

Stipulations for

Proposed Trail Analysis for BLM-FHWA Red Rock Canyon National Conservation Area: NV FLAP 500(1) Red Rock Trail and Intersections Improvements Project

NEPA #: DOI-BLM-NV-S020-2021-0008-EA
Casefile #: _TBD

In addition to items (a), (b), (c), and (d) and the Terms and Conditions in the appendices of the authorization, the following special stipulations are included as part of this grant.

These stipulations also include mitigation measures to minimize effects to environmental resources.

The stipulations must be implemented unless the stipulation is not applicable to the Activity/Event authorized by U.S. Bureau of Land Management (BLM). Stipulations that include “if applicable, if used, or if constructed” are to be implemented if the Authorized Activity/Event includes that activity or design. Stipulations specific to individual locations or specific activities may be added in addition to these stipulations at the discretion of the Authorized Officer.

These stipulations may be modified or changed at any time by the BLM prior to the Authorized activity.

STIPULATIONS

1. General Stipulations

- 1.1. The Holder shall comply with all applicable local, state, and federal laws and regulations for the protection of resources and the environment, to include but not limited to air, cultural, hazmat, soil, vegetation, water, wildlife.
- 1.2. The Holder shall ensure that all persons operating under the authorization have obtained all required federal, state, and local licenses or registrations. The Holder shall make every reasonable effort to ensure compliance with these requirements by all agents of the Holder and all clients, costumers, participants, or spectators under the Holder supervision.
- 1.3. Any unauthorized disturbance as a result of the permitted activity is ground for denial of future permits.
- 1.4. The painting of rocks or the establishment of permanent markers or improvements is prohibited.
- 1.5. As part of project reclamation, the Holder will be responsible for ensuring that any boreholes, wells, or other openings in the ground are backfilled and properly covered, according to the Nevada Regulatory Statues.
- 1.6. The Holder shall remove from public land and properly dispose of any and all trash, litter, debris, waste, excess materials, including flagging and signs, or other substances and materials resulting from the use under this authorization. All trash and food items shall be promptly contained within closed, raven-proof containers at the end of each day.

2. Cultural Resources

- 2.1. Collecting or disturbing archaeological artifacts or sites is prohibited by law. Any cultural resource (historic or pre-contact) discovered by the Holder, or any person working on their behalf on public or federal lands, shall immediately be reported to the BLM Authorized Officer. The Holder shall suspend all operations within 30 meters (100 feet), until written authorization to proceed is issued by the BLM Authorized Officer. An evaluation of the discovery will be made by the BLM to determine appropriate actions to prevent the loss of cultural or scientific values. The Holder shall be responsible for the cost of the evaluation. Any decision regarding suitable mitigation measures will be made by the BLM Authorized Officer. The Holder shall be responsible for the resultant mitigation costs.

3. Paleontological Resources

- 3.1. Collecting or disturbing paleontological resources (known as localities) is prohibited by law. Any paleontological resource discovered by the Holder, or any person working on their behalf on public or federal lands, shall immediately be reported to the BLM Authorized Officer. Holder shall suspend all operations within 30 meters (100 feet), until written authorization to proceed is issued by the BLM Authorized Officer. An evaluation of the discovery will be made by the BLM to determine appropriate actions to prevent the loss of the fossil and the associated scientific values. The Holder shall be responsible for the cost of the evaluation. Any decision regarding suitable mitigation measures will be made by the BLM Authorized Officer. The Holder shall be responsible for the resultant mitigation costs.

4. Fire and Fuels

- 4.1. Compliance with fire restrictions is mandatory while fire restrictions are in effect (*43 Code of Federal Regulations* [CFR] 9212). Fire restrictions are generally enacted May through October. Fire restriction orders are available for review at BLM district offices and on the BLM website.
- 4.2. All proposed permit activities will follow fire restrictions as stated in the annual fire restrictions order and Resource Management Plan.
- 4.3. The Holder will do everything reasonable, both independently and upon request of the BLM Authorized Officer to prevent fires caused by their activity on or near lands used. Compensation may be required of the Holder for federal, state, or private interests in suppression and rehabilitation expenses incurred from such activities.
- 4.4. The use of standard fire prevention measures should be practiced at all times (43 CFR 2805.12). Conditions that support wildfires can occur any time of the year in southern Nevada.
- 4.5. The Holder shall immediately report fires to 911 or (702) 631-2350 and make all accommodations to allow immediate safe entry of firefighting apparatus and personnel.
- 4.6. An Origin and Cause Investigation will be carried out on any human-caused fire by BLM law enforcement or their designated representative. To minimize disturbance of potential evidence located at the fire scene, the Applicant/Proponent shall properly handle and preserve evidence in coordination with the BLM. The BLM shall pursue cost recovery for all costs and damages incurred from human-caused fires on BLM lands when the responsible party(s) has been identified and evidence of legal liability or intent exists. Legal liability includes, but is not limited to, negligence and strict liability (including statutory and contractual liability), and products liability.

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5. Fish and Wildlife

- 5.1. The Holder shall not damage, collect, or introduce plants or animals at any location within Red Rock Canyon National Conservation Area (RRCNCA) without permission from the authorizing officer.
- 5.2. The Holder and participants will not harass, feed, or collect wildlife or plants while in RRCNCA.
- 5.3. Project supplies or equipment where wildlife could temporarily hide will be inspected before moving them to reduce the potential for injury to wildlife. Supplies and equipment that cannot be inspected, or from which wildlife cannot escape or be removed, will be covered or otherwise made secure from wildlife intrusion or entrapment at the end of each workday.
- 5.4. If any Gila monster are encountered during project construction, they must be reported immediately to the Nevada Division of Wildlife at (702) 486-5127.

