

APPENDIX E



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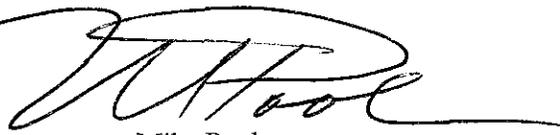
TO: Area Managers and Forest Supervisors
FROM: California State Director, Bureau of Land Management
Regional Forester, Pacific Southwest Region Forest Service

Last year, we embarked on the development of an interagency policy for traditional gathering of culturally important plants on lands managed by the Bureau of Land Management, State of California Office (BLM) and the Pacific Southwest Region of the Forest Service (FS). A copy of the policy document is enclosed for your use.

An interdisciplinary team composed of representatives from the California Indian Basketweavers Association (CIBA), the California Indian Forest and Fire Management Council (CIFFMC), and regional and field offices of BLM and the FS was chartered to develop a policy. Six listening sessions with tribal governments and communities were held to hear views throughout the state. Additionally, we formally consulted with tribal governments, organizations and communities. The draft policy documents also benefited from extensive field and line officer review by our two agencies.

This new policy ensures that traditional practitioners have access to plants and such plants are managed in a manner that promotes ecosystem health for the lands managed by the BLM and FS. The policy also emphasizes local collaboration, implementation and issue resolution. Our two agencies will be incorporating this direction into our respective manuals. For more information, please contact Ken Wilson at 916/978-4648 or Sonia Tamez at 707/562-8919.


Bernie Weingardt
Regional Forester
Pacific Southwest Region, Forest Service


Mike Pool
California State Director
Bureau of Land Management

Enclosure

California State Director
and
Pacific Southwest Regional Forester
Traditional Gathering Policy

Purpose:

The purpose of this interagency policy between the USDI Bureau of Land Management, California (BLM) and the USDA Forest Service, Pacific Southwest Region (FS) (collectively referred to as the agencies) is to promote consistency between the agencies and collaboration with Tribes, tribal communities and traditional practitioners regarding support of native traditional gathering and management of culturally utilized plants on approximately 35 million acres of land administered by the two agencies. Traditional native practitioners, affiliated with over 200 federally and nonfederally recognized Tribes rely on public and National Forest system lands managed by the agencies to sustain their traditions and meet their cultural needs. Furthermore, the agencies acknowledge that traditional native gathering and management practices in these lands are sustainable, benefit forest health and are part of our multiple use mandates.

The policy ensures that native traditional practitioners have access to plant and fungal materials and such materials are managed in a manner that promotes ecosystem health and utilizes traditional management practices where appropriate. In general, personal use should have preference over commercial use. We anticipate that given the cultural and biological complexity related to traditional gathering, successful implementation will be developed through local collaboration.

Objectives:

The objectives of this policy are to:

1. Define a consistent policy for the BLM and FS to support native traditional gathering and management of culturally important plants;
2. Ensure that consultation, collaboration and cooperation between the agencies and Tribes, tribal communities, tribal organizations and native traditional practitioners occurs in the management of culturally significant plants and fungi; and
3. Foster good working relationships with Tribes, tribal communities, tribal organizations and native traditional practitioners;

Authorities:

Legislation, Executive Orders and other legal authorities common to the agencies include:

- American Indian Religious Freedom Act of 1978
- Endangered Species Act of 1973
- Executive Order 13007 of 1996
- Executive Order 13175 of 2000
- National Environmental Policy Act of 1969, as amended (and CEQ regulations at 40 CFR parts 1500-1509)
- National Historic Preservation Act of 1966, as amended
- Noxious Weed Act of 1974, including Sections 1 and 15
- Plant Protection Act of 2000
- Religious Freedom Restoration Act of 1993
- Wilderness Act of 1964, as amended

Authorities specific to the BLM include:

- Federal Land Management Policy Act of 1976 and implementing regulations
- California Desert Protection Act of 1994
- BLM Manual 5500
- BLM Manual Series 8120 and H-8120-1
- 43 CFR 1600

Authorities specific to the FS include:

- The Multiple-Use Sustained Yield Act of 1960, as amended
- National Forest Management Act of 1976, as amended and implementing regulations
- The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended
- The Materials Act of 1947
- 36 CFR 223
- FS Handbook (FSH) 2409.18, Chapter 80
- FS Manual and FSH 1560 and 2360
- FSH 1909.15, 31.12 (8c)

Definitions:

Native traditional practitioners: This term derives from the American Indian Religious Freedom Act of 1978, as amended, that supports native traditional cultural beliefs and practices. The term here includes Native American usual and customary values, observances, ceremonies, management, practices, and other traditional actions. Native traditional practitioners could be members of recognized or non-recognized Tribes or tribal communities.

