

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

Environmental Assessment

DOI-BLM-NV-L030-2011-0044-EA

January 2012

Alamo Sewer and Water District

N-26753

PREPARING OFFICE

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**Environmental Assessment:
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Chapter 1. Introduction

Introduction:

This Environmental Assessment (EA) has been prepared to analyze the Alamo Sewer & Water District's proposal related to their existing right-of-way (ROW). The Bureau of Land Management (BLM) can, through the National Environmental Policy Act (NEPA) process, evaluate reasonable changes (changes that would mitigate impacts while still meeting the proponent's objective) to the proponent's proposal and decide to require those changes.

The term "ROW" used in this EA specifically refers to the Alamo Sewer and Water District Right of Way, Case file N-26753.

1.1. Background:

On January 12, 1982, a ROW was granted to construct/maintain an access road, water pipeline and water tank. On August 10, 2011, Alamo Sewer & Water District (ASWD) submitted an application to amend their existing ROW by co-locating an 8" PVC waterline within the existing ROW and renewing their ROW term for another thirty years. Alamo Sewer and Water District is required by the State of Nevada Division of Environmental Protection (NDEP) to serve customers with water that has less than 0.10 part per billion (ppb) of arsenic. ASWD is currently serving customers with water outside the State parameters. Alamo Sewer and Water District has developed a new well that is under the limit and would be co-locating an 8" C900 PVC waterline within the existing ROW. This water source will allow the mixing of two water sources, reducing the arsenic to State acceptable levels. The pipeline would be approximately 890' long within the existing disturbed dirt road and connect into the existing water storage tank. This pipeline would serve water to the community well into the future and would be in service 365 days per year.

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

Alamo Sewer and Water District ROW Amendment and Renewal
DOI-BLM-NV-L030-2011-0044-EA
Amendment and Renewal to existing Right of Way N26753

1.1.2. Location of Proposed Action:

Alamo, Nevada

1.1.3. Name and Location of Preparing Office:

Bureau of Land Management — Caliente Field Office

1400 South Front Street / P.O. Box 237
Caliente, NV 89008

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

N26753

1.1.5. Applicant Name:

Alamo Sewer and Water District

1.2. Proposal and Need for Action:

BLM proposal is to respond to the request from Alamo Sewer and Water District to co-locate a waterline within an existing ROW as granted in N26753. The need is established in Title V by Federal Land Policy and Management Act, (FLPMA 1976).

1.3. Scoping and Issues:

A BLM Interdisciplinary (ID) Team scoping meeting was held on August 30, 2011, at the Caliente Field Office, BLM the ID team identified one issue and concern regarding the Proposed Action to be addressed in this EA. The concern identified is the Desert Tortoise (Threatened and Endangered Species) for an explanation of the resources analyzed see appendix B.

1.4. Decisions to be Made:

The BLM will decide whether or not to amend and renew the ROW, and if so, under what terms and conditions.

Chapter 2 Proposed Action and Alternatives

2.1. No Action Alternative:

Under the No Action Alternative, the 8” water line would not be installed within the existing ROW and the proponent would not be in compliance with NDEP. In addition, some of the objectives of the Ely District Record of Decision and Approved Resource Management Plan (Ely ROD and RMP, BLM 2008) would not be achieved.

2.2. Proposed Action:

The BLMs proposed action is to address the Alamo Sewer and Water District’s application to amend and renew an existing ROW grant to install an 8” waterline within an existing ROW. In accordance with Title V of FLMPA, BLM is required to respond to ROW applications. The existing ROW is located in Township 7 South, Range 61 East in the Northeast quarter of the Northeast quarter of Section 8. Construction of the pipeline is anticipated to be completed within 3 months. Construction of the waterline would be restricted from March 1 through October 31. Refer to map in appendix C.

Alamo Sewer and Water District is required by the State of Nevada Department of Environment Health to serve customers water that has less than 0.10 part per billion (ppb) of arsenic. Alamo Sewer & Water District has developed a new well that is under the limit and would be co-locating an 8” C900 PVC waterline within the existing BLM ROW. The pipeline would be approximately 890’ long in the existing disturbed dirt road and connect into the existing water storage tank. Mixing the two water sources would allow ASWD decrease the total arsenic in solution to State acceptable levels. This pipeline would serve water to the community well into the future and will be in service 365 days per year. The trench excavation and backfill would be used onsite.

2.3. Alternatives Considered but Eliminated

No other alternatives were analyzed because the route used in the proposed action is in a previously disturbed area and will require no additional impacts.

