

Appendix D

Management Actions

Taken from

Bureau of Land Management (BLM). 2007. Ely Proposed Resource Management Plan/Final Environmental Impact Statement. Bureau of Land Management, Ely Field Office. November 2007.

Applicable Ely RMP Management Decisions for Right-of-way Activities

Air Resources

AR-2: Coordinate with the Nevada Division of Environmental Protection prior to the planning of prescribed fires and other air quality related actions.

Water Resources

WR-1: Ensure authorized activities on public lands do not degrade water quality by complying with the Clean Water Act and Nevada Water Pollution Control Regulations (Nevada Revised Statute 445A). Cooperate with the Nevada Division of Environmental Protection to reduce non-point source water pollution as per the Memorandum of Understanding between the Bureau of Land Management (BLM) and Nevada Division of Environmental Protection dated September 2004.

WR-2: Integrate land health standards, best management practices, and appropriate mitigation measures into authorized activities to ensure water quality meets state requirements and BLM resource management objectives (BLM Manual 7240 Nevada Supplement).

Soil Resources

SR-1: Restore and maintain desired range of conditions to increase infiltration, conserve soil moisture, promote groundwater recharge, and ground cover composition (including litter and biotic crusts) to increase or maintain surface soil stability and nutrient cycling.

SR-2: For soil disturbing actions which will require reclamation, salvage and stockpile all available growth medium prior to surface disturbances. Seed stock piles if they are to be left for more than one growing season. Re-contour all disturbance areas to blend as nearly as possible with the natural topography prior to re-vegetation. Rip all compacted portions of the disturbance to an appropriate depth based on site characteristics. Establish an adequate seed bed to provide good seed-to-soil contact.

SR-3: Protect soils from high compaction during surface disturbing activities through soil moisture and/or seasonal use restrictions commensurate with soil surface texture or other properties on a case-by-case basis.

Vegetation Resources

General Vegetation Management

VEG-7: Determine seed mixes on a site-specific basis dependent on the probability of successful establishment. Use native and adapted species that compete with annual invasive species or meet other objectives.

Parameter – Salt Desert Shrub

VEG-15: Intensively manage areas currently in the herbaceous state to facilitate conversion to the shrub state.

Parameter – Sagebrush (basin big sagebrush, Wyoming big sagebrush, mountain big sagebrush, and black sagebrush)

VEG-17: Integrate treatments to establish and maintain the desired herbaceous state or early shrub state where sagebrush is present along with a robust understory of perennial species.

Parameter – Mojave Desert Vegetation

VEG-22: Intensively manage areas currently in the herbaceous state to facilitate conversion to the shrub state.

Parameter – Riparian/Wetlands

VEG-23: Promote vegetation structure and diversity that is appropriate and effective in controlling erosion, stabilizing stream banks, healing channel incisions, shading water, filtering sediment, and dissipating energy, in order to provide for stable water flow and bank stability.

VEG-24: Focus management actions on uses and activities that allow for the protection, maintenance, and restoration of riparian habitat.

Fish and Wildlife**General Wildlife Habitat Management (Aquatic and Terrestrial)**

WL-1: Emphasize management of priority habitats for priority species. (See the discussion on Vegetation Resources for the desired range of conditions for the various vegetation communities.)

WL-4: Mitigate all discretionary permitted activities that result in the loss of aquatic and priority wildlife habitats by improving 2 acres of comparable habitat for every 1 acre of lost habitat as determined on a project-by-project basis.

Parameter – Elk, Mule Deer, Pronghorn Antelope, and Rocky Mountain Bighorn Sheep Habitats

WL-6: Where appropriate, restrict permitted activities in big game calving/fawning/kidding/lambing grounds and crucial summer range from April 15 through June 30.

WL-7: Where appropriate, restrict permitted activities in crucial winter range from November 1 through March 31.

Parameter – Desert Bighorn Sheep Habitat

WL-13: Where appropriate, restrict permitted activities within occupied desert bighorn sheep habitat from March 1 through May 31 and from July 1 through August 31.

Parameter – Migratory Bird Habitat

WL-16: When planning projects, consider migratory birds, as appropriate, to minimize take and limit impacts.

Special Status Species***Parameter – Special Status Species Habitat***

SS-4: Where appropriate, restrict permitted activities from May 1 through July 15 within 0.5 mile of raptor nest sites unless the nest site has been determined to be inactive for at least the previous 5 years.

