Nevada regulations (NAC 445B.22037).

Environmental Protection Measures:

- All requirements of those entities having jurisdiction over air quality matters would be adhered to and any permits needed for construction activities would be obtained.
- Open burning of construction trash and project wastes would not be permissible.
- Prudent speeds would be observed while operating vehicles and equipment on project roads to prevent excessive amounts of airborne dust emissions.

#### **4.3.1.3 Environmental Consequences of the No Action Alternative on Air Quality**

There would be no changes to the air quality in Ralston Valley under the no action alternative as the proposed renewal and expansion of the mineral material pit would not be completed.

## **4.3.2 Cultural and Paleontological Resources, and Native American Concerns**

### **4.3.2.1 Affected Environment**

Gravel was taken from this area in the 1940s for construction at the Tonopah Army Air Field. Approximately 30 undisturbed or lightly disturbed acres were surveyed in 1977 with an additional 11.5 acres in 1995. No cultural resources were identified during the surveys. Total acreage for the mineral materials site is approximately 40 acres.

The proposal for the renewal is to deepen the existing pit for immediate use and designate an additional 120 acres to the south and east for future expansion. Some of the 120 acres have been disturbed by past gravel extraction. All undisturbed acreage must be surveyed for cultural resources before any expansion takes place.

Based on previous cultural resources survey data, the project area has a low potential for prehistoric or historic cultural resources. Small prehistoric or historic sites related to resource procurement, ranching, or the nearby Tonopah Army Airfield might be found during future surveys in the project area.

There are no known Traditional Cultural Properties (TCP) or Native American religious or spiritual sites in this area that might be affected by this project. A TCP can generally be defined as a property that is eligible for inclusion on the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are important in maintaining the continuing cultural identity of the community.

There are no known paleontological resources within the area of the proposed mineral materials site. The mineral materials site is located in Quaternary alluvium derived from surrounding Tertiary and Quaternary volcanics. The probability of the presence of paleontological resources is very low based on the stratigraphy of the area.

### **4.3.2.2 Environmental Consequences of the Proposed Action on Cultural and Paleontological Resources**

No cultural resources were identified during the surveys for the existing 40-acre mineral materials pit. The probability of finding cultural resources as the depth of the pit increases is extremely low. The probability of finding buried paleontological resources is extremely low based on existing knowledge of the stratigraphy of the area.

Surveys have not been done for the undisturbed areas in the 120 acres being set aside for future mineral materials. Cultural resources may be present, but a cultural survey is required before that area can be disturbed. This requirement will protect cultural resources. The probability of paleontological resources being present is extremely low based on existing knowledge of the stratigraphy of the area.

Various Native American tribes and bands have stated that federal projects and land actions can have widespread effects to their culture and traditional practices as they consider the landscape as sacred and as a provider. Various locations throughout the BLM Tonopah Field Office administrative area continue to host traditional, spiritual, and/or cultural use activities. Sites and resources considered sacred or beneficial to the continuation of tribal traditions include, but are not limited to: prehistoric and historic village sites, sources of water (hot and cold springs), pine nut gathering locations, sites of ceremony and prayer, prehistoric and ethno-historic archaeological sites, burial locations, “rock art” sites, medicinal/edible plant gathering locations, areas associated with creation stories, or any other tribally designated Traditional Cultural Property. The proposed action would not have an impact on any known Traditional Cultural Properties.

Cultural resources are protected under the National Historic Preservation Act (P.L. 89-665), Archaeological Resources Protection Act (16 United States Code 470ii), Federal Land Policy and Management Act of 1976, American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601), and Executive Order 13007. Paleontological Resources are protected under the Omnibus Public Lands Act of 2009 (P.L. 1111, Title VI, Subtitle D, Sections 6301-6312, 123 Stat. 1172; U.S.C. 470aaa) and Federal Land Policy and Management Act of 1976. Any unanticipated discovery of paleontological resources, cultural resources, items of cultural patrimony, sacred objects, or funerary items requires that all activities in the vicinity of the find cease. The BLM Field Office Manager must be notified immediately by phone about the discovery, with written confirmation to follow. All surface disturbing activities must not resume until written authorization is received.

#### **4.3.2.3 Environmental Consequences of the No Action Alternative on Cultural and Paleontological Resources**

There would be no effect to cultural or paleontological resources under the no action alternative as the proposed renewal and expansion of the mineral material pit would not be authorized.

### **4.3.3 Land Use Authorizations**

#### **4.3.3.1 Affected Environment**

Two rights-of-way (ROW) would be included in the proposed expansion: NVN 35341 is a 60-ft-wide access road ROW granted for access to a private parcel. Nev 061469 is a 30-ft-wide ROW authorized for a 69 kV transmission line.

However, the 60-foot wide access road does not appear to have been constructed. The private parcel may be accessed by using the water pipeline and access road issued to the Tonopah Public Utilities (TPU), NVN 29397, located to the west of the authorized community pit area. The road ROW traverses in a north northeasterly direction approximately 1 mile, and turns to the north northwest or continues approximately 0.25 miles north to the private parcel.

U.S. Highway 6 borders, and extends into the proposed community pit expansion area, on the south. The southern limit of authorized pit expansion would coincide with the northern boundary fence of the highway ROW. Figure 4, page 25 reflects current land status and existing ROWs.

#### **4.3.3.2 Environmental Consequences of the Proposed Action on Land Use Authorizations**

A 320-acre parcel of private property lies 1.25 miles north of the present pit. Access to the property is by a road ROW, NVN 35341, that passes through the proposed pit expansion area. If necessary, a new access road could be constructed outside of the pit to allow access to the private parcel, or use of the road through the proposed expansion area could continue and damage to the ROW could be avoided by prohibiting surface disturbing activities within the road ROW; or use of the existing TPU ROW could be authorized as a compatible use for the access road.

The 69kV power line and associated maintenance road ROW (Nev 061469) pass through the existing pit area. Damage to the power line and maintenance road has been avoided by avoiding surface disturbing activities in the vicinity of the ROW. Damage to the ROW would be mitigated in the future by continuing the present avoidance requirements.

