

NOV 4th latest

BLM SPECIALIST CONSULTATION FORM FOR DESERT CLEANUPS
 as approved in NEPA document DOI-BLM-NV-S000-2011-0003-EA

Cleanup Description:

Between 1300 and 1700 hours on November 6th, 2011, Kampgrounds of America (KOA) will be bringing a group of 120 volunteers to the CTA to remove illegally dumped garbage. The group will arrive in 2 busses which will remain in the staging area during the event. Work will be performed with hand tools and without the use of mechanized equipment. The group will be spread out over the length of Moccasin Road near the north end of Durango. An absolute maximum of ten vehicles associated with the event will be on site at the staging area with no more than three (driven by BLM contractors) traveling throughout the cleanup area. The group will receive a presentation from Leave No Trace as well as information about the paleontological sensitivity of the area and the desert tortoise.

Location Description (Legal): North end of Durango at Moccasin (T 18S R 60 E Sections 32 & 33)

Determination	Resource	Rationale	Signature	Date
PI	Wildlife	Please see email sent 10/28/2011	Alma Jay	10/28/2011
NP	Cultural	There are no historic properties in the area of potential effect (APE).	Suzanne Rome	10/25/11
		As proposed, the undertaking will have no effect to historic properties. No further evaluation is required.		

NP = not present in the area impacted by the proposed action
 NI = present, but not affected to a degree that detailed analysis is required
 PI = present with potential for relevant impacts that need to be analyzed in detail

NP Palo — No concerns.

NP Native American No concerns.

**West end of Moccasin. Staging Area
Two Dumpsters will be placed here.**



**Dumpsters will be placed at the following areas:
Moccasin & Squirrel's Nest**



West end of Moccasin





2 Dumpsters

1 Dumpster

1 Dumpster

2 Dumpsters

Staging Area

MOCCASIN RD

CLEAR MOUNTAIN ST

N DURANGO DR

LOWERS ANNOT CT

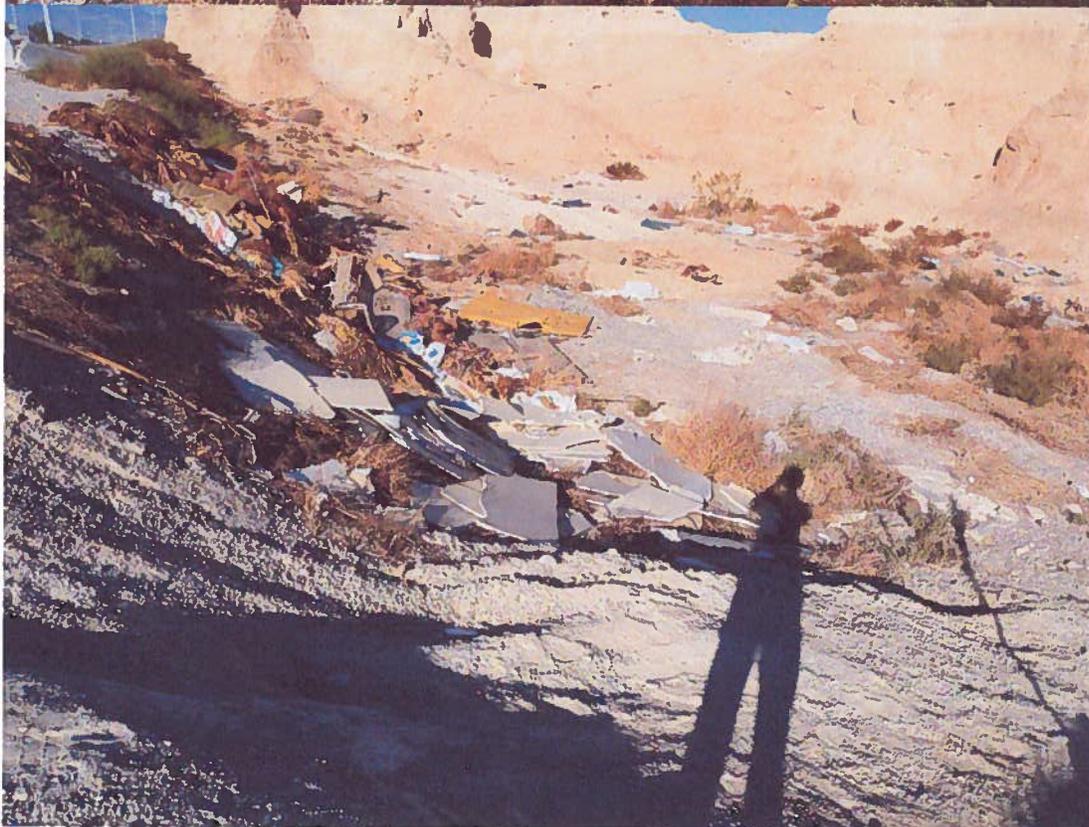
PINK PANKY ST

EDEN ST

MOUSES CT

ESSEX ST

Examples of garbage to be picked up:





Examples of existing roads to be used:



Delynko, Eric C

From: Savage, Amelia L
Sent: Friday, October 28, 2011 12:46 PM
To: Delynko, Eric C
Subject: FW: Desert Cleanup -S000-2011-0003-EA / KOA @ CTA
Attachments: DOI-BLM-NV-S000-2011-0003-EA_Desert Cleanup_KOA at CTA.docx; Desert Clean up KOA at CTA Nov 4 2011 DOI-BLM-NV-S000-2011-0003-EA.doc

Eric,

Attached are the comments and the terms and conditions for your upcoming cleanup.