Culturally utilized plants: As used here includes a variety of flora, such as mosses, fungi and vascular, nontimber plants, including, but not limited to: sedge, willow, hazel, redbud, agave, yucca, and sumac.

Traditional Management techniques: These methods may include, but are not limited to burning, pruning, coppicing.

Personal use or non commercial use of culturally utilized plants is defined as the amount and type that would be used by an individual or a group for their own use. If their use results in making baskets or other items that might be available for later sale, this would still be considered personal use.

Commercial use can be described as collecting plants for sale to an entity for further processing and resale.

Policy:

- It shall be the policy of the agencies to support traditional native cultural practitioners in gathering culturally utilized plants for personal, community or other non-commercial traditional use on lands administered by the agencies, consistent with applicable laws, regulations, and policy. Gatherers shall have access for traditional practices to lands managed by the agencies.
- Local units shall consider prioritizing local traditional native gathering in land management plans and should consider prioritization in other management documents.
- Free use, without permit, of culturally important plants may be granted for traditional native cultural gathering. Local agreements are encouraged to support such gathering.
- Decisions and issues regarding identification of traditional native cultural gatherers or gathering, access, sustainability and other concerns associated

with implementation of this policy will be addressed by local units in consultation with traditional practitioners, Tribes and tribal communities.

- Local managers of the agencies shall work in collaboration with Tribes, tribal communities, tribal organizations, and traditional practitioners to identify, restore, and enhance traditionally important plant resources. Local FS units can utilize exemptions (FSH 1909.15, 31.12 [8c]) and BLM units can rely on other processes (BLM Manual 5500).
- Local managers of the agencies, in consultation with Tribes, tribal communities and native traditional practitioners, will identify opportunities and tribal partnerships to incorporate tribal traditional management practices to restore, enhance and promote ecosystem health.

This policy will be monitored through consultation and coordination with native traditional practitioners, Tribes and others to ensure policy effectiveness and issue resolution.

APPENDIX F

Monitoring Plan

The BLM would monitor and evaluate management strategies and resource conditions and trends to determine the effectiveness of the RAMP and to ensure that its implementation is achieving the desired results. Information on resource conditions obtained through monitoring would be used to assess the effectiveness of management strategies and evaluate whether or not management should be adapted to accommodate new information, changes in demands on resources, or other considerations.

The BLM would monitor the Planning Area to quantify the number of recreational visits, types of recreational activities and use patterns, accomplishment of management objectives, and potential adverse impacts to resources and visitor experiences from recreational use. The results of the monitoring would provide an opportunity to identify actions to protect resources, enhance visitor experiences, and deal with health and safety needs in the area.

The monitoring program would include such actions as:

- Monitoring vehicle counters to observe visitation levels
- Wildlife water (guzzler) monitoring to observe wildlife use levels
- Migratory bird surveys to assess bird populations and overall ecosystem health

Monitoring would help the BLM to detect and document natural and human-induced changes in resource conditions and visitor experiences, and offer insights into the effectiveness of resource management policies and objectives. It would also help agency personnel understand what might be driving the changes requiring intervention (corrective management actions or strategies).

Land use plan monitoring is conducted in two stages. The first is to ensure that decisions are implemented in accordance with the approved plan and ROD. This type of monitoring is conducted as plan decisions become effective or when decisions to approve implementation-level plans or to implement site-specific projects are approved or implemented.

As stated in the BLM Land Use Planning Handbook H-1601-1, (page 33):

Implementation monitoring is the process of tracking and documenting the implementation (or the progress toward implementation) of land use plan decisions. This should be done at least annually and should be documented in the form of a tracking log or report. The report must be available for public review

(one way to accomplish this is an annual planning update which can be sent to those who participated in the planning process or have expressed an interest in receiving the report). The report should describe management actions proposed or undertaken to implement land use plan decisions and can form the basis for annual budget documents. In subsequent years, reports should document which management actions were completed and what further actions are needed to continue implementing land use plan decisions.

The next stage of monitoring is to determine whether land use plan decisions are achieving the desired effects. Effectiveness monitoring provides an empirical database on impacts of decisions and effectiveness of mitigation. Effectiveness monitoring is also useful for improving analytical procedures for future impact analyses and for designing or improving mitigation and enhancement measures.

Effectiveness monitoring is the process of collecting data and information to determine whether or not desired outcomes (expressed as goals and objectives in the land use plan) are being met (or progress is being made toward meeting them) as the allowable uses and management actions are being implemented.