SS-6: Use the Revised Nevada Bat Conservation Plan (Bradley et al. 2006) for guidance on implementation of bat management actions, such as:

- Limiting off-highway vehicle travel in or near riparian habitat;
- Stopping conversion of native sagebrush vegetation communities to annual grasslands, and restoration to native rangelands; and
- Installing escape ramps in artificial water sources.

SS-8: In vegetation communities, especially riparian areas and pinyon-juniper woodlands, consider the habitat needs of obligate bat species in restoration treatments.

SS-10: Mitigate all discretionary permitted activities that result in the loss of special status species habitats on a ratio of 2 acres of comparable habitat for every 1 acre of lost habitat as determined on a project-by-project basis. This will not

apply to desert tortoise habitat as remuneration fees and other measures to minimize effects to the tortoise are required for disturbance in desert tortoise habitat.

Parameter – Mojave Desert Scrub Habitat

SS-24: Manage desert tortoise habitat by implementing those actions and strategies identified in the Desert Tortoise Recovery Plan, and appropriate actions from future habitat conservation plans that the Ely District Office has the authority to implement.

SS-25: Coordinate with the U.S. Fish and Wildlife Service and the Nevada Department of Wildlife to inventory desert tortoise habitat and desert tortoise populations. Management would be consistent with the Biological Opinion.

SS-32: Where appropriate, restrict permitted activities from March 1 through October 31 within desert tortoise habitat.

SS-33: Implement the following management actions for desert tortoise habitat. Implement the additional conditions for desert tortoise and conditions for the Southwest willow flycatcher, White River springfish, Pahrump poolfish, and Big Springs spinedace habitat contained in the 2008 Biological Opinion (also refer to discussions on Wild Horses, Lands and Realty, Recreation, Geology and Minerals, and Fire Management).

- Within desert tortoise ACECs: If fence construction occurs during the tortoise active season, a qualified tortoise biologist will be onsite during construction of the tortoise-proof fence to ensure that no tortoises are harmed. If the fence is constructed during the tortoise inactive season, a qualified tortoise biologist will thoroughly examine the proposed fence line and burrows for the presence of tortoises no more than three days before construction. Any desert tortoises or eggs found in the fence line will be relocated offsite by the biologist in accordance with approved protocol (Desert Tortoise Council 1994, 1999). Tortoise burrows that occur immediately outside of the fence alignment that can be avoided by fence construction activities will be clearly marked to prevent crushing.
- Within desert tortoise ACECs: Projects will require fencing, unless determined by the BLM authorized officer and U.S. Fish and Wildlife Service that the project should not be fenced. In accordance with current specifications, fencing will consist of 1-inch horizontal by 2-inch vertical mesh. The mesh will extend at least 18 inches aboveground and, where feasible, 6 to 12 inches belowground. In situations where it is not feasible to bury the fence, the lower 6 to 12 inches of the fence will be bent at a 90 degree angle towards potentially approaching tortoises and covered with cobble or other suitable material to ensure that tortoise or other animals cannot dig underneath.
- Within desert tortoise ACECs: Tortoise fencing will be inspected on a quarterly basis, and any repairs completed within 72 hours from March 1 through October 31, and within 7 days from November 1 through February 28/29. The operator will inspect the fencing at least on a quarterly basis and after major precipitation events to ensure zero ground clearance. Monitoring and maintenance will include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried. The operator will perform maintenance when needed including removing trash, sediment accumulation, and other debris. Fencing will be removed upon termination and reclamation of the project, or when it is determined by the BLM authorized officer and U.S. Fish and Wildlife Service that the fence is no longer necessary.
- Within desert tortoise ACECs: During surface-disturbing activities, tortoise burrows will be avoided whenever possible. If a tortoise is found onsite during project activities, which may result in take of the tortoise (i.e., in harm's way), such activities will cease until the tortoise moves, or is moved, out of harm's way. The tortoise will be moved by a qualified tortoise biologist. All workers also will be instructed to check underneath all vehicles before moving such vehicles and within stockpiled materials. Tortoises often take cover under vehicles and construct burrows in stockpiled material.
- Within desert tortoise ACECs: The BLM authorized officer will approve the selected consulting firm/biologist to be used by the applicant to implement the terms and conditions of the permit issued by the BLM. Any biologist and/or firm not previously approved will submit a curriculum vitae and be approved by the BLM authorized officer. Other

personnel may assist with implementing terms and conditions that involve tortoise handling, monitoring, or surveys, only under direct field supervision of the approved, qualified biologist.

