

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

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**Environmental Assessment  
DOI-BLM-NV-S010-2012-0074-EA**

**Recreation and Public Purposes (R&PP) Lease N-90846**

**For a Park and Ride area.**

**APPLICANT**

**Regional Transportation Commission of Southern Nevada  
(RTC of Southern Nevada)**

**LOCATION**

**Southwest area of Las Vegas between Las Vegas Boulevard and I-15.**

**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  
Parking and Ride Area for the Regional Transportation Commission  
of Southern Nevada on Public Lands**

**Identifying Information:**

DOI-BLM-NV-S010-2012-0074-EA

**Title, EA Number, and Type of project:**

Title: Regional Transportation Commission of Southern Nevada (RTC of Southern Nevada) Park and Ride.

Type: R&PP lease.

Background: The proposed project involves the construction of a Park and Ride and a supporting transit terminal building on approximately 15.04 acres of land located west of Las Vegas Boulevard, east of Interstate 15 (I-15), and approximately one quarter mile north of the St. Rose Parkway in Clark County.

**Location of Proposed Action:**

The purpose is to issue a R&PP lease in response to an application from RTC of Southern Nevada.

**Legal Description:**

Mount Diablo Meridian, Nevada, T. 23 S., R. 61 E., section 5, SW1/4SE1/4SE1/4 and N1/2SE1/4SE1/4SE1/4.

**Name and Location of Preparing Office:**

Department of the Interior  
Bureau of Land Management  
Las Vegas Field Office  
4701 N. Torrey Pines  
Las Vegas, NV 89130

Office Number: LLNVS00560

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

Casefile Number: N-90846.

**Applicant Name:**

Regional Transportation Commission of Southern Nevada ((RTC) of Southern Nevada).

**Background**

The purpose of this project is to alleviate existing and projected congestion on Las Vegas Boulevard, between the southern part of the valley and the resort corridor. Extensive future development, including new hotel/casino projects, is proposed on vacant parcels along South Las Vegas Boulevard. Based on the growth estimates, the traffic is expected to increase on I-15, Las Vegas Boulevard and adjacent streets, reduce the roadway capacity and deteriorate the level of service for traffic operations. The RTC anticipates using the proposed site as a Park & Ride lot

to serve the travel demands between the southern part of the valley and the resort corridor. The project site may be used as the Southern Terminus for the transit routes in the future. Additionally, the site may also be used as “Gateway to Ivanpah” in the future, when a new international airport is constructed in the Ivanpah valley.

**Purpose and Need for Action:**

**Purpose:** The issuance of a Recreation and Public Purposes lease in response to an application from RTC of Southern Nevada.

**Need:** An R&PP lease by fulfilling the requirements of the Federal Land Policy Management Act dated October 21, 1976, as amended and to fulfill the requirements of the R&PP Act of August 1996.

The proposed project involves the construction of a Park and Ride area and a supporting transit terminal building on approximately 15.04 acres of land located west of Las Vegas Boulevard, east of Interstate 15 (I-15), and approximately one quarter mile north of the St. Rose Parkway in Clark County.

**Scoping, Public Involvement and Issues:**

Internal scoping was performed by the Southern Nevada District Office Interdisciplinary Team.

It was determined by Bureau of Land Management (BLM) management that the action did not require public scoping.

A summary of this EA is available for review by the public on the internet on the DOI.GOV website under NEPA number: DOI-BLM-NV-S010-2012-0074-EA.

