



**Bureau of Land Management**  
Sierra Front Field Office  
Carson City District Office  
5665 Morgan Mill Road  
Carson City, NV 89701

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**Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)**  
U.S. Department of the Interior - Bureau of Land Management

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**A. BLM Office:** Sierra Front Field Office

**NEPA Log Number:** DOI-BLM-NV-C020-2018-0019-DNA

**Lease/Serial Case File No.:** Geothermal Lease Nomination NVN-095326

**Proposed Action Title/Type:** October 23, 2018 Geothermal Lease Sale – Lyon County Parcel NV-18-10-001

**Location/Legal of Proposed Action:** MDM T. 15 N., R. 25 E., sections 14, 15, 16, 22, & 23

**Applicant (if any):** Whitegrass No. 1, LLC

**Description of the Proposed Action and any applicable mitigation measures:**

The BLM is proposing to offer for lease one geothermal lease parcel (NV-18-10-001) covering approximately 1,520 acres in Lyon County, Nevada on October 23, 2018. Issuance of geothermal leases confers on the lessee a non-exclusive right to future exploration and an exclusive development right of the resource within the lease area. However, leasing geothermal resources does not confer on the lessee the right to proceed with any ground disturbing activities related to exploring for or developing geothermal resources. Issuance of geothermal leases could have indirect impacts because such leasing represents a commitment of resources and it is reasonably expected that subsequent exploration, development, and reclamation of facilities would occur. Proposals for exploration and/or development at specific sites would be examined for conformance with the land use plan and analyzed through the NEPA process at the time the proposals are submitted. Any proposal for exploration and/or development would be analyzed as required by NEPA.

A geothermal lease typically grants the lessee access to geothermal resources in the lease area for a period of 10 years. The terms of the lease require the lessee to show a certain level of diligence toward developing the geothermal resources within the lease area or the lease may be terminated. Once an area is developed for productive use of geothermal

energy, the lease allows the lessee use of the resource for 40 years with a right of renewal for another 40 years. Geothermal exploration and production on public land conducted through leases is subject to terms and stipulations to comply with all applicable federal and state laws pertaining to various considerations for sanitation, water quality, wildlife, safety, and reclamation. Lease stipulations may be site specific and are derived from the environmental analysis process. The lease parcel review process is when stipulations that are site specific and derived from the current management plan for that specific area are attached to the lease parcel, prior to lease issuance.

Federal geothermal leases are initially issued through a competitive process. Only public lands that have been offered competitively and receive no bid are made available for noncompetitive leasing. Parcels not sold at the competitive sale become available for noncompetitive leasing for a 2-year period. Most lease applications are for a minimum of 640 acres. Lands not available for leasing are cited under Department of Interior, Bureau of Land Management, 43CFR §3201.11 Geothermal Resource Leasing and Geothermal Resources Unit Agreements and in the CRMP, 2001, as amended. Examples of public lands not open to fluid mineral leasing are Wilderness Areas, Wilderness Study Areas (WSAs), Areas of Critical Environmental Concern (ACECs), or Page 9 National Conservation Areas. Also excluded are tribal lands, wildlife refuges, wildlife management areas, and private land with titles that include all fluid mineral rights.

Stipulations that apply specifically to Parcel NV-18-10-001 are identified in Attachment 1 of this document. These stipulations include the Standard Notice to Lessee Stipulations that address Threatened and Endangered/ Sensitive/ Special Status Species, Migratory Birds, Cultural Resources and Tribal Consultation, Fossils, Water, Mining Claims, and Fire Management, which apply to all geothermal lease parcels in Nevada. Timing Limitations are stipulated for the whole parcel related to raptor nesting. A number of No Surface Occupancy and Controlled Surface Use stipulations have been applied to Parcel NV-18-10-001, largely on account of wetland-riparian and playa-based resource considerations, or because of cultural and tribal concerns related to those wetland-riparian-playa resources. A Notice to Lessee has been stipulated to identify the need for coordination relative to a NDOT mineral material site.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

<b>LUP Document</b>	<b>Sections</b>	<b>Date Approved</b>
Carson City District Office Consolidated Resource Management Plan	<p>Minerals and Energy:            MIN-1, Desired Outcomes, 1: Encourage development of energy and mineral resources in a timely manner to meet national, regional, and local needs consistent with the objectives for other public land uses.</p> <p>MIN-5, Standard Operating Procedures:            Leasable Minerals, 5: Oil, gas and geothermal exploration and production upon BLM land are conducted through leases with the Bureau and are subject to terms and stipulations to comply with all applicable federal and state laws pertaining to various considerations for sanitation, water quality, wildlife, safety and reclamation. Stipulations may be site specific and are derived from the environmental analysis process</p>	May 2001

The proposed action is in conformance with LUP decisions noted in the Sections above.

