

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

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Commercial Outfitter & Guide Special Recreation
Permit Issuance



I. Background Information

Introduction

Commercial Outfitter and Guides (O&Gs) play an important role in providing recreational opportunities to the general public throughout the state of Nevada. Commercial O&G use on BLM lands is managed under Special Recreation Permits (SRPs). The issuance of an SRP constitutes a federal action, which requires compliance with the National Environmental Policy Act (NEPA). In the past, O&G permits have conformed to NEPA requirements through categorical exclusions (CX's) as impacts to resources on Bureau of Land Management (BLM) lands have been minimal. The purpose of this document is to identify potential resource impacts from O&G use within Ely District Office (EYDO) managed lands and to assess the extent of these impacts.

This document will include special stipulations to mitigate potential resource impacts and will serve as a programmatic environmental assessment (EA), which provides an overview of O&Gs operation within EYDO. The BLM is preparing this EA pursuant to the Code of Federal Regulations (CFR), and implementation of NEPA. This EA will address two alternatives; the proposed action and a no action alternative. The analysis of the proposed action contained in this EA would be used until the proposed action and/or land management issues change so as to require new NEPA analysis.

O&G use within the EYDO has increased since 2004 and is anticipated to continue doing so. Use is difficult to project annually within Ely District BLM lands due to client's wide variety of needs and the structure of state-wide O&G SRPs. The proposed action would continue the permitting of existing and new commercial O&Gs within the EYDO.

The typical commercial O&G operation consists of small party trips, with usually only one or two clients and the guide and/or sub-guides. O&Gs use a variety of transportation methods to access areas within the district. They commonly use, but are not limited to ATVs, four-wheel drive passenger vehicles, and pack or riding stock. There has not been sufficient data gathered to determine vehicle types, numbers used and the frequency of use from O&Gs. Based on current available data O&G trips generally last 1-7 days and the majority of outfitters utilize campsites on private lands or motels for lodging. Past documentation indicates that a small number of guides and clients use public land for camping; it is usually in the form of tents or camp trailers at previously impacted sites and established campgrounds. The majority of use occurs from August to December however, some upland bird and lion hunts operate during the winter season and in larger parties that can range from 5-10 individuals including sub-guides.

Commercial O&G use accounts for a small amount of recreation use within the EYDO, permitted guides play an important role in providing quality services to the general public that may otherwise not have the opportunity to hunt and/or recreate on public lands in eastern Nevada. By preparing a programmatic EA, the EYDO can develop specific stipulations to be added to the statewide stipulations that address resource concerns within the Ely District.

The SRP permit policy is intended to provide consistency and coordination with other BLM Districts, Nevada Division of Wildlife (NDOW), United States Fish and Wildlife Service (USFWS), and the United States Forest Service (USFS) to provide public services and resource protection. SRP policy requires applicants to provide specific information regarding their type of use while operating on BLM lands. Permits will be issued for ten years but are subject to annual renewal and/or review.

Decisions to be Made

In accordance with NEPA and the Council of Environmental Quality (CEQ) implementation regulations, and the SRP regulations (43 CFR 2930), the BLM has identified a programmatic environmental assessment for conformance to NEPA as it would set specific guidelines for issuing SRP's to outfitter and guides using public lands administered by EYDO. The decision to be made is whether the Ely BLM should continue to permit O&Gs to operate within the district. The EYDO receives requests each year from commercial O&Gs for SRPs to guide clients on BLM lands. This EA has been prepared to evaluate the potential impacts from this type of use within EYDO.

Purpose and Need

Purpose for Action

The purpose of the proposed action is to permit O&G use, within the EYDO and to provide recreational opportunities to the general public. Although there are current statewide stipulations for O&Gs, the EYDO feels that more specific stipulations are needed to mitigate impacts within EYDO managed lands.

Need For Action

The need for this action arises from the requirement by law, regulations, and BLM policy, that the BLM must provide recreational opportunities to visitors on public lands with reasonable health and safety considerations. It has been the policy of the EYDO to maintain and if possible, improve the recreational opportunities to all users.

O&Gs play an important role within BLM administered lands in Nevada because they provide private clients with the ability to safely and properly access and use BLM administered lands. The purpose and need for the proposed action would be to fulfill a public demand for all commercial O&G use within the EYDO.

Project Location

Due to the mobility of O&G activities, it is difficult to identify specific locations that O&Gs operate in. However, new reporting requirements will provide the EYDO with more information including specific hunt units operated in as well as campsite and staging locations. The Ely District manages 22 wilderness areas which total 1.1 million acres. A commercial O&G SRP allows use within all portions of EYDO administered land including these wilderness areas (See Appendix A for Map of Proposed Use Area).

Conformance with Land Use Plans

The proposed action is in conformance with the BLM Ely District Record of Decision and Approved Resource Management Plan (2008) (RMP). The RMP doesn't specifically mention O&G use, however it explains the BLM must "provide quality setting for developed and undeveloped recreation experiences and opportunities while protecting resources." The proposed action is also in conformance with wilderness management plans, laws, regulations, The Wilderness Act of 1964, and CFR 6300 Management of Designated Wilderness. The proposed action would conform to with the Parsnip Peak, Fortification Range, and White Rock Range Wilderness Management Plan and EA and the Mount Irish, South Pahroc Range, and Big Rocks Wilderness Management Plan and EA. The proposed action is also in compliance with federal, state, and local laws, regulations, and plans (see Appendix A- Regulatory Requirements).

Scoping and Issues

Issues addressed in this EA were identified through internal scoping via meetings with BLM Resource Specialists on March 16th (Egan Field Office), March 23rd (Schell Field Office), and March 24th (Caliente Field Office). Major issues were identified are as follows:

- Noxious and Invasive Non-Native Plants
- Recreation

II. Description of Proposed Action and Alternatives

No Action Alternative- No permits would be issued

Under this alternative, commercial O&G services would be permitted on a case by case basis and appropriate NEPA analysis will be conducted individually.

Proposed Action- Issue Permits Consistent with SRP Policy

The proposed action is to continue to authorize O&G permits in accordance with current SRP policy, applicable state and federal regulations, and land use plan decisions (see Appendix B- Regulatory Requirements). Current stipulations exist for commercial O&G use within BLM lands in Nevada to mitigate resource impacts. The proposed action includes additional stipulations for O&Gs to follow within the EYDO (Appendix D- Special Stipulations for O&Gs operating within the Ely BLM District).

III. Affected Environment and Environmental Consequences

General Setting

The affected environment is the 11.4 million acres administered by the EYDO, which is managed from the Schell, Egan, and Caliente Field Offices. A large portion of the commercial outfitter and guiding occurs within the 1.1 million acres of Wilderness throughout the EYDO. The 22 wilderness areas encompass the majority of every major mountain range within the Ely District. The analysis area encompasses White Pine County, Lincoln County and a small portion

of Nye County. The district is representative of the Great Basin and Mojave Desert ecosystems. The terrain consists of alternating mountain ranges and valleys primarily situated in the Basin and Range Physiographic province. Elevations in the project area range from approximately 2,000 feet above sea level in southern Lincoln County to nearly 11,000 feet in White Pine County. Because of the typically dry climate, bright sunny days and clear nights frequently occur. The average range between the highest and lowest daily temperatures is about 30 to 35 degrees Fahrenheit.

Table 1: Mandatory Items for Consideration

Resource/ Concerns Considered	Analyzed in Detail?	Brief Description of Issue or Rationale for dismissal from Detailed Analysis (see text table)
Air Quality	N	The proposed action would not affect air quality within the project area.
Cultural Resources	N	Scoping early in the NEPA process indicated there would impacts to cultural resources that require detailed analysis. However, further evaluation revealed that adherence to the SOPs for SRPs would prevent impacts.
Forest Health ¹	N	The proposed action does not conflict with this resource.
Migratory Birds	N	Impacts to migratory bird populations would be mitigated as special stipulations are included in the proposed action.
Rangeland Health Standards and Guidelines ²	N	The number of O&Gs dispersed throughout the district will have a minimal impact on this resource.
Native American Religious and other Concerns	N	The proposed action does not conflict with these concerns.
FWS Listed or proposed for listing Threatened or Endangered Species or critical habitat. ³ Also, ACEC's designated for Desert Tortoises and Southwest Willow Flycatcher, Big Spring spinedace (Caliente) and	N	Impacts to T&E species would be mitigated as special stipulations are included in the proposed action.

¹ Healthy Forests Restoration Act projects only

² Usually not an issue unless the action is related to grazing, ESR, or habitat/vegetation restoration projects

³ Consultation required unless a "not present" or "no effect" finding is made

Resource/ Concerns Considered	Analyzed in Detail?	Brief Description of Issue or Rationale for dismissal from Detailed Analysis (see text table)
Pahrump Poolfish		
Wastes, Hazardous or Solid	N	Impacts from O&G use would be mitigated through special stipulations incorporated into the proposed action.
Water Quality, Drinking/Ground	N	BLM is subject to State of Nevada water rights, specific stipulations are currently in place to mitigate impacts from O&G use near this resource.
Environmental Justice	N	No minority or low-income groups would be disproportionately affected by health or environmental effects.
Floodplains	N	The proposed action does not affect this resource.
Farmlands, Prime and Unique	N	Special stipulations are currently in place to mitigate impacts from O&G use near this resource.
Wetlands/Riparian Zones	N	BLM is subject to State of Nevada water rights; special stipulations are currently in place from statewide O&G stipulations to minimize any potential resource impacts to wetlands or riparian zones.
Invasive Non-native Species	Y	Impacts that commercial O&Gs could have on the status of invasive/non-native species on EYDO managed land is analyzed further.
Wilderness/WSA	N	Mitigation measures identified through the stipulations would mitigate impacts to wilderness and WSA Characteristics. Stipulations are in Appendix C and D (page 14) Commercial O&G would be considered a Commercial service which is allowable under Section 4(d) (6) which allows for commercial services to the extent necessary for activities that are suitable for recreational or other wilderness purposes.

Resource/ Concerns Considered	Analyzed in Detail?	Brief Description of Issue or Rationale for dismissal from Detailed Analysis (see text table)
Heritage Special Designations (Historic Trails, ACEC's designated for Cultural Resources, White River Archaeological District and Rock Animal Corral Archaeological Area)	N	Special stipulations are currently in place from statewide O&G stipulations to mitigate any potential resource impacts to heritage sites.
Swamp Cedar and Blue Mass ACEC's (Schell)	N	The proposed action does not conflict with these resources.
Human Health and Safety ⁴	N	Special stipulations in the proposed action would mitigate any impacts to human health and safety.
Wild and Scenic Rivers	N	The proposed action does not conflict with this resource as no Wild and Scenic rivers are currently present within the district.
Special Status Animal Species, other than those listed or proposed by the FWS as Threatened or Endangered. Also, Rose Guano Cave ACEC (Schell)	N	Special stipulations in the proposed action would mitigate any impacts to special status species.
Special Status Plant Species, other than those listed or proposed by the FWS as Threatened or Endangered. Also, ACECs designated to protect special status plant species.	N	Special stipulations in the proposed action would mitigate any impacts to special status plant species.
Fish and Wildlife	N	O&G operation requirements are handled through Nevada Department of Wildlife.

⁴ Herbicide Projects

Resource/ Concerns Considered	Analyzed in Detail?	Brief Description of Issue or Rationale for dismissal from Detailed Analysis (see text table)
Wild Horses	N	The proposed action does not conflict with this resource.
Soils/Watershed	N	The proposed action does not conflict with this resource.
VRM	N	The proposed action does not conflict with this resource.
Grazing Uses/Forage	N	The proposed action does not conflict with this resource.
Land Uses ⁵	N	The proposed action does not conflict with this resource.
Transportation/ Access	N	Special stipulations are currently in place from statewide O&G stipulations to mitigate any impacts to this resource.
Recreation Uses including Back country Byways, Caves, Rock- hounding Areas	Y	The proposed action will have a positive impact on recreation within our district and is analyzed further.
Public Safety ⁶	N	Special stipulations in the proposed action would mitigate any impacts to public safety.
Fire Management	N	Special stipulations are currently in place from statewide O&G stipulations to mitigate any impacts to this resource.
Socioeconomics	N	The proposed action would assist the local economy.
Paleontological Resources	N	Special stipulations in the proposed action will mitigate any impacts to paleontological resources.
Water Resources (Water Rights)	N	The proposed action does not conflict with this resource.
Mineral Resources	N	The proposed action does not conflict with this resource.
Vegetative Resources (Forest or Seed Products)	N	The proposed action does not conflict with this resource.