## **Proposed Action and Alternatives**

### **Description of the Proposed Action — Alternative 1:**

Description: The facility will consist of approximately 600 surface parking spaces for cars, and approximately six bus bays for future local and express routes. A supporting transit terminal building with an anticipated size of 1,800 square feet will be constructed. The building will accommodate areas for security, general customer service, ticket vending machines, storage rooms, indoor/outdoor waiting areas, office supplies and public restrooms. There are two phases of construction. :

- a. Phase I to begin immediately. Phase One to include the transit center open-air plaza, bus bays and shelter canopies, turnaround area, surface parking for automobiles, landscaping, and area lighting and driveways to access the project site off of Las Vegas Blvd.
- b. Phase II to be constructed within 25 years from start to finish. Phase Two is anticipated to add a support building for transit operations with waiting area and restrooms, additional landscaping, additional surface parking for automobiles, and potential off-site improvements, which may include street grading and paving, street striping and signage, and signal construction, as needed.

### **Description of Other Alternatives Analyzed in Detail:**

#### **No Action Alternative 2:**

Under a “no action” alternative, BLM land would not be made available for issuance of the R&PP lease. No action would result in providing the public with commuter areas for a Park & Ride with appurtenances.

#### **Alternatives Considered but not Analyzed in Detail:**

No other alternatives were considered.

### **Conformance**

The proposed action is in conformance with the Las Vegas Resource Management Plan (RMP) decisions under the Objective Land Use Authorization LD-2. “All public lands within the planning area, unless otherwise classified, segregated or withdrawn, and 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 and for airport leases under the authority of the Act of May 24, 1928, as amended.” The Management Direction LD-2–a. Land Use lease or permit applications and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable.”

