

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

Environmental Assessment

DOI-BLM-NV-S010-2010-0202-EA

N-84625

**RECREATION AND PUBLIC PURPOSE LEASE AND/OR CONVEYANCE
FOR A STATE OFFICE BUILDING ON PUBLIC LANDS**

APPLICANT

State Lands Division, State of Nevada

GENERAL LOCATION

Central Las Vegas on the Corner of Flamingo Road and El Capitan Way

PREPARING OFFICE

**U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N Torrey Pines
Las Vegas, Nevada 89130
702-515-5000**



**Environmental Assessment:
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0202-EA**

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Chapter 1. Introduction

1.1. Identifying Information:

1.1.1. Title, EA number, and type of project:

Title: Recreation and Public Purpose (R&PP) Lease and/or Conveyance for Construction of a State Office Building on Public Lands

EA Number: DOI-BLM-NV-S010-2010-0202-EA

Type: R&PP Lease and/or Conveyance

1.1.2. Location of Proposed Action:

Located in central Las Vegas area on the corner of Flamingo Road and El Capitan Way.

LEGAL DESCRIPTION:

Mount Diablo Meridian, Nevada, T. 21 S., R. 60 E., sec. 17, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

1.1.3. Name and Location of Preparing Office:

Lead Office - Bureau of Land Management, Las Vegas Field Office, Las Vegas, Nevada 89130.

Office Number: LLNVS005600

1.1.4. Identify the subject function code, lease, serial, or case file number:

Case File Number: N-84625

1.1.5. Applicant Name:

State Lands Division, State of Nevada

1.2. Purpose and Need for Action:

As land surrounding the area continues to develop, existing State of Nevada facilities are undersized and more facilities are needed. The Division of State Lands, representing the Nevada Department of Conservation and Natural Resources has applied for an R&PP lease and/or conveyance (R&PP) for use of 7.5 acres of public land to build a new State office building. The building will provide much needed office space for the State as well as allowing other agencies, including the Department of Wildlife, to utilize the building.

1.3. Scoping, Public Involvement and Issues:

The proposed R&PP lease and/or conveyance will allow the Nevada Department of Conservation and Natural Resources much needed office space. Development of the site will also allow a number of agencies, including the Department of Wildlife to utilize the building. The building will be centrally located in the Las Vegas area on the corner of Flamingo Road and El Capitan Way. The central location will provide easy access to the Bruce Woodbury Beltway 215 and the downtown area.

Stipulations will be attached to the lease which will include conservation and protection of the natural resources, cultural resources, T&E Species, and the environment.

This proposal has been reviewed by Bureau of Land Management (BLM) resource team members. Their comments and evaluations are included in this environmental assessment.

The proposed lease and/or conveyance is in concurrence with the Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP) approved October 5, 1998. The land described in this proposal is within a designated disposal boundary.

A summary of this R&PP proposal and the draft EA will be made available for review by the public on the internet under NEPA number: DOI-BLM-NV-S010-2010-0202-EA; and it will be posted in the local newspaper and in the Federal Register for 45 days for public comment.

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action:

Description: The Division of State Lands representing The Department of Conservation and Natural Resources, has applied for an R&PP lease and/or conveyance for approximately 7.5 acres of public land to build a new State office building. The State office building will be used by the Nevada Department of Conservation and Natural Resources for office and support space. The building may also be used by a number of other agencies, including the Department of Wildlife. Timing of actual construction depends on financing approved by the Legislature. Management and maintenance of the facility will be pursuant to applicable state and county regulations and procedures. The R&PP area is located in central Las Vegas, south of Sahara Avenue, on the corner of Flamingo Road and El Capitan Way. A reservation for this area was given to the State of Nevada, serial number N-77379 in 2007.

2.2. Description of Other Alternatives Analyzed in Detail:

Under a “no action” alternative, BLM land would not be made available for issuance of the R&PP lease. No action would result in no new development of a State office building on this site. The much needed office space would not be available.