⁵ Rights of Way, and other realty actions

⁶ Analyzed if the project could cause issues with law enforcement, traffic hazards, excessive noise that could affect the public, etc.

Noxious Weeds and Invasive, Non-Native Species

Affected Environment

The BLM defines a weed as a non-native plant that disrupts or has the potential to disrupt or alter the natural ecosystem function, composition and diversity of the site it occupies. A weed's presence deteriorates the health of the site, it makes efficient use of natural resources difficult, and it may interfere with management objectives for that site. It is an invasive species that requires a concerted effort (manpower and resources) to remove from its current location, if it can be removed at all. "Noxious" weeds refer to those plant species which have been legally designated as unwanted or undesirable. This includes national, state and county or local designations.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. For the purposes of analysis this project was divided into the Hunt Management Areas. Based on use reports, the areas are listed here from the most used/visited to the least used/visited. Currently, the following species are found within Hunt Management Area 11:

<i>Acrotilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 11 were last inventoried for noxious weeds in 2003 and 2004. Currently, the following species are found within Hunt Management Area 22:

<i>Acrotilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop

<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 22 were last inventoried for noxious weeds in 2003, 2004, 2006, and 2007. Currently, the following species are found within Hunt Management Area 23:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

Portions of Hunt Management Area 23 were last inventoried for noxious weeds in 2003 and 2004. Currently, the following species are found within Hunt Management Area 10:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Euphorbia esula</i>	Leafy spurge
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 10 were last inventoried for noxious weeds in 2002, 2004, and 2006. Currently, the following species are found within Hunt Management Area 13:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle

<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 13 were last inventoried for noxious weeds in 2002, 2003, 2004, 2005, 2006, and 2007. Currently, the following species are found within Hunt Management Area 12:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Isatis tictoria</i>	Dyer's woad
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria vulgaris</i>	Yellow toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 12 were last inventoried for noxious weeds in 2002, 2003, 2005, and 2006. Currently, the following species are found within Hunt Management Areas 14 and 16:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Euphorbia esula</i>	Leafy spurge
<i>Lepidium draba</i>	Hoary cress

<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Hunt Management Area 14 was last inventoried for noxious weeds in 2002. Portions of Hunt Management Area 16 were last inventoried for noxious weeds in 2003 and 2005. Currently, the following species are found within Hunt Management Areas 24 and 27:

<i>Acroptilon repens</i>	Russian knapweed
<i>Ailanthus altissima</i>	Tree of heaven
<i>Brassica tournefortii</i>	Sahara mustard
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

Portions of Hunt Management Area 24 were last inventoried for noxious weeds in 2004 and 2008. Hunt Management Area 27 was last inventoried for noxious weeds in 2008. It should be noted that most of these Hunt Management Areas occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these neighboring districts is not available.

In addition to the Hunt Management Areas there are also three known campsites that are used on a regular basis. Currently, there are no documented weed infestations at any of these sites. The following weed species are found on roads and drainages leading to the campsites:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax

<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

While not officially documented the following non-native invasive weeds probably occur in or around the District:

<i>Arctium minus</i>	Common burdock	<i>Kochia scoparia</i>	Kochia
<i>Bromus diandrus</i>	Ripgut brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus rubens</i>	Red brome	<i>Marrubium vulgare</i>	Horehound
<i>Bromus tectorum</i>	Cheatgrass	<i>Salsola kali</i>	Russian thistle
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Convolvulus arvensis</i>	Field bindweed	<i>Tragopogon dubius</i>	Yellow salsify
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Ulmus pumila</i>	Siberian elm
<i>Erodium cicutarium</i>	Filaree	<i>Verbascum thapsus</i>	Common mullein

Environmental Consequences

No Action Alternative

Under this alternative, commercial O&G services will be permitted on a case by case basis. Impacts on non-native and invasive species include the possibility of increases in non-natives/invasive on EYDO managed lands, increases in transmission of seeds, and/or transmission vectors. These impacts would be mitigated through stipulations within the individual O&G SRP.

Proposed Action

Under this alternative, the possibility of impacts is not eliminated. Increases in non-native/invasive weed species within the district could be seen. Transmission of seeds and an increase in transmission vectors are possible. However it is anticipated that impacts to noxious and non-native weeds from commercial O&G use would be minimal as special stipulations in the proposed action would mitigate impacts to vegetative resources throughout the EYDO. These stipulations will reduce the possibility of noxious and non-native weed dispersal as campsites utilized by O&Gs will be in previously disturbed sites, stock must use certified weed seed free hay, vehicles (including ATV's) must be washed before traveling within the EYDO (see Appendix D- Special Stipulations for O&Gs operating within the Ely BLM District.)

Recreation

Affected Environment

There are five Special Recreation Management Areas (SRMAs) within the Ely District totaling approximately 1.3 million acres that focus on a managed recreation setting. The remainder of the district is considered an Extensive Recreation Management Area (ERMA) that allows for dispersed recreation activities that are not reliant on developed facilities or trails. The primary forms of dispersed recreation include activities such as hunting, hiking, off highway vehicle use

and equestrian use. Hunting and associated activities such as wildlife viewing are the most popular forms of recreation in the district. In 2008 there were a total of approximately 5,000 big game tags issued in the 23 hunt units that are within EYDO managed lands.

No Action Alternative

Under this alternative, commercial O&G services will be permitted on a case by case basis. Impacts on recreation include the possibility of increases in user conflicts and travel trespasses. These impacts would be mitigated through stipulations within the individual O&G SRP.

Proposed Action

By continuing to permit commercial O&Gs within the EYDO the proposed action would fulfill public and private demand for commercial services within district lands. Statewide O&G stipulations 3, 4, and 6 in the general section identify ways to limit the potential for user conflicts between private recreation groups and commercial groups recreating and accessing the same lands. In addition there is a stipulation requiring that vehicles must stay on designated or existing roads and trails except for big game retrieval, limiting the impact to non-motorized recreationists and hunters. No other effects to recreation are anticipated from the proposed action.

IV. Cumulative Impacts- Past Present, and Reasonably Foreseeable Future Actions

The Council on Environmental Quality (CEQ) defines cumulative effects as "... the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions" (40 CFR 1508.7).

As this is a programmatic environmental analysis of O&G use throughout the EYDO, the Cumulative Effects Study Area (CESA) is the entire Ely District as defined in the proposed use area, which encompasses the Egan, Schell, and Caliente Field Offices (see Appendix A). A general discussion of past, present, and reasonably foreseeable future actions follows:

Past Actions

There are a variety of past actions within the CESA as it encompasses the entire Ely District. In the past, dating back to the 1800s there have been grazing allotments for both cattle and sheep in specific areas within the CESA. Recreation, particularly off-highway vehicle (OHV) use, has been a popular activity within the CESA and has increased in recent years due mostly to the popularity of OHVs. Previous travel designations in this area have been open to cross country travel and until site specific implementation plans and route designations are complete, motorized travel within the CESA will be limited to existing roads and trails. Past travel designations coupled with an increase in the popularity of off highway vehicle recreation has led to a network of user created trails throughout the CESA. User created trails combined with previous permitted events contributed to an increase in soil erosion and vegetation loss in specific areas. Historical mining and weed treatments have occurred, hunting has been a popular activity, and wood cutting also occurs within the CESA but at undeterminable levels.

Present Actions

Currently grazing and recreation are the main actions taking place within the project area. Some mining claims exist with several small to moderately sized operations in activity. Right of Ways involving energy development are also currently taking place within the project area. Both big game and upland bird hunting occurs within the CESA during permitted hunting seasons. There is continued motorized and non-motorized recreation occurring within the project area. The amount of casual recreation activities is largely unknown due to the large area the CESA covers.

Reasonably Foreseeable Future Actions

Reasonably foreseeable future actions include continued use of the area for livestock grazing, renewable and non renewable energy development, wildlife habitat, dispersed recreation, and permitted recreation activities. While livestock grazing is expected to continue, adjustments in season of use or number of livestock may be made periodically to improve range conditions. Range improvements such as water developments or pasture fences could be installed to facilitate the grazing program. OHV events would continue to be held within the Ely BLM district. Wildlife viewing, hunting, and other recreation opportunities will continue to draw people to the area.

Multiple travel management plans will be written by watersheds that will officially allocate designated roads. Route designation within the CESA would change by eliminating redundant routes and maintaining access to routes identified as ones that provide recreation opportunities or are important for maintenance and management of public lands. Decreasing route density would increase wildlife habitat therefore benefiting O&G hunting opportunities. Decreasing route density would also increase the amount of recreationists traveling on the designated road system.

Cumulative Impacts

The BLM National Environmental Policy Act Handbook (2008) asks environmental assessment preparers to identify the known and predicted effects related to the issue, also through internal scoping, resource specialists have the opportunity to identify other potential indirect effects to their resource from the proposed use. Below is further information regarding the indirect effects to resources from O&G use within the EYDO.

- Noxious and Non-Native Plant Species
- Recreation

Noxious & Non-Native Plant Species

Past and present actions have introduced or aided in the spread of invasive or non-native invasive weeds within the CESA. Future actions have the potential to spread invasive or non-native weeds. Increases in weed infestations may occur from the proposed action. Using best management practices and including stipulations like washing vehicles before and after traveling throughout the Ely District and use of weed free forage reduces the potential for the spread and introduction of weeds. Noxious weeds and invasive non-native species could increase within the CESA in spite of best management practices and standard operating procedures that would be in place for all potential commercial O&Gs and future actions. The proposed action combined with

past, present and future actions would have a negligible contribution to the overall impacts to noxious and non-native plant species within the district.

Recreation

The magnitude and level of activity that has occurred and could occur within the CESA boundary has had a generally small impact on recreation use within the district. These impacts, however minimal, have effected changes in both the social and physical resources of sites throughout the district. Changes in physical resources include creation of new motorized and non motorized routes and trails and the addition of manmade structures such as energy development projects and mining operations. Social resources have been impacted through increases in recreation of all types on EYDO managed land as well as the increase in recent years of various recreation commercial and competitive uses. Due to the size and abundance of public lands in the region these changes have had negligible impacts to the general recreating public. The Nevada Division of Wildlife has seen an increase in the number of game tags issued each season. Permitting O&Gs to operate within the EYDO would have a minimal impact on the physical or social resources of popular recreation areas. Historical, current, future actions and the permitting of commercial O&Gs would have a negligible impact on general recreation within EYDO managed lands.

V. Proposed Mitigation

Based on the analysis of environmental consequences and the special stipulations incorporated into the proposed action no additional mitigation is proposed.

VI. Suggested Monitoring

O&G use on EYDO managed lands would be monitored for three years. The study would require more specific information from the O&Gs. Information on campsite/staging areas, travel routes and specific hunt units accessed would all be contained in the proposed monitoring report.