2.4. Conformance

The proposed action is in conformance with the Goals and Objectives of the Ely District Record of Decision and Approved Resource Management Plan (Ely ROD and RMP, BLM 2008), which are to:

- **Goals – Land and Realty (RMP Page 65):** Meets public, local, state, and federal agency needs for use authorizations such as rights-of-ways, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values.

- **Objectives – Lands and Realty (RMP Page 66):** To respond to public, local, state, and federal agency needs for land for community development, utility and other associated right-of-ways, communication sites, and other allowed uses of BLM-administered lands.
- **Parameter – Land Use Authorizations (Rights-of-Ways, Permits, Leases, Easements, and Unauthorized Use) (RMP Page 72)LR-45:** Manage rights-of-way in desert tortoise habitat the same as that described for the Beaver Dam Slope, Kane Springs, and Mormon Mesa ACECs
- **Goals – Special Status Species (RMP Page 37):** Manage public lands to conserve, maintain, and restore special status species populations and their habitats; support the recovery of federally listed threatened and endangered species; and preclude the need to list additional species.
- **Objective – Special Status Species (RMP Pages 38 and 39):** To manage suitable habitat for special status species in a manner that will benefit these species directly or indirectly and minimize loss of individuals or habitat from permitted activities. Management in the Mojave Desert scrub habitat will benefit the following special status species:
 - Desert Tortoise (federally listed threatened species)
 - Banded Gila monster (BLM Sensitive species)
- **Parameter – Mojave Desert Scrub Habitat (RMP Page 42) SS-32:** Where appropriate, restrict permitted activities from March 1 through October 31 within desert tortoise habitat.

Chapter 3 Affected Environment and Environmental Effects

Introduction/General Setting

The area affected by the Proposed Action is located in the southeastern portion of Pahranaagat Valley. Pahranaagat Valley is in the southeast Nevada, approximately 94 miles north of Las Vegas. It is bound by the East Pahranaagat Range on the west and by the Hiko Range on the east. Elevations range from 3,480 to 4,080 feet above mean sea level (AMSL). The topography in the area is typical of that found in the Basin and Range physiographic province of the western United States. The area affected by the Proposed Action is 1.54 acres within a Mojave Desert creosote shrub vegetative zone. As discussed in Section One the only issue to be analyzed is the desert tortoise.

3.1. Affected Resource/Concern: Desert Tortoise

3.1.1. Affected Environment

The action area is located in the southeastern portion of the Pahranaagat Valley, approximately 94 miles north of Las Vegas, Nevada. It is bound by the East Pahranaagat Range on the west and by the Hiko Range on the east. Elevations range from 3,480 to 4,080 feet above mean seal level. The habitat in the action area consists of typical Mojave Desert creosote bush (*Larrea tridentata*) shrub vegetation.

The action area consists of the 25-foot wide, 890-foot long ROW needed to install the pipeline and a 600-foot zone-of-influence to account for potential impacts to desert tortoises that may result from pipeline installation and vehicular access to installation sites.

3.1.2. Environmental Consequences

The effects of the proposed action are within the scope of and described in the “Effects of the Action, Desert Tortoise” section in the PBO and are hereby incorporated by reference.

Actions, such as pipeline installation and lands and realty projects, increase human presence in tortoise habitat. This can potentially provide additional food in the form of trash and litter, or water, which attracts tortoise predators such as the common raven, kit fox, and coyote (Berry 1985, BLM 1990). Some forms of trash may be ingested by tortoises, or they may become entangled resulting in their injury or death. In addition, dogs brought onto work sites can predate or harm tortoises.

Desert tortoises may be directly affected by project implementation if they fall into trenches or other excavations that remain open. Vehicles and equipment may stray from existing roads

or designated areas and kill or injure tortoises, or crush their burrows. Project vehicles may travel at excessive speeds, preventing the operator from seeing desert tortoises in time to avoid them. Tortoises may take shelter under parked vehicles and be killed, injured, or harassed when the vehicle is moved.

Other impacts to desert tortoises from the proposed action include habitat loss, degradation, and fragmentation. Project vehicles or equipment that stray from designated areas or widen existing access roads may damage habitat outside the project area. Project vehicles may potentially introduce or increase the distribution of non-native plants, including noxious weeds, near the project area.

These impacts will be minimized by the Terms and Conditions brought forward from the PBO. Habitat loss, degradation, and fragmentation will be minimized by the project's location along an existing highway and within a previously-disturbed ROW.