#### **4.3.3.3 Environmental Consequences of the No Action Alternative on Land Use Authorizations**

There would be no change to land use authorizations under the no action alternative as the proposed renewal and expansion of the mineral material pit would not be authorized.



## **4.3.4 Geology and Minerals**

### **4.3.4.1 Affected Environment**

Ralston Valley, in the vicinity of the proposed community pit expansion area, is underlain by several hundred feet of Quaternary-aged alluvium. A poorly developed soil horizon and up to 2 feet of fine-grained aeolian material overlay up to several hundred feet of interbedded fluvial sand and gravel and fine-grained lacustrine sediments. The sand and gravel concentrations in the area have been thoroughly tested by operators and are considered to be of better than average quality for construction purposes, compared to materials in adjacent valleys. The thickness of sand and gravel in the deposit exceeds 10 feet in the immediate vicinity of the existing pit. Assuming that all of the pit-run material is suitable for construction purposes to a depth of 25-feet and that there is, relatively unweathered material that's not too fine or too coarse, the area should contain somewhere in the vicinity of 1.6 million cubic yards of usable sand and gravel. Additional suitable material occur below the 25-foot level.

Mining activities on BLM-managed public lands are administered under several laws and regulations, including the General Mining Law of 1872, the Federal Land Policy and Management Act of 1976, and the Surface Resources Act of 1955. The Mining Act of 1872 granted any citizen the right to explore, locate, and claim certain rights upon public lands. An unpatented mining claim is a particular parcel of federally-managed land that is valuable for a specific mineral deposit or deposits. Unpatented mining claims ensure the right to develop and extract a mineral deposit, subject to applicable federal and state regulations. Patent mining claims transfer complete land ownership to the mining claimant, if certain statutory requirements are met. There are no mining claims present at or near the present mineral material site.

The Speedway pit is located in section 30, T. 3 N., R. 44 E., Mt. Diablo Meridian. Approximately 2½ miles east of the Speedway pit, the Nevada Department of Transportation (NDOT) has two mineral material sites located in section 27 (Nev 067396 consists of 80 acres; NVCC 019598 consists of 40 acres). Approximately ½ mile to the west, NDOT has another 160-acre mineral material site (Nev 054481, Figure 2, page 11).

### **4.3.4.2 Environmental Consequences of the Proposed Action**

The expansion of the pit to 160 acres would not interfere with the present NDOT mineral material sites. In fact, the expansion would cover areas that were previously used for past mineral material sites.

Removal of up to 1.6 million cubic yards of alluvial sand and gravel from the site should have no impact on the availability of mineral materials in the future. Should mining claims be staked over the site, the claimant would have to request authorization to conduct exploration in excess of casual use in the permit area or wait until the community pit and FUP authorizations expire before proceeding.

#### **4.3.4.3 Environmental Consequences of the No Action Alternative**

The proposed material pit renewal and expansion would not be authorized and would not occur if the no action alternative were implemented. The no action alternative would have no impacts on minerals or geology. There would still be impacts similar to the proposed action but on the original pit only.

### **4.3.5 Threatened and Endangered Species, and Other Special Status Species**

#### **4.3.5.1 Affected Environment**

Special status species include threatened/endangered and candidate species as well as BLM sensitive species and species protected by the state of Nevada. BLM policy is to provide these species with the same level of protection as provided for candidate species in BLM Manual 6840.06C, that is to “ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed”.

The U.S. Fish and Wildlife Service has indicated that the proposed project is subject to the provisions of the Bald and Golden Eagle Protection Act, and the potential impacts of the proposed project on eagle nests occurring within 10 miles of the project area should be considered. The Nevada Department of Wildlife indicated that 12 golden eagle (*Aquila chrysaetos*) nests are known to exist within 10 miles of the project area. Golden eagles typically nest on rock outcrops, cliffs, or other elevated areas. Golden eagle nesting habitat or nests was not observed within the project area during the baseline biological survey. These 12 golden eagle nests reported within 10 miles of the project area by the Nevada Department of Wildlife are suspected to occur in mountains east and west of the project area.

The Nevada Department of Wildlife consultation also indicated that golden eagles have been directly observed in the vicinity of the project area. When considered with the proximity to known reported nests, the project area most likely serves as foraging habitat for golden eagle. No golden eagles were observed during the baseline biological survey. Bald eagle (*Haliaeetus leucocephalus*) would not be expected to occur within or near the project area due to absence of suitable habitat.

The Nevada Department of Wildlife indicated that burrowing owl (*Athene cunicularia*), a migratory bird and a designated BLM sensitive species, is known to reside in the vicinity of the project area. During the survey, the project area was examined for sign of burrowing owls. Burrowing owls generally inhabit open areas with low vegetation. These owls utilize underground burrows for nesting and shelter. Nesting areas characteristically include an elevated perch site or sites, such as fence posts or mounds of earth. Although marginal habitat for burrowing owls is present, no sign was found during baseline surveys.

In addition to burrowing owl and golden eagle, the Nevada Department of Wildlife indicated that four other special status species of raptors have been directly observed in the vicinity of the

project area: ferruginous hawk (*Buteo regalis*), Swainson's hawk (*Buteo swainsoni*), Northern goshawk (*Accipiter gentilis*), and Peregrine falcon (*Falco peregrinus*).

Agency consultation describes one BLM sensitive plant with potential to occur within the project area, Eastwood milkweed (*Asclepias eastwoodiana*). This species was not observed during the November 2011 biological survey and is not expected to occur within the project area. No other special status vegetation species were observed within the project area during the biological survey.

Prior to performing the baseline survey, the complete list of sensitive wildlife species for the BLM Battle Mountain District was reviewed to determine if any species, in addition to those mentioned in agency response letters would be targeted during the survey. For a complete list of BLM Sensitive Species that have potential to occur in or around the project area refer to Table 3, page 29.