VII. Consultation, Coordination, and List of Preparers

Consultation and coordination

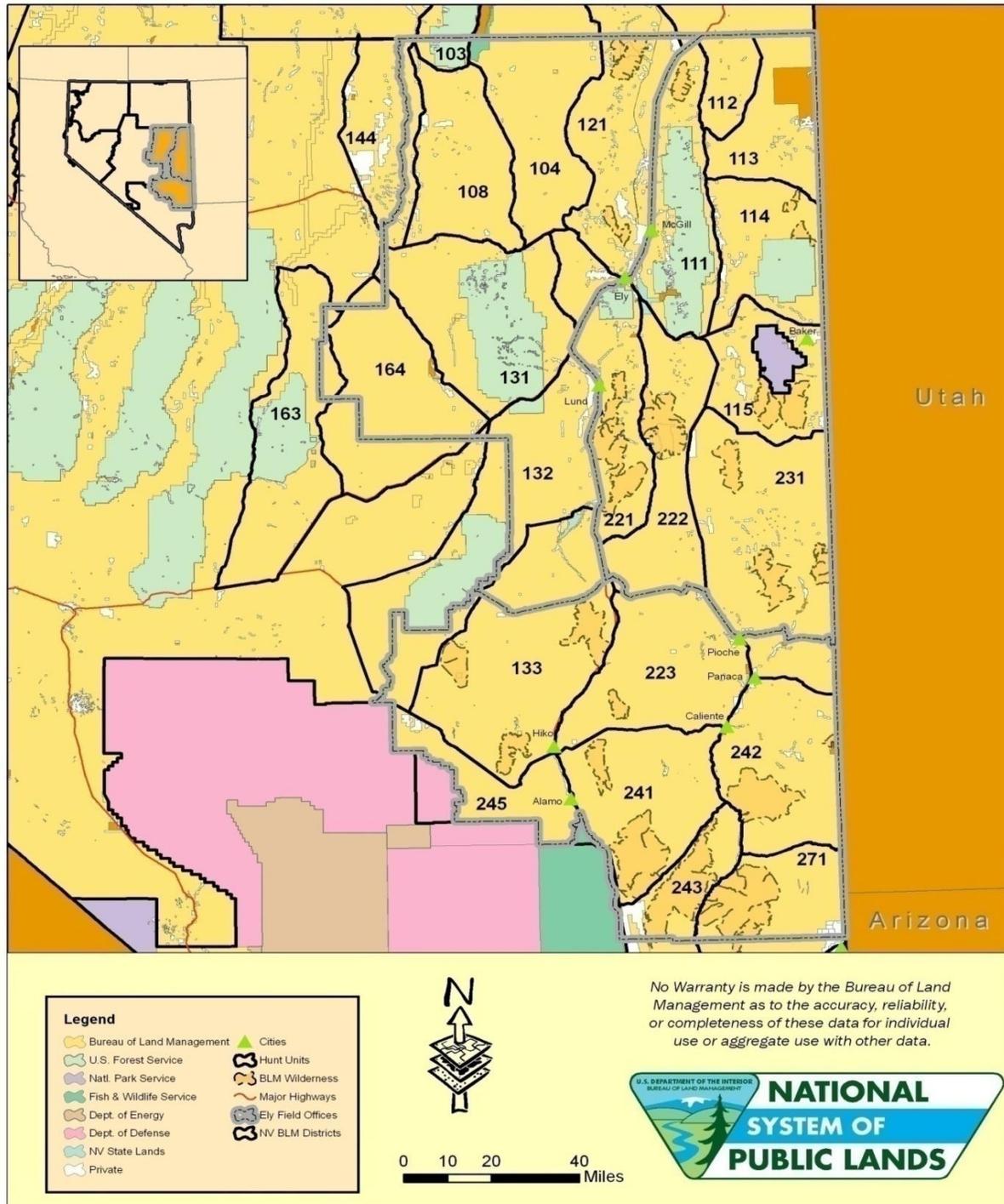
BLM Specialists assigned and consulted with regarding the proposed action include:

Bonnie Million - Noxious & Invasive Weed Coordinator (Caliente)
Melanie Peterson- Environmental Protection Specialist/ HazMat/Safety
Sherri Wysong- NEPA Specialist
Kalem Lenard- Outdoor Recreation Planner (Egan)
Elizabeth Townley- Outdoor Recreation Planner (Schell)
Dave Jacobson- Wilderness Planner
Alicia Styles-Wildlife Biologist (Caliente)
Shawn Gibson- Archeologist (Schell)

Public Involvement

This document was released for public comment and review on the BLM website for 30 days. A letter was sent out to interested and affected parties notifying them of the proposal and the comment period.

Appendix A- Map of the Proposed Use Area



Appendix B- Regulatory Requirements

Nevada State Laws

- Permittees will be required to comply with Nevada Revised Statute (NRS) 503.660- “It is unlawful for any person to camp within 100 yards of a water hole in *such a manner that wildlife or domestic stock will be denied access to such water hole* (1975, pg. 1453).

Federal Regulations

- The feeding of hay on public lands by livestock permittees, BLM permitted outfitter and guides, and equestrian permittees is not allowed without special authorization (43 CFR 4140.1 (a), (3)).
- Harassment of wild horses or burros is illegal and punishable by fines and/or imprisonment (43 CFR 4770.01 (a) and 43 CFR 4770.5).
- Permittee agrees to make all relevant books and support records available to the BLM upon request for analysis by qualified representatives of the BLM or other agencies authorized to review BLM’s permitting activities. All such permittee records will be furnished upon request as outlined in 43 CFR 29.32.55.
- Upon request by the site occupant, an authorized officer may give written permission for an extension of the 14 day stay limit (43 CFR chapter II, part 8360).
- Cutting or gathering green trees or their parts, or removing dead limbs from standing trees for any purpose is prohibited [43 CFR 4140.1]. Additionally, cutting or gathering firewood from historic structures is prohibited.
- Pursuant 43 CFR 10.4 (g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined by CFR 10.2). Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for thirty days or until notified to proceed by the authorized officer.

Land-Use Plan Decisions

The Ely District RMP identifies several decisions that would prevent or mitigate impacts from commercial O&G use. These include:

Travel Management

- **TM-1:** Close designated wilderness to motorized and mechanized travel according to policy and enabling legislation.
- **TM-2:** Close the Park Range, Blue Eagle, Antelope Range and Riordan’s Well Wilderness Study Areas to motorized and mechanized travel.
- **TM-4:** Until site-specific implementation plans and route designations are complete, motorized travel will be limited to existing roads and trails except when cross-country travel is needed for safety, required for government (federal, state,

and local) administrative needs, as authorized on a permit, for big game retrieval , or as otherwise officially approved.

Recreation

- **REC-10:** Monitor the use and the number of outfitter and guide permits for geographic regions within the planning area for three years following plan implementation. Following monitoring period, issue outfitter and guide permits within special stipulations and conditions to protect resources and reduce user conflicts.

Noxious and Invasive Weeds

- **WEEDS-6:** Where appropriate, vehicles and heavy equipment used for the completion, maintenance, inspection, or monitoring of ground disturbing activities; for emergency fire suppression; or for authorized off-road driving will be free of soil and debris capable of transporting weed propagates. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site and or project area. Vehicles used for emergency fire suppression will be cleaned as part of check-in and demobilization procedures. Cleaning efforts will concentrate on tracks, feet, or tires, and on and undercarriage. Special emphasis will be applied to axels, frames, cross members, motor mounts, and on and underneath steps, running boards, and front bumper/brush guard assemblies. Vehicle cabs will be swept out and refuse will be disposed of in waste receptacles. Cleaning sites will be recorded using global positioning systems or other mutually acceptable equipment and provided to the Ely District Office Weed Coordinator or designated person.
- **WEEDS-7:** Animals used on public lands by special recreation permittees or by contractors for weed control or reclamation will be cleaned, quarantined, and fed weed-free feed prior to being used or released on public lands. The length of this quarantine will be specified in the special recreation permit or contract.

Appendix C- Current Statewide Outfitter and Guide Stipulations

SPECIAL PERMIT STIPULATIONS FOR COMMERCIAL HUNTING/FISHING GUIDES

This permit will be in effect from _____ to _____ on public lands administered by the Elko, Ely, Battle Mountain, Las Vegas, Carson City and Winnemucca Bureau of Land Management (BLM) Field Offices within Nevada, unless terminated earlier by the Authorized Official. Conduct of activities authorized by this permit signifies knowledge of and constitutes an express and implied agreement by the permittee, sub-guides and other employees to fully comply with permit conditions marked on the reverse side of Form 2930-1 and all special stipulations.

Privileges granted by this permit are subject to the following annual requirements:

- A **Master Guide license** issued by NDOW must be available on-line or a copy must be received by the issuing BLM office prior to your first guided hunt or **May 31st** of each year.
- The **Estimated Use Report**, on the form provided by BLM, must be received by the issuing BLM office by **August 1st**.
- Submission of post use information on the Post Use Report form provided by BLM for your use by **May 31st** of each year. A legible copy of your Nevada Division of Wildlife (NDOW) client record form(s) must also be submitted with your Post Use Report. For any trips involving both BLM and United States Forest Service (USFS) administered lands authorized under a joint or separate permit, and where the majority of use (hours per day and/or days per trip) is conducted on BLM administered lands, the entire trip will be reported to BLM on the Post Use Report. Each page of your BLM Post Use Report must be signed and dated. Claims for fee deductions and discounts will require submission of a more detailed post use form supported by receipts, trip itineraries and vehicle log books. Payment of final fees, which is 3% of gross receipts (or adjusted gross receipts if deductions or discounts are claimed), must be received within 30 days of submission of the Post Use Report or by **August 1st**. Fees must be made payable to "U. S. Department of the Interior – BLM."
- A current insurance policy must be maintained that provides for the minimum levels of liability insurance (**\$300,000 bodily injury for any one person, \$30,000 property damage for any one occurrence, with an annual aggregate of \$600,000**). Your policy must name the *United States Government*, as additionally insured or and stipulate that you or your insurer will notify BLM at least 30 calendar days in advance of termination or modification of such insurance. The policy for liability insurance must remain in effect during the entire time the master guide is licensed to guide.

Permittee must notify the issuing BLM office of any amendments to their master guide license within 10 working days of the amendment(s). (i.e. adding or removing subguides from the master guide license.)

Multi-year permits will be placed in **probationary** status during the next annual operating period if the permittee fails to comply with the requirements in the special stipulations. A **probationary** permit shall automatically terminate without the necessity of prior notice when (1) annual or minimum use fees are delinquent for more than 30

calendar days from the required due date; or (2) a post use report has not been submitted by the required due date. The BLM may also refuse to issue a permit to a permittee who has received unsatisfactory performance evaluations or has previously had their permit revoked.

Permittee shall inform all employees and clients of the terms and conditions of the authorizing permit, and is responsible and liable for all actions of employees and clients on both public and private lands.

General

1. Any property of the permittee left unattended on BLM-administered lands longer than ten (10) days without permission of the Authorized Officer is subject to disposition under the Federal Property and Administrative Services Act of 1949 as amended; or at the option of BLM will be removed and delivered to the permittee at the permittee's expense. Removal of the property by the United States shall not relieve the permit holder of liability for the cost of its removal and restoration of the site.
2. This permit does not authorize the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed (e.g., restrictive off-highway vehicle designation areas).
3. Granting the Special Recreation Permit by BLM does not guarantee the permittee's use of any specific campsite(s), nor the use of public lands in a given area, and not the exclusive use of any area by a single permittee. Reservation of permanent campsite(s) for exclusive use by the permittee will require specific authorization and payment of an annual fee for each reserved site. A permanent campsite is a location used for a period of fourteen (14) consecutive days or longer.
4. Issuance of a Special Recreation Permit does not establish nor imply recognition of any claimed historical use rights by an operator or the public. Public lands will be available to users on a first-come first-served basis, but this does not imply that the first permittee into an area is the only one authorized to use it. Unless an allocation system is implemented for an area, other commercial users and private individuals alike may use all public land areas.
5. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit. All such permittee records will be furnished upon request as outlined in 43 CFR 2932.55.
6. The BLM Authorized Officer reserves the right to close various sites and/or areas of the public lands to prevent resource damage and use conflicts, and to promote visitor safety.

7. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public lands by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, it is the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
8. The permittee shall comply with all Federal, State, County and local governmental agencies having jurisdiction, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee must contact and receive concurrence and license, where required, from all other federal, state, county and local governmental agencies having jurisdiction. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients or customers under the permittee's supervision.
9. An SRP represents a nonexclusive privilege authorizing special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification in the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or in the event of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
10. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
11. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
12. All advertising and representations made to the public and to the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be

included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

13. The permittee must assume responsibility for inspecting the permitted area, and any surrounding areas in which the event participants or spectators might reasonably be expected to enter, for any existing or new hazardous conditions, e.g., landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, abandoned mine shafts or other hazards that present risks for which the permittee assumes responsibility. Identified hazards shall be marked and, if necessary, barriers erected to prevent entry.
14. Unless specifically authorized, an SRP does not authorize the permittee to erect, construct, or place any building, structure, or other fixture on the public lands. Any use of the public lands is subject to the condition that upon leaving, the lands must be restored as nearly as possible to preexisting conditions. All temporary structures i.e. corrals, hunting blinds, frames, hitching rails, etc must be requested in writing by the permittee and are subject to approval by the authorized official.
15. The permittee must present or display a copy of the special recreation permit to a participant, authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
16. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
17. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 48 hours in the case of death or injury, or 10 days in accidents involving property damage.
18. An SRP only authorizes the use, for the time and in the area, as specifically described in the Special Recreation Permit Form 2930-1. Outfitters hunting across BLM district boundaries must have authorization in advance from all affected offices. This permit does not apply to non-BLM lands (i.e. private, State, USFS etc.) unless provided for by cooperative or interagency agreements, etc.

19. Vehicles (including ATVs) will be washed and cleaned before being transported to public lands to eliminate the possibility of noxious weeds being introduced to the hunting areas. All pack and saddle stock feed must be certified weed free.

Sanitation & Aesthetics

20. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
21. Permittee shall dispose of refuse resulting from the permitted use, including waste material, garbage, and rubbish of all kinds in the following manner, and shall guard the purity of streams and other bodies of water:
 - (a) Tin cans, spent brass, bottles, metal, foil, plastics, and other unburnable materials will be packed out, not buried. Ensure that all burnable materials are completely consumed by fire. All refuse not burned is to be packed out.
 - (b) Pit type or portable toilets, with or without tent coverings, are mandatory at all camps having more than 10 people or being used for more than one night. Toilet pits will be filled with earth when excrement reaches one foot below ground level, and a new pit will be dug. All pits will be treated with lime or intermittently covered with earth when used, and will be covered with earth to the level of the original ground surface when use is terminated. **Pit toilets will not be constructed in any designated Wilderness area or Wilderness Study Area (WSA) without prior written approval by BLM.**
 - (c) No waste or byproducts shall be discharged if they contain any substances in concentrations that would result in substantial harm to fish and wildlife or to human water supplies, including streams, reservoirs, and lakes.
22. Permittee shall protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When camps or other facilities are dismantled, the area should be left in a natural state.

Camping

23. In accordance with Nevada Revised Statute (NRS) 503.660, "It is unlawful for any person to camp within 100 yards of a water hole *in such a manner that wildlife or domestic stock will be denied access to such water hole.*" (1975, pg. 14530).
24. No permanent base camps may be established without prior authorization. A permanent campsite is a location used for a period of fourteen (14) consecutive days or longer.

25. No camping will be allowed in proximity to the California National Historic Trail except at developed or established campgrounds.
26. No camps or other facilities, either permanent or temporary, will be set up in a designated Wilderness area or WSA without prior written approval by BLM.
27. Construction of permanent fences or corrals is not permitted. Temporary improvements including frames, hitching racks and other pole structures may be constructed provided they are dismantled and removed within 30 days following the termination of yearly guiding operations. All temporary improvements must be requested in writing by the permittee and are subject to approval by the Authorized Official.
28. No live trees may be cut for use in constructing temporary facilities.
29. Cook tents, pit-type toilets, tethered pack stock, hitching racks and horse corrals must be located at least 100 yards from the nearest spring source and other surface waters (lakes, streams, reservoirs, etc.). Camps must be located so as to avoid conflict with other users and should not block access on roads or trails.
30. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's Field Office Manager. Location of proposed caches must be described in the permit application.

Fires

31. Open fires may be prohibited during certain periods depending on fire danger. Contact the local Forest Service or BLM office for information on fire restrictions (Ely, 775-289-1800).
32. All types of open fires will be built only in areas that are presently free of vegetation. A general rule of thumb is to use a clear area at least 15 feet in diameter. No new fire rings will be made when existing rings are available in an area. Use of gas stoves or charcoal briquettes is encouraged, and packing of fuels may be necessary to supplement naturally available firewood. The use of fire pans is strongly encouraged.
33. No campfires will be left unattended; permittees are solely responsible for all fires which they, their employees, or their customers start. Permittees may be held responsible for fire suppression costs resulting from wildfires caused by the permittee, or customers and participants.
34. Wildfire should be reported immediately to the nearest BLM office. Permittee is responsible for informing employees, clients, and participants of the current fire danger and required precautions that may be placed in effect by the BLM or the State

of Nevada. (To report a wildfire, contact the Ely Interagency Dispatch Center at 775-289-2064.)

35. Fires and stoves are prohibited within old cabins or historic structures.
36. An axe, shovel and water bucket must be available at each camp for fire control.
37. Cutting or gathering fuel-wood for commercial or home use is prohibited. Additionally, cutting or gathering green trees or their parts, or removing dead limbs from standing trees for any purpose is prohibited [43 CFR 4140.1]. Cutting or gathering firewood from historic structures is prohibited.

Motorized Vehicle Use

38. Motorized vehicles, motorized equipment and mechanized transport of any type are not permitted in designated Wilderness Areas.
39. In Wilderness Study Areas, motorized vehicles are not permitted to drive off-road. Vehicle use is limited to existing designated vehicle routes (roads and ways). Contact the local BLM office for official maps of open routes in Wilderness Study Areas.
40. It is the permittees responsibility to obtain current maps of designated Wilderness areas, Wilderness Study Areas, and closed or limited use off-highway vehicle areas prior to using the area for commercial purposes.
41. No vehicle use will be allowed on any of the more intact (Oregon California Trails Association Class I) segments of the California Trail. Intact means that wheel ruts or a depression are present. Vehicles must stay on present day established roads.
42. The BLM encourages the use of “Tread Lightly” principals and “Leave No Trace” ethics. Responsible off highway vehicle use means staying on already existing routes.

Cultural and Historic

43. All cultural (historic or prehistoric sites or objects) and/or paleontological resources that are discovered during the legal execution of this permit will be reported to the authorized officer. If cultural resources are discovered that could be adversely affected by the operation of this permit, such operation will immediately cease and the closest BLM Office will be notified immediately. All such artifacts are the property of the United States and are not to be collected.
44. Permittee shall not make available to the public any information concerning the nature and location of any archaeological resource.
45. Pursuant 43 CFR 10.4 (g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of

human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

46. The permittee shall not commercialize any Native American religious ceremony occurring on public lands. Tours and Guides will not disrupt or infringe upon religious ceremonies taking place on public lands.

First-Aid Equipment

48. First-aid equipment will be part of the base camp equipment. The needs will be determined by the size of the party.
49. Guides should be trained in First-Aid and/or Cardio-Pulmonary Resuscitation procedures.

ACKNOWLEDGMENT:

I have read, understand, and agree to abide with the above listed additional stipulations as well as those found on the reverse side of the Special Recreation Permit, Form 2930-1.

Permittee

Date

For hunting violations contact Operation Game Thief at 800-992-3030.

For land use violations contact the Ely District Office at 775-289-1800

Enjoy your public lands and contact Ely District recreation staff for any further assistance!

Special Stipulations for the Black Rock Desert - High Rock Canyon Emigrant Trails National Conservation Area

1. The **Individual Trip Plan**, on the form provided by the BLM, must be received by the issuing BLM office prior to the first intended use date in the Conservation Area.
2. Permittee shall submit a written explanation of how they intend to dispose of refuse resulting from the permitted use, including waste materials, garbage and rubbish of all kinds.
 - **All refuse must be carried out** of the area and disposed of in an approved disposal site. Burying or burning garbage is prohibited.
 - The use of small portable toilets is encouraged. If a portable toilet is not available, **human waste must be buried 6-8 inches deep**, so that it is not visible on the surface. Toilet paper should be carried out.
 - Soaps, detergents, food scraps, or any substances that would result in harm to fish and wildlife or to human water supplies will not be introduced into streams, rivers, or springs. **The permittee shall assure that neither staff nor clients use soap, shampoos, chlorine or any other chemical to bathe in hot springs.**
3. Overnight use of the High Rock Canyon ACEC is limited to designated campsites. Overnight use of the Soldier Meadows ACEC (springs on public lands) by commercial users is prohibited, and other popular destinations may be restricted if user conflict or resource impacts occur.
4. No camps or other facilities, either permanent or temporary, will be set up in a designated wilderness area or WSA without prior written approval by the BLM.
5. Because of the impacts fires can create, their use should be kept to a minimum. Using cook stoves or fire stoves is recommended as an alternative to cooking over campfires. When allowed, campfires shall be small and kept under control. Use fire pans or existing fire rings only. No new fire rings will be made when existing rings are available in an area. Open fires are generally prohibited during periods of extremely high fire hazard by order of the BLM or the State of Nevada. Please call (775) 289-1800 for information about current fire restrictions. Fires on the playa (dry lakebed) portion of the Black Rock Desert are permitted with the use of a fire pan, burn barrel, fire blanket, or other surface-protecting device only.
6. Permittees are encouraged to bring their own firewood. Cutting or gathering green trees or their parts, or removing dead limbs from standing trees for any purpose is prohibited [43 CFR 4140.1]. Additionally, cutting or gathering firewood from historic structures is prohibited. **Permitted operations in the Black Rock NCA are required to use firewood found or gathered outside of the NCA.**
7. **All vehicle use is limited to existing or designated vehicle routes** (roads and ways). Contact the local BLM office for official maps depicting designated routes in the National Conservation Area and Wilderness Study Areas at (775) 289-1800.
8. Vehicles shall not pull off the road surface more than **50 feet** to park, camp, or to allow for another vehicle to pass.

9. Motorized vehicles, motorized equipment and mechanized transport of any type are not permitted in designated Wilderness Areas or Wilderness Study Areas in the NCA.
10. It is the permittees' responsibility to obtain current maps of designated wilderness areas, wilderness study areas, and closed or limited-use off-highway vehicle areas (i.e. NCA) prior to using the area for commercial purposes. Seasonal closures are in effect for several areas in the Winnemucca Field Office. High Rock Canyon Trail, portions of the National Historic Trails, and the Water Canyon road all have seasonal closures during the wet season.

ACKNOWLEDGMENT:

I have read, understand, and agree to abide with the above listed additional stipulations as well as those found on the reverse side of the Special Recreation Permit, Form 2930-1.

Permittee Date

Appendix D- Special Stipulations for Outfitter and Guides operating within the Ely BLM District

Weed Seed Free Requirements

- Animals used on public lands by special recreation permittees will be cleaned, quarantined, and fed weed-free feed 24 hours prior to being used or released on public lands. Vehicles (including ATV's) must be cleaned with high pressure equipment prior to entering public lands, cleaning effort will concentrate on tracks, feet, tires and on the undercarriage.
- Do not place camp in weed infested areas. Whenever possible camp sites should be placed in previously disturbed areas. Report any possible noxious weed infestations while operating within the Ely BLM District.

Wilderness Use

- No camps or other facilities, either permanent or temporary, will be set up in a designated wilderness area or WSA without prior approval by the BLM.
- Portable and "pop-up" blinds must be attended or occupied at least some portion of a ten day period within the 14 day period of use. If blinds are not attended or occupied for 10 days, they will be considered unattended property and/or permanent structures and will be subject to removal by the BLM (43 CFR 8365.1-2(b)) and subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)).
- The creation or construction of permanent blinds in wilderness areas and wilderness study areas is not allowed (43 CFR 6302.20(f) and IMP Handbook H-8550-1, Chapter I.B.2. and 3.).

However, portable or “pop-up” blinds may be temporarily allowed for hunting, photography, wildlife observation and similar purposes for a period of fourteen (14) days if they are packed or carried in and out and do not require the disturbance or destruction of native soil, rock, or vegetation.

Vehicle Use

- All vehicle use is limited to existing or designated vehicle routes. Contact local BLM office for official maps depicting designated routes in Wilderness and Wilderness Study Areas. Cross country vehicle travel is permitted for big game retrieval within the Ely BLM District.