**C. Identify applicable NEPA documents and other related documents that cover the Proposed Action. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).**

<b>#</b>	<b>NEPA/Other Related Documents</b>	<b>Date Approved</b>
1	<b>Fluid Mineral Leasing Within Six Areas On The Carson City District, DOI-BLM-NV-C010-2014-0013-EA</b>	August 14, 2014
2	<b>Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States (PEIS), Record of Decision (ROD) signed December 17, 2008: <i>The decision 1) allocated BLM lands as either open or closed to consideration for geothermal leasing, 2) established a projected new level of potential geothermal development through existing planning level decisions (a reasonably foreseeable development scenario), and 3) adopted stipulations, BMPs, and procedures for geothermal leasing and development. The Geothermal ROD actions were to be implemented as amendments for 114 BLM land use plans. The BLM makes decisions whether or not to issue geothermal leases in conformance with the amended land use plans on the basis of the analysis in the Geothermal PEIS.</i></b>	December 17, 2008

**D. NEPA Adequacy Criteria**

- 1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis**

**area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?**

Yes, the proposed action is identical to the activities and within the project area analyzed in both the Fluid Mineral Leasing Within Six Areas On The Carson City District EA, signed in 2014 and the PEIS for Geothermal Leasing in the Western U.S., signed in 2008. All of the proposed lease parcels are within lease areas identified in the 2014 EA or nearly adjacent in locations geographically identical with similar resource conditions.

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

Yes, environmental concerns, interests, and resource values have not changed since the completion of the 2014 EA or the 2008 PEIS. The preferred action alternative analyzed in those documents is still appropriate since the environmental constraints of geothermal leasing have not changed: “approximately 118 million acres of public land would be allocated as open and 79 million acres of NFS land would be legally open to geothermal leasing for direct and indirect use subject to existing laws, regulations, formal orders, stipulations attached to the lease form, and the terms and conditions of the standard lease form. The authorized officer retains the discretion to issue leases with stipulations that impose moderate to major constraints on use of the surface of any leases in order to mitigate the impacts to other land uses or resource objectives as defined in the guiding resource management plan.”

- 3. Is the existing analysis adequate and are the conclusions adequate in light of any new information and circumstances (e.g., riparian proper functioning condition reports; rangeland health standards assessments; inventory and monitoring data; most recent USFWS lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances would not substantially change the analysis of the new proposed action?**

Yes, the anticipated impacts to the resources have not changed. The issuing of geothermal leases does not confer on the lessee the right to proceed with any ground disturbing activities related to exploring for or developing geothermal resources. Any future exploration or utilization projects on an issued lease, beyond casual use, would receive their own project specific environmental analysis. The proposed action of offering parcels for leasing will not have any adverse effect on human health or the environment. Any change to lists of sensitive or endangered species would be addressed in site specific environmental analysis should any future projects, beyond casual use, be proposed on an issued lease. As delineated by the habitat mapping process for the 2015 Greater Sage-Grouse management plan amendment, the proposed lease parcel does not fall within Greater Sage-Grouse habitat.

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

Yes, the 2014 EA and 2008 PEIS analyzed cumulative impacts on relevant resources. The cumulative impacts to public lands resulting from geothermal leasing would remain unchanged from those analyzed in the 2014 EA and in the 2008 PEIS. Lease issuance alone does not authorize any ground disturbing activities to explore for or develop geothermal resourced without site specific approval for the intended operation. Such approval would be subject to further environmental analysis with any attached lease stipulations, Conditions of Approval, and Best Management Practices developed through that process. Stipulations that apply to each parcel, developed from the leasing environmental documents, are included in Attachment 1.

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

Yes, geothermal leasing was analyzed in the 2014 EA and the 2008 PEIS and the public involvement for those documents is described in them. Consultation with other agencies and interested parties was conducted for those documents. Notification was provided to Yerington Paiute Tribe and Walker River Paiute Tribe government officials regarding the upcoming lease offerings.