#### **4.3.5.1.2 Environmental Consequences of the Proposed Action on Threatened and Endangered Species**

Approximately 120 acres of habitat would be permanently removed from the project area. The impact on special status species and their habitat would be expected to be inconsequential because the type of habitat in the project area occurs on thousands of acres of BLM-administered public land that surround the project area. Individuals would likely move into surrounding habitat temporarily during construction. Displacement from the area would constitute a temporary minor adverse impact, but individuals would likely re-establish themselves once construction activities are over.

#### **4.3.5.1.3 Environmental Consequences of the No Action Alternative on Threatened and Endangered Species**

There would be no change to Threatened and Endangered or Special Status Species under the no action alternative as the proposed renewal and expansion of the mineral material pit would not be authorized.

**Table 3 – BLM Sensitive Species**

<b>BLM Sensitive Species that may occur in the project area</b>	
<b>Mammals</b>	<b>Common Name</b>
<i>Euderma maculatum</i>	Spotted bat
<i>Eptesicus fuscus</i>	Big brown bat
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat
<i>Myotis californicus</i>	California myotis
<i>Myotis ciliolabrum</i>	Western small-footed myotis
<i>Myotis evotis</i>	Long-eared myotis
<i>Pipistrellus Hesperus</i>	Western pipistrelle
<i>Antrozous pallidus</i>	Pallid bat
<i>Myotis thysandodes</i>	Fringed myotis
<i>Tadarida brasiliensis</i>	Brazilian free-tailed bat
<i>Myotis volans</i>	Long-legged myotis
<b>Birds</b>	<b>Common Name</b>
<i>Aquila chrysaetos</i>	Golden eagle
<i>Athene cunicularia</i>	Western burrowing owl
<i>Buteo regalis</i>	Ferruginous hawk
<i>Lanius ludovicianus</i>	Loggerhead shrike
<i>Gymnorhinus cyanocephalus</i>	Pinyon jay
<i>Spizella breweri</i>	Brewer's Sparrow
<i>Buteo swainsoni</i>	Swanson's Hawk
<b>Plants</b>	<b>Common Name</b>
<i>Asclepias eastwoodiana</i>	Eastwood milkweed

## **4.3.5.2 Migratory Birds**

### **4.3.5.2.1 Affected Environment**

Migratory birds are protected and managed under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et. seq.*) and Executive Order 13186. Under the MBTA nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Executive Order 13186 directs federal agencies to promote the conservation of migratory bird populations.

Additional direction comes from a January 17, 2001, Memorandum of Understanding between the BLM and the U.S. Fish and Wildlife Service. This Memorandum of Understanding strengthens migratory bird conservation through enhanced collaboration between the two agencies, in coordination with state, tribal, and local governments.

The Memorandum of Understanding identifies management practices that could impact populations of high priority migratory bird species including migratory bird nesting, migration, and overwintering habitats, and develops objectives and recommendations that would avoid or minimize these impacts. A variety of migratory birds use the habitat types within the project area for breeding and foraging.

Most of the vegetation communities on the proposed project area are characterized by salt desert shrub. Migratory birds associated with these vegetative community may include: black-throated sparrow (*Amphispiza bilineata*), brewer's blackbird (*Euphagus cyanocephalus*), brewer's sparrow (*Spizella breweri*), burrowing owl (*Athene cunicularia*), canyon wren (*Catherpes mexicanus*), gray flycatcher (*Empidonax wrightii*), green-tailed towhee (*Pipilo chlorurus*), loggerhead shrike (*Lanius ludovicianus*), rock wren (*Salpinctes obsoletus*), sage sparrow (*Amphispiza belli*), sage thrasher (*Oreoscoptes montanus*), western meadowlark (*Sturnella neglecta*) and horned lark (*Eremophila alpestris*) (Great Basin Bird Observatory, 2003).

### **4.3.5.2.2 Environmental Consequences of the Proposed Action on Migratory Birds**

If habitat-disturbing activities occur during the migratory bird nesting season (March 1 to July 31), the surveys would include all potential nesting habitat within 300 feet of the area where disturbance is planned. The surveys would be performed during the first three hours following sunrise, when birds are typically most active.

If active nests are detected, a no-disturbance 300-foot buffer zone (or other width determined by BLM) would be established. Nest locations would be mapped and submitted to the BLM if requested. No surface-disturbing activity would be conducted within the first 10 days that follow the survey.

If more than two weeks lapse between the survey and surface-disturbance, additional surveys would be performed to determine if nesting birds have become established since the last survey

was performed. Pre-expansion surveys during the migratory bird nesting season would prevent adverse, direct impacts to nesting birds or their nests.

Approximately 120 acre of migratory bird habitat would be permanently removed from the project area. The impact on migratory birds and their habitat would be expected to be inconsequential because the type of habitat in the project area occurs on thousands of acres of BLM-administered public land that surrounding the project area. Migratory birds would likely move into surrounding habitat temporarily during construction. Displacement from the area would constitute a temporary minor adverse impact, but birds would likely reestablish themselves once construction activities are over.

#### **4.3.5.2.3 Environmental Consequences of the No Action Alternative on Migratory Birds**

The proposed material pit renewal and expansion would not be authorized and would not occur if the no action alternative were implemented. Disturbance to existing migratory bird habitat in the area would not result from this alternative. The original community pit would impact migratory birds but to a lesser extent.

### **4.3.6 Social Values and Economics**

#### **4.3.6.1 Affected Environment**

Nye County is a predominantly rural county in southwestern Nevada that encompasses approximately 11,560,960 acres of land, making it larger than many U.S. States. Of the vast area within the county, approximately 822,711 acres, just over 7 percent of the total, is private land (Nye County Board of Commissioners 1994). The remainder is primarily federally-managed public land or land federally-withdrawn from public access and use. Many Nye County residents are employed with a federal agency. Mining continues to employ more county residents than any other economic sector.