Special Use Requests

- Special use requests must be documented using the Individual Trip Reports, and approval must be made by the BLM Authorized Officer for the following activities to be permitted while operating within the Ely BLM District.
 - Camping on BLM lands
 - 14-day length of stay extensions
 - Installing temporary structures (corrals, hunting blinds, pole frames, and hitching rails). Structures must be dismantled within 10 days of guiding conclusion.
 - Caching food and or equipment (not permitted in Wilderness Areas or WSA’s)
 - Pit toilet construction (in Wilderness Areas or WSA’s)

Hazardous and Solid Wastes

- Permittee must notify the BLM Authorized Officer of any hazardous or solid waste discoveries within the Ely BLM District. Permittee is also required to notify the BLM Authorized Officer of any hazardous or solid wastes spills while under permit within the Ely BLM District.

Public Safety

- The proponent is requested to notify the authorized officer by telephone, or written communication of any abandoned mine shafts, adits or abandoned mine lands

Threatened and Endangered Species

- While in desert tortoise and southwestern willow flycatcher habitat, master guides must educate sub-guides and clients regarding desert tortoise and southwestern willow flycatcher habitat locations to understand species distribution within the Ely BLM District. A map with areas identified will be provided by BLM and must be made available for clients while guiding in species habitat.
- While performing normal guiding operations within desert tortoise habitat, guides and/or sub-guides must examine underneath vehicles and ATV’s before moving the vehicle to reduce the possibility of desert tortoise fatalities (Only applies for outfitters operating within desert tortoise habitat during March 1 thru October 31).

Cultural and Historic Resources

- All cultural (historic or prehistoric sites or objects) and/ or paleontological resources that are discovered during the legal execution of this permit will be immediately reported to the authorized officer and BLM archeologist. If cultural resources are discovered that could be adversely affected by the operation of this permit, such operation will immediately cease and the closest BLM Office/ Archeologist will be notified immediately. All such artifacts are the property of the United States and are not to be collected.
- O&Gs will not set up camps or staging areas in or around known cultural or historic sites.

Appendix F- Risk Assessment for Noxious & Invasive Weeds

Ely District Outfitter & Guide Project

Lincoln, Nye, & White Pine Counties, Nevada

On April 21, 2009 a Noxious & Invasive Weed Risk Assessment was completed for the Ely District outfitter and guide project in Lincoln, Nye, and White Pine Counties, NV. The proposed action is to authorize commercial outfitter and guide use in accordance with current SRP policy, applicable state and federal regulations, and land use plan decisions. Projecting use at an increase of two outfitter and guides a year indicates 52 potential outfitter guides operating within the Ely District in ten years. Use is difficult to project annually within Ely BLM lands due to clients needs and the structure of statewide SRP's. The proposed action would be almost twice the amount of current outfitter and guides operating within the Ely District (2007 report of 33 outfitters guiding on BLM land). The Ely BLM has received one new SRP request to guide mountain lions hunts this year. Up to 60 commercial outfitters could be authorized under this analysis. The typical commercial operation consists of small party hunting trips, with usually only one or two hunters and the guide and/or sub-guides. Guides typically use a variety of OHV's including jeeps, trucks, ATV's, or riding stock to travel on BLM roads and trails to access hunting areas. Due to lack of use reporting information, it is difficult to identify the number and frequency of OHV or equestrian use from outfitter and guides. Trip duration generally last 1-7 days and the majority of outfitters utilize campsites on private lands or motels for lodging. The majority of use occurs from August to December. However, some upland bird and lion hunts operate in the in the winter season and in larger parties that can range from 5-10 individuals including sub guides.

No field weed surveys were completed for this project. Instead the Ely District weed inventory data was consulted. For the purposes of analysis this project was divided into the Hunt Management Areas. Based on use reports, the areas are listed here from the most used/visited to the least used/visited. Currently, the following species are found within Hunt Management Area 11:

<i>Acrotilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock

<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 11 were last inventoried for noxious weeds in 2003 and 2004. Currently, the following species are found within Hunt Management Area 22:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 22 were last inventoried for noxious weeds in 2003, 2004, 2006, and 2007. Currently, the following species are found within Hunt Management Area 23:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

Portions of Hunt Management Area 23 were last inventoried for noxious weeds in 2003 and 2004. Currently, the following species are found within Hunt Management Area 10:

<i>Acroptilon repens</i>	Russian knapweed
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<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Euphorbia esula</i>	Leafy spurge
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 10 were last inventoried for noxious weeds in 2002, 2004, and 2006. Currently, the following species are found within Hunt Management Area 13:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 13 were last inventoried for noxious weeds in 2002, 2003, 2004, 2005, 2006, and 2007. Currently, the following species are found within Hunt Management Area 12:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cicuta maculata</i>	Water hemlock
<i>Cirsium arvense</i>	Canada thistle
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Isatis tictoria</i>	Dyer's woad

<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria vulgaris</i>	Yellow toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Portions of Hunt Management Area 12 were last inventoried for noxious weeds in 2002, 2003, 2005, and 2006. Currently, the following species are found within Hunt Management Areas 14 and 16:

<i>Acroptilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea squarrosa</i>	Squarrose knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Euphorbia esula</i>	Leafy spurge
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar

Hunt Management Area 14 was last inventoried for noxious weeds in 2002. Portions of Hunt Management Area 16 were last inventoried for noxious weeds in 2003 and 2005. Currently, the following species are found within Hunt Management Areas 24 and 27:

<i>Acroptilon repens</i>	Russian knapweed
<i>Ailanthus altissima</i>	Tree of heaven
<i>Brassica tournefortii</i>	Sahara mustard
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Conium maculatum</i>	Poison hemlock
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Lepidium latifolium</i>	Tall whitetop
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

Portions of Hunt Management Area 24 were last inventoried for noxious weeds in 2004 and 2008. Hunt Management Area 27 was last inventoried for noxious weeds in 2008. It should be noted that most of these Hunt Management Areas occur near or on the Ely District boundary with other BLM districts. Weed inventory data for these neighboring districts is not available.

In addition to the Hunt Management Areas there are also three known campsites that are used on a regular basis. Currently, there are no documented weed infestations at any of these sites. The following weed species are found on roads and drainages leading to the campsites:

<i>Acrotilon repens</i>	Russian knapweed
<i>Carduus nutans</i>	Musk thistle
<i>Centaurea diffusa</i>	Diffuse knapweed
<i>Centaurea stoebe</i>	Spotted knapweed
<i>Cirsium vulgare</i>	Bull thistle
<i>Hyoscyamus niger</i>	Black henbane
<i>Lepidium draba</i>	Hoary cress
<i>Linaria dalmatica</i>	Dalmatian toadflax
<i>Onopordum acanthium</i>	Scotch thistle
<i>Tamarix spp.</i>	Salt cedar
<i>Tribulus terrestris</i>	Puncturevine

While not officially documented the following non-native invasive weeds probably occur in or around the District:

<i>Arctium minus</i>	Common burdock	<i>Kochia scoparia</i>	Kochia
<i>Bromus diandrus</i>	Ripgut brome	<i>Halogeton glomeratus</i>	Halogeton
<i>Bromus rubens</i>	Red brome	<i>Marrubium vulgare</i>	Horehound
<i>Bromus tectorum</i>	Cheatgrass	<i>Salsola kali</i>	Russian thistle
<i>Ceratocephala testiculata</i>	Bur buttercup	<i>Sysimbrium altissimum</i>	Tumble mustard
<i>Convolvulus arvensis</i>	Field bindweed	<i>Tragopogon dubius</i>	Yellow salsify
<i>Elaeagnus angustifolia</i>	Russian olive	<i>Ulmus pumila</i>	Siberian elm
<i>Erodium cicutarium</i>	Filaree	<i>Verbascum thapsus</i>	Common mullein

Factor 1 assesses the likelihood of noxious/invasive weed species spreading to the project area.

None (0)	Noxious/invasive weed species are not located within or adjacent to the project area. Project activity is not likely to result in the establishment of noxious/invasive weed species in the project area.
Low (1-3)	Noxious/invasive weed species are present in the areas adjacent to but not within the project area. Project activities can be

	implemented and prevent the spread of noxious/invasive weeds into the project area.
Moderate (4-7)	Noxious/invasive weed species located immediately adjacent to or within the project area. Project activities are likely to result in some areas becoming infested with noxious/invasive weed species even when preventative management actions are followed. Control measures are essential to prevent the spread of noxious/invasive weeds within the project area.
High (8-10)	Heavy infestations of noxious/invasive weeds are located within or immediately adjacent to the project area. Project activities, even with preventative management actions, are likely to result in the establishment and spread of noxious/invasive weeds on disturbed sites throughout much of the project area.

For this project, the factor rates as Moderate (7) at the present time. Dispersed outfitter and guide activities are likely to introduce weeds into remote areas, especially those outfitters who use pack animals and OHVs. There is a potential for the spread of weed infestations within Hunt Management Areas and the introduction of new weed species. The concentrated use of vehicles around campsites makes those areas particularly susceptible to new infestations.

Factor 2 assesses the consequences of noxious/invasive weed establishment in the project area.

Low to Nonexistent (1-3)	None. No cumulative effects expected.
Moderate (4-7)	Possible adverse effects on site and possible expansion of infestation within the project area. Cumulative effects on native plant communities are likely but limited.
High (8-10)	Obvious adverse effects within the project area and probable expansion of noxious/invasive weed infestations to areas outside the project area. Adverse cumulative effects on native plant communities are probable.

This project rates as Moderate (7) at the present time. Any new weed infestations at could have adverse impacts to the native vegetation in the area. However, given the fact that the most likely area for establishment is at the campsites and these campsites are monitored on a regular basis, any new weed infestation would be quickly reported for treatment prior to any impact on surrounding vegetation.

The Risk Rating is obtained by multiplying Factor 1 by Factor 2.

None (0)	Proceed as planned.
Low (1-10)	Proceed as planned. Initiate control treatment on noxious/invasive weed populations that get established in the area.

Moderate (11-49)	Develop preventative management measures for the proposed project to reduce the risk of introduction of spread of noxious/invasive weeds into the area. Preventative management measures should include modifying the project to include seeding the area to occupy disturbed sites with desirable species. Monitor the area for at least 3 consecutive years and provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.
High (50-100)	Project must be modified to reduce risk level through preventative management measures, including seeding with desirable species to occupy disturbed site and controlling existing infestations of noxious/invasive weeds prior to project activity. Project must provide at least 5 consecutive years of monitoring. Projects must also provide for control of newly established populations of noxious/invasive weeds and follow-up treatment for previously treated infestations.