A monitoring strategy must be developed as part of the land use plan that identifies indicators of change, acceptable thresholds, methodologies, protocols, and timeframes that would be used to evaluate and determine whether or not desired outcomes are being achieved. The monitoring process should collect information in the most cost-effective manner and may involve sampling or remote sensing.

Monitoring could be so costly as to be prohibitive if it is not carefully and reasonably designed. Therefore, it is not necessary or desirable to monitor every management action or direction. Unnecessary detail and unacceptable costs can be avoided by focusing on key monitoring questions and proper sampling methods. The level and intensity of monitoring would vary, depending on the sensitivity of the resource or area and the scope of the proposed management activity.

This monitoring plan is a dynamic document. Based on periodic reviews of the quality of the data collected and the usefulness of the data for making management decisions, it would be amended as necessary in order to ensure that the most important information is available to the manager for decision-making.

Table E-1 includes examples of monitoring that periodically occur within the Planning Area and outlines an approach to monitoring based on needs identified in this RAMP. Monitoring would be directed at areas in which specific and important resource values and visitor experiences could be threatened.

**TABLE E-1
MONITORING PLAN FOR IMPERIAL SAND DUNES PROPOSED RAMP/CDCA PLAN AMENDMENT AND FINAL EIS**

Type of Monitoring	How Often?	Where Will it Take Place?	Purpose?
Colorado Desert fringe-toed lizard monitoring	As funding and staffing levels allow (individual sightings to be recorded)	Areas to be determined	To assess Colorado Desert fringe-toed lizard population levels and overall ecosystem health
Flat-tailed horned lizard sighting recordation	As sightings occur	Areas to be determined	To aid in assessment of flat-tailed horned lizard population levels and overall ecosystem health
PMV monitoring	In years when 1.82-inch rainfall threshold during October, November, and December is met [NOTE: Does the BLM wish to revise the frequency or otherwise revise the PMV monitoring?]	Areas to be determined	To assess PMV population levels, aid in recovery of the species, and assess overall ecosystem health
Algodones Dunes sunflower; Wiggins' croton; Other special status species monitoring	As funding and staffing levels allow	Areas to be determined	To assess Algodones Dunes sunflower, Wiggins' croton, and other special status plant populations and overall ecosystem health
Invertebrate monitoring	As funding and staffing levels allow	Areas to be determined	To assess invertebrate populations and overall ecosystem health
Mojave population of desert tortoise monitoring	As funding and staffing levels allow (individual sightings to be recorded)	Areas to be determined	To assess desert tortoise population levels and overall ecosystem health
Wildlife guzzler monitoring	Each year	Each documented wildlife guzzler within the Planning Area boundary	To assess proper functioning condition of the wildlife guzzler and monitor wildlife use
Microphyll woodlands migratory bird monitoring	Each spring and fall	Microphyll woodlands	To assess bird populations and overall ecosystem health
Tamarisk removal/monitoring	Each year	Each documented infestation site	To boost overall ecosystem health and eradicate an invasive species; to improve wildlife habitat

**TABLE E-1
MONITORING PLAN FOR IMPERIAL SAND DUNES PROPOSED RAMP/CDCA PLAN AMENDMENT AND FINAL EIS**

Type of Monitoring	How Often?	Where Will it Take Place?	Purpose?
Wilderness monitoring	Each year	Each wilderness boundary in the Planning Area	To monitor activity in and around the wilderness, and ensure wilderness objectives are being met
Law enforcement patrols/monitoring	Year-round	All BLM lands in the Planning Area	To monitor legal and illegal activity occurring in the Planning Area, stop illegal activity, and promote resource protection
Vehicle counters	Year-round	Gecko Road, Glamis Flats, Osborne Overlook, Wash Road, Buttercup, Dunebuggy Flats, and Ogilby access road	To monitor visitor use patterns at various sites in the Planning Area
Campground monitoring	During fall/winter/spring high season use	Buttercup, Grays Well, Keyhole, Midway, Gecko, Roadrunner, and Dunebuggy Flats campgrounds	To monitor visitor use patterns at developed and primitive campgrounds in the Planning Area
Cultural resources monitoring	Year-round	All BLM lands in the Planning Area	To monitor cultural sites for visitor use and vandalism/theft
Closure boundary monitoring	Year-round	PMV closure boundaries	To monitor for incursions into the PMV critical habitat closure
Rainfall monitoring	Year-round	Remote area weather stations located at Buttercup and Cahuilla Ranger stations	To monitor rainfall amounts for effects on special status plant and animal species.
Track cover density monitoring	Every 3-5 years, dependent on conditions	Throughout the Planning Area	To monitor visitor use patterns

Special Status Species

This appendix provides the methodology that would be used to monitor special status species and habitats of concern in the Planning Area, as well as visitor use patterns. Through research, monitoring, and analysis of the monitoring data, BLM would determine visitor use patterns and impacts to species and habitats of concern due to various land uses in the Planning Area, and use this information to make management changes, if necessary.