The unincorporated Town of Tonopah is the county seat for local government, and consists of approximately 2,500 residents. Like the rest of the Nye County, the local economy is centered heavily on federal government employment and the mining industry. However, the economy is also influenced by various retailers and service industries such as hardware stores, restaurants, hotels, hotel/casinos, banks, and automotive repair shops. Many of the services cater to visitors associated with county court proceedings, hearings, and county government proceedings. Tourists are drawn to Tonopah by its central location between Reno and Las Vegas, and its proximity to outstanding outdoor recreational opportunities and numerous historic attractions. Historic attractions in the Town of Tonopah include the Tonopah Historic Mining Park, the Central Nevada Museum, and several buildings (Town of Tonopah 2011). Historic mining towns, such as Belmont, Ione, and Rhyolite, attract tourists that contribute the county economy through purchase of goods and services during their visit (Nye County Board of Commissioners 1994). The county depends on FUPs for mineral materials provided by the BLM for

construction and maintenance of the county road system. In turn, the public benefits from the quality of the roads for transportation associated with home, work, school and recreation.

The BLM maintains a large network of secondary roads other than what the county maintains and also depends on FUPs for the mineral materials it uses for construction and maintenance. Other governmental agencies and non-profit organizations benefit from FUPs. The public benefits especially in the area of recreational related activities.

The public also has a need of these material sites for various purposes on private lands and purchases the material at fair market costs under the CFR 3602 regulations utilizing a standard mineral materials contract. Some of these are one time sales. Others are regular, repeat customers and frequently purchase larger amounts of mineral materials, as well-maintained roads are important to provide recreational access to isolated and distant public lands.

The Proposed Action would continue to enable the employment of Nye County residents in their jobs constructing and maintaining the approximate 63.95 miles of roads. The FUP would be issued for a 10-year period, thus providing for an adequate supply of mineral materials for the county's use. Nye County employees would continue to run the front-end loaders, dozers, road graders and haul trucks that are required for the road programs. There has been a crushing and screening plant that the county used in the past and may be used again in preparing materials from the various material pits.

There are several private construction and excavation companies that would use the material sources for various business related projects within the county.

#### **4.3.6.2 Environmental Consequences of the Proposed Action on Socioeconomics**

It is anticipated that the Town of Tonopah will be experiencing substantial growth within the next 3-5 years. The public would have a network of good, all-weather, gravel- surfaced roads to use for access to recreation areas and in general for the rural residents for every day transport for work and business.

Expansion of the sand and gravel pit is needed to continue the socioeconomic growth of Tonopah and Nye County for the next 3-5 years. Mineral material sales will continue to grow to support the local community and the BLM will also have ready access to sand and gravel to support BLM sponsored projects. This would be a positive economic impact for the Town and Nye County.

### 4.3.6.3 Environmental Consequences of the No Action Alternative on Socioeconomics

The proposed material pit renewal and expansion would not be authorized and would not occur if the no action alternative were implemented. Without the expansion and reauthorization of the existing community pit and surrounding area, the town would not be able to provide the necessary materials for community expansion and socioeconomic growth.

## 4.3.7 Vegetation and Soils

### 4.3.7.1 Affected Environment

Land cover communities in the Southwestern United States have been mapped as part of the Southwest Regional Gap Analysis Project (U.S. Geological Society National Gap Analysis Program 2004). Four land cover communities are mapped within the proposed project area: Inter-Mountain Basins Mixed Salt Desert Scrub.

In general, vegetation cover is fairly uniform within the entire project area and has low species diversity. Washes and drainages in the project area are often dominated almost entirely with greasewood (*Sarcobatus vermiculatus*) and rubber rabbitbrush (*Ericameria nauseosa*), lacking the codominant and herbaceous species listed as a component of the corresponding mapped community.

Several drainages that cross the project area are dominated with a species not described as a component of any of the four land cover communities mapped within the project area. Existing roads have displaced vegetation from much of the existing project area. Vegetation cover is limited to approximately 120 acres of the project area. Detailed descriptions of the mapped vegetation communities are provided below.

#### *Inter-Mountain Basins Mixed Salt Desert Scrub Community*

This extensive ecological system includes open-canopied shrublands of typically saline basins, alluvial slopes, and plains across the inter-mountain western U.S. Substrates are often saline and calcareous, medium- to fine-textured, alkaline soils but include some coarser-textured soils. The vegetation is characterized by a typically open to moderately dense shrubland composed of shadscale saltbush (*Atriplex confertifolia*), bud sagebrush (*Picrothamnus desertorum*) with scattered fourwing saltbush (*Atriplex canescens*),

Other co-dominant shrubs present may include yellow rabbitbrush (*Chrysothamnus viscidiflorus*), Mormon tea (*Ephedra nevadensis*), spiny hopsage (*Grayia spinosa*), winterfat (*Krascheninnikovia lanata*), or horsebrush (*Tetradymia* spp.). Greasewood is generally absent but if present, does not co-dominate.

The herbaceous layer varies from sparse to moderately dense and is dominated by perennial graminoids such as Indian ricegrass (*Achnatherum hymenoides*), and James' galleta (*Pleuraphis jamesii*), Various forbs are also present (USGS National Gap Analysis Program 2005).

Soils within the project area are generally alluvial deposits consisting of sands, silts, fan piedmonts, and clays.

#### **4.3.7.2 Environmental Consequences of the Proposed Action Alternative**

The proposed action would result in the permanent loss of approximately 120 acres of vegetation from within the project area. The permanent loss would be associated with areas of vegetation displaced by the proposed expansion and access roads. All of the permanent impacts to vegetation would occur on public land administered by the BLM.

Most temporary disturbances would be concentrated in areas immediately adjacent to a portion of the proposed new gravel pit area.

The permanent removal of approximately 120 acres of vegetation does not represent a substantial loss of the vegetation type or cover within the project area or within surrounding areas. Based on Southwest Regional Gap Analysis Project land cover mapping (U.S. Geological Survey Gap Analysis Program 2004) and 2010 aerial photography (U.S. Farm Service Agency 2010), thousands of acres of similar vegetation cover occur in surrounding parts of Ralston Valley. Areas that are disturbed would be seeded with the recommended BLM seed mix following completion of any recontouring and/or scarifying as part of final reclamation.