For this project, the Risk Rating is Moderate (49). This indicates that the project can proceed as planned as long as the following measures are followed:

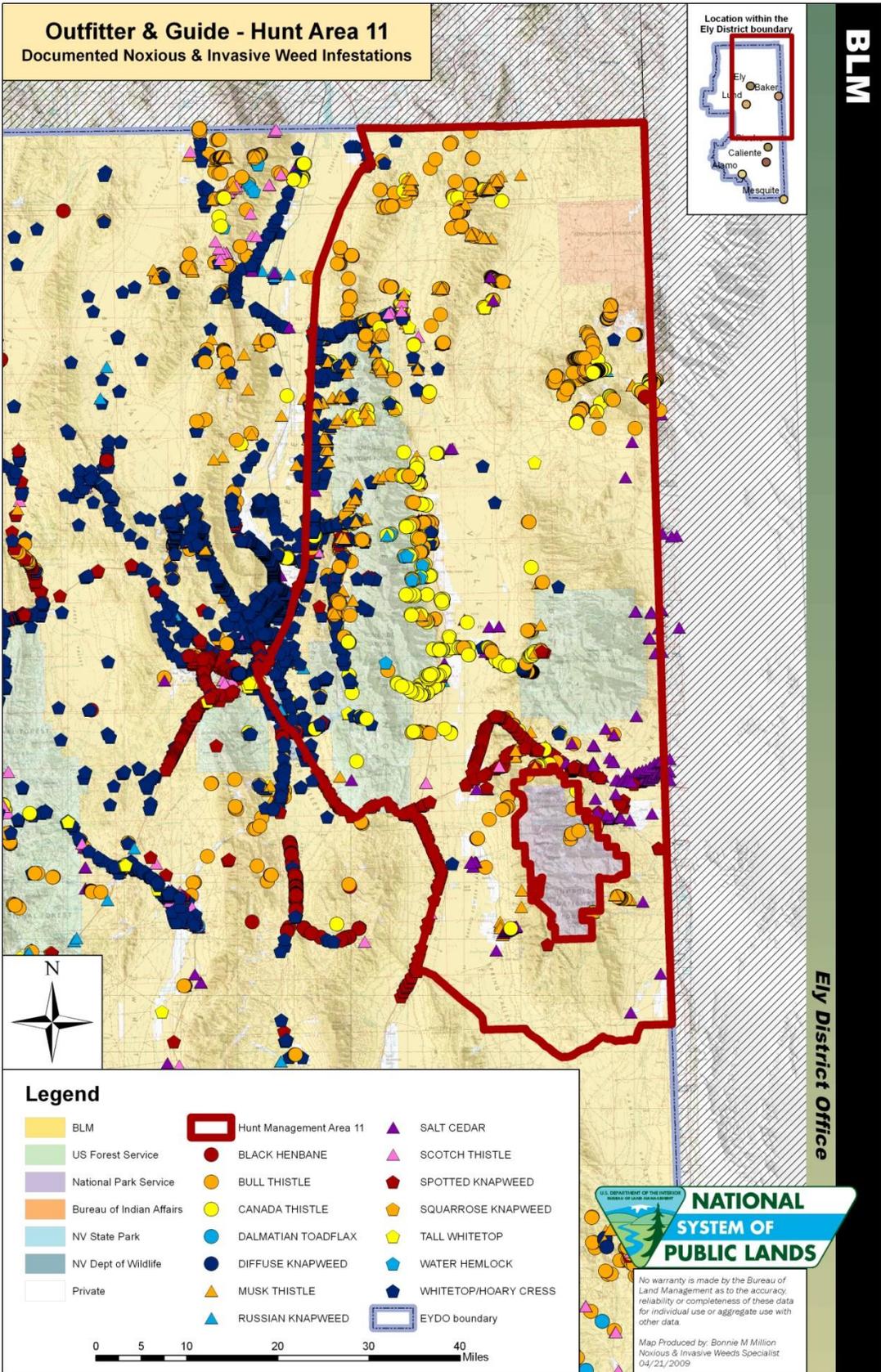
- Animals used on public lands by special recreation permittees will be cleaned, quarantined, and fed weed-free feed 24 hours prior to being used or released on public lands. Vehicles (including ATV's) must be cleaned with high pressure equipment prior to entering public lands, cleaning effort will concentrate on tracks, feet, tires and on the undercarriage.
- Do not place camp in weed infested areas. Whenever possible camp sites should be placed in previously disturbed areas. Report any possible noxious weed infestations while operating within the Ely BLM District.
- Noxious and invasive weed monitoring will be included in any recreation monitoring which occurs in the area. If the presence or spread of weeds is noted, the monitoring reports will be provided to the Ely District Office Weed Coordinator.

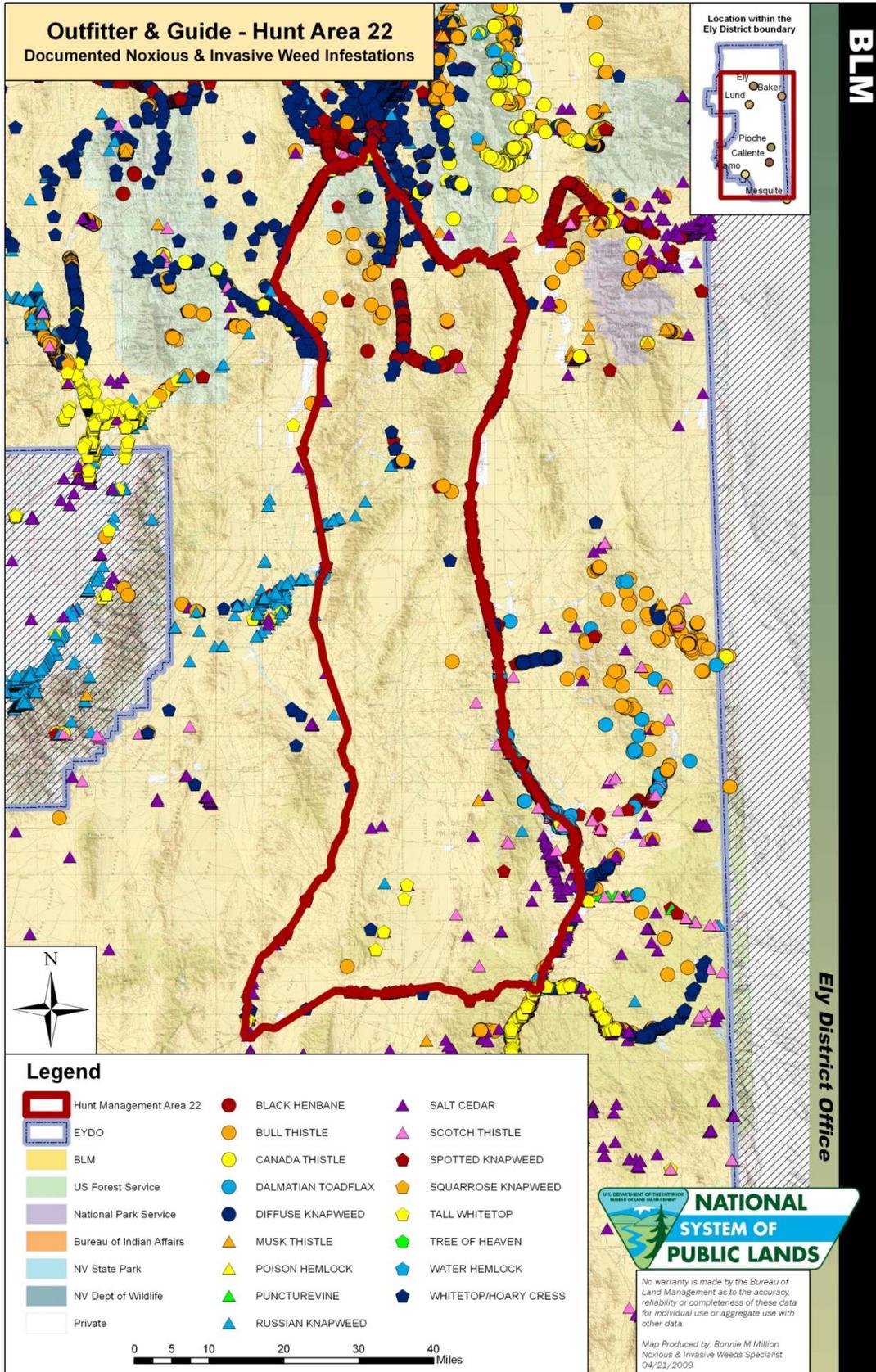
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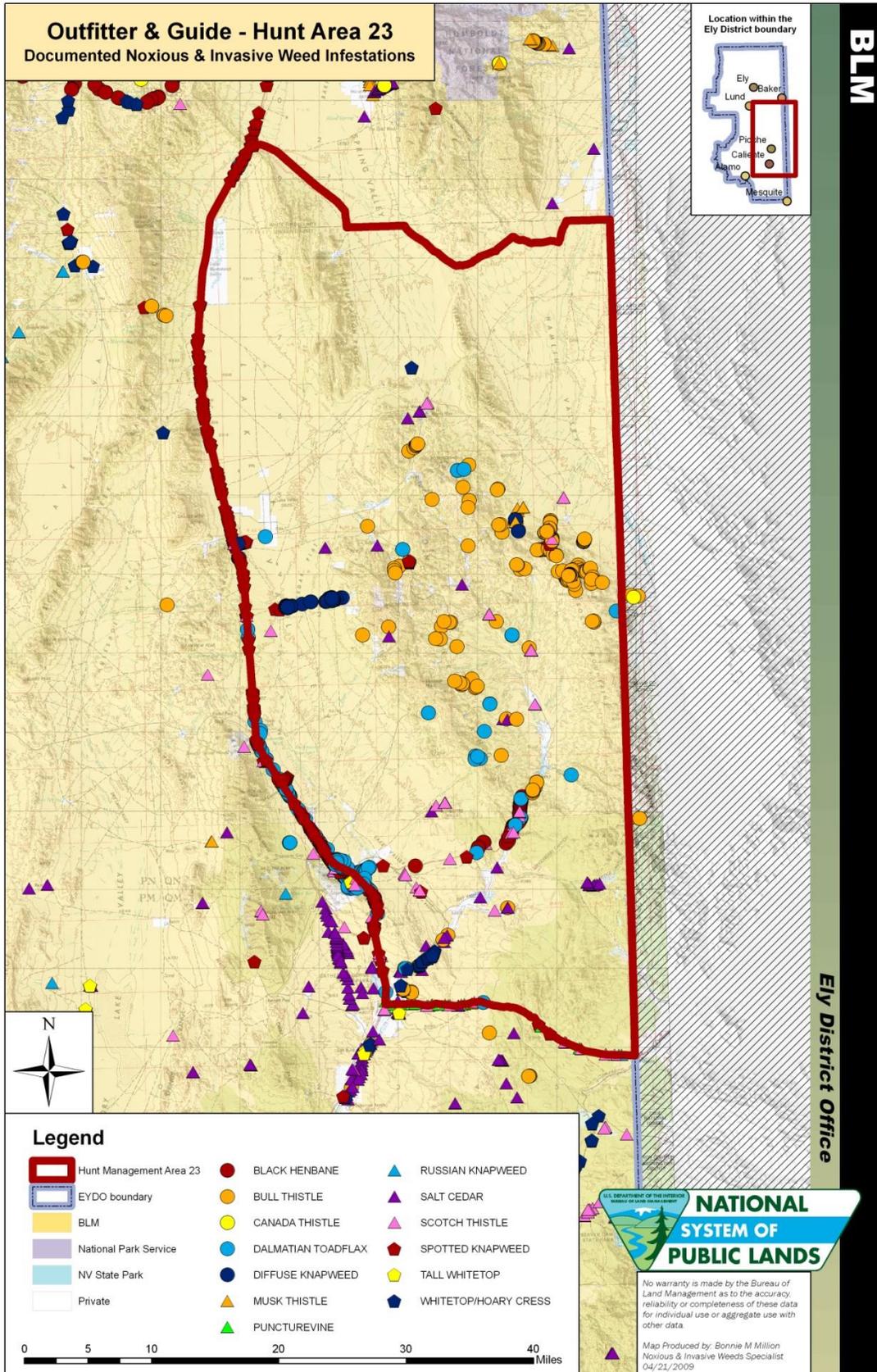
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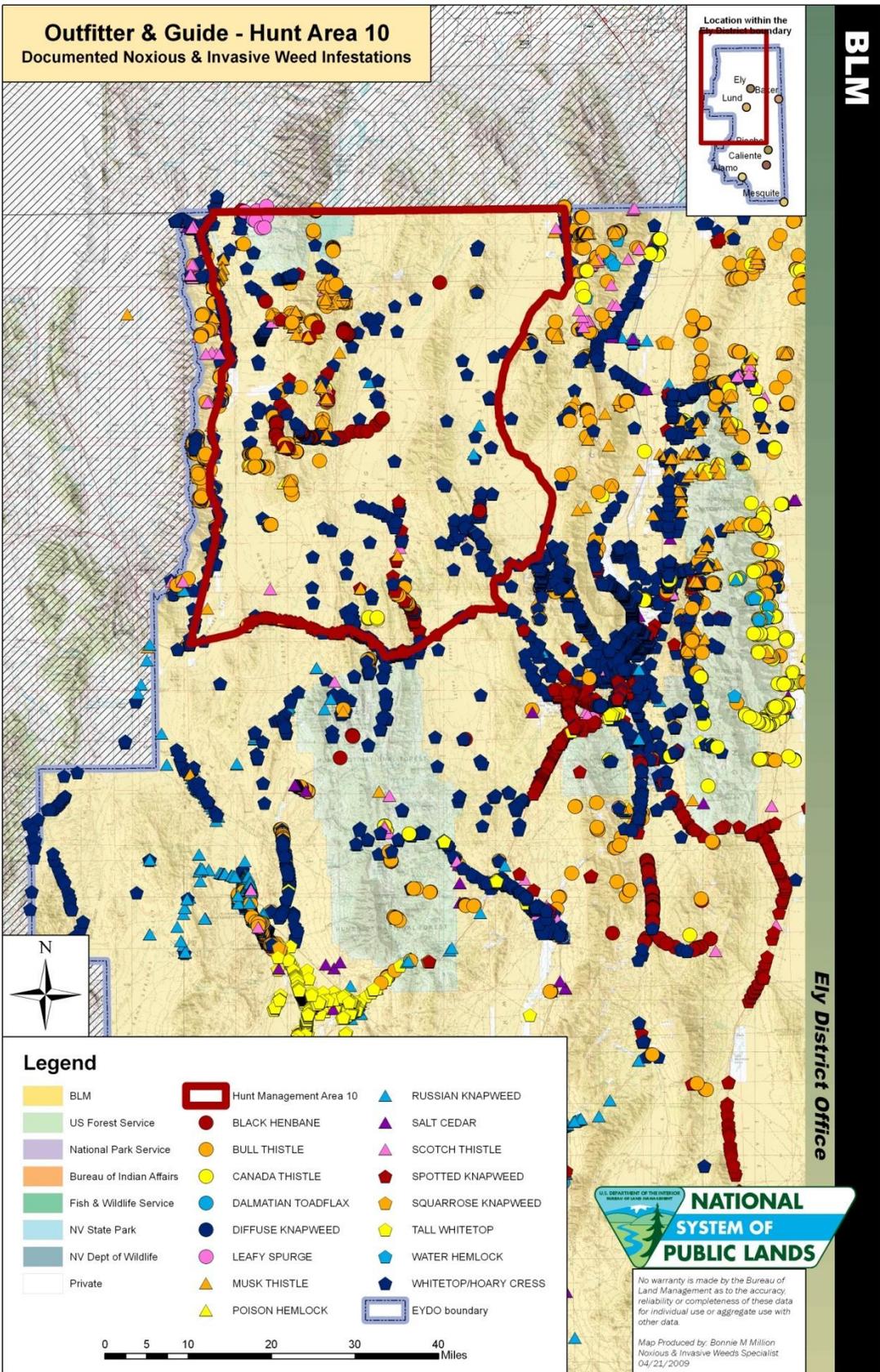
Bonnie M. Million Ely District Noxious &
Invasive Weeds Coordinator