3.1.3. Proposed Action

The project is located in Township 7 South, Range 61 East, Section 8, near Alamo, Nevada.

Alamo Sewer and Water District proposes to amend an existing ROW grant to permit the proponent to install a water pipeline that would connect a previously developed well to an existing water storage tank. This well and pipeline would provide ASWD customers water that meets the US Environmental Protection Agency's arsenic standard for drinking water of 10 parts per billion or lower.

All ground disturbance associated with the project would occur within an existing disturbed area along an existing road and the highway 93 (Hwy-93) ROW. The pipeline would be installed using a trench excavator, backhoe, front-end loader, and water truck. Pipeline installation is expected to take 3 months to complete. The estimated length of the pipeline is 890 feet to connect the well to the water storage tank and would consist of an 8-inch C900 PVC pipe. Installation of the pipeline is proposed to occur within an existing 25-foot-wide ROW. The center 10 foot trenched area would be trenched to allow for pipeline installation at a minimum of 36 inches deep. These 10 feet would be permanent disturbance to allow for future access to the pipeline for repairs. The remaining 7.5 feet on either side of this would be temporary disturbance used during project construction for travel and parking. Permanent disturbance on BLM-managed land would be 0.27 acre, and temporary disturbance would be 1.10 acres.

3.1.4. No Action

Implementing the No Action alternative would have no impacts to desert tortoise or its habitat.

3.2. Cumulative Impacts

Cumulative impacts are those effects of future non-Federal (State, tribal, local government, or private) activities that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they would likely require separate consultation pursuant to Section 7 of the Act.

3.2.1. Past

The past impacts for this area include a developed water tank, access road and an underground waterline. This area has been disturbed since 1982, when the ROW was granted.

3.2.2. Present

The Alamo Sewer and Water District has a granted Right of Way (N-26753) to supply drinking water to the town of Alamo.

3.2.3. Reasonably Foreseeable

This area is identified for disposal in the RMP.

Chapter 4. Tribes, Individuals, Organizations, or Agencies Consulted:

Table 4.1. List of Persons, Agencies and Organizations Consulted

Proposed Action Element	Legal Authority	Agency	Results
Impacts to desert tortoise habitat	ESA-Section 7	U.S. Fish and Wildlife Service (USFWS)	Stipulations stated

Chapter 5. List of Contributors

Table 5.1. List of Contributors

Name	Title	Responsible for the Following Section(s) of this Document
Michelle Campeau	Land Law Examiner	BLM Project Lead, Lands and Realty/ Renewable Recourses
Mark D'Aversa	Hydrologist	Water Resources, Soil Resources, Watershed
Travis Young	Planning and Environmental Coordinator	Air Resources, Environmental Justice, NEPA
Domenic Bolognani	Rangeland Management Specialist	Rangelands Standards and Guidelines, Livestock Grazing Riparian/Wetlands,
Cameron Boyce	Natural Resource Specialist	Noxious and Invasive Weeds
Alicia Styles	Wildlife Biologist	Fish and Wildlife, Special Status Species
Benjamin Noyes	Wild Horse Specialist	Wild Horses
Nick Pay	Archaeologist	Cultural Resources, Paleontological Resources
Alan Kunze	Geologist	Mineral Resources, Geology and Mineral Extraction
Kyle Teel	Fire Ecologist	Fire Recourses
Emily Simpson	Wilderness Ranger	Special Designations
Melanie Peterson	Environmental Protection Specialist	Wastes, Hazardous and Solid, Human Health and Safety
Elvis Wall	Native American Coordinator	Native American Concerns
Lisa Domina	Outdoor Recreation Planner	Recreation, Travel Management, Visual Resources