## Affected Environment:

### Resources Considered:

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality			X	Ensure air quality and dust regulations are in compliance for the duration of the project.
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 (NHPA), the BLM Archaeologist conducted an existing data review of the area of potential effect (APE) according to 36 CFR 800.4. The APE was previously evaluated in support of the Valley Disposal Boundary Environmental Impact Statement (EIS). Results are detailed in BLM Cultural Resource Report 5-2467. There are no historic properties within the APE; no further evaluation is required unless the scope of the undertaking changes. As proposed, the undertaking will have no effect to historic properties. No concerns.
Environmental Justice	X			According to the 2005–2009 American Community Survey, minority and low-income populations are low in this area and should not be negatively impacted from this action.
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
Fish and Wildlife excluding Federally Listed Species		X		<p>Wildlife species in the general area include small mammals, rodents, birds and reptiles.</p> <p>Additionally, the BLM sensitive species western burrowing owl, chuckwalla, banded gila monster, Mojave shovel-nosed snake, desert glossy snake, Mojave desert sidewinder may be present in the general area. 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. Additional impacts associated with the mortality from vehicular traffic may also occur. 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. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as the total disturbance for this project is relatively small.</p>
Floodplains	X			There are no floodplains present in the project area.
Forests and Rangelands (HFRA only) Woodlands	X			The proposed action includes only minimal surface disturbance; therefore there will be no impacts to rangeland health.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Fuels/Fire Management		X		The project will occur in an urban area that has been heavily developed. This project should not significantly impact the fuels or fire environment.
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 emissions from federal activities, including BLM authorized uses.
Human Health and Safety	X			No issues. Have proponent follow best management practices and health and safety regulations for construction of the underground pipelines.
Invasive Species/ Noxious Weeds			X	The proposed project is located next to Las Vegas Blvd. and within the disposal boundary. Construction is likely to use existing roads to access the project site thereby minimizing the spread of invasive and/or noxious weeds, therefore no significant impacts are expected. To prevent the transport of invasive and/or noxious weeds to areas adjacent to the Transit Terminal building, check vehicles and equipment prior to leaving the site. In addition, actions that occur within the Southern Nevada District are required to follow all stipulations and mitigation measures for weed control standards in the LVFO Noxious Weed Plan.
Livestock Grazing	X			The proposed action area is not located in any authorized grazing allotments.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Migratory Birds		X		<p>Migratory birds, including the BLM sensitive species the western burrowing owl (<i>Athene cunicularia</i>), may be present on the project site.</p> <p>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 through August 1st.</p> <p>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.</p>
Minerals		X		<p>No mining claims or mining operations affected. Any excavation that produces mineral materials within the ROW must be used within the ROW or stockpiled on site for sale by the BLM. If mineral materials are to be stockpiled on site for sale, a contract will be necessary before the stockpiled mineral materials can leave the area.</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Native American Religious Concerns	X			An ethnographic assessment was conducted in support of the Valley Disposal Boundary EIS by the Chambers Group. The Nevada State Historic Preservation Office (SHPO) concurred on the adequacy of the report and consultation efforts. No Native American concerns were identified for this portion of the Las Vegas Valley; no further analysis is required.
Paleontological Resources	X			No fossil-bearing strata will be impacted by the proposed action.
Recreation	X			Not present.
Riparian/Wetlands	X			Proposed action does not occur in a wetland/riparian zone. There are no floodplains present in the project area.
Socio-Economic Values	X			This project will not disproportionately impact social or economic values.
Soils/Hydrology	X			No new issues as this project is located in the valley disposal boundary and the general area is already disturbed.
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	The above action has a may affect determination for the threatened desert tortoise ( <i>Gopherus agassizii</i> ). This project will have no affect on any other federally listed species or designated critical habitat. This project will disturb a total of 15.04 acres of tortoise habitat. The proponent will be required to pay remuneration fees of \$12,392.96 based on the current year's rate of \$824/acre of disturbance. This rate is subject to change as described in term and condition 2a., if fees are paid after March 1, 2014.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				<p>This project lies within the Las Vegas Valley programmatic area. The project site falls within low density tortoise habitat, as indicated by historical data for desert tortoise densities. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there is no tortoise sign within the direct footprint, nor within a mile of the proposed project site. As such, clearance surveys are voluntary and not required. However, a site visit conducted by Great Basin Institute Natural Resource Specialist on May 9, 2012 confirmed there are large tracts of undisturbed habitat exist in the area, and there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be injured or killed (by crushing), or harassed (by being moved out of harm's way).</p> <p>If a clearance is conducted, any tortoises found must be relocated to the Desert Tortoise Conservation Center following term and condition I.b.</p> <p>If not noticed and avoided during maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way). The proponent is required to have an authorized biologist on call to relocate any desert tortoises that enter the work area. If tortoises are encountered that must be moved out of harm's way, the biologist will contact the</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				<p>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 Section 7 Consultation for this project is covered under the Las Vegas Valley Biological Opinion (1-5-96-F-23R.3) contingent on compliance with the attached terms and conditions. Minimization measures in the above biological opinion contain measures to reduce potential impacts to desert tortoise. A copy of the terms and conditions has been uploaded to ePlanning (Sec 7 Log # NV-052-12095). This notice will serve as the Section 7 Determination and no additional paperwork will be provided.</p>
Vegetation	X			<p>There are no known occurrences of BLM Sensitive plant species within the project area, however the following species is known to occur in the general area surrounding the project: yellow two toned beardtongue (<i>Habenaria bicolor spp bicolor</i>). Due to the minimal amount of disturbance, if BLM sensitive plant species are present, potential impacts would be negligible.</p>
Visual Resources		X		<p>The proposed action is in VRM Class IV, which allows for high levels of change to the existing landscape. Change may dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic elements of form, line, color, and texture found in</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				the natural landscape to the extent practical. Since this is for an underground line, there are no issues.
Waste - Hazardous/Solid		X		Standard HazMat stipulations are to be attached to the grant. These actions have no impact on solid or hazardous waste and are therefore NP.
Water Quality	X			No issues as this project is located in the valley disposal boundary and the general area is already disturbed.
Wild & Scenic Rivers	X			Not present.
Wild Horse and Burros	X			The proposed project is not located in an active herd management area, there will be no impacts to wild horses or burros.
Wilderness (Study Area)	X			The proposed action is located in areas which underwent an initial wilderness inventory and were determined not to meet the elements of wilderness characteristics. This area was not nominated for wilderness characteristics as part of the Las Vegas RMP Revision and therefore the BLM did not consider a re-inventory in this area. The proposed action is in conformance with the existing LUP per FLPMA as it relates to management of LWCs.
Woodland/Forestry			X	Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. I conducted a site visit on May 9, 2012 and confirmed the proposed action area contains low densities of cactus and yucca. Low densities of cactus and yucca are likely present in the proposed project area. Impacts to cactus and yucca resources resulting from the proposed action would

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				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.