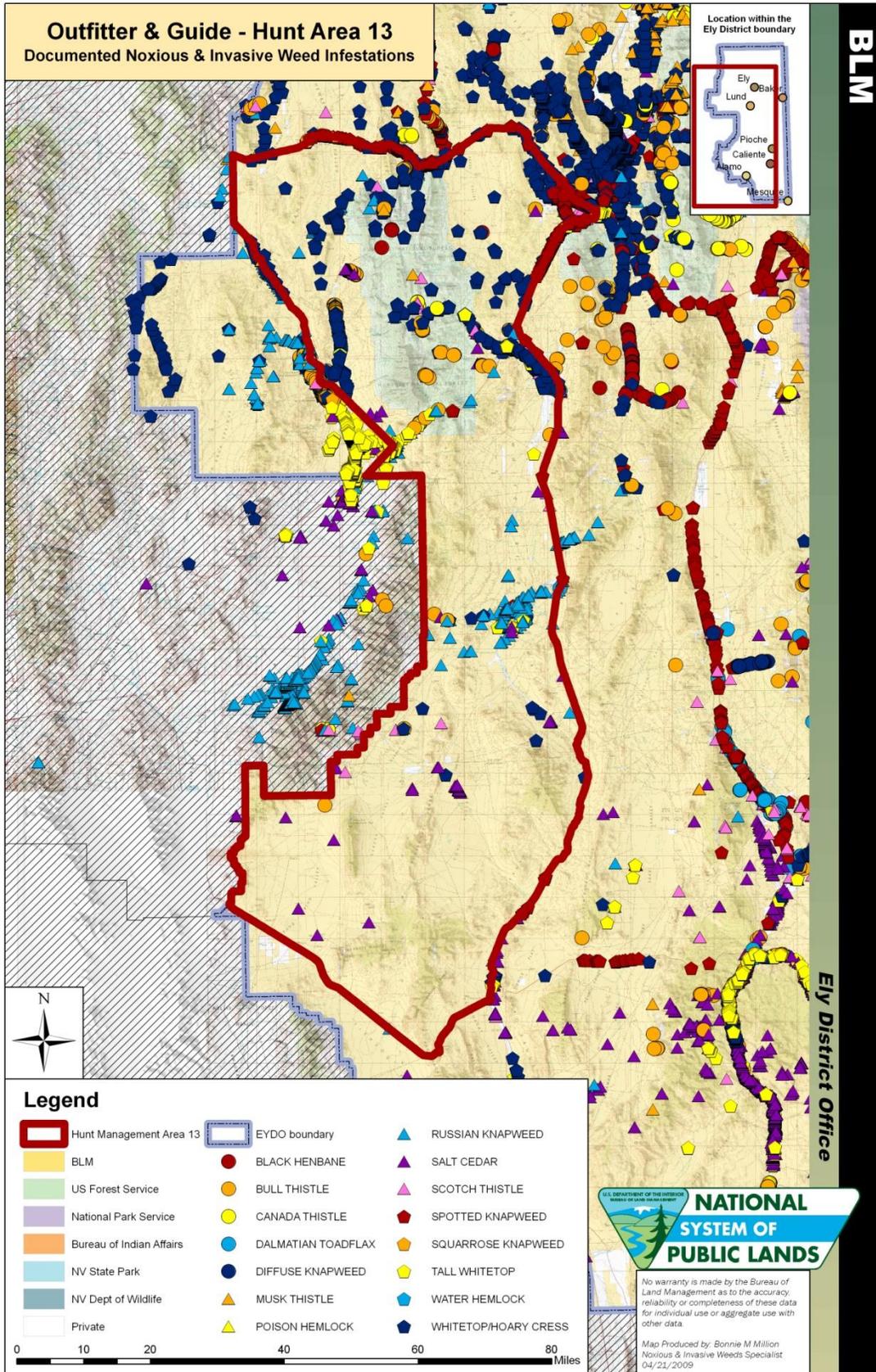
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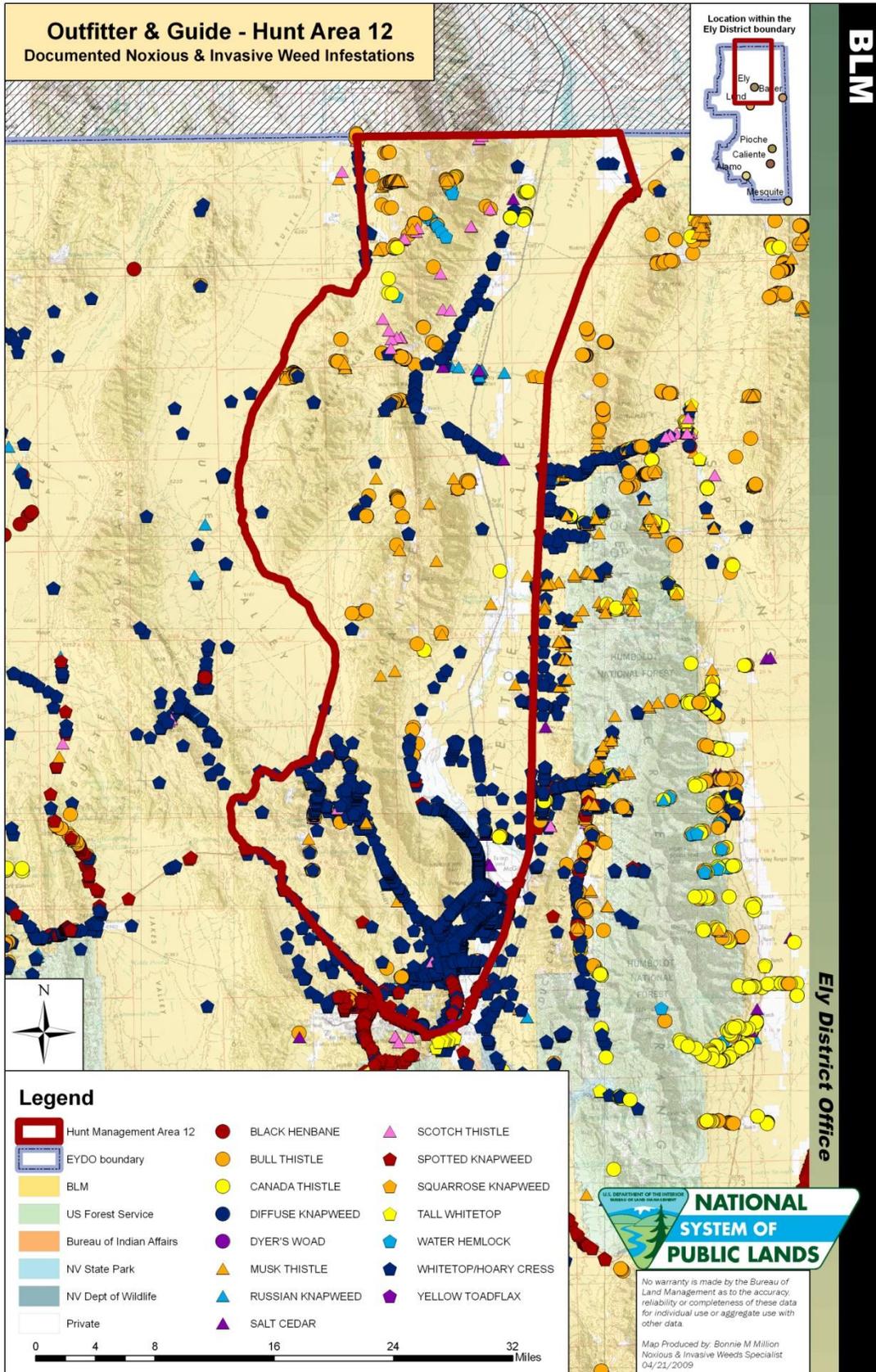