BLM would coordinate with the USFWS or other agencies to develop and implement the most up-to-date scientific approaches to monitor species.

A Colorado Desert Fringe-toed Lizard

In the past, BLM has completed survey transects during spring and fall to estimate the density of Colorado Desert fringe-toed lizards (*Uma notata*) in a comparison of open and closed areas in terms of OHV recreation.

BLM anticipates monitoring for fringe-toed lizards on an as-needed basis. Monitoring may include transects and/or study plots, or another protocol to be developed, depending on best scientific methods.

B Flat-tailed Horned Lizard

Data from years past appear to indicate that the flat-tailed horned lizard is less abundant in the dunes than in surrounding areas. The density and cryptic nature of flat-tailed horned lizard make full-scale monitoring ineffective in the Planning Area.

The BLM became a signatory to the Flat-tailed Horned Lizard Range-wide Management Strategy in 2003. In that document, flat-tailed horned lizard management areas were designated in the El Centro Resource Area on the East Mesa, West Mesa, and Yuma Desert. BLM does not anticipate monitoring for flat-tailed horned lizard in the ISD SRMA, but would monitor west of the ISD SRMA, in the East Mesa management area, as funding and staffing levels allow. All sightings in the Planning Area would be reported to the wildlife biologist and dates and locations would be saved in a database as to better understand their range and habitat use.

C Mojave Population of Desert Tortoise

While desert tortoise are not known to occur regularly in the Planning Area, they are known to regularly occur (although at a very low density) in the area east of the Planning Area. Monitoring for the Mojave population of desert tortoise is anticipated to occur

during or before each ground disturbing project that takes place in or adjacent to documented desert tortoise habitat in the Planning Area.

BLM does not anticipate monitoring for desert tortoise in the Planning Area on an annual basis, but would monitor at the project level in order to prevent take of desert tortoises.

D Special Status Plant Monitoring and Management

The ISD supports numerous dune -endemic plants. Species whose distribution is restricted to the dunes or whose status indicates that special management is necessary to ensure the ongoing persistence of the species are of special interest. These species include:

- PMV (*Astragalus magdalenae* var. *peirsonii*)—Federally Listed as Threatened
- Algodones Dunes sunflower (*Helianthus niveus* spp. *tephrodes*)—State Rare
- Wiggins' croton (*Croton wigginsii*)—State Rare

PMV would receive the highest level of priority, since this species was federally listed as threatened primarily due to threats posed by OHV activity. The monitoring and research pertaining to PMV would provide information that may be useful in managing all target plant and animal species in the dunes.

D.1 Peirson's Milk-vetch Monitoring

The frequency of full-scale monitoring would correspond to years in which adequate precipitation occurs between October and December. The rationale for reducing the frequency of monitoring to good-rainfall years (above a 1.82-inch threshold) is that the abundance of PMV in any spring is highly correlated with the amount of rainfall in the growing season immediately preceding that spring (Willoughby 2001). Between wetter years, the PMV population declines as plants die and are not replaced due to lack of germination. Monitoring during poor rainfall years could result in a lower encounter rate for PMV plants that is not reflective of the species' status. Monitoring during poor rainfall years could, however, provide information concerning the persistence of adult plants and the relative importance of these plants to seed bank contributions.

D.1.1 Sampling Methodology

The type/method of sampling PMV would depend largely on the extent of the germination event that triggers it. In years where the monitoring threshold is not met, BLM does not expect to implement a full-scale monitoring effort. In these years, BLM would implement a smaller scale, less formal monitoring regime to get a feel for the conditions on the ground, the numbers of PMV germinating, if any, and the areas where

germination is occurring. The type of monitoring implemented each year would be based on precipitation levels, funding availability, and staffing availability.

Should there be a large amount of rainfall (much greater than the 1.82-inch monitoring threshold), and an extensive germination event occurs, it is possible that BLM would monitor for such information as PMV density or seed bank estimates. This could be accomplished through monitoring of belt transects (long, narrow quadrats), which are accepted as the best way to monitor for a plant that is often found in clumps, as PMV often is found, or other widely accepted sampling methods. Return trips to transects monitored in 2005, 2006, and 2007 could also provide valuable data and may also be employed. The numbers of transects and locations of transects would be determined each year that monitoring is implemented to ensure that the highest quality data is collected.