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

<b>Name</b>	<b>Title</b>
Katrina Leavitt	Rangeland Ecologist
Alicia Jensen	Archeologist
Nicole Cutler	Hydrologist
Katrina Krause	Wildlife Biologist
John Axtell	Wild Horse and Burro
Dean Tonenna	Botanist
Arthur Callan	Outdoor Recreation Specialist
Taylor Burnham	Geologist
Matthew Simons	Realty Specialist
David Schroeder	Natural Resources Specialist

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

**F. Mitigation Measures:** List and applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA documents(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures have been incorporated and implemented.

The 2008 PEIS includes Lease Stipulations that would be attached (where applicable) to any lease parcels offered for lease and Best Management Practices that would be incorporated, as appropriate, into future permit applications by lessees or included in the approved use authorization by the BLM as conditions of approval. The stipulations that could be attached to the lease and applied to subsequent applications for geothermal exploration, drilling, and utilization are found in Chapter 2 "Resource Management Plan Amendments", Section 2.3 "Stipulations and BMPs" of the Record of Decision (ROD) for the 2008 PEIS. Best Management Practices that would be incorporated into post-leasing permit applications or included as conditions of approval in an approved use authorization are found in Appendix B "Best Management Practices – Mitigation Measures" of the ROD for the 2008 PEIS.

The stipulations identified as applicable to this lease are located in Attachment 1 of this document.

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

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



Victoria Wilkins, Assistant Field Manager

6/18/18

Date



Gerrit Buma, Planning and Environmental Coordinator

6/15/18

Date



Bryant D. Smith, Sierra Front Field Manager

6/18/2018

Date

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

# **Attachment 1**

## **Stipulations for Geothermal Lease Parcel NV-18-10-001**

### **Wabuska, Lyon County**

#### **I. BLM Nevada Standard Stipulations (#NV-C-00-A-LN)**

These stipulations and notices apply to all parcels all lands and represent standard Best Management Practices for ensuring compliance with extant Federal Laws and resource protection.

##### **T&E, Sensitive and Special Status Species**

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

##### **Migratory Birds**

The Operator is responsible for compliance with provisions of the Migratory Bird Treaty Act by implementing measures to prevent take of migratory birds. Operators should be aware that any ground clearing or other disturbance (such as creating cross-country access to sites, drilling, and/or construction) during the migratory bird (including raptors) nesting season (March 1 -July 31) risks a violation of the Migratory Bird Treaty Act. Disturbance to nesting migratory birds should be avoided by conducting surface disturbing activities outside the migratory bird nesting season.

If surface disturbing activities must be implemented during the nesting season, a preconstruction survey for nesting migratory birds should be performed by a qualified wildlife biologist, during the breeding season (if work is not completed within a specified time frame, then additional surveys may be needed). If active nests are found, an appropriately-sized no surface disturbance buffer determined in coordination with the BLM biologist should be placed on the active nest until the nesting attempt has been completed. If no active nests are found, construction activities must occur within the survey validity time frame specified in the conditions of approval.

##### **Cultural Resources and Tribal Consultation**



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

#### **Fossils**

This area has low to moderate potential for vertebrate paleontological resources, unless noted to have higher potential in a separate stipulation. This area may contain vertebrate paleontological resources. Inventory and/or on-site monitoring during disturbance or spot checking may be required of the operator. In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) will be left intact and immediately brought to the attention of the authorized officer of the BLM. Operations within 250 feet of any such discovery will not be resumed until written authorization to proceed is issued by the Authorized Officer. The lessee will bear the cost of any required paleontological appraisals, surface collection of fossils, or salvage of any large conspicuous fossils of significant scientific interest discovered during the operations.

#### **Water**

The Operator is responsible for compliance with provisions of the Clean Water Act, Safe Drinking Water Act, and applicable State laws and regulations regarding protection of state water resources. Operators should contact Nevada Division of Water Resources and Nevada Division of Environmental Protection regarding necessary permits and compliance measures for any construction or other activities.

#### **Mining Claims**

This parcel may contain existing mining claims and/or mill sites located under the 1872 Mining Law. To the extent it does, the oil and gas lessee must conduct its operations, so far as reasonably practicable, to avoid damage to any known deposit of any mineral for which any mining claim on this parcel is located, and should not endanger or unreasonably or materially interfere with the mining claimant's operations, including any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations. The provisions of the Multiple Mineral Development Act (30 U.S.C. 521 et seq.) shall apply on the leased lands.

#### **Fire**

The following precautionary measures should be taken to prevent wildland fires. In the event your operations should start a fire, you could be held liable for all suppression costs.