The permanent disturbance to soils would be equal to that of vegetation: approximately 120 acres.

#### **4.3.7.2 Environmental Consequences of the No Action Alternative**

The proposed expansion would not be authorized and would not occur under the no action alternative. Without the expansion approval, new surface disturbance would not occur to soils or vegetation. The no action alternative would have no adverse impacts on vegetation or soils.

## **4.3.8 Noxious Weeds and Invasive, Non-Native Species**

### **4.3.8.1 Affected Environment**

The BLM Battle Mountain District recognizes the current noxious weed list designated by the State of Nevada Department of Agriculture statute (Nevada Department of Agriculture 2009). An invasive species is defined as a non-native or alien plant or animal that has entered into an ecosystem. Invasive species are likely to cause economic harm or harm to human health (Executive Order 13112). Noxious weeds, and invasive and non-native species are highly competitive, aggressive and easily spread.

Invasive, non-native species were observed in the Project Area during the baseline survey and included halogeton (*Halogeton glomeratus*) and cheatgrass (*Bromus tectorum*). These species were most prevalent within previously disturbed portions of the Project Area, but were occasionally interspersed with native vegetation in areas where prior disturbance has not occurred.

The likelihood of a noxious weed invasion is dependent upon many factors. The abundance of noxious weeds in the area of disturbance or the presence of a nearby seed source may dictate the severity of invasion.

### **4.3.8.2 Environmental Consequences of the Proposed Action**

Disturbance to native soils and their associated vegetation would create conditions conducive for noxious weeds to invade and potentially colonize. Invasive species may be introduced via project equipment driven into the area and by vehicles belonging to the general public that are driven on existing unpaved roads within the project area. If noxious weed species are not controlled, they may out-compete native species and prevent or reduce the potential for establishment of reclamation seeding, thereby altering habitat composition and value to support diverse species.

The environmental consequence of the proposed action would be the potential additional acreages of disturbance that could create hospitable, desirable areas for noxious weed invasion. Control and eradication measures would be implemented and would become part of the overall management of the gravel pit.

### **4.3.8.3 Environmental Consequences of the No Action Alternative**

Under the no action alternative the proposed renewal and expansion would not be authorized. The existing pit would be rehabilitated and seeded. Invasive species present at the pit would be treated over the long term and as part of the rehabilitation efforts. This would result in no increased favorable conditions for invasion or spread of noxious weeds, and invasive, non-native species.

## 4.3.9 Wildlife

### 4.3.9.1 Affected Environment

Terrestrial wildlife resources in the proposed project area are typical of the northern Great Basin. A wide variety of wildlife species common to the Great Basin ecosystem can be found within the proposed project area. The vegetation in this area could be categorized into the two broad vegetative types, primarily - with a minor amount of salt desert shrub (shadscale (*Atriplex confertifolia*)). Common wildlife species occurring on these proposed project areas include coyote (*Canis latrans*), badger (*Taxidea taxus*), blacktail jackrabbit (*Lepus californicus*), raptors, small mammals, reptiles and small game species. Pronghorn antelope (*Antilocapra americana*) may occur on the proposed project area, but in limited numbers due to the lack of free water and existing habitat disturbance.

#### Pronghorn Antelope

Although the pronghorn may use the proposed project area, the habitat disturbances may restrict the number of pronghorn utilizing the areas and their use could be described as intermittent. Rangelands with a mixture of grasses, forbs, and shrubs provide the best habitat for pronghorns. Pronghorn seem to prefer habitats with shrub heights between 10-25 inches.

Additional wildlife that would be expected to occur within the habitat found in the project area includes various species of reptiles, birds, and small mammals. Expected reptilian species would include side-blotched lizard (*Uta stansburiana*), western fence lizard (*Sceloporus occidentalis*), and Great Basin gopher snake (*Pituophis catenifer deserticola*). Many species of birds would be supported by this habitat. Some of the species likely to occur include mountain bluebird (*Sialia currucoides*), scrub jay (*Aphelocoma californica*), western meadowlark, American robin, mourning dove (*Zenaida macroura*), and the common raven.

Some small mammals typical of the habitat occurring within the project area include American deer mouse (*Peromyscus maniculatus*), desert cottontail rabbit (*Sylvilagus audubonii*), blacktailed jackrabbit (*Lepus californicus*), and coyote (*Canis latrans*). The project area is a relatively narrow corridor, and many of these species would occur only during movement across the project area. Fish habitat does not exist within the proposed project area.

A variety of other species may pass through the area during migration. These include species that nest in other habitat types within the Great Basin and species that breed outside the Great Basin but utilize the area during spring and fall migration. Several raptor species, some of which are special status species, may also use the area to forage for food or during migration.

### 4.3.9.2 Environmental Consequences of the Proposed Action

Approximately 120 acres of wildlife habitat would be permanently removed from the project area. The impact on wildlife and their habitat would be expected to be inconsequential because

the type of habitat in the project area occurs on thousands of acres of BLM-administered public land that surrounding the project area. Individuals would likely move into surrounding habitat temporarily during construction. Displacement from the area would constitute a temporary minor adverse impact, but individuals would likely reestablish themselves once construction activities are over.

#### **4.3.9.3 Environmental Consequences of the No Action Alternative**

Under the no action alternative, the proposed action would not be authorized. Any surface disturbance within the proposed area that would have occurred would therefore, not occur if the no action alternative were implemented. The no action alternative would have no adverse or positive impacts on wildlife due to the lack of alterations to the existing environment that would occur if it were implemented.