2.3. Alternatives Considered but not Analyzed in Detail

Other alternatives were not analyzed since placement of the R&PP in other areas was not available for consideration. Las Vegas has grown and there are no longer parcels of land available for use or sell that are located within the central Las Vegas Valley. Public land parcels that are left in the valley for use, have either been sold, or are reserved for other purposes. This particular parcel is available and has been reserved for the State of Nevada under serial number N-77379, since 2007.

2.4. Conformance

The proposed action is in conformance with the Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), approved October 5, 1998.

- LD-1 in the RMP states that “Approximately 175,314 acres of public lands within the disposal areas identified on Map 2–3 are potentially available for disposal through sale, exchange or Recreation and Public Purpose patent to provide for the orderly expansion and development of southern Nevada.”
- LD-2 “All public lands within the planning area, unless otherwise classified, segregated or withdrawn and with the exception of Areas of Critical Environmental Concern and Wilderness Study areas, are available at the discretion of the agency, for land use leases and permits under Section 302 of Federal Land Policy and Management Act.”

The plan has been reviewed and it is determined the proposed action is within a designated disposal boundary in conformance with the above land use plan decision LD-1 and LD-1-d. The proposal is in conformance with the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et seq.); and the public lands are being leased and disposed of in accordance with the Recreation and Public Purposes Act of June 14, 1926, as amended, (43 U.S.C. 869 et seq.).

Chapter 3. Affected Environment:

SUPPLEMENTAL AUTHORITIES

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		Ensure soil disturbing activity is permitted through DAQEM for dust control. Ensure stipulations are in compliance for the duration of the activity.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any critical desert tortoise habitat.
Cultural/ Historical	X			To comply with Section 106 of the National Historic Preservation Act, the BLM Archaeologist conducted an existing data review of the area of potential effect (APE). The APE was previously inventoried in support of the Valley Disposal Environmental Impact Statement (EIS). Refer to BLM Cultural Resource report 5-2467. There are no historic properties within the APE; the undertaking as proposed will have no effect to historic properties.
Paleontological Resources	X			No concerns.
Environmental Justice		X		No minority or low income group would be disproportionately impacted by health or environmental effects.
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the district.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Noxious Weeds/Invasive Non-native Species		X		No increase to weed risks. No issues.
Native American Religious Concerns	X			No concerns for this area.
Floodplains	X			Not present.
Riparian/Wetlands	X			Not present.
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	Addressed in EA below.
Migratory Birds			X	Addressed in EA below.
Waste - Hazardous/Solid	X			Include standard hazmat stipulations.
Water Quality		X		Parcel is located within the Las Vegas Valley. No new impacts to local water resources will occur.
Wild & Scenic Rivers	X			Not present in this area.
Wilderness (Study Area)	X			The proposed action is not located within or adjacent to designated Wilderness, WSA's or ISA's.
Forests and Rangelands (HFRA only)		X		Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. The proposed action is in an area known to contain low densities of cactus and yucca. Low densities of cactus and yucca are likely

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				present in the proposed project area. Impacts to cactus and yucca resources resulting from the proposed action would be considered negligible. Salvage, disposal through a sale, or other impact minimization measure are not necessary. All cactus and yucca that might be impacted by this action must be disposed of in an off-site trash receptacle.
Human Health and Safety	X			Normal safety precautions should be followed in construction of the site.

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and alternative is listed in the table below.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management		X		The proposed project is not located in an authorized grazing allotment.
Green House Gas Emissions (Climate Change)		X		Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				emissions from federal activities, including BLM authorized uses.
Minerals		X		No mining claims or mining operations present. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for disposal, the disposal of the mineral materials must be analyzed in this NEPA document and a contract will be necessary before the stockpiled mineral materials can leave the ROW.
Paleontological Resources	X			No concerns.
Socio-Economic Values		X		This project will not disproportionately impact social or economic values.
Soils/Hydrology		X		Parcel is located within the Las Vegas Valley. No new impacts to local soil resources will occur.
Vegetation		X		No impacts to sensitive plant species are expected.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Visual Resources		X		The proposed action is within VRM Class IV. The action may dominate the view of the casual observer, however, this is still consistent with Class IV management objectives.
Recreation	X			Not present in this area.
Fuels/Fire Management		X		Normal conformance with seasonal fire restrictions are adequate. Restrictions can go into affect anytime between May 15 to Oct. 1
Wildlife		X		Addressed in EA below.