Elements that may be affected are further described in the EA.

**Air quality:**

The United States Environmental Protection Agency (USEPA) changed the standard for ozone from .084 ppb to .075 ppb, in March of 2008. This new standard will require implementation of Volatile Organic Compound (VOC) reduction strategies. There are a number VOC reduction strategies, including but not limited to reformulated fuel, vapor recovery, double walled under-ground storage tanks, increase mass transit and car pooling. It is not known at this time which of these reduction strategies would be implemented by Clark County Department of Air Quality (CCDAQ) as part of the State Implementation Plan (SIP) to show attainment for the ozone standard. BLM will work closely with RTC of Southern Nevada to ensure BLM authorizations are included as part of the SIP for the affected area. It is anticipated that the USEPA will issue new non-attainment designations in 2010, so Clark County does not have any SIP or plan requirements under the revised NAAQS at this time.

**Fish and Wildlife, Excluding Federally Listed Species:**

Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, Mojave shovel-nosed snake, desert glossy snake, Mojave Desert sidewinder may be present in the general area. 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, and the loss and fragmentation of habitat. Additional impacts associated with the mortality from vehicular traffic may also occur. 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.

**Migratory Birds:**

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site.

**Threatened, Endangered or Candidate Plant 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, as amended. The only T&E 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 lies within the Las Vegas Valley programmatic area and is adjacent to undisturbed desert tortoise habitat. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there are tortoise burrows located within less than a quarter mile of the proposed project site.

## **Environmental Effects:**

### **Air Quality:**

Simulations using the Argonne National Laboratory cumulative air modeling assessment indicated potential for future ozone concentrations from development of disposed lands to temporarily exceed the 0.084 ppb standard for select areas of Las Vegas Valley. The temporary exceedances were considered a “worst-case” scenario because the model was constructed using very conservative approaches and only included reformulated fuels as a VOC reduction strategy.

The Argonne National Laboratory air-quality model also assumed a disposal rate of approximately 4,000 acres per year based upon the rate of sales at the time and the assumption that the market could support this rate of disposal into the foreseeable future. In the past 2-3 years, deteriorating economic conditions have reduced demand for additional housing and land; the number of acres actually disposed has dropped considerably in the Las Vegas Valley from a high of 10,000 acres [2003-2006] to a low of 100 acres [2007-2010]. The current downward trend in land sales is expected to continue for the next several years based on the present economic conditions.

The results projected in the ozone model still adequately address future expected levels of ozone in the Las Vegas Valley. Future ozone concentrations resulting from development of disposed lands probably will be less than predicted by the model because of the greatly reduced rate of land disposal, conservative modeling approaches and likely implementation of VOC reduction measures not considered in modeling scenarios. The current 0.075 ppb ozone standard is not likely to be exceeded based upon this rationale, but there is some uncertainty involved with modeling results. In order to address uncertainty, the following measures will be implemented. BLM will coordinate with CCDAQ to ensure federal actions are consistent with the future guidelines provided by CCDAQ. BLM, in coordination with CCDAQ, also will determine if additional modeling is needed in the future if disposal rates increase to initially assumed values and specific VOC reduction measures are identified and implemented under a revised SIP.

A dust control permit will be required for this proposed action. Ensure compliance with dust regulations for the duration of the proposed action.

### **Fish and Wildlife, Excluding Federally Listed Species:**

Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as the total disturbance for this project is relatively small.