6. Hazardous Materials

- 6.1. If hazardous materials/substances are used or present within the authorized area, the Holder shall immediately notify the BLM Authorized Officer of any release (such as leaks or spills) of hazardous substances, toxic substances, or hazardous waste. As required by law, the Holder shall have responsibility for and shall take all action(s) necessary to respond to and fully remediate releases (such as leaks or spills) within the authorized area. A copy of any report required or requested by any federal, state, or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the BLM Authorized Officer concurrent with the filing of the reports to the involved federal, state, or local government agency.

7. Invasive Species and Noxious Weeds

- 7.1. The Holder shall keep their project area free of state-listed noxious weeds, such as Sahara mustard (*Brassica tournefortii*), for the life of the project. The Holder shall perform annual monitoring for invasive species and noxious weeds. Any detections of noxious weeds shall be reported to the Southern Nevada District Office (SNDO) Weed Management Specialist immediately (702-515-5000) to determine the best course for treatment.
- 7.2. The use of pesticide treatment requires the Holder to coordinate with the BLM SNDO weed management specialist ([702] 515-5000) and prepare, submit, obtain, and maintain a pesticide use proposal to use pesticides for project activities.
- 7.3. In order to reduce the accidental spread of noxious weeds, the Holder and any contractors shall avoid or minimize all types of travel through a state-listed noxious weed-infested area that can be carried to the project area. In order to minimize the threat of spreading noxious weeds with project-related equipment (e.g., undercarriages and wheel wells) should be cleaned of all mud, dirt, and plant parts before moving into relatively weed-free areas or out of relatively weed-infested areas. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product, and dispose of it in a dumpster. If you have questions, consult with the BLM SNDO noxious weed coordinator.
- 7.4. During construction and maintenance activities, the Holder shall:
 - 7.4.1. Review the annual weed inventory before any ground disturbance.

- 7.4.2. Limit the size of any vegetation and ground disturbance to the absolute minimum necessary to perform the activity safely and as designed.
- 7.4.3. Begin activities in weed-free areas whenever feasible before operating in weed-infested areas.
- 7.4.4. Locate equipment storage, machine and vehicle parking, or any other area needed for the temporary placement of people, machinery, and supplies in areas that are relatively weed free.
- 7.4.5. Avoid or minimize all types of travel through weed-infested areas or restrict major activities to periods when the spread of seed or plant parts are least likely.

8. Migratory Birds

- 8.1. In compliance with the Migratory Bird Treaty Act, habitat-altering projects or portions of projects should be scheduled outside of the bird breeding season, which generally occurs February 15 through August 31. If a project has to occur during the breeding season, then a qualified biologist must survey the area for nests, including ground nesting species, immediately before commencement of construction activities. If any active nests are found, an appropriately sized buffer area must be established and maintained until the young birds fledge. If feasible, the buffer area should connect to suitable, undisturbed habitat. As the above dates are a general guideline, any active nests that are observed outside this range, must be avoided as described above.
- 8.2. Any infrastructure for projects will be designed and constructed in a manner that does not allow open pipes that birds or other wildlife could be trapped in. This includes fencing, gates, or other materials with open holes. All open pipes will be capped or secured so that wildlife cannot access.

9. Mineral Resources

- 9.1. If construction activities produce excess mineral materials from within the boundaries of the Proposed Action, the mineral materials must be used within the boundaries of the Proposed Action or stockpiled within the boundaries of the Proposed Action for future disposal by the BLM.
- 9.2. If construction activities require that excess mineral materials be exported from within the boundaries of the Proposed Action as they are generated, then written authorization, a mineral material sales contract, a free-use permit, and other documents must be obtained from the BLM by the Holder before exporting the excess mineral materials from within the boundaries of the Proposed Action.
- 9.3. If mineral materials are to be stockpiled onsite for a future disposal, specific BLM use authorization in the form of a written authorization, mineral material sales contract, free-use permit, and other documents must be obtained from the BLM before exporting the excess mineral materials from within the boundaries of the Proposed Action.

10. Public Health and Safety

- 10.1. The Holder must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, such as trail and route conditions, landslides, avalanches, rocks,

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- changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the Holder assumes responsibility.
- 10.2. Holder shall place signs and other warning devices as deemed necessary by the BLM Authorized Officer to warn the public of the action taking place.

11. Recreation

- 11.1. Unless expressly stated, a land use authorization does not create an exclusive right of use of an area by the holder. The holder shall not interfere with other valid uses of the federal land by other users, such as casual recreationists.

12. Survey Monuments

- 12.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and BLM Cadastral Survey Corners, reference comers, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the Holder shall secure the services of a Professional Land Surveyor or BLM cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The Holder shall record such survey in the appropriate county and send a copy to the BLM Authorized Officer. If the Bureau cadastral surveyors or other federal surveyors are used to restore the disturbed survey monuments, the Holder shall be responsible for the survey cost.

13. Threatened, Endangered or Candidate Animal and Plant Species

- 13.1. The Holder will comply with the Terms and Conditions of the US Fish and Wildlife Service Programmatic Biological Opinion (File No. 1-5-04-F-526.) and Biological Opinion Append File Number (to be included with Final EA). Compliance with these minimization measures will help to ensure desert tortoises are not impacted.

14. Transportation/Travel

- 14.1. All vehicle parking will be limited to the designated parking areas.
- 14.2. All vehicles will be limited to designated roads. Motorized cross-country travel is not authorized.
- 14.3. Parking overnight or after hours is not authorized.

15. Wild Horse and Burro

- 15.1. If wild horse or burro are encountered in or near the authorized area do not feed, harass, or otherwise interact with the animal. Report sick or injured animals, or violations to animals to the BLM immediately.