The following information may be collected for PMV: (1) total number of individuals observed; (2) number of flowering individuals; (3) number of non-flowering individuals; (4) number of individuals older than 1 year (this can be determined by the presence of basal leaf/branch scars); (5) number of individuals with apparent physical damage from OHVs; and (6) number of individuals with damage from other sources (e.g., insects).

D.2 Other Special Status Plant Monitoring

Other special status plants in the Planning Area, including Algodones Dunes sunflower and Wiggin's croton are of special interest because their distribution is largely restricted to the ISD, and because they are listed as rare by the CDFG.

BLM would monitor these species as funding and staffing levels allow.

Invertebrate Inventory/Monitoring

The Planning Area is home to several endemic invertebrates, and invertebrate inventory results from the 2008 and 2009 field seasons indicated that over 1,000 species of invertebrates occur in the Planning Area.

The BLM would continue inventory/monitoring for invertebrates as funding and staffing levels allow.

Precipitation Monitoring

Long-term weather stations in the region do not completely capture the actual growing season precipitation occurring in the dunes. These weather stations are some distance from the Planning Area, the seasonal precipitation totals vary greatly between stations, and there is strong indication that precipitation varies considerably within the Planning Area during the same growing season (Willoughby 2000 and 2001). For these reasons, two remote area weather stations (RAWS) were set up in the Planning Area in fall 2000, one at the Cahuilla Ranger Station in the northwest part of the Planning Area and one at Buttercup Campground in the southern part of the Planning Area. These stations began collecting weather data on November 16, 2000. It is not uncommon for the Cahuilla Ranger Station RAWS to collect differing amounts of rainfall than the Buttercup Ranger Station RAWS. Because of this variability and the importance of precipitation in controlling the abundance of special status plants, the Colorado Desert fringe-toed lizard, and the flat-tailed horned lizard, more weather stations are necessary to enable good interpretation of the monitoring data collected.

OHV recreation levels and identification of high density areas would be estimated by means of several methods: vehicle counters, visitor surveys, and aerial photography.

There are currently seven vehicle counters placed throughout the Planning Area at Gecko Road, Glamis Flats, Osborne Overlook, Wash Road, Buttercup, Dunebuggy Flats, and Ogilby. The vehicle counters are used to estimate visitation levels at campgrounds throughout the Planning Area. The BLM would continue to monitor each vehicle counter. Counters would be monitored more often during the high use season (October through April), and less often during the summer months when visitation slows dramatically.

The BLM, along with other management partners, routinely engage ISD visitors through visitor surveys to ascertain patterns, preferences, and demographics, and also routinely perform fee compliance checks in campgrounds throughout the SRMA. These monitoring efforts are used to ascertain visitation levels, and to monitor fee compliance throughout the SRMA. The BLM would continue to conduct demographic studies to obtain data on the willingness-to-pay and actual expenditure data by OHV recreation visitors under different management regimes. These elements respond to the need to account for the economic impact of OHV recreation visitors on local and regional communities.

BLM law enforcement and recreation staffs routinely patrol the Planning Area, most often during the high use season. Law enforcement and recreation staffs monitor closure boundaries for compliance, and law enforcement rangers issue citations to violators. BLM staff would continue to monitor closure boundaries for compliance.

In past years, BLM has also obtained aerial photos to use as a tool to monitor visitor use patterns. Air photo transects were established in 1998 throughout the Planning Area to obtain a sample of the distribution and intensity of OHV recreation through the measurement of vehicle tracks. Because of the ephemeral nature of vehicle tracks in sand, it is necessary to take the photographs during a weekend of relatively high vehicle use. Aerial photographs would be sampled by means of a grid of points to estimate the cover of vehicle tracks. The size of the grid and number of points per transect would be determined based on the sampling objectives. OHV recreation data would be used to make inferences concerning the effects of different levels of OHV recreation on particular species. The photographic information collected would be used to assess changes in OHV recreation levels and OHV recreation patterns.

A Comparative Evaluation between Peirson's Milk-vetch and OHV Recreation Surveys

In the past, BLM has compared PMV abundance to OHV recreation surveys through the use of both PMV density surveys and aerial photography-aided OHV recreation surveys.

As described in the PMV monitoring section, belt transects have been established. These transects would subsequently be identified on aerial photographs developed for OHV monitoring. PMV abundance would be compared to OHV recreation levels. The correlative studies described above allow inferences to be made regarding effects of OHVs on PMV.