- Within desert tortoise ACECs: Tortoises and nests that are found will be handled and relocated by a qualified tortoise biologist in accordance with U.S. Fish and Wildlife Service-approved protocol. Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs. Desert tortoises moved during the tortoise inactive season or those in hibernation, regardless of date, will be placed into an adequate burrow; if one is not available, one will be constructed in accordance with Desert Tortoise Council protocol. During mild temperature periods in the spring and early fall, tortoises removed from the site will not necessarily be placed in a burrow. Tortoises and burrows will only be relocated to federally managed lands. If the responsible federal agency is not the BLM, verbal permission, followed by written concurrence, will be obtained before relocating the tortoise or eggs to lands not managed by the BLM.
- Desert tortoises moved in the winter (i.e., November 1 through February 28/29), or those in hibernation regardless of date, will be placed into an adequate burrow; if one is not available, one will be constructed utilizing the protocol for burrows in Section B.5.f. of the U.S. Fish and Wildlife Service-approved guidelines (U.S. Fish and Wildlife Service 1994).
- All projects in desert tortoise habitat will be reviewed by the BLM's wildlife staff to ensure that appropriate measures have been incorporated into the BLM authorization (e.g., material site, land sale, or off-highway vehicle event) to minimize the potential take of desert tortoise and loss of habitat.
- A BLM representative(s) will be designated and will be responsible for overseeing compliance with terms and conditions of all permitted activities and reporting requirements. The designated representative will provide coordination among the permittee, project proponent, the BLM, and the U.S. Fish and Wildlife Service.

Parameter – Great Basin Sagebrush Habitat

SS-38: Maintain intact and quality sagebrush habitat. Prioritize habitat maintenance actions from the BLM National Sage Grouse Conservation Strategy to: 1) maintain large areas of high quality sagebrush currently occupied by greater sage-grouse; 2) maintain habitats which connect seasonal sagebrush habitats in occupied source habitats; and 3) maintain habitats that connect seasonal sagebrush habitats in occupied isolated habitats.

SS-39: Implement proactive and large scale management actions to restore lost, degraded, or fragmented sagebrush habitats and increase greater sage-grouse populations. Prioritize habitat restoration actions from the BLM National Sage Grouse Conservation Strategy to: 1) reconnect large patches of high quality seasonal habitats, which greater sage-grouse currently occupy; 2) enlarge sagebrush habitat in areas greater sage-grouse currently occupy; 3) reconnect stronghold/source habitats currently occupied by greater sage-grouse with isolated habitats currently occupied by greater sage-grouse; 4) reconnect currently occupied and isolated habitats; 5) restore potential sagebrush habitats that currently are not occupied by greater sage-grouse. Develop allowable use restrictions in greater sage-grouse habitats undergoing restoration, on a case-by-case basis, as dictated by monitoring.

SS-40: Outside of designated corridors, above-ground facilities will not be constructed within 0.25 mile of greater sage-grouse leks. Underground facilities will not be installed within 0.25 mile of greater sage-grouse leks unless the vegetation can be established to pre-disturbance conditions within a reasonable period of time. No new roads will be constructed within 0.25 mile of greater sage-grouse leks. Exceptions may be granted by the authorized officer, in consultation with Nevada Department of Wildlife, if the project can be designed so that it will not affect breeding activity nor degrade the integrity of the habitat associated with the lek, or if the lek has been inactive for at least 5 consecutive years or the habitat has changed such that there is no likelihood that the lek will become active.

SS-41: Where appropriate, restrict permitted activities from March 1 through May 15 within 2 miles of an active greater sage-grouse lek.

SS-42: Where appropriate, restrict permitted activities from November 1 through March 31 within greater sage-grouse winter range.

SS-43: Survey all proposed ground disturbing activities in suitable pygmy rabbit habitat utilizing the appropriate protocol. Surveys will be completed by a qualified biologist approved by the Ely District Office.

Wild Horses

General Wild Horse Management

WH-3: Do not construct permanent fences that prohibit the free-roaming behavior of wild horses or prevent wild horses from moving within herd management areas. Remove existing fences within herd management areas that restrict the free-roaming behavior of wild horses.

Visual Resources

VR-1: Manage designated wilderness, wilderness study areas, and some special designation areas such as ACECs (see the discussion on Special Designations) for scenic qualities under Visual Resource Management Class I objectives.

VR-3: Manage visual resources in accordance with the following visual resource management classes (approximate acreages).