### **Migratory Birds:**

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 thru 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.

## **Threatened, Endangered, or Candidate Plant Species:**

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. This project will disturb a total of 15.04 acres of tortoise habitat. The proponent will be required to pay remuneration fees of \$12,392.96. based on the current year's rate of \$824/acre of disturbance. This rate is subject to change as described in term and condition 2a., if fees are paid after March 1, 2014.

This project lies within the Las Vegas Valley programmatic area. The project site falls within low density tortoise habitat, as indicated by historical data for desert tortoise densities. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there is no tortoise sign within the direct footprint, nor within a mile of the proposed project site. As such, clearance surveys are voluntary and not required. However, a site visit conducted by Great Basin Institute Natural Resource Specialist on May 9, 2012 confirmed there are large tracts of undisturbed habitat exist in the area, and there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be injured or killed (by crushing), or harassed (by being moved out of harm's way). If a clearance is conducted, any tortoises found must be relocated to the Desert Tortoise Conservation Center following term and condition 1.b.

If not noticed and avoided during maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way). The proponent is required to have an authorized biologist on call to relocate any desert tortoises that enter the work area. If tortoises are encountered that must be moved out of harm's way, the biologist will 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.

Section 7 Consultation for this project is covered under the Las Vegas Valley Biological Opinion (1-5-96-F-23R.3) contingent on compliance with the attached terms and conditions. Minimization measures in the above biological opinion contain measures to reduce potential impacts to desert tortoise. A copy of the terms and conditions has been uploaded to ePlanning (Sec 7 Log # NV-052-12095). This notice will serve as the Section 7 Determination and no additional paperwork will be provided.

## **CUMULATIVE IMPACTS:**

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

### **PAST, PRESENT, AND FUTURE ACTIONS CONSIDERED:**

**PAST:** The area has a growing community to the east of the proposed lease area. Utilities have been put in place to accommodate the present and future population. The M Resort Casino is within 3 miles of the site of the future RTC Southern Nevada Park and Ride

**PRESENT:** Clark County, Nevada, submitted a letter to the BLM to reserve the area for a future use, possibly as a park. However, Clark County has provided a Joint Selection letter that the area is not needed by Clark County for any other public purpose. Their correspondence jointly selects this parcel for use by the Regional Transportation Commission of Southern Nevada and is in compliance with the joint selection provision contained in the Southern Nevada Public Lands Management Act. No other sale or lease request have been received by the BLM.

**FUTURE:** Future impacts associated with this action should be the reduction of traffic on public streets.

## Tribes, Individuals, Organizations, or Agencies Consulted:

Table 1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
RTC of Southern Nevada	Applicant	Applicant
Brij Gulati, P.E., PTOE, Senior Project Engineer	RTC Employee	Consultant for RTC
Girli Boorboor, Program Management Services	RTC Employee	Consultant for RTC

## List of Preparers

**Table 2. List of Preparers:**

Name	Title	Responsible for the Following Section(s) of this Document
Cheryl G. Cote	Realty Specialist	Introduction, Purpose and Need, Scoping, Land/Access
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions
Fred Edwards	Botanist	Botanist, Forest Initiative, Healthy (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Susanne Rowe	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology
Katie Kleinick	Natural Resource Specialist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
Amelia Savage	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Lori Dee Dukes	Geologist	Geology/Mineral Resources/Energy Production.
Marilyn Peterson	Recreation Specialist	Recreation
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands, Prime or Unique
Jill Craig	Natural Resource Specialist	Invasive Species/ Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Lucas Rheas	Fire Management Specialist	Fuels/Fire Management
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics
Jessee Stegmeier	Biologist	Area of Critical Environmental Concern.
Billy Williams	Weed Specialist	Invasive/Noxious Weeds
Mike Moran	Hazmat Specialist	Wastes (hazardous or solid)