3.1. Wildlife:

Although adjacent to urban development and somewhat disturbed and littered with debris, the proposed project area may still support wildlife characteristic of the Mojave Desert. Biological diversity varies according to topography, plant community, and proximity to water, soil type, and season.

Several common species of reptiles that may be present in the vicinity of the proposed project site may include the western whip-tail (*Cnemidophorus tigris*), desert iguana (*Dipsosaurus dorsalis*), side-blotched lizard (*Uta stansburiana*), zebra-tail lizard (*Callisaurus draconoides*), desert tortoise (*Gopherus agassizii*), western shovel-nosed snake (*Chionactis occipitalis*) and garter snake (*Thamnophis sp.*).

Common bird species that may be present in the vicinity of the proposed project site may include the rock wren (*Salpinctes obsoletus*), black-throated sparrow (*Amphispiza bilineata*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), phainopepla (*Phainopepla nitens*), red-tailed hawk (*Buteo jamaicensis*), and western burrowing owl (*Athene cucularia hypugaea*).

3.2. Sensitive Wildlife Species:

BLM sensitive species are species that require special management consideration to avoid potential future listing under ESA and that have been identified in accordance with procedures set forth in BLM Manual 6840. The following sensitive species are known to potentially occur within the parcel: western burrowing owl.

Western burrowing owl (*Athene cucularia hypugaea*)

The Western burrowing owl is a diurnal bird of prey specialized for grassland and shrubsteppe habitats in western North America. The owls are widely distributed throughout the Americas and can be found from central Alberta, Canada to Tierra del Fuego in South America. Burrowing owl habitat typically consists of open, dry, treeless areas on plains, prairies, and desert floors. Burrowing owls most frequently use mammal burrows created by other animals such as prairie dogs (*Cynomys* spp.), ground squirrels (*Spermophilus* spp.), coyotes (*Canis latrans*) or desert tortoises (*Gopherus agassizii*). The burrows are used for nesting, roosting, cover, and caching prey. In recent decades, the range and species count have been declining primarily due to agricultural, industrial, and urban development that reduce burrow availability.

3.3. Threatened, Endangered or Candidate (T&E) Animal Species:

Threatened and endangered species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973 (ESA), as amended. The only T species known to occur in the vicinity of the project area is the threatened desert tortoise (*Gopherus agassizii*).

In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes.

This project will disturb a total of 7.5 acres. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there is no tortoise sign located in the project area. A site visit was conducted on May 28, 2008 by a BLM Natural Resource Specialist and GBI Natural Resource Specialist. Surveys were completed within the parcel and no tortoise sign was observed. It was also observed that the parcel was littered with debris and that foraging vegetation was practically non-existent. The parcel is fragmented and surrounded by urban development on all sides.

3.4. Migratory Birds:

Under the Migratory Bird Treaty Act of 1918 (MBTA) and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. Numerous bird species travel through Nevada during spring and fall migrations. A list of the protected bird species can be found in 50 C.F.R. §10.13. The list of birds protected under this regulation is extensive and the project site has potential to support many of these species, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*). Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from March 1st through August 1st.

Chapter 4. Environmental Effects:

4.1. Wildlife:

Wildlife species in the general area may include small mammals, rodents, birds and reptiles. These species would be displaced as lands are disturbed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals and less mobile species (such as reptiles) during construction, displacement of individuals, the loss and fragmentation of habitat and increased potential for illegal kills and harassments of wildlife. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region.