Microphyll Woodland Migratory Bird Surveys

BLM has performed migratory bird point counts in the microphyll woodland habitats on the east side of the Planning Area for several years. Over 100 species have been identified during these surveys, and have served as a good indicator of overall ecosystem health.

The BLM would continue monitoring bird populations in the microphyll woodlands as funding and staffing levels allow. Monitoring would be conducted in accordance with variable circular plot protocols.

Wildlife Guzzler Monitoring

There are six wildlife guzzlers in the Planning Area, with plans for installation of additional wildlife guzzlers in the future. BLM staff regularly visits these wildlife guzzlers to assess proper functioning condition and to monitor wildlife use.

BLM would continue to monitor these wildlife guzzlers as funding and staffing levels allow.

Invasive Species Monitoring

Due to the rapid spread of certain invasive species, it has become necessary in recent years to monitor for infestations in the Planning Area. The two most common invasive species in the planning area are tamarisk or salt cedar (*Tamarix* spp.) and Sahara mustard (*Brassica tournefortii*).

BLM would continue to monitor for invasive species throughout the planning area, and perform removal/treatment of these species as funding and staffing levels allow, with a priority on removal from the North Algodones Dunes Wilderness.

Wilderness Monitoring

BLM would continue to monitor recreational activity in the North Algodones Dunes Wilderness, as well as monitor the wilderness boundary for incursions.

Law Enforcement Patrol/Monitoring

BLM would continue to patrol and monitor all areas of the Planning Area as part of law enforcement ranger duties. Special emphasis may be put on high use visitor areas, as well as closure boundaries (wilderness boundary, PMV critical habitat boundary) to enforce said closure boundaries to the best of BLM's ability.

Cultural Resources Monitoring

The BLM currently requires all ground-disturbing activities in the Planning Area to undergo a cultural resource survey before any ground disturbance may take place. BLM would continue this policy to avoid disturbance to cultural resources whenever possible.

In addition, periodic monitoring of cultural resources within the Planning Area, especially those in high use areas, would continue as part of the cultural resource program.

APPENDIX G

Geothermal Resources Standard Lease Stipulations

Cultural Resources—Applies to All Parcels

Some geothermal leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Endangered Species Act Section 7 Consultation—Applies to All Parcels

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 USC § 1531 et seq., including completion of any required procedure for conference or consultation.

Special Lease Stipulations

A Geothermal Special Stipulation 1—Due Diligence Stipulation

Potential geothermal lessees should be aware of the revised due diligence requirements contained in the federal regulations at 43 CFR § 3207. Leases are typically issued for an initial term of 10 years, and may be extended if diligent work requirements have been

satisfied, and the BLM believes that the lessee has made satisfactory progress in complying with the lease terms and stipulations.

The BLM may, after giving you 30 days written notice, terminate your lease if we determine that you have violated any of the requirements of 43 CFR § 3200.4, including, but not limited to compliance with the terms and conditions of the lease, including any and all lease stipulations, the nonpayment of required annual rentals or royalties and fees (43 CFR § 3213.17).

Any changes to this stipulation, will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manuals 1624 and 3101 or Forest Service Manuals 1950 and 2820.)

B Geothermal Special Stipulation 3—Drainage Stipulation

If parts of the lands contained in a parcel tract are potentially subject to drainage by offset wells which may be located adjacent to parcel, the lessee shall, within 6 months of the drilling and completion of any productive well on the adjacent federal lease, submit for approval by the authorized officer:

1. Plans for protecting the lease from drainage (43 CFR § 3210.16). The plan must include either (a) a completed application for Geothermal Drilling Permit (GDP) for the necessary protective wells, or (b) a proposal for inclusion in an agreement for the affected portion of the lease. Any agreement should provide for an appropriate share of the production from the offending well to be allocated to the lease; or
2. Engineering, geologic and economic data to demonstrate to the authorized officer's satisfaction that no drainage has occurred or is occurring and/ or that a new protective well(s) would have little or no chance of production sufficient to yield a reasonable rate of return in excess of the costs of drilling, completing and operating the well.

If no plan, agreement or data is submitted and drainage is determined to be occurring, compensatory royalty will be assessed. Compensatory royalty will be assessed on the first day following expiration of the 6-month period, and shall continue until a protective well has been drilled and placed into production status, or until the offending well ceases production, whichever occurs first.

Failure to comply with this special leasing stipulation also may subject the lease to termination under the provisions of 43 CFR § 3213.17.