# **EXHIBIT A — STIPULATIONS**

Exhibit A  
Stipulations N-90846-01

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**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 revest 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 General Stipulations

- 2.1 The lease is issued subject to all valid existing rights.
- 2.2 No signs of advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 2.3 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.
- 2.4 Holder 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 Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.5 Holder shall conduct all activities associated with construction, operation, maintenance and termination of this lease within its authorized limits.
- 2.6 Holder 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.
- 2.7 Holder shall maintain copy of the authorization along with stipulations on construction site at all times.
- 2.8 Within 90 days of construction completion, the Holder 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 ROW :

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

- 2.9 The proposed action is in Visual Resource Management Class IV, which allows for high levels of change to the existing landscape. Change may dominate the view of the casual observer. Since the proposed action is adjacent to existing developments it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic element of form, line, color, and texture found in the natural landscape to the extent practical. No issues.
- 2.10 Holder 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.*
- 2.11 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.*

### 3.0 Air Quality

- 3.1 The Holder 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 Holder shall be responsible for dust abatement within the limits of the lease and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder 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.
- a. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder 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 Holder.
  - b. Prior to relinquishment, abandonment, or termination of this lease, the Holder 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.
  - c. Ensure dust control permit is obtained through DAQEM for all soil disturbing activity of .25 acres or greater in the aggregate and permit stipulations are in compliance for the duration of the activity. At present, water is the only means by which BLM authorizes dust suppression for construction activities,

as well as for operations and maintenance of public land activities known to generate fugitive dust.

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

#### **4.0 Cultural**

Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Holder 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 Holder 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 Holder. Holder shall be responsible for the resultant mitigation costs.

#### **5.0 Hazardous Material/Pesticides/Liability**

If any hazardous material, substance, or hazardous waste, will be used, the product, stored, or transported on or within the lease area or facilities located thereon, or used in the construction, operation, maintenance or termination of the lease or any of its facilities, the Holder shall submit a Plan of Development in accordance with the requirements enumerated in the BLM Handbook 2801-1.

#### **6.0 Mineral Material**

No mining claims or mining operations are present. Any excavation that produces mineral materials must be used within the project area or stockpiled onsite for sale by the BLM. If mineral materials are to be stockpiled for sale a contract will be necessary before the stockpiled mineral materials can leave the area.

#### **7.0 Survey Monuments**

Holder 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 holder 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 holder 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 holder shall be responsible for the survey cost.

## **8.0 Vegetation/Noxious Weeds/Land Surface Treatment/Soil/Water/Riparian**

8.1 The Holder shall be responsible for weed control on disturbed areas within the limits of the lease. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the lease stipulations. This proposed action will follow the guidelines of the LVFO Noxious Weed Plan approved on December 18, 2006. The following are project specific stipulations that will attempt to control Nevada listed noxious weeds on this project:

- a. The project proponent shall limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary to perform the activity safely and as designed. The project proponent will avoid creating soil conditions that promote weed germination and establishment.
- b. Locate equipment storage, machine and vehicle parking in areas that are relatively weed-free. The project proponent shall avoid or minimize all types of travel through weed-infested areas.
- c. BLM or the project proponent shall determine equipment-cleaning sites (if equipment is infested with weed seeds, plant parts or mud and dirt). Project related equipment and machinery (this especially includes the nooks and crannies of undercarriages) will be cleaned using compressed air or water to remove mud, dirt and plant parts before moving into and from relatively weed-free areas. Seeds and plant parts will be collected, bagged and deposited in dumpsters destined for local landfills.
- d. 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 in a dumpster for deposit in local landfills.
- e. The proposed action will utilize existing roads and disturbed areas thereby minimizing the spread of invasive and/or noxious weeds.

8.2 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.

8.3 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 will be

salvaged and transplanted out of harm's way but still within the right of way. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

- 8.4 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). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling. Consult with ACOE to make sure you do not need a 404 permit.