4.2. Sensitive Wildlife Species:

Western burrowing owl

The direct impacts of the proposed action on western burrowing owl would be loss of nesting habitat and forage, mortality and harassment of individual animals, and decrease in habitat value of adjacent remaining "wildland" areas due to increased human activity in the area.

The species is protected by the Migratory Bird Treaty Act and the proponent will be required to adhere to migratory bird mitigation measures.

4.3. Threatened, Endangered or Candidate (T&E) Species:

As the area no longer constitutes suitable habitat capable of supporting desert tortoises, the opportunity for any desert tortoise to wander onto the project site is decidedly remote. No impacts to desert tortoises are expected and no remuneration fees are required. In addition, compliance with the special stipulations below will help to ensure that no affect to desert tortoise occurs:

- 1) Should a desert tortoise enter the area of activity, all activity shall cease until such time as the animal has left the area of its own accord.
- 2) Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.

4.4. Migratory Birds:

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. Depending on the time of year for construction, there is the potential to disturb nesting birds within or immediately adjacent to the proposed action. The proponent will be required to adhere to the following mitigation measures:

- 1) To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 1st and August 1st.

2) If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

4.5. Cumulative Impacts:

As land surrounding the area continues to develop, existing State of Nevada facilities are undersized and more facilities are needed. The Division of State Lands representing The Department of Conservation and Natural Resources, applied for an R&PP lease and/or conveyance for approximately 7.5 acres of public land to build a new State office building. The State office building will be located in downtown Las Vegas, west of the Las Vegas Strip, on the corner of Flamingo Road and El Capitan Way. It will be adjacent and across the street from several local businesses and companies. The State office building will be located within the boundary and/or adjacent to the following existing rights-of-way:

Right-of-way N-59691 for paved road and drainage, granted to Clark County (for the downtown streets). Right-of-way N-60971 and N-88267 for underground natural gas pipelines to Southwest Gas Corporation. Right-of-way N-74286 for two transformers and underground electrical lines to NV Energy. Notification has been given to the right-of-way holders informing them of the proposed action. No negative responses have been received.

Development of the State office building will allow the agency to be centrally located in a convenient location with easy access to the 215 Bruce Woodbury Beltway and downtown. At present, the location is bare natural desert land, in central downtown, is an eyesore, and is littered with light trash and debris. Establishment of the State office building will enhance the visual aspect of the area, and this could increase the property values in the area. The additional parking space, employees, and customers, will increase traffic congestion in the area, but it could also increase shopping, local revenues and the economy in the area. No negative cumulative impacts are anticipated. The State office building will provide much needed office space for the Nevada Department of Conservation and Natural Resources, as well as allowing other agencies to utilize the building.

Cumulative impacts associated with this action were previously evaluated on pages 4-58 through 4-66 of the Las Vegas Valley Disposal Boundary Environmental Impact Statement, signed March 2005.

**Chapter 5. Tribes, Individuals,
Organizations, or Agencies Consulted:**

Table 5.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Skip Canfield, AICP, Senior Planner, State of Nevada	Applicant	Consent to lease
Dave Marlow, Supervisory Land Agent, Nevada Division of State Lands	Applicant	Consent to lease

Chapter 6. List of Preparers

Table 6.1. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Dorothy J. Dickey	Realty Specialist	NEPA Creator/ Author
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions
Mark Slaughter	Wildlife Biologist/Botanist	Botanist, Forest Initiative, Healthy (Cactus/Yucca), Plants/Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Susanne Rowe	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology,
Jayson Barangan	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species),
Sarah Peterson	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
Jessica Stegmeier	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Evan Allen	Geologist	Geology/Mineral Resources/Energy Production,
Nora Caplette	Natural Resource Specialist	Invasive Species/ Noxious Weeds
Kirsten Cannon	Public Affairs Specialist	Public Affairs
Lauren Brown	NRS Restoration Ecologist	Visual Resources
Greg Marfil	Fire Management Spec.	Fuels/Fire
Katie Kleinick	Threatened/Endangered Species	Wildlife Biologist
John Evans	Environmental Specialist	Environmental Justice
Krystal Johnson	WH&Burro Specialist	WH&Burro, Farmlands, Livestock
Marilyn Peterson	Recreation Specialist	Recreation
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics

Exhibit A

Stipulations

Exhibit A
Stipulations N-84625-01

1.0 Provisions of Title VI of the Civil Rights Act of 1964.

- 1.1. The lessee or any successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 241) and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto (43 CFR 17) for the period that the land conveyed herein is used for the purpose for which the lease was made pursuant to the act cited or for another purpose involving the provision of similar services or benefits.
- 1.2. If the lessee or any successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964 and the requirements imposed by the Secretary of the Interior issued pursuant to that title during the period which the land described herein is used for the purpose for which the lease was made pursuant to the act cited or for another purpose involving the provision of similar services or benefits, said Secretary or his delegate may declare the terms of this lease terminated in whole or in part.
- 1.3. The lessee, by acceptance of this patent, agrees for itself and its successors in interest that a declaration of termination in whole or in part of this lease shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the land involved in the declaration.
- 1.4. The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964 and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the lessee or any successor in interest.
- 1.5. The lessee or any successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the property conveyed.
- 1.6. The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the lessee and his (its) successors in interest for the period for which the land described herein is used for the purpose for which this lease was made, or for another purpose involving the provision of similar services or benefits.
- 1.7. The assurances and covenant required by sections (1) through (6) above shall not apply to ultimate beneficiaries under the program for which this lease is made; "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).

2.0 Special Stipulations

- 2.1. The holder shall, prior to construction activities, provide the Authorized Officer of the Bureau of Land Management (BLM) with proof of payment of required desert tortoise mitigation fees and a final site plan of development (POD). Following review of the POD, and if no additional environmental analysis is required, a notice to proceed may be issued.

3.0 General Stipulations

- 3.1. The lease is issued subject to all valid existing rights.
- 3.2. The lease shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 3.3. Lessee shall mark the exterior boundaries of the lease with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Lessee. Lessee shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 3.4. Lessee shall conduct all activities associated with construction, operation, maintenance and termination of this lease within its authorized limits.
- 3.5. Lessee shall maintain the lease in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 3.6. Lessee shall, during construction of the facility, provide a prominent sign stating: *This facility is being constructed on public land provided in support of the community by the Department of the Interior, Bureau of Land Management, Las Vegas Field Office.* Logos can be provided.
- 3.7. Lessee shall, upon completion of construction of the facility, either immediately within or immediately adjacent to the main entrance, provide a prominent **permanent** plaque stating: *This facility is located on public land provided in support of the community by the Department of the Interior, Bureau of Land Management, Las Vegas Field Office.* Logos can be provided.
- 3.8. Lessee shall maintain copy of the authorization along with stipulations on construction site at all times.

- 3.9. Mineral material generated, and not needed for the development of the proposed action within the lease site, requires a specific BLM use authorization in accordance with regulations 43 CFR 3600, prior to removal of the excess mineral material. Proponent should call 702-515-5000 to obtain authorization, before removal of the material. Any necessary excavation that produces mineral materials within the lease area must be used within the lease or stockpiled on site for sale by the BLM.
- 3.10. Within 90 days of construction completion, the Lessee shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the lease:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.

CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

4.0 Air Quality

- 4.1. The Lessee shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Lessee shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Lessee shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the lease.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Lessee will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Lessee.

Prior to relinquishment, abandonment, or termination of this lease, the Lessee shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 4.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

5.0 Cultural

- 5.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Lessee, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Lessee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Lessee will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Lessee. Lessee shall be responsible for the resultant mitigation costs.