- All vehicles should carry fire extinguishers and a minimum of 10 gallons of water.
- Adequate fire-fighting equipment i.e. shovel, pulaski, extinguisher(s) and a minimum 10 gallons of water should be kept at the drill site(s).
- Vehicle catalytic converters should be inspected often and cleaned of all brush and grass debris.
- When conducting welding operations, they should be conducted in an area free from or mostly

free from vegetation. A minimum of 10 gallons water and a shovel should be on hand to extinguish any fires created from the sparks. Extra personnel should be at the welding site to watch for fires created by welding sparks.

- Report wildland fires immediately to the BLM Sierra Front Interagency Dispatch Center (SFIDC) at (775) 883-5995. Helpful information to reported is location (latitude and longitude if possible), what's burning, time started, who/what is near the fire and direction of fire spread.
- When conducting operations during the months of May through September, the operator must contact the BLM Carson City District Office, Division of Fire and Aviation at (775) 885-6000 to find out about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates for your activities.

## **II. Sites Eligible for National Register of Historic Places (#NV-C-07-C-NSO)**

**Stipulation:** No Surface Occupancy (NSO) within National Register-eligible Properties and Districts. Prior to surface disturbance, a survey would be required confirm the Area of Potential Effect of National Register-eligible Properties (NRHP) and Districts.

**Objective [Purpose]:** To protect National Register-eligible Properties and Districts setting and visual integrity critical to their eligibility.

**Exception:** The Authorized Officer may grant an exception if the BLM determines, in consultation with the Nevada SHPO (if required by the Statewide Protocol Agreement), that the action, as proposed or otherwise restricted, will not adversely affect National Register-listed Properties and Districts, National Historic Landmarks, and Traditional Cultural Properties listed or eligible for the NRHP. An exception may also be granted if BLM, in consultation with the Nevada State Historic Preservation Office (SHPO), negotiate mitigation that would satisfactorily take into account any anticipated adverse effects. The authorized officer may also grant an exception if the BLM determines, in consultation with Tribes, interested parties, and the Nevada SHPO (if required by the Statewide Protocol Agreement) that the action, as proposed or otherwise restricted, does not adversely affect Traditional Cultural Properties (TCP) listed on, or eligible for the NRHP.

**Modification:** The Authorized Officer may modify the size and shape of the NSO restricted area if the BLM determines, in consultation with the Nevada SHPO, interested parties, and/or Tribes, that the Area of Potential Effect to the National Register-listed Properties and Districts, National Historic Landmarks, and TCPs listed or eligible on the NRHP may be modified without causing adverse effects from those described in the original stipulation. Any modification authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial modifications.

**Waiver:** NSO restrictions may be waived if it is determined that the described lands do not, in fact, contain sites listed on the NRHP or TCPs listed or eligible for the NRHP, or if the described lands within extended boundaries are determined to be not necessary to protect listed sites or listed or eligible TCPs where the setting and visual integrity are critical to their eligibility. Any waiver authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial waivers.

<u>Parcel #</u>	<u>Legal Description</u>
NV-18-10-001	T. 0150N, R. 0250E, 21 MDM, NV Sec. 014 NW, SE; 015 N2; 016 N2; 022 N2NE, SWNE, NWSE; 023 N2, N2SW;

### **III. Riparian Habitat (#NV-C-10-A-NSO)**

**Stipulation:** No Surface Occupancy (NSO) on and within riparian-wetland vegetated areas to protect the values and functions of these areas.

**Objective [Purpose]:** To protect the values and functions of riparian and wetland areas based on the nature, extent, and value of the area potentially affected.

**Exception:** The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not affect the resource. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. An exception may be granted for actions designed to enhance the long-term utility or availability of the riparian habitat.

**Modification:** The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource differs from that in the otherwise applicable restriction. Any modification authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial modifications.

**Waiver:** The restriction may be waived if it is determined that the described lands do not contain the subject resource, or are incapable of serving the requirements of the resource and therefore no longer warrant consideration as a component necessary for protection of the resource. Any waiver authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial waivers.

**Parcel #**

**Legal Description**

NV-18-10-001

T. 0150N, R. 0250E, 21 MDM, NV  
Sec. 014 NW, SE;  
015 N2;  
016 NE;  
022 N2NE, SWNE, NWSE;  
023 N2, N2SW;

#### **IV. Riparian Habitat Buffer (#NV-C-10-B-CSU)**

**Stipulation:** Controlled Surface Use (CSU) will be applied within 500 feet of riparian-wetland vegetation to protect the values and functions of these areas. An engineering plan or a study may be required by the operator that identifies the extent of the resource or how the resource will be managed or protected.