Any of the following special stipulations may be incorporated into and become an integral part of geothermal leasing documents which may be issued subsequent to the

final decision from this planning effort:

C Controlled Surface Use Stipulation

EXAMPLE

Protected Species. All or a portion of this lease is within the range a species that is either listed as threatened or endangered, or are proposed for such listing by the U.S. Fish and Wildlife Service (USFWS).

On the lands described below:

<LEGAL_DESCRIPTIONS>

For the purpose of: Protection of the desert tortoise, (*Gopherus agassizii*), a species listed as threatened by the USFWS, and/or for the protection of its critical habitat.

Time frames for processing applications may be delayed to allow for species surveys, and consultation or conferencing with the USFWS. Surface-disturbing activities may be moved or modified, and some activities may be prohibited during seasonal time periods.

1. Conduct project activities when desert tortoises are inactive (typically November 1 to March 14), to minimize impacts to roaming individuals.
2. Retain a desert tortoise Authorized Biologist approved by CDFG and USFWS who would be responsible for ensuring compliance with desert tortoise BMPs prior to the initiation of and during ground-disturbing activities. The Authorized Biologist should conduct clearance surveys, tortoise handling, artificial burrow construction, egg handling and other procedures in accordance with the *Guidelines for Handling Desert Tortoise during Construction Projects* (Desert Tortoise Council 1994) or the most current guidance provided by USFWS.
3. Additional conditions #3 through #15, as outlined in the *WCM REEA Draft EIS*, chapter 2, pgs. 2-31 through 2-33, inclusive.

Surface disturbing activities will only be prohibited on the lease where:

- a. The proposed action is likely to jeopardize the continued existence of listed or proposed species, or
- b. The proposed action is inconsistent with the recovery needs of the listed species as identified in an approved USFWS Recovery Plan.

D Timing Limitation Stipulation

EXAMPLE

Protected Species: All or a portion of this lease is within the range a species that is either listed as threatened or endangered, or are proposed for such listing by the USFWS.

On the lands described below:

<LEGAL_DESCRIPTIONS>

For the purpose of: Protection of the Nelson's big horn sheep, a species listed as threatened by the CDFG, and/or for the protection of its critical habitat.

- a. The proposed action is likely to jeopardize the continued existence of listed or proposed species, or
- b. The proposed action is inconsistent with the recovery needs of a listed species as identified in an approved CDFG Recovery Plan.

Prior to the authorization of any surface disturbing activities, a preliminary environmental review will be conducted to identify the potential presence of habitat for these species. Authorizations may be delayed until completion of the necessary surveys during the appropriate time period for these species. The lessee should be aware that the timing of the surveys is critical, in that some species can only be surveyed during a brief period each year.

The BLM may need to initiate consultation or conference with the CDFG if the site inspection concludes that a listed or proposed species may be affected by the proposed activity. The CDFG has up to 135 days to render their biological opinion, and that there are provisions for an additional 60-day extension. Offsite habitat protection or enhancement for wildlife or vegetation (compensation) may be required by the CDFG when habitat is disturbed. The consultation may also result in some restrictions to the lessee's plan of development, including movement or modification of activities, and seasonal restrictions. Surface disturbing activities will be prohibited on the lease if the consultation or conference concludes that either of the conditions identified in a. or b. above exists.

E No Surface Occupancy Stipulation

EXAMPLE

No surface occupancy or use is allowed on the lands described below:

Imperial Sand Dunes Special recreation Management Area (ISD SRMA)

For the purpose of:

- a. Avoidance of microphyll woodlands for all commercial and non-commercial surface disturbing activities as identified in the Imperial Sand Dunes Recreation Area Management Plan (ISDRAMP).
- b. Exclusion of Pierson's Milkvetch critical habitat from solar and wind energy development as well as all other types of land use authorization as identified in the ISDRAMP.
- c. Exclusion of ISD SRMA and donated lands from geothermal mineral leasing as identified in the ISDRAMP.