## 9.0 Fish and Wildlife Excluding Federally Listed Species

Wildlife species in the general area include small mammals, rodents, birds and reptiles.

Additionally, the BLM sensitive species western burrowing owl, chuckwalla, banded gila monster, Mojave shovel-nosed snake, desert glossy snake, Mojave Desert sidewinder may be present in the general area. Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, chuckwalla, banded gila monster, Mojave shovel-nosed snake, desert glossy snake, Mojave desert sidewinder may be present in the general area. 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. Additional impacts associated with the mortality from vehicular traffic may also occur. 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. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as the total disturbance for this project is relatively small.

## 10.0 Migratory Birds

Migratory birds, including the BLM sensitive species, the western burrowing owl (*Athene cunicularia*), may be present on the project site.

- 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 1st - August 1st.
- 10.2 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.

## **11.0 Threatened, Endangered or Candidate Animal Species**

The action has a may affect determination for the threatened desert tortoise *Gopherus agassiziis*). This project will have no affect on any other federally listed species or designated critical habitat. This project will disturb a total of 15.04 acres of tortoise habitat. The proponent will be required to pay remuneration fees of \$12,392.96 based on the current year's rate of \$824/acre of disturbance. This rate is subject to change as described in term and condition 2a., if fees are paid after March 1, 2014.

This project lies within the Las Vegas Valley programmatic area. The project site falls within low density tortoise habitat, as indicated by historical data for desert tortoise densities. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there is no tortoise sign within the direct footprint, nor within a mile of the proposed project site. As such, clearance surveys are voluntary and not required. However, a site visit conducted by Great Basin Institute Natural Resource Specialist on May 9, 2012 confirmed there are large tracts of undisturbed habitat exist in the area, and there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be injured or killed (by crushing), or harassed (by being moved out of harm's way). If a clearance is conducted, any tortoises found must be relocated to the Desert Tortoise Conservation Center following term and condition 1.b. If not noticed and avoided during maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way). The proponent is required to have an authorized biologist on call to relocate any desert tortoises that enter the work area. If tortoises are encountered that must be moved out of harm's way, the biologist will 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.

Section 7 Consultation for this project is covered under the Las Vegas Valley Biological Opinion (1-5-96-F-23R.3) contingent on compliance with the attached terms and conditions.

Minimization measures in the above biological opinion contain measures to reduce potential impacts to desert tortoise. A copy of the terms and conditions are listed below. (Sec 7 Log # NV-052-12095). This notice will serve as the Section 7 Determination and no additional paperwork will be provided.

The holder shall abide by the terms and conditions of Biological Opinion File No. 1-5-96-F-023R.3 for the Las Vegas Valley, on file at the Bureau of Land Management Office, Las Vegas, Nevada, and as shown below.

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.

**Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there is no tortoise sign within the direct footprint, nor within a mile of the proposed project site. As such, clearance surveys are voluntary and not required. However, because large tracts of undisturbed habitat exist in the area, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be injured or killed (by crushing), or harassed (by being moved out of harm's way).**

**The proponent is required to have an authorized biologist on call to relocate any desert tortoises that enter the work area. If tortoises are encountered that must be moved out of harm's way, the biologist will 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.**

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.

- 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. BLM shall ensure that a fee is paid at the current rate of \$824 per acre of disturbance, as indexed for inflation, prior to surface disturbance with the following exceptions:
- (1) R&PP leases would be issued prior to payment of remuneration fees. Payment of fees on R&PP leases shall be deferred until immediately prior to surface disturbance. If the R&PP project consists of phased development of the lease area, fees shall be paid for each phase immediately prior to surface disturbance. Likewise, road ROW issued to local governments (e.g., Clark County, cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City) may be issued before payment of fees. If payment of remuneration fees is postponed for any project, the applicant must submit a request for a Notice to Proceed before surface disturbance. The applicant shall provide BLM with proof of payment of the, required remuneration fees, before BLM issues the Notice to Proceed. Both of these actions shall occur prior to surface disturbance. A Notice to Proceed shall be issued for each segment of right-of-way as payment is made.
  - (2) Because many mining plans of operation are phased in over a number of years, remuneration fees shall be paid for each phase immediately prior to surface disturbance.
  - (3) Projects impacting less than 0.25 acres will not be assessed a remuneration fee.
  - (4) Mineral material sales will be charged a fee of 25 cents per yard up to the equivalent of \$810 per acre of disturbance.