Appendix A

Weeds Risk Assessment Map

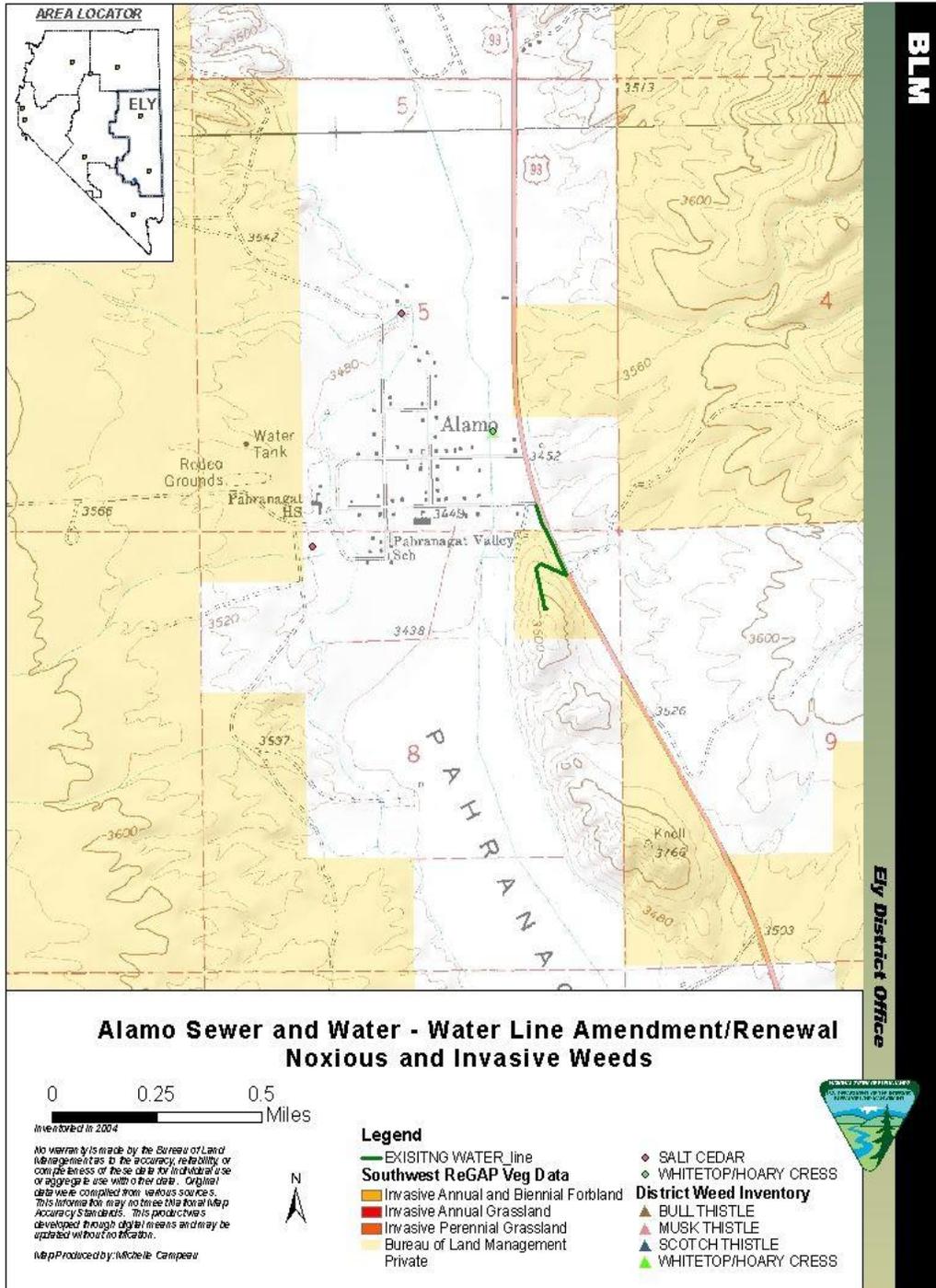


Figure A.1. Noxious and Invasive Weeds Map

Appendix B. Resources Analyzed

Resource/Concern	Issue(s) Analyzed? (Y/N)	Rationale for Dismissal from Detailed Analysis or Issue(s) Requiring Detailed Analysis (Grouped in accordance with the format of the Ely RMP)
Air Resources		
Air Quality	N	Does not expect to affect resource.
Water Resources		
Water Quality, Drinking/Ground	N	Does not expect to affect resource.
Water Resources (Water Rights)	N	Does not expect to affect resource.
Soil Resources		
Farmlands, Prime and Unique	N	Resource is not present.
Soil	N	Effects are in previously disturbed soils and will not disturb new ground.
Vegetation Resources		
Forest Health	N	Project does not meet the Healthy Forest Restoration Act (HFRA) criteria.
Rangeland Standards and Guidelines	N	No effect on Permittee.
Wetlands/Riparian Zones	N	Resource is not present.
Fish and Wildlife		
Fish and non-avian Wildlife	N	No effect – No fish habitat in the Project Area.
Migratory Birds and Sensitive Avian Species	N	No effect.
Special Status Species		
FWS Listed Species or critical habitat. Also, ACEC's designated to protect listed species habitat.	Y	Formal consultation needed.
Sage Grouse and non-avian Sensitive Animal Species	N	Not applicable.