Class I: 1,138,730 acres
 Class II: 1,966,212 acres
 Class III: 5,205,134 acres
 Class IV: 3,146,526 acres

Lands and Realty

Parameter – Corridors

- B. Retain the 0.5 mile wide east-west Falcon to Gonder corridor interconnecting with the Ely-to-Utah State Line portion of the Southwest Intertie Project corridor.
- C. Retain the Ely to Utah State Line portion of the Southwest Intertie Project corridor at 0.5 mile wide.
- D. Designate the approved Southwest Intertie Project corridor at 0.75 mile wide from the Elko/White Pine County line to the point where it parallels Highway 93 and the Pahrnatat Wildlife Refuge, and at 0.5 mile wide from that point to the Clark County line.
- F. Maintain the corridors designated by the Lincoln County Conservation, Recreation and Development Act at 0.5 mile wide.
- G. Designate a new, 0.5-mile-wide corridor, beginning near the Atlanta Mine where the Lincoln County Conservation, Recreation, and Development Act corridor ends; following a northerly direction along the west side of Spring Valley; and ending at the Southwest Intertie Project corridor.

LR-48: Coordinate with the U.S. Fish and Wildlife Service on utility line development and Avian Protection Plan guidelines.

LR-49: Implement the following management actions for desert tortoise habitat. Implement the additional conditions for desert tortoise and conditions for the Southwest willow flycatcher, White River springfish, Pahrump poolfish, and Big Springs spinedace habitat contained in the 2008 Biological Opinion (also refer to discussions on Special Status Species and Geology and Minerals).

- A speed limit of 25 miles per hour will be required for all vehicles on the project site and unposted dirt access roads.

- If possible, overnight parking and storage of equipment and materials, including stockpiling, will occur in previously disturbed areas or areas to be disturbed that have been cleared by a qualified tortoise biologist. If not possible, areas for overnight parking and storage of equipment will be designated by the BLM authorized officer based on recommendations of a qualified tortoise biologist.
- All vehicular traffic will be restricted to existing access roads, or those roads approved by the BLM authorized officer in consultation with the U.S. Fish and Wildlife Service.
- Project activity areas will be clearly marked or flagged at the outer boundaries before the onset of construction. All activities will be confined to designated areas. Blading of vegetation will occur only to the extent necessary and will be limited to areas designated for that purpose by the BLM authorized officer based on recommendations from a qualified tortoise biologist.
- Projects resulting in residual impacts will require the submission of a BLM and U.S. Fish and Wildlife Service-approved reclamation plan, unless determined by the BLM authorized officer and U.S. Fish and Wildlife Service that reclamation or rehabilitation is not necessary. The reclamation/rehabilitation plan will describe objectives and methods to be used, species of plants and/or seed mixture to be used, time of planting, success standards, and follow-up monitoring. Depending upon the size and location of the project, reclamation could range from recontouring, to rehabilitation and restriction of access points, to intensive reclamation over the entire area of surface disturbance. The plan will be prepared within 60 days following completion of the surface disturbance phase of the project. Reclamation will be addressed on a case-by case basis.
- If trenches or holes are to remain open overnight, they will be checked for tortoises at the end and beginning of each workday. The trenches or holes also will be checked immediately prior to backfilling.
- The project applicant will notify the BLM's authorized officer at least ten days before initiation of any project. Notification will be made to the BLM's wildlife staff in Caliente or Ely.
- BLM's wildlife staff in Caliente or Ely and the U.S. Fish and Wildlife Service's Southern Nevada District Office must be notified of any desert tortoise death or injury due to the project implementation by close of business on the following work day.
- All appropriate Nevada Department of Wildlife permits or letters of authorization will be acquired prior to handling desert tortoises and their parts, and prior to initiation of any activity that may require handling tortoises.
- The project proponent must submit a document to the BLM within 30 days of completion of the project, showing the number of acres disturbed; remuneration fees paid; and the number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during project activities.

Travel Management

TM-5: Limit motorized vehicle traffic to designated routes within desert tortoise habitat outside of designated wilderness. This action will be given a high priority for completion.

TM-6: Restrict the establishment of new permanent roads and trails in designated desert tortoise habitat. New access routes may be allowed on a temporary basis, or permanently if approved through the NEPA process.

TM-7: Reroute roads and trails, where feasible, to improve manageability of desert tortoise habitat.