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 31<sup>st</sup> of each year. The next adjustment shall occur on January 31, 2013, and will become effective March 1, 2013. Fees assessed or collected for projects covered under this biological opinion after March 1<sup>st</sup> 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.nr0.htm>

***The surface disturbance for this project is 15.04 acres. The total fee for this project is \$12,392.96 (\$824.00 x 15.04).***

This fee will be paid directly to the Bureau of Land Management, Information Access Center. These funds are independent of any other fees collected by the Bureau of Land Management for desert tortoise conservation planning.

The payment shall be accompanied by the **Section 7 Fee Payment Form**, (Attachment) and completed by the payee. Payment shall be by certified check or money order payable to Bureau of Land Management. Checks may be delivered

in person at the BLM Information Access Center (IAC). For private parcel services, such as Fed-Ex or UPS, and US Postal Service use the physical address:

Physical Address: Bureau of Land Management  
Attn: Information Access Ctr  
1340 Financial Blvd.  
Reno, NV 89502

- b. 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 re-entry. 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 re-initiation requirements contained in this biological opinion:

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

**SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM****Biological Opinion File Number:** 1-5-96-F-23R.3**Biological Opinion Issued By:** Nevada Fish and Wildlife Office, Reno, Nevada**Species:** Desert Tortoise (*Gopherus agassizii*) (Mojave population)**Project Name:** RTC Park and Ride R&PP**Case File/Serial #:** N-90846 (DOI-BLM-NV-S010-2012-0074-EA)**Project Proponent:** RTC of Southern Nevada**Phone Number:** \_\_\_\_\_

Payment Calculations:	Clark County		County		County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land		15.04				
Fee rate (per acre)		824				
<b>Total cost/habitat type (per county)</b>	\$ -	\$12,392.96	\$ -	\$ -	\$ -	\$ -
<b>Total cost per county</b>	\$12,392.96		\$ -		\$ -	

**Total payment required (all counties):** \$ 12,392.96**Amount paid:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Check/Money Order #:** \_\_\_\_\_**Authorizing agencies:** Bureau of Land Management, Las Vegas, Nevada**Make check payable to:** Bureau of Land Management

**Deliver check to:** **Physical Address**  
 Bureau of Land Management  
 Attn: Information Access Ctr  
 1340 Financial Blvd.  
 Reno, NV 89502

**Credit Card Payments:** Contact BLM State Office Public room at 775-861-6500

For BLM Public Room

**Process check to:**

Contributed Funds-All Other

WBS: LVTFX000800

7122 FLPMA

All other Res. Dev. Project and Management

Remarks: LLNV934000 L71220000.JP0000 LVTFX000800 Desert Tortoise Conservation Program

Please provide a copy of this completed payment form and the payment receipt to NV-930, Attn: T&amp;E Program Lead

**\*\*T&E Program Lead will provide a copy to the appropriate District Office(s)****Attachment B**

**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: RTC of Southern Nevada Park & Ride Case File No: N-90846-01

Acreage of Disturbance Authorized: 15.04  
Acreage Actually Disturbed: 15.04  
Fees Assessed: \$12,392.96 Rate: \$824/acre

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 removal<sup>1</sup>:

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*

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

## **EXHIBIT B — AERIAL MAP**



# **EXHIBIT C — MASTER TITLE PLAT (MTP) MAP**