**Objective [Purpose]:** To protect the values and functions of riparian and wetland areas based on the nature, extent, and value of the area potentially affected.

**Exception:** The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not affect the resource. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. An exception may be granted for actions designed to enhance the long-term utility or availability of the riparian habitat.

**Modification:** The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource differs from that in the otherwise applicable restriction. Any modification authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial modifications.

**Waiver:** The restriction may be waived if it is determined that the described lands do not contain the subject resource, or are incapable of serving the requirements of the resource and therefore no longer warrant consideration as a component necessary for protection of the resource. Any waiver authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial waivers.

**Parcel #**

**Legal Description**

NV-18-10-001

T. 0150N, R. 0250E, 21 MDM, NV  
Sec. 014 NW, SE;  
015 N2;  
016 NE;  
022 N2NE, SWNE, NWSE;  
023 N2, N2SW;

**V. Playas**  
**(#NV-C-10-D-NSO)**

**Stipulation:** No Surface Occupancy (NSO) on playas. Playas are defined as the ephemeral round depressions within areas of dry lake beds in which water collects after a rain event and evaporates relatively quickly.

**Objective [Purpose]:** Protection of playas.

**Exception:** The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not affect the resource. An exception may also be granted if the proponent, BLM, and other affected interests (e.g. NDOW) negotiate mitigation that would satisfactorily offset the anticipated negative impacts. An exception may be granted for actions designed to enhance the long-term utility or availability of the playa resource.

**Modification:** The Authorized Officer may modify the size and shape of the restricted area if an environmental analysis indicates the actual suitability of the land for the resource differs from that in the otherwise applicable restriction. Any modification authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial modifications.

**Waiver:** The restriction may be waived if it is determined that the described lands do not contain the subject resource, or are incapable of serving the requirements of the resource and therefore no longer warrant consideration as a component necessary for protection of the resource. Any waiver authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial waivers.

**Parcel #**

**Legal Description**

NV-18-10-001

T. 0150N, R. 0250E, 21 MDM, NV  
Sec. 014 NW, SE;  
015 NE;  
022 N2NE, SWNE, NWSE;  
023 N2, N2SW;

**VI. Notice to Lessee - NDOT Mineral Pits  
(#NV-C-12-A-NTL)**

The lessee accepts this lease subject to the right of the State of Nevada to remove road building material from the land embraced in Material Site No. NVCC-0018421 and agrees that its operations will not interfere with the material operations of the Department of Transportation.

**Parcel #**

**Legal Description**

NV-18-10-001

T. 0150N, R. 0250E, 21 MDM, NV  
Sec. 016 SWNW;

## **VIII. Raptor Nest Sites (#NV-C-06-B-TL)**

**Stipulation: Timing Limitation.** No surface activity from March 1 through August 31 within 0.5 mile of a raptor nest site which has been active within the past five years.

**Objective [Purpose]:** To protect raptor nesting activities necessary to maintaining the critical life stages of existing raptor populations.

**Exception:** The Authorized Officer may grant an exception if an environmental review determines that the action, as proposed or otherwise restricted, does not adversely affect raptor nest sites being protected by the restriction. An exception may also be granted if the proponent, BLM, and other affected interests, in consultation with Nevada Department of Wildlife, negotiate mitigation that would satisfactorily offset the anticipated impacts. An exception may be granted for actions designed to enhance the long-term utility or availability of the habitat.

**Modification:** The boundaries of the stipulated area may be modified if the authorized officer, in consultation with Nevada Department of Wildlife, determines that portions of the area can be occupied without adversely affecting raptor nesting activity. The dates for the timing restriction may be modified if new information indicates the dates are not valid for the leasehold. Any modification authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial modifications.

**Waiver:** The stipulation may be waived if the authorized officer, in consultation with Nevada Department of Wildlife determines that the entire leasehold no longer contains raptor nest sites. Any waiver authorized by this stipulation is subject to 43 C.F.R. 3101.1-4, including provisions requiring public review for issues of major public concern, or substantial waivers.

**Parcel #**

**Legal Description**

NV-18-10-001

T. 0150N, R. 0250E, 21 MDM, NV  
Sec. 014 NW, SE;  
015 N2;  
016 N2;  
022 N2NE, SWNE, NWSE;  
023 N2, N2SW;