Geology and Mineral Extraction

General Geology and Mineral Management

MIN-1: Implement the following management actions for desert tortoise habitat. Implement the additional conditions for desert tortoise and conditions for the Southwest willow flycatcher, White River springfish, Pahrump poolfish, and Big Springs spinedace habitat contained in the 2008 Biological Opinion (also refer to discussions on Special Status Species and Lands and Realty). This decision applies to fluid and solid leasable minerals, locatable minerals and mineral materials resources.

- Ensure, through the review of the proposed action and development of the mitigation measures, that the impacts from the proposed action will not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. The operator, U.S. Fish and Wildlife Service, and BLM will need to reach concurrence that proposed actions are below the jeopardy or adverse modification threshold. If it is determined that the proposed action will not be below the jeopardy or adverse modification threshold, the project will not go forward.

Noxious and Invasive Weeds

WEED-1: Continue to use integrated weed management to treat weed infestations and use principles of integrated pest management to meet management objectives and to reestablish resistant and resilient native vegetation communities.

WEED-2: Develop weed management plans that address weed vectors, minimize the movement of weeds within public lands, consider disturbance regimes, and address existing weed infestations.

WEED-3: When manual weed control is conducted, remove the cut weeds and weed parts and dispose of them in a manner designed to kill seeds and weed parts.

WEED-4: All straw, hay, straw/hay, or other organic products used for reclamation or stabilization activities, must be certified that all materials are free of plant species listed on the Nevada noxious weed list or specifically identified by the Ely District Office.

WEED-5: Where appropriate, inspect source sites such as borrow pits, fill sources, or gravel pits used to supply inorganic materials used for construction, maintenance or reclamation to ensure they are free of plant species listed on the Nevada noxious weed list or specifically identified by the Ely District Office. Inspections will be conducted by a weed scientist or qualified biologist.

WEED-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 propagules. Vehicles and equipment will be cleaned with power or high pressure equipment prior to entering or leaving the work site or project area. Vehicles used for emergency fire suppression will be cleaned as a part of check-in and demobilization procedures. Cleaning efforts will concentrate on tracks, feet or tires, and on the undercarriage. Special emphasis will be applied to axles, frames, cross members, motor mounts, 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 contact person.

WEED-8: Prior to the entry of vehicles and equipment to a planned disturbance area, a weed scientist or qualified biologist will identify and flag areas of concern. The flagging will alert personnel or participants to avoid areas of concern.

WEED-9: To minimize the transport of soil-borne noxious weed seeds, roots, or rhizomes, infested soils or materials will not be moved and redistributed on weed-free or relatively weed-free areas. In areas where infestations are identified or noted and infested soils, rock, or overburden must be moved, these materials will be salvaged and stockpiled adjacent

to the area from which they were stripped. Appropriate measures will be taken to minimize wind and water erosion of these stockpiles. During reclamation, the materials will be returned to the area from which they were stripped.

WEED-10: Prior to project approval, a site-specific weed survey will occur and a weed risk assessment will be completed. Monitoring will be conducted for a period no shorter than the life of the permit or until bond release and monitoring reports will be provided to the Ely District Office. If the presence and/or spread of noxious weeds is noted, appropriate weed control procedures will be determined in consultation with Ely District Office personnel and will be in compliance with the appropriate BLM Handbook sections and applicable laws and regulations. All weed control efforts on BLM-administered lands will be in compliance with BLM Handbook H-9011, H 9011-1 Chemical Pest Control, H-9014 Use of Biological Control Agents of Pests on Public Lands, and H-9015 Integrated Pest Management. Submission of Pesticide Use Proposals and Pesticide Application Records will be required.

Mitigation and Management Recommendations for Future Groundwater Development**Fish and Wildlife*****Parameter – Wildlife Water Developments***

WL-18: Restore natural water sources (i.e., springs and seeps) to increase water availability through restoration of riparian habitats and proper livestock and wild horse management.

WL-20: Use the criteria listed below to identify artificial wildlife water developments:

- To mitigate for loss of natural water sources;
- To mitigate for habitat loss or habitat fragmentation;
- To reduce inter-specific competition between wildlife, livestock, and wild horses;
- To reduce inter-specific competition between wildlife species; and
- In suitable wildlife habitat that is water limited.

Special Status Species

SS-9: Perform springsnail surveys prior to the development of any spring source.

Parameter – Great Basin Riparian Habitat

SS-11: Manage the refugium at Shoshone Ponds for Pahrump poolfish in accordance with the Recovery Plan for the Pahrump Killifish (now called the Pahrump poolfish).