APPENDIX H

**APPENDIX H
COMPARISON OF ALTERNATIVES**

Renewable Energy	Alternative							
	1	2	3	4	5	6	7	8
Geothermal (BLM acres)								
Acres available for geothermal leasing	188,832	188,832	0	0	11,939	11,939	188,832	35,115
Acres available for geothermal leasing (no surface occupancy)	0	0	0	188,832	0	0	0	14,025
Acres closed to geothermal leasing (outside of wilderness)	0	0	188,832	0	176,894	176,894	0	139,691
Acres closed to surface occupancy (wilderness)*	26,098	26,098	26,098	26,098	26,098	26,098	26,098	26,098
% of Planning Area available for geothermal leasing (with or without surface occupancy)	87.9%	87.9%	0%	87.9%	5.5%	5.5%	87.9%	22.8%
Solar Energy (BLM acres)								
Acres available for solar energy development	188,832	188,832	47,131	39,694	39,694	39,694	188,832	27,606
Acres excluded from solar energy development (outside of wilderness)	0	0	141,702	4,847	4,847	4,847	0	161,226
Acres excluded from solar energy development (in wilderness)*	26,098	26,098	26,098	26,098	26,098	26,098	26,098	26,098
Acres of avoidance for solar energy development (outside of wilderness)	0	0	0	144,290	144,290	144,290	0	0
% of total Planning Area available for solar development	87.9%	87.9%	22%	18.5%	18.5%	18.5%	87.9%	12.8%

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**APPENDIX H
COMPARISON OF ALTERNATIVES**

Renewable Energy	Alternative							
	1	2	3	4	5	6	7	8
Wind Energy (BLM acres)								
Acres available for wind energy development	188,832	188,832	47,131	39,694	39,694	39,694	188,832	35,115
Acres excluded from wind energy development (outside of wilderness)	0	0	141,702	4,847	4,847	4,847	0	153,717
Acres excluded from wind energy development (in wilderness)*	26,098	26,098	26,098	26,098	26,098	26,098	26,098	26,098
Acres of avoidance from wind energy development (outside of wilderness)	0	0	0	144,290	144,290	144,290	0	0
BLM-administered Planning Area acres	214,930	214,930	214,930	214,930	214,930	214,930	214,930	214,930
% of total Planning Area available for wind energy development	87.9%	87.9%	22%	18.5%	18.5%	18.5%	87.9%	16.3%
OHV (BLM acres)								
Open to OHV	120,393	87,713	74,676	105,843	103,838	108,914	125,710	127,416
Closed to OHV (outside of wilderness)	0	49,224	61,680	29,122	32,516	27,441	10,645	9,046
Closed to OHV (wilderness)*	26,098	26,098	26,098	26,098	26,098	26,098	26,098	26,098
Seasonal closure	-	-	-	1,391	-	-	-	-
BLM-administered Planning Area acres	214,930	214,930	214,930	214,930	214,930	214,930	214,930	214,930
% of total Planning Area closed to OHV	12%	35%	41%	26% (with seasonal closure)	27%	25%	18%	16%

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COMPARISON OF ALTERNATIVES**

Renewable Energy	Alternative							
	1	2	3	4	5	6	7	8
OHV (BLM acres)(cont.)								
% of riding area (% of Planning Area outside of wilderness) closed to OHV	0%	23%	29%	14% (with seasonal closure)	15%	13%	5%	4%
Vehicle Camping (BLM acres)								
Available for vehicle camping	188,832	139,609	126,842	159,400	156,006	161,081	177,877	168,286
Closed to vehicle camping only (outside of wilderness)	0	49,224	61,990	29,433	32,827	27,752	10,956	20,547
North Algodones Dunes Wilderness—closed to vehicle camping	26,098	26,098	26,098	26,098	26,098	26,098	26,098	26,098
BLM Planning Area acres	214,930	214,930	214,930	214,930	214,930	214,930	214,930	214,930
% of ISDRA available for camping	88%	65%	59%	74%	73%	75%	83%	78%
Peirson's Milk-vetch								
PMV critical habitat open	9,046	2,275	0	2,538	0	5,271	3,394	0
PMV critical habitat closed (outside of wilderness)	0	6,772	9,046	5,499	9,046	3,775	5,652	9,046
PMV critical habitat closed (in wilderness, closed by Congress)*	2,845	2,845	2,845	2,845	2,845	2,845	2,845	2,845
PMV critical habitat seasonal closure	-	-	-	1,009	-	-	-	-
Total PMV acres	11,891	11,891	11,891	11,891	11,891	11,891	11,891	11,891
% critical habitat closed	24%	81%	100%	79%	100%	57%	71%	100%

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Renewable Energy	Alternative							
	1	2	3	4	5	6	7	8
Microphyll Woodland (BLM acres)								
Microphyll woodland closed to OHV and camping	6,685	12,146	14,355	13,016	12,393	10,160	6,685	6,685
Microphyll woodland closed to camping only	0	0	0	0	0	0	0	8,485
Total microphyll woodland acres	21,992	21,992	21,992	21,992	21,992	21,992	21,992	21,992
% microphyll woodland closed	30%	55%	65%	59%	56%	46%	30%	50%