6.0 Hazardous Material/Pesticides/Liability

- 6.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Lessee. The Lessee shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Lessee or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. 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 Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 6.2. The Lessee shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the lease potentially affecting the lease of which the Lessee is aware.
- 6.3. As required by law, Lessee shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the lease.
- 6.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Lessee shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this lease.

- 6.5. The Lessee shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Lessee agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Lessee's use or occupancy of the lease, regardless of whether the Lessee has actually developed or caused development to occur on the lease, from the time of the issuance of this lease to the Lessee, and during the term of this lease. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Lessee, its agents, contractors, or third parties. If the liability is caused by third parties, the Lessee will pursue legal remedies against such third parties as if the Lessee were the fee owner of the lease.
- 6.6. Notwithstanding any limits to the Lessee's ability to indemnify and hold harmless the United States which may exist under state law, the Lessee agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Lessee's use or occupancy of the lease regardless of whether the Lessee has actually developed or caused development to occur on the lease from the time of the issuance of this lease to the Lessee and during the term of this lease.

7.0 Survey Monuments

- 7.1. Lessee shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, 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 lessee shall secure the services of a Professional Land Surveyor or Bureau 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 lessee shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the lessee shall be responsible for the survey cost.

8.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

- 8.1. The proposed project is located in an area that contains high densities of cactus and yucca. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. To minimize potential impacts, all cactus and yucca within permanent and temporary impact areas should be salvaged, replanted, and maintained as landscaping within undeveloped portions of the project area.
- 8.2. The Lessee shall be responsible for weed control on disturbed areas within the limits of the lease. The Lessee is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the lease stipulations.
- 8.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 8.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction (inside the right-of-way area). Perform trench backfilling and compaction. Replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area. If cactus and yucca are present, they need to be salvaged and transplanted out of harm's way but still within the right of way.
- 8.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP), to determine whether or not a section 404 permit is required. If drilling boreholes, lessee needs to follow Nevada Administrative Code (NAC) protocols for drilling. Lessee will need to utilize best management practices (BMP's) to reduce impacts to soils and erosion.

9.0 Lease/Conveyance

- 9.1. The Lessee may request patent after development in accordance with the approved Plan of Development has been completed, or substantial development has occurred indicating that the project will be completed in its entirety. A minimum of ninety (90) days shall be required from the date a patent request is submitted to the Authorized Officer to allow notification of lessees of lands authorizations.
- 9.2. The Lease is issued subject to all valid existing rights. Patent to the Federal Lands within the lease area, if issued, shall be subject to all valid existing rights at the time of patent, including authorizations leased by the United States, under the terms and conditions in existence at the time of patent. Subject to limitations prescribed by law and regulation, prior to patent issuance, a Lessee of any lease within the Federal

Lands may be given the opportunity to amend the lease for conversion to a new term, including perpetuity, if applicable, or to an easement.