Amelia Savage
Wildlife Biologist
Las Vegas Field Office
Bureau of Land Management
4701 N. Torrey Pines Rd
Las Vegas, NV 89130
702 515-5278

From: Kleinick, Katherine E
Sent: Thursday, October 27, 2011 5:20 PM
To: Savage, Amelia L
Subject: Desert Cleanup -S000-2011-0003-EA / KOA @ CTA

Attached is comment & T&C.

Katie Kleinick
Natural Resource Specialist
Great Basin Institute
BLM, Las Vegas Field Office
702-515-5351 office
702-515-5023 fax

DOI-BLM-NV-S000-2011-0003-EA
Desert Cleanup – KOA @ CTA
Charge Code: ?

Threatened, Endangered or Candidate Animal Species:

Desert tortoise, May Affect:

PI → The above action has a may affect determination for the threatened desert tortoise (*Gopherus agassizii*). This project will have no affect on any other federally listed species or designated critical habitat. Section 7 Consultation for this project is covered under the Las Vegas Valley Biological Opinion (1-5-96-F-23R.3) and is contingent on compliance with the attached terms and conditions.

This project lies within the Las Vegas Valley programmatic area. The project site falls within low to moderate density tortoise habitat. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there are live tortoise and tortoise burrows located within a half mile of the proposed project site. Aerial images of the proposed project site indicate that there is a large amount of undisturbed habitat adjacent to the project site. Since tortoise sign has been found in the vicinity and undisturbed habitat exists in the area, there is potential for tortoises to wander into the project area. If not noticed and avoided during activities, desert tortoises could be injured or killed (by crushing), or harassed (by being moved out of harm's way). As no new habitat disturbance would occur during this action, desert tortoise clearance surveys are not required.

Participants must adhere to all conditions of the SNDO illegal Dumpsite and Trash Removal EA DOI-BLM-NV-S000-2011-0003-EA. This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-12-008).

Case Number: N/A
NEPA Project #: DOI-BLM-NV-S000-2011-0003-EA
Sec. 7 Log #: NV-052-12-008

Terms and Conditions of Biological Opinion 1-5-96-F-23R.3

In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, BLM must comply with the following terms and conditions, which implement the reasonable and prudent measures. These terms and conditions are non-discretionary.

1. To implement Reasonable and Prudent Measure Number 1, BLM shall fully implement the following measures to minimize take of desert tortoises due to activities associated with construction or development activities:
 - a. Applicants or project proponents will search for and remove tortoises from project areas within the programmatic area if (1) survey data indicate that tortoises are present based on observation of live tortoises, recent sign, or active burrows, (2) tortoises may be relocated to secure habitat within 2 miles from the point of capture and barriers will exist to prevent tortoises from re-entering project areas and appear in harm's way, and (3) the tortoises appear to be healthy, unless the Service determines that survey and removal will not contribute toward recovery.

Applicants or project proponents shall contract an authorized desert tortoise biologist to conduct the clearance and removal. Only individuals trained to handle desert tortoises in accordance with Service-approved guidelines shall be authorized to handle desert tortoises, unless they are in imminent danger. Currently, the Service-approved handling guidelines are described in Guidelines for Handling Desert Tortoises during Construction Projects (Desert Tortoise Council 1994, revised 1999). Tortoises shall not be placed on private lands or lands under management by an agency other than BLM, without written permission of the landowner or agency. If unforeseen circumstances occur that would question the survival of tortoises potentially relocated from project areas, BLM shall coordinate with the Service on the disposition of such tortoises.

As no new habitat disturbance would occur during this action, desert tortoise clearance surveys are not required. If tortoises are encountered that must be moved out of harm's way, contact the BLM wildlife staff at (702) 515-5000 to identify the relocation site or whether the animal will be transferred to the Clark County Tortoise Pick-up Service.
 - b. If a tortoise is in imminent danger with immediate death or injury likely (such as from an approaching vehicle or equipment), and the tortoise has been given the opportunity to move but has withdrawn in its shell and is not moving, onsite personnel may capture the tortoise and place it in a clean unused cardboard box or similar container. If tortoises are found that cannot be relocated as described in Term and Condition 1.a., Clark County's tortoise pick-up service will be notified immediately. The contained tortoise will be held in the shade or a temperature-controlled environment until removed by the pick-up service.
2. To implement Reasonable and Prudent Measure Number 2, BLM shall fully implement the following measures minimize destruction of desert tortoise habitat, such as soil compaction, erosion, or crushed vegetation:
 - a. The boundaries of project areas shall be flagged or marked and all equipment, vehicles, and construction materials will remain within the project site or authorized areas. Staging areas will be located in previously disturbed areas whenever possible. Cross-country travel and travel outside authorized areas will be prohibited.
3. To implement Reasonable and Prudent Measure Number 3, BLM shall fully implement the following measure to minimize injury or mortality of desert tortoises during handling and/or removal from BLM lands within the action area:

- a. In accordance with Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise (Service 1992), an authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and tortoise sign. As a guideline, an authorized biologist should have 60 field days of experience. In addition, the biologist shall have the ability to recognize and accurately record survey results.
- b. All burrows found during clearance surveys within areas proposed for disturbance, whether occupied or vacant, will be excavated by an authorized desert tortoise biologist and collapsed or blocked to prevent desert tortoise reentry. All burrows will be excavated with hand tools to allow removal of desert tortoises or desert tortoise eggs. All desert tortoise handling and excavations, including nests, will be conducted by an authorized desert tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1994, revised 1999).
- c. All located desert tortoises and desert tortoise eggs will be relocated offsite 300 feet to 2 miles into adjacent undisturbed habitat. Tortoises found aboveground will be placed under a bush in the shade. A tortoise located in a burrow will be placed in an existing unoccupied burrow of the same size and orientation as the one from which it was taken. If a suitable natural burrow is unavailable or the occupancy status of the burrow is in question, an authorized desert tortoise biologist will construct one of the same size and orientation as the one from which it was removed using the protocol for burrow construction in Section B-5-f (Desert Tortoise Council 1994, revised 1999).
- d. Any tortoise found within one hour before nightfall will be placed in a separate clean cardboard box and held in a cool, predator-free location. The box will be covered and kept upright at all times to minimize stress to the tortoise. Each box will be used once and then disposed of properly. The tortoise will be released the next day in the same area from which it was collected and using the procedures described above. Each tortoise will be handled with new disposable latex gloves. After use, the gloves will be properly discarded and a fresh set used for each subsequent tortoise handling.
- e. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F (35°C). Ambient air temperature shall be measured in the shade, protected from wind, at a height of 2 inches (5 centimeters) above the ground surface. No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95°F (35°C) before handling and relocation can be completed. If the ambient air temperature exceeds 95°F (35°C) during handling or processing, desert tortoises shall be kept shaded in an environment that does not exceed 95°F (35°C), and the animals shall not be released until ambient air temperature declines to below 95°F (35°C).
- f. Project activities that may endanger a tortoise will cease if a tortoise is found on a project site. Project activities will resume after an authorized desert tortoise biologist removes the tortoise from danger or after the tortoise has moved to a safe area on its own volition.
- g. A desert tortoise education program may be required on an action-specific basis if BLM biologist or Service believe that project personnel will encounter desert tortoises. The program would be presented to all personnel onsite during construction activities. This program would contain information concerning the biology and distribution of the desert

tortoise, desert tortoise activity patterns, its legal status and occurrence in the proposed project area, the definition of "take" and associated penalties, measures designed to minimize the effects of construction activities, the means by which employees can facilitate this process, and reporting requirements to be implemented when tortoises are encountered.

4. To implement Reasonable and Prudent Measure Number 4, BLM shall fully implement the following measures to ensure compliance with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:

All necessary information sheets and forms shall be completed by the proponent. The proponent must complete Attachment A and return it to the BLM within 30 days of completion of construction. This form will be modified as necessary with the Service's concurrence.

Attachment A
DESERT TORTOISE SECTION 7 COMPLIANCE FORM
Entire form is to be completed by the project proponent and delivered to the Bureau of Land Management within 30 days of project completion

Biological Opinion File Number: 1-5-96-F-023.R3
Species: desert tortoise (*Gopherus agassizii*)

Project Name: Desert Clean up KOA at CTA 11-4-11 Case File No: N/A
Acreage of Disturbance Authorized: 0
Acreage Actually Disturbed: _____
Fees Assessed: 0 Rate: n/a

In accordance with this biological opinion, applicants or project proponents may voluntarily choose to search for and remove tortoises from lands to be disturbed within the project area.

- Desert tortoise survey conducted Date(s): _____
- Voluntary desert tortoise survey conducted
- No desert tortoise survey conducted

Migratory bird survey conducted Date(s): _____

Number of desert tortoises injured: _____
Number of desert tortoises killed: _____
Number of desert tortoises removed from the project site: _____
Number relocated to adjacent habitat within 2 miles: _____
Number transferred to the Clark County Tortoise Pick-up Service: _____

(Provide a report detailing all tortoise encounters and what happened to the animals. This report will include age class, gender, and health of each animal, maps showing where each tortoise was captured and later relocated, and the air temperature during the relocation.)

Company and persons who conducted the survey and removal¹:

Company: _____
Name: _____
Address: _____
Phone: _____
State Permit #: _____

Deliver this completed form to: Bureau of Land Management
Division of Renewable Resources
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
(702) 515-5000

If you have questions, call the BLM's Wildlife staff at (702) 515-5000.

Revised 07/13/2005

¹ BLM approval of biological monitors/surveyors required. Submit resumes for review/approval at least 15 days prior to construction.