Attachment D Stipulations

1. The project contractor would be required to have and comply with a dust control program.

Under Land Use Authorizations in the Ely RMP:

1. A speed limit of 25 miles per hour will be required for all vehicles on the project site and unposted dirt access roads.
2. If possible, overnight parking and storage of equipment and materials, including stockpiling, will occur in previously-disturbed areas or areas to be disturbed that have been cleared by a qualified tortoise biologist. If not possible, areas for overnight parking and storage of equipment will be designated by the BLM authorized officer based on recommendations of a qualified tortoise biologist.
3. All vehicular traffic will be restricted to existing access roads, or those roads approved by the BLM authorized officer in consultation with the Service.
4. Project activity areas will be clearly marked or flagged at the outer boundaries before the onset of construction. All activities will be confined to designated areas. Blading of vegetation will occur only to the extent necessary and will be limited to areas designated for that purpose by the BLM authorized officer based on recommendations from a qualified tortoise biologist.
5. Projects resulting in residual impacts will require the submission of a BLM- and Service-approved reclamation plan, unless determined by the BLM authorized office and Service that reclamation or rehabilitation is not necessary. The reclamation/rehabilitation plan will describe objectives and methods to be used, species of plants and/or seed mixture to be used, time of planting, success standards, and follow-up monitoring. Depending upon the size and location of the project, reclamation could range from re-contouring, to rehabilitation and restriction of access points, to intensive reclamation over the entire area of surface disturbance. The plan will be prepared within 60 days following completion of the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.

6. If trenches or holes are to remain open overnight, they will be checked for tortoises at the end and beginning of each workday. The trenches or holes will be checked immediately prior to backfilling.
7. The project proponent will notify the BLM's authorized officer at least 10 days before initiation of any project. Notification will be made to the BLM's wildlife staff in Caliente or Ely.
8. BLM's wildlife staff in Caliente or Ely and the Service's Nevada Fish and Wildlife Office in Las Vegas must be notified of any desert tortoise death or injury due to project implementation by close of business on the following workday.
9. All appropriate Nevada Department of Wildlife permits or letters of authorization will be acquired prior to handling desert tortoises and their parts, and prior to initiation of any activity that may require handling tortoises.
10. The project proponent must submit a document to BLM within 30 days of completion of the project, showing the number of acres disturbed; remuneration fees paid, and the number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during project activities.

From the PBO - 2a, 2b, 2c, 2d, 2e

Terms and Conditions:

- 2.a. Prior to initiation of an activity within desert tortoise habitat, a desert tortoise awareness program shall be presented to all personnel who will be onsite, including but not limited to contractors, contractors' employees, supervisors, inspectors, and subcontractors. This program will contain information concerning the biology and distribution of the desert tortoise and other sensitive species, their legal status and occurrence in the project area; the definition of "take" and associated penalties; speed limits; the terms and conditions of this biological opinion including speed limits; the means by which employees can help facilitate this process; responsibilities of workers, monitors, biologists, etc.; and reporting procedures to be implemented in case of desert tortoise encounters or non-compliance with this biological opinion.
- 2.b. Tortoises discovered to be in imminent danger during projects or activities covered under this biological opinion, may be moved out of harm's way.

- 2.c. 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 will be kept shaded at all times until it is safe to release them. No desert tortoise will be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F. Ambient air temperature will be measured in the shade, protected from wind, at a height of 2 inches above the ground surface. No desert tortoise will be captured if the ambient air temperature is anticipated to exceed 95°F before handling and relocation can be completed. If the ambient air temperature exceeds 95°F during handling or processing, desert tortoises will be kept shaded in an environment that does not exceed 95°F and the animals will not be released until ambient air temperature declines to below 95°F.
- 2.d. Desert tortoises shall be handled by qualified individuals following recognized protocol (Desert Tortoise Council 1999, Service 2009). An authorized desert tortoise biologist will be onsite during project activities during the active desert tortoise season (March 1 – October 31). A biological monitor will be onsite during project activities during the rest of the year (November 1 – February 28/29). Biologists, monitors, or anyone responsible for conducting monitoring or desert tortoise field activities associated with the project will complete the Qualifications Form (see Appendix D in the PBO) and submit it to the Service for review and approval as appropriate. The Service should be allowed 30 days for review and response.
- 2.e. A litter-control program shall be implemented to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from project areas to the trash receptacles following the close of each work day, and the proper disposal of trash in a designated solid waste disposal facility. Appropriate precautions must be taken to prevent litter from blowing out along the road when trash is removed from the site. The litter-control program will apply to all actions. A litter-control program will be implemented by the responsible Federal agency or their contractor, to minimize predation on tortoises by ravens and other predators drawn to the project site.