## **5.0 CUMULATIVE IMPACTS ANALYSIS**

The Council on Environmental Quality (CEQ) regulations that implement NEPA defines a cumulative impact as: “The impact on the environment which results from the incremental impact of the action when added to other past, present, or reasonably foreseeable future actions.” Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

The cumulative effect study area (CESA) for this environmental assessment is designated as an area which falls within a 5-mile radius from the current community pit. This CESA was selected due to the Nevada Department of Transportation mineral material sites located to the east and west of the current community pit; the Tonopah Airport directly across from the pit; Highway 6, and the Tonopah landfill to the southwest of the pit.

### **5.1 Past and Present Actions**

The dominant activities in the proposed project area include a car raceway, airport, and mineral material sites.

### **5.2 Reasonable Foreseeable Future Actions (RFFFA’s)**

Since the life of the Proposed FUP is ten years, this time frame is considered to be most appropriate for considering the incremental effect of reasonably foreseeable future actions. Many of the past and present actions discussed above are expected to persist through this time frame, though the relative intensity of these actions could vary depending on a variety of economic factors.

Recreational use is expected to increase, approximately five percent annually, as a result of population growth and family oriented activities. Some activities such as hunting and off-road vehicle use will likely continue and/or increase over time.

There are a number of reasonable foreseeable future actions within the cumulative assessment area:

- Various small mineral material sales, road rights-of-way, and water facilities.
- Three proposed solar energy facilities to be developed at the Tonopah Airport on Nye County property.
- Increased demand for mineral material by renewable energy projects within the nearby area and from future mining demand in the area.
- Completion of the Tonopah Solar Energy Project, located approximately 13 miles northwest of Tonopah.
- Various small realty subdivisions resulting from sales offerings by private developers. Increased demand for sand and gravel by Nye County and the Town of Tonopah for road improvements and community development.

## 5.3 Cumulative Impacts to Affected Resources

This section of the EA considers the nature of the cumulative effect and analyzes the degree to which the Proposed Action and alternatives contribute to the collective impacts to the environment and other resources in the area.

Resources with similar impacts have been grouped together for the cumulative impact analysis. No cumulative impacts to cultural resources, whether eligible or unevaluated for National Register of Historic Places, Native American Religious Concerns, recreation, and/or visual resources management.

### 5.3.1 Air Quality

#### Impacts from Past and Present Actions

Impacts to air quality from past actions have resulted from background fugitive dust sources including windblown dust and dust from recreational activities, traffic on unpaved roads, road maintenance, mining, agriculture, and gravel processing activities. Fugitive dust from background sources are considered to have been low.

Impacts to air quality from present actions include the past background fugitive dust sources as well as emissions from ongoing recreation, mineral exploration, mining, mine reclamation, traffic on unpaved roads, road construction, road maintenance, and gravel processing. Impacts from present actions in the study area are considered to be low.

#### Impacts from RFFAs

Impacts to air quality from RFFAs could result from the generation of fugitive dust from recreational traffic on unpaved roads, mineral exploration, mining activities, gravel processing, and wild-land fires. Dust from traffic on unpaved roads would likely create a low impact to air quality. Impacts to air quality from RFFAs in the study area would be low.

#### Cumulative Impact

##### Proposed Action

A cumulative impact on air resources is not expected from the incremental impact of the Proposed Action when added to the past actions, present actions, and RFFAs.

##### No Action

A cumulative impact on air resources is not expected from the incremental impact of the No Action Alternative when added to the past actions, present actions, and RFFAs.

### **5.3.2 Invasive, Non-Native Species**

#### Impacts from Past and Present Actions

Past impacts from road construction and maintenance, grazing, agriculture, mining, recreation wildfire and other ground and vegetation disturbing activities have introduced and spread invasive species. Present grazing, mining, and other permitted activities have best management practices and/or concurrent monitoring and treatment which has reduced or eliminated the spread of invasive species associated with these activities.

#### Impacts from RFFAs

Permitted RFFAs would have measures to limit the spread of invasive species. Some activities, such as OHV use and wildfire would likely increase the spread of invasive species over time.

#### Cumulative Impact

#### Proposed Action

The Proposed Action incorporates rehabilitation of disturbed areas as well as treatment provisions, so the cumulative impacts from the Proposed Action, past and present actions, and RFFAs is low.

#### No Action

The No Action Alternative incorporates rehabilitation of disturbed areas as well as treatment provisions, so the cumulative impacts from the Proposed Action, past and present actions, and RFFAs is low.

### **5.3.4 Minerals**

#### Impacts from Past and Present Actions

The majority of the mineral materials that would be removed under the Proposed Action and No Action alternatives would come from Quaternary-aged alluvial fill (sand and gravel). This section is concerned with the past and present actions that have or are removing material from the same deposits. Most removal of mineral materials for use in construction and maintenance is done by Nye County, NDOT, the public via community pit, and other local business entities.

This sand and gravel is a non-renewable resource that is slowly being depleted. As this resource depletes, it forces users to go further and further from the point of use to obtain mineral materials. These materials must meet certain specifications in order to be utilized for specific purposes such as road maintenance. The Quaternary-aged alluvial deposits are the best quality sand and gravel in the area for meeting specifications for road bed material, cement aggregate

and other commercial or industrial applications.

#### Impacts from RFFAs

The RFFAs would put increasing pressure on the Quaternary alluvial aged mineral material sites due to the need for concrete, road material and general construction materials related to the subdivision and power plant RFFAs. The 5% annual increase expected in recreation activity level would put greater number of people on roads and in turn a greater need for road maintenance activities.

#### Cumulative Impact

#### Proposed Action

There would be an accelerated depletion of Quaternary-aged alluvial (sand and gravel) deposits close to the points of use.

#### No Action

There would be no incremental impact to the Quaternary-aged alluvial deposits on public land. (An accelerated depletion would likely still occur but on private land. Governmental and public entities would be still need the mineral materials so there would be a shift to sources on private land rather than public lands.)

### **5.3.5 Social Values and Economics**

#### Impacts from Past and Present Actions

The past and present actions have brought growth of the community within the assessment area. The past and present activities can be classified as occupational, infrastructure, mining and energy development, recreational and environmental protection and have occurred in conjunction with community growth. These activities expand sources of income and provide an avenue for improving social diversity and quality of life.