10.0 **Migratory Birds**

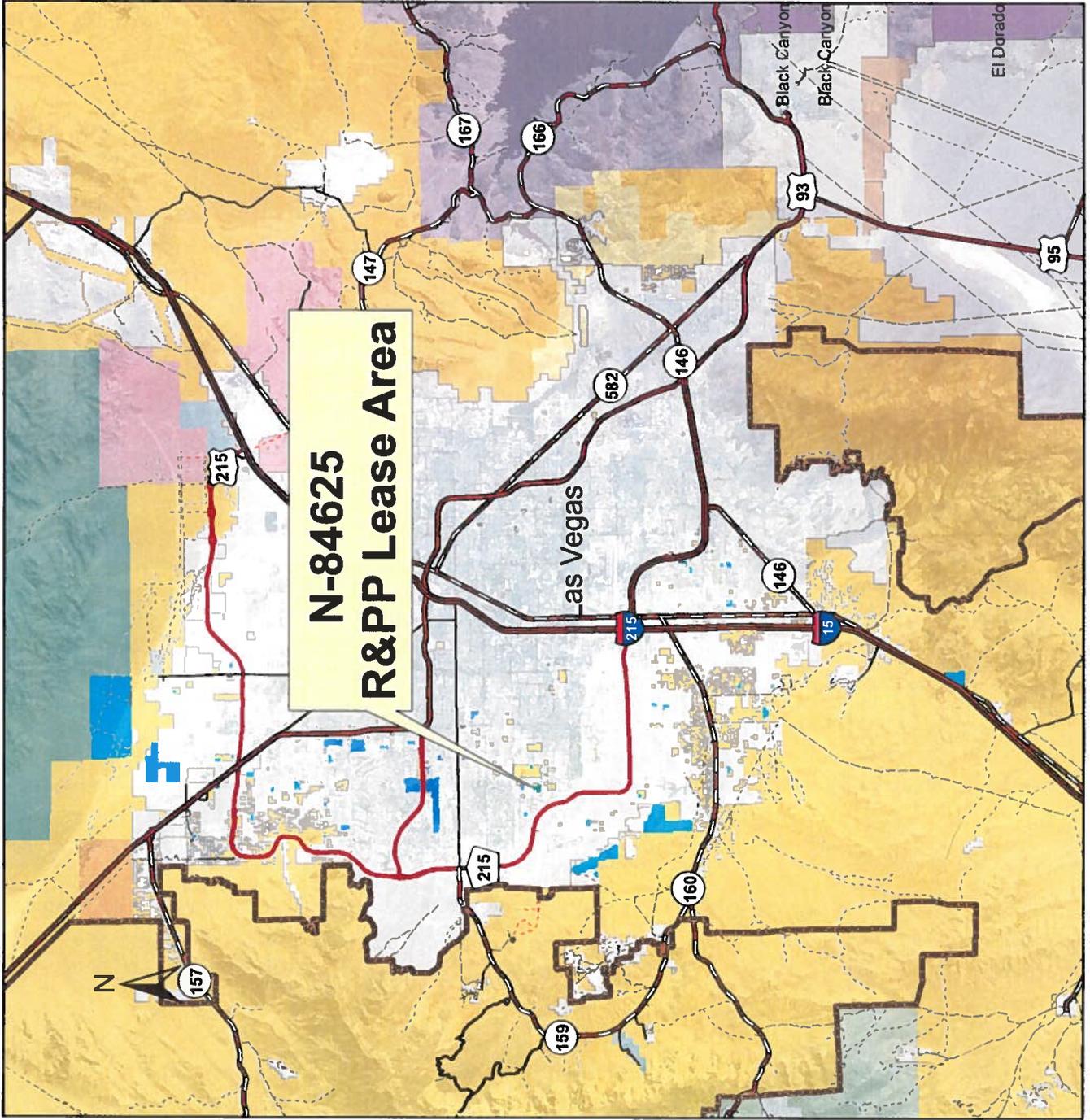
- 10.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

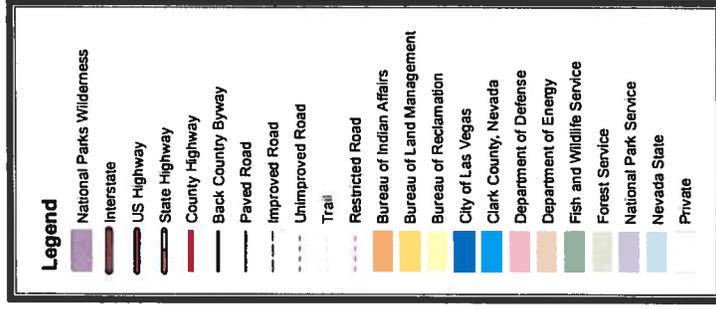
Exhibit B

Maps

N-84625 - R&PP Lease and/or Conveyance



BLM ARCGIS MAP



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for their use for purposes not intended by the original data provider. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

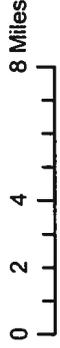


Exhibit C
Master Title Plat Map