From the PBO - 3b, 3d, 3e

Terms and Conditions:

- 3.b. Prior to vehicle and equipment travel on a ROW or project area, an authorized desert tortoise biologist shall survey for desert tortoises and their burrows using Service-approved protocols during the active desert tortoise season (March 1 – October 31). A biological monitor will survey for desert tortoises and their burrows in the same manner as previously described during the rest of the Year (November 1 – February

28/29). All potential desert tortoise burrows will be examined to determine occupancy of each burrow by desert tortoises in accordance with Service-approved protocol.

- 3.d. The AWSO would permanently disturb 0.27 acres of desert tortoise non-critical habitat on BLM-managed land. The applicant will pay compensation for disturbance of habitat prior to surface-disturbing activities associated with the proposed project. Disturbance will be compensated at the current rate of \$810.00 per acre.

Total remuneration fees to be paid to BLM for the project based on the current base rate of \$810.00 per acres are **\$218.70**. These funds will be used for management actions expected to provide a benefit to the desert tortoise over time. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species biological requirements, reducing loss of individual animals, documenting the species' current status and trends, and preserving distinct population attributes. Specific actions to be funded will be determined during annual meetings between BLM and the Service to identify and prioritize management actions, which may include implementation of range-wide tortoise monitoring, and management of the Desert Tortoise Conservation Center (BLM and Service 2010).

The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year. The next adjustment shall occur on January 31, 2012, and will become effective March 1, 2012. Fees assessed or collected for projects covered under this biological opinion after March 1st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>.

These funds are independent of any other fees collected by BLM for desert tortoise conservation planning. The payment to BLM shall be accompanied by the attached Section 7 Land Disturbance Fee Payment Form (Appendix A), and completed by the payee.

- 3.e. Prior to starting operations each day on any project that is not totally enclosed by tortoise-proof fencing and cattle guards, the project proponent shall be responsible for conducting a desert tortoise inspection by authorized desert tortoise biologists using techniques approved by the Service and BLM during the active desert tortoise season (March 1 – October 31). A biological monitor will conduct this inspection during the rest

of the year (November 1 – February 28/29). The inspection will determine if any desert tortoises are present in the following locations:

- Around and under all equipment;
- In and around all disturbed areas to include stockpiles and reject materials areas;
- In and around all routes of ingress and egress; and
- In and around all other areas where the operation might expand to during that day.

If a tortoise is discovered during this inspection or later in the day, the operator will immediately cease all operations in the immediate vicinity of the tortoise and will immediately notify the BLM authorized officer.

- 4.a. The project contractor would be required to have and comply with a dust control program.
- 4.b. A speed limit of 25 miles per hour will be required for all vehicles on the project site and unposted dirt access roads.
- 4.c. Overnight parking and storage of equipment and materials, including stockpiling, will occur in previously-disturbed areas or areas to be disturbed that have been cleared by a qualified desert tortoise biologist. If not possible, areas for overnight parking and storage of equipment will be designated by the BLM authorized officer based on recommendations of a qualified desert tortoise biologist.
- 4.d. All vehicular traffic will be restricted to existing access roads, or those roads approved by the BLM authorized officer in consultation with the Service.
- 4.e. Project activity areas will be clearly marked or flagged at the outer boundaries before the onset of construction. All activities will be confined to designated areas. Blading of vegetation will occur only to the extent necessary and will be limited to areas designated for that purpose by the BLM authorized officer based on recommendations from a qualified desert tortoise biologist.
- 4.f. If trenches or holes are to remain open overnight, they will be checked for tortoises at the end and beginning of each workday. The trenches or holes will be checked immediately prior to backfilling.

- 4.g. The project application will notify the BLM's authorized officer at least 10 days before initiation of any project. Notification will be made to BLM's wildlife staff in Caliente or Ely.
- 4.h. All appropriate Nevada Department of Wildlife permits or letters of authorization will be acquired prior to handling desert tortoises and their parts, and prior to initiation of any activity that may require handling tortoises.
- 4.i. The project proponent must submit a document to BLM within 30 days of completion of the project, showing the number of acres disturbed; remuneration fees paid, and the number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during project activities.