#### Impacts from RFFAs

Impacts from past and present actions would continue into the foreseeable future and are subject to fluctuation with changes in population.

An increased interest in mining and projects such as the Tonopah Public Utilities transmission water pipeline and renewable energy projects for the Tonopah Airport, would create a short-term economic boost from expenditures during construction. Increases in recreational activities may provide economic stimulation.

### Cumulative Impact

#### Proposed Action

The incremental impact of the proposed action on the assessment area would provide for maintenance activities and raw materials for growth. The past, present, RFFA and proposed action could ensure continued sources of income as well as expand on those sources. Further, these activities would provide an avenue for improving social diversity and quality of life.

#### No Action

To some degree, nearly all of the activities in the cumulative assessment area rely on mineral materials. Should the proposed action not be selected, the cumulative consequence on the assessment area would be higher costs of materials and transportation costs to obtain and transport the materials. This would have a cascading effect on efficiency, cost-effectiveness, sources of income and the number of improvements or expansions in local communities.

As a result of implementing the No Action private industry would expand mineral material sources on private land to fill the void of mineral materials. This may lead to a higher priced commodity and/or a slight potential reduction in socioeconomic growth and diversity.

## **5.3.6 Soils, Vegetation**

### Impacts from Past and Present Actions

Past and present actions have caused disturbance to soil and vegetation within the assessment area. In some cases, this has led to increased erosion and conversion of native plant communities to invasive annual grasslands (eg. cheatgrass). Permitted activities such as livestock grazing and mining have incorporated better management strategies and rehabilitation requirements that have reduced impacts to vegetation and soils.

### Impacts from RFFAs

Impacts from RFFAs would in most cases incorporate some manner of rehabilitation or strategies to reduce impacts to soils and vegetation. Recreation is expected to increase over time which will lead to increased impacts to soils and vegetation from recreational activities, notably OHV use.

## Cumulative Impact

### Proposed Action

The Proposed Action incorporates rehabilitation of disturbed areas, so the cumulative impacts from the Proposed Action, past and present actions, and RFFAs is low.

### No Action

The Proposed Action incorporates rehabilitation of disturbed areas, so the cumulative impacts from the Proposed Action, past and present actions, and RFFAs is low.

## **5.3.7 Migratory Birds, Sensitive Species, Wildlife**

### Impacts from Past and Present Actions

Minor to moderate amounts of displacement have resulted from disturbances to habitat associated with mining, livestock grazing, road construction, and human encroachment. Large areas of native habitat have been degraded from various locations within the assessment area.

### Impacts from RFFAs

Impacts from mining, livestock grazing, road construction, human encroachment are expected to increase over time. These activities are expected to cause minor amounts of wildlife displacement due to habitat disturbances. There should be an incremental impact from the proposed action as the quantity of material removed will increase with a slight corresponding disturbance of habitat.

## Cumulative Impact

### Proposed Action

Since most of these pits are already in existence, cumulative impacts would be negligible. Some individual animals may be impacted but species as a whole are expected to be able to carry on their activities with little or no impact.

### No Action

No cumulative impacts are expected.

## **Mitigation**

The Nye County Road Department should strive to conduct their mining activities outside of the migratory bird nesting season which runs from March 1 to July 31. Should they find that they can't avoid activity during that time, they should at least plan ahead and clear the native vegetation in those areas outside of the nesting season to deter birds from nesting there. Vegetation should be cleared only in the footprint of the projected disturbance for that year. Once cleared of vegetation, any material taken from the area should be within the area devoid of vegetation. Nye County should take measures to deter weeds and native vegetation from returning to the disturbed area such by applying a BLM approved herbicide or blading the area as needed to control invasive weeds.

Should an unforeseen need for material arise during the nesting season in an area that has not been cleared of vegetation, Nye County should have a qualified wildlife biologist (acceptable to the BLM) survey the area just prior to disturbance to insure no nests are present. If nests with eggs or young are found, all mining activity should cease and the BLM should be notified. Once the birds have fledged, the mining activity may continue. Nye County should halt operations and notify BLM upon the discovery that birds or active nests have been destroyed for documentation purposes.

## **Monitoring**

### **Periodic Inspections**

Periodic inspections are required and conducted by the BLM Mineral Materials specialist to assure operators are in compliance with conditions of permits.

## **6.0 CONSULTATION AND COORDINATION**

Meetings and conversations have been held at the BLM Tonopah Field Office with employees of the Nye County Public Works Department who oversee the usage of the Nye County Free Use Permit; the Town of Tonopah Town Manager, and local sand and gravel operators.

An Interested Parties Mailing List is maintained by the field office.

## 7.0 PREPARERS

The following is a list of individuals responsible for developing the EA:

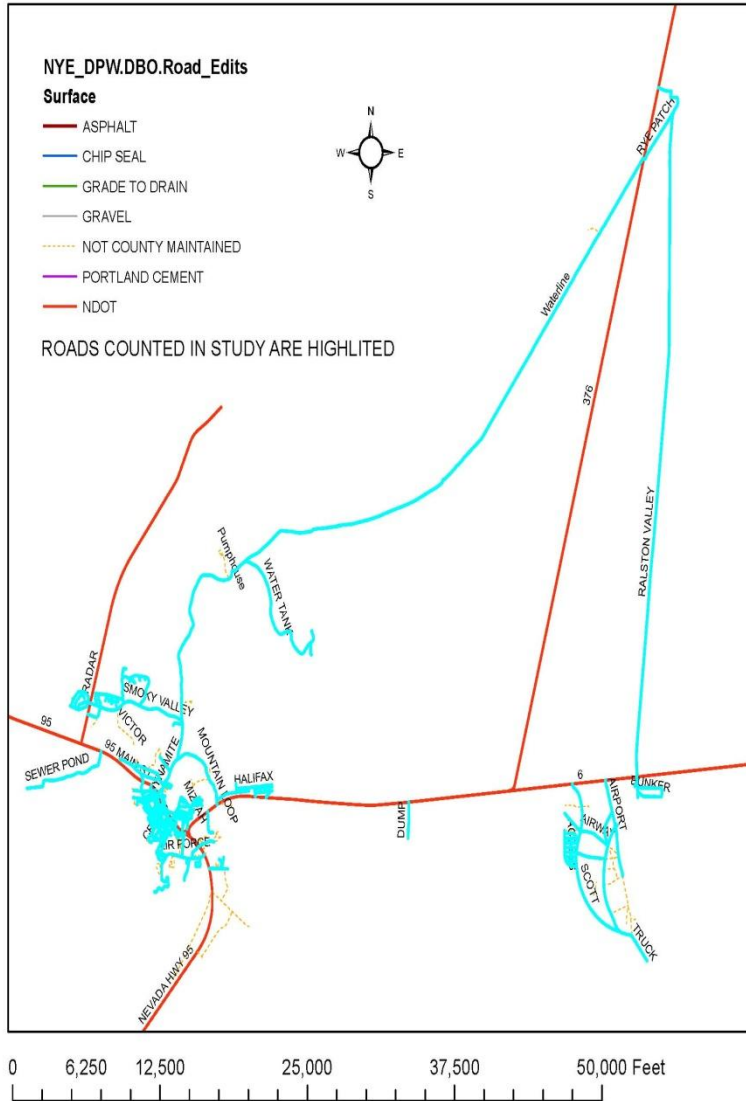
<b>Tonopah Field Office</b>	
Alan Buehler	Supervisory Geologist, Project Lead, Geology and Minerals, Visual Resource Management, Recreation
Leighandra Keeven	Mining Engineer
Devin Englestead	Migratory Birds, Threatened, Endangered, Special Status Species, Wildlife
Marc Pointel	Invasive and Non-Native Species, Soils, Vegetation
John Hartley	Planning and Environmental Coordinator
Susan Rigby	Cultural Resources, Native American Religious Concerns, and Paleontology
<b>Battle Mountain District</b>	<b>Renewable Energy Coordination Office</b>
Wendy Seley	RECO Realty Specialist, Lands and Realty
William Coyle	RECO GIS Specialist
Lawrence Grey	RECO Hydrogeologist

## **8.0 PUBLIC INVOLVEMENT**

On December 9, 2011, a Preliminary Environmental Assessment (PEA) will be made available for public review for 15 days. A letter announcing the availability of the PEA was sent to a mailing list of interested public including individuals, organizations, and local, state and federal governments. The letter and PEA will be available on the Battle Mountain District's web page.

## **APPENDICES**

# NYE COUNTY MAINTAINED ROADS IN TONOPAH AREA



ROAD LENGTH STUDY			
<b>ALL COUNTY MAINTAINED ROADS IN TONOPAH AREA (&amp; AIRPORT)</b>			
TOTAL Count	366		
Minimum	53.71182		
Maximum	59118.9		
Sum:	337838.3 FEET	63.95 MILES	
Mean:	923.0553		
Standard I	3895.414		
<b>ASPHALTIC ROADS</b>			
Count:	318		
Minimum	53.71182		
Maximum	6261.451		
Sum:	157857.4 FEET	29.9 MILES	
Mean:	496.4069		
Standard I	626.7158		
<b>GRADE TO DRAIN</b>			
Count:	9		
Minimum	176.7181		
Maximum	59118.9		
Sum:	126734.3 FEET	24 MILES	
Mean:	14081.59		
Standard I	20288.6		
<b>GRAVEL</b>			
Count:	39		
Minimum	73.15934		
Maximum	6546.123		
Sum:	53246.56 FEET	10.08 MILES	
Mean:	1365.296		
Standard I	1604.418		
<b>NO CHIP SEAL ROADS FOUND IN STUDY</b>			
<b>NO PORTLAND CEMENT ROADS FOUND</b>			

## CONDITIONS OF APPROVAL

### EXHIBIT A

1. The entire excavation area shall be sloped to a ratio no greater than 3:1, and the floor of the excavation shall be graded to present a neat and uniform appearance.
2. Stockpiles and wastepiles shall only be maintained during periods of active use. During periods of non-use, waste materials shall be recontoured into depleted areas of the pit.
3. The pit shall not be used for the long term storage of trash, debris or equipment.
4. All operators must comply with applicable Federal and State laws dealing with the storage and disposal of chemicals, petroleum, petroleum products, RCRA Subtitle D solid and RCRA Subtitle C hazardous wastes. Under no circumstances are chemicals, petroleum, petroleum products or RCRA Subtitle C hazardous wastes to be disposed of onto the Public lands. In addition, the operator must comply with all other applicable Federal, State and local laws and regulations during operations on Public lands.
5. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by operator, or any persons working on his behalf, on public or federal land shall be immediately reported to the Authorized Officer, BLM. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the BLM Authorized Officer. An evaluation of the discovery will be made by the BLM to determine appropriate actions to prevent the loss of significant cultural or scientific values. The operator shall be responsible for the cost of evaluation and any decision as the proper mitigation measures shall be made by the Authorized Officer, BLM, after consulting with the operator.
6. Migratory birds are protected by the Migratory Bird Treaty Act. Surface disturbing activities during the migratory bird nesting season (roughly March through July) may destroy the eggs or young of ground nesting migratory birds. Avoidance of nesting sites would prevent violation of this Act, as would conducting surface disturbing activities outside of the nesting season. Further information on preventing violation of the Act can be obtained by contacting the U.S. Fish & Wildlife Service Regional Office, Reno, Nevada, at (775) 861-6300.
7. A record of material removed from this pit under this sale shall be provided to the Authorized Officer, BLM. This record shall consist of either a truck count or scale record. It must be provided to the Authorized Officer on a monthly basis when material is being removed from the pit. Failure to provide this information may result in voiding this contract.