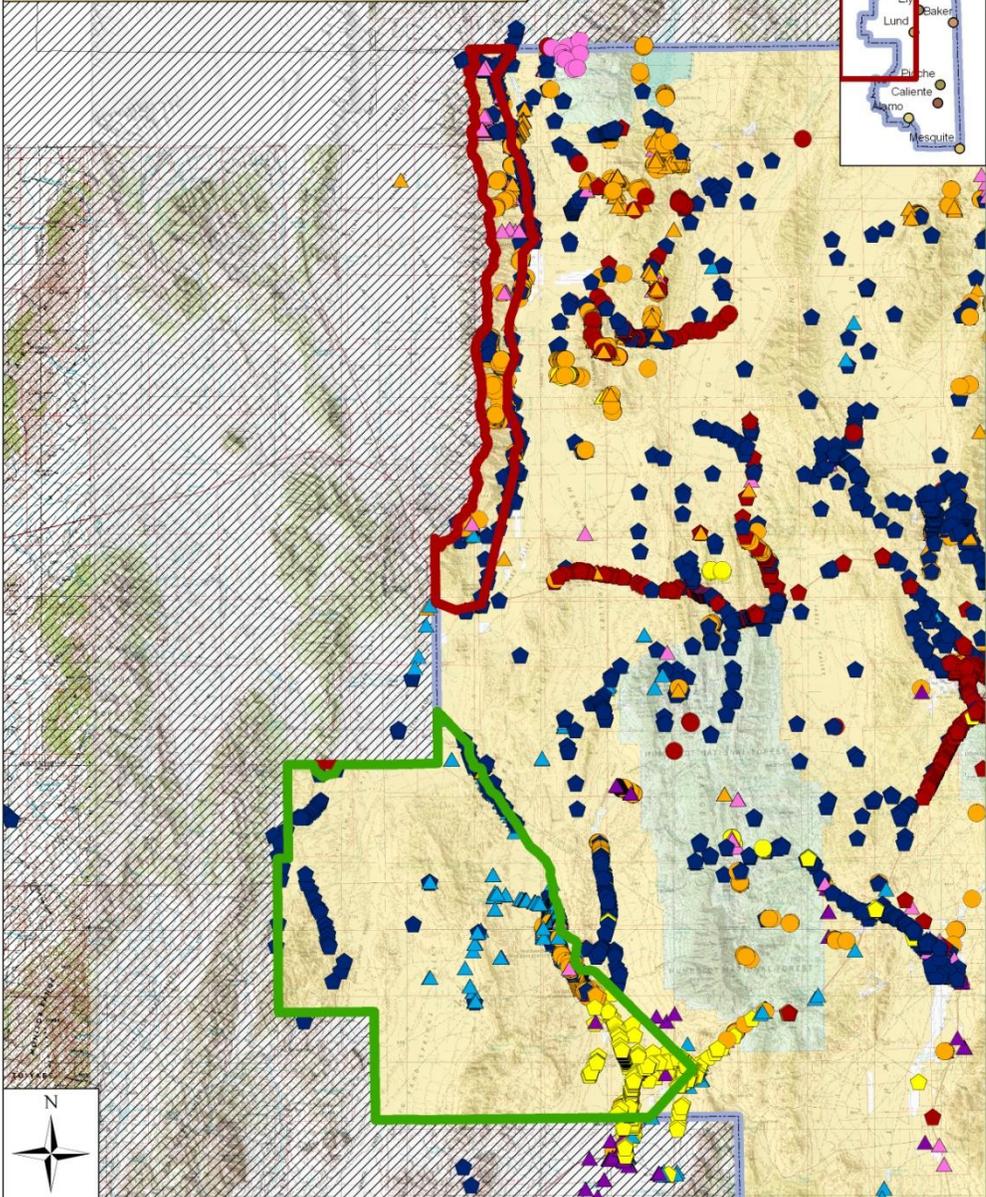


Outfitter & Guide - Hunt Areas 14 & 16
Documented Noxious & Invasive Weed Infestations

Location within the Ely District boundary



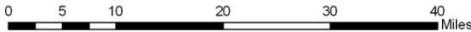
BLM



Ely District Office

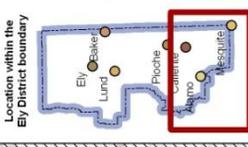
Legend

- | | | |
|--------------------------|------------------|----------------------|
| Hunt Management Area 14 | EYDO boundary | SALT CEDAR |
| Hunt Management Area 16 | BLACK HENBANE | SCOTCH THISTLE |
| BLM | BULL THISTLE | SPOTTED KNAPWEED |
| US Forest Service | CANADA THISTLE | SQUARROSE KNAPWEED |
| Bureau of Indian Affairs | LEAFY SPURGE | TALL WHITETOP |
| Fish & Wildlife Service | MUSK THISTLE | WATER HEMLOCK |
| NV Dept of Wildlife | POISON HEMLOCK | WHITETOP/HOARY CRESS |
| Private | RUSSIAN KNAPWEED | |

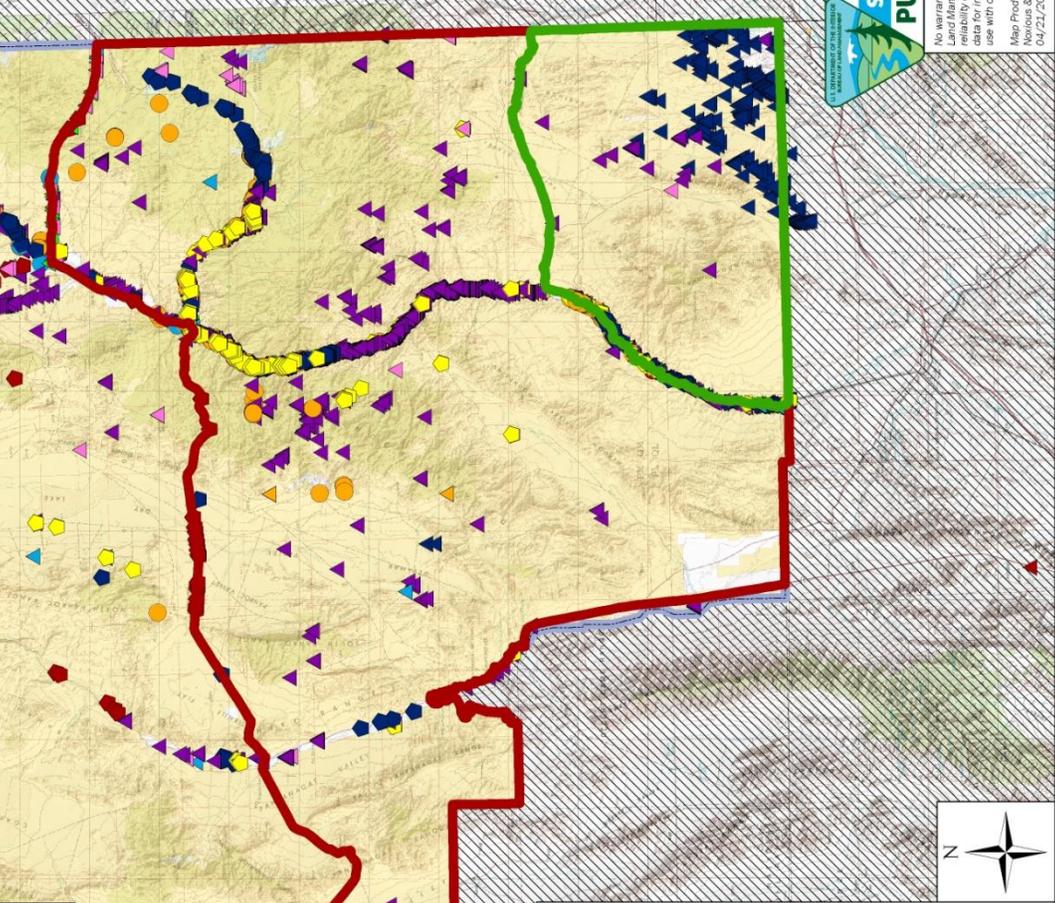


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Map Produced by: Bonnie M Million
 Noxious & Invasive Weeds Specialist
 04/21/2009



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 Map Produced by: Bonnie M. Milion
 Noxious & Invasive Weeds Specialist
 04/21/2009

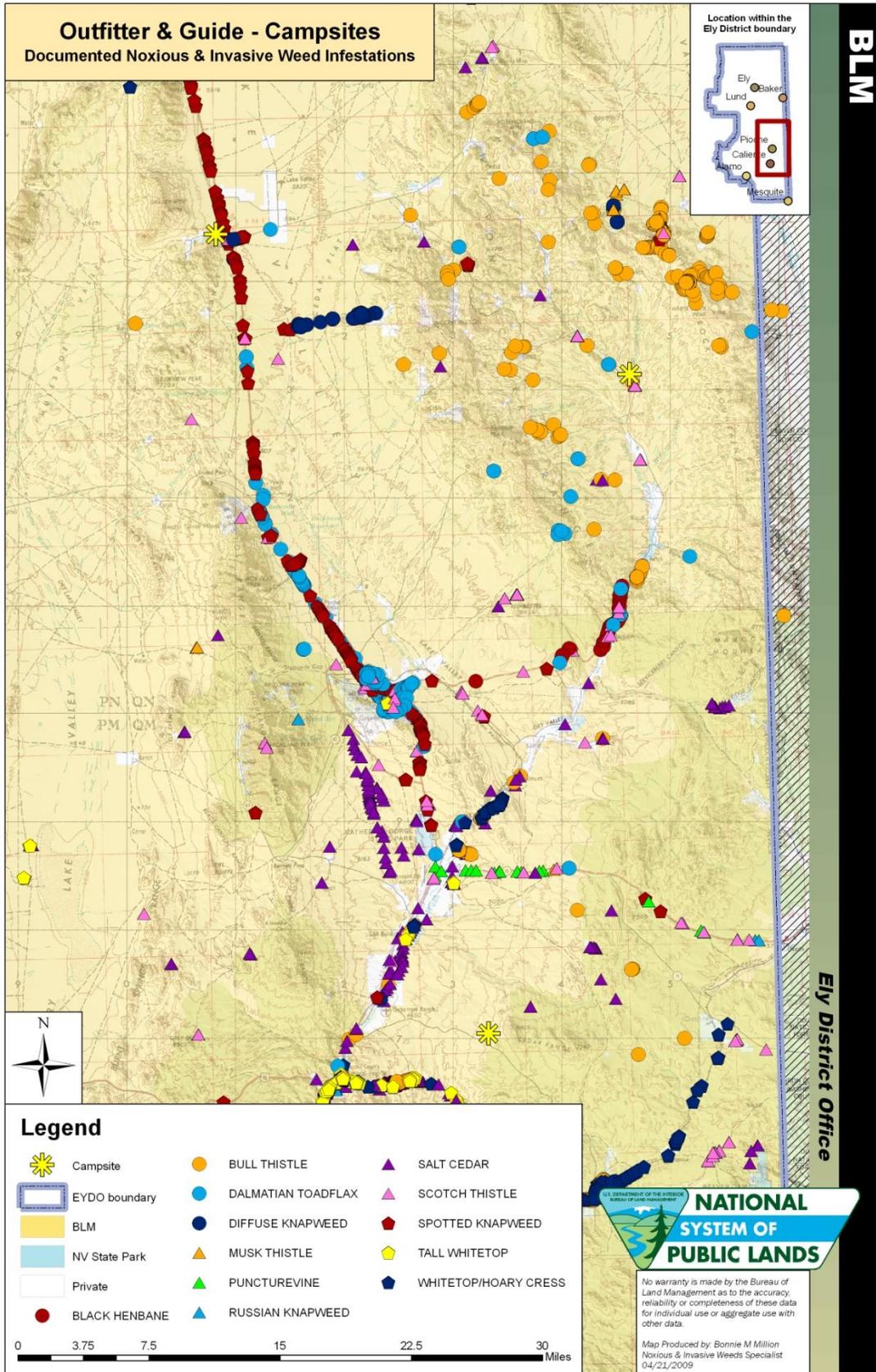


Outfitter & Guide - Hunt Areas 24 & 27
 Documented Noxious & Invasive Weed Infestations

Legend

- | | | | |
|--|-------------------------|--|----------------------|
| | Hunt Management Area 24 | | MUSK THISTLE |
| | Hunt Management Area 27 | | POISON HEMLOCK |
| | EYDO boundary | | PUNCTUREVINE |
| | BLM | | RUSSIAN Knapweed |
| | NV State Park | | SAHARA MUSTARD |
| | NV Dept of Wildlife | | SALT CEDAR |
| | Private | | SCOTCH THISTLE |
| | | | SPOTTED Knapweed |
| | | | TALL WHITETOP |
| | | | TREE OF HEAVEN |
| | | | WHITETOP/HOARY CRESS |
| | | | WHITETOP/HOARY CRESS |





References

- BLM 2007. Proposed Resource Management Plan/Final Environmental Impact Statement for the Ely District. U.S Department of the Interior, Bureau of Land Management, Ely District Office, Ely, Nevada. November 2007, Recreation Section, Goals, pages 78-79.
- BLM 2008. BLM Handbook on the National Environmental Policy Act. Handbook H-1790-1. U.S Department of the Interior. Bureau of Land Management. Cumulative Effects. 6.8.3. Page 57-61.
- 43 Code of Federal Regulations. Permits for Recreation on Public Lands. Part 2930, pages 316-317.
- 40 Code of Federal Regulations. Council of Environmental Quality, Regulations for Implementation of NEPA. Section 1508.7.