

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

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**Environmental Assessment  
DOI-BLM-NV-S010-2012-0128-EA**

**N-4188/B/ & N-4188-01**

**Right-of-Way**

**For an Underground 15kV electrical line on Public Lands**

**APPLICANT**

**Nevada Power Company d/b/a NV Energy**

**LOCATION**

**Southern Clark County, North of Laughlin Highway off of Christmas Tree Pass Drive.**

**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**

## **Right-of-Way for an Underground 15kV Electrical Line on Public Lands**

### **Identifying Information:**

DOI-BLM-NV-S010-2012-0128-EA

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

Title: Right-of-Way for an Underground 15kV Electrical Line on Public Lands.

EA Number: DOI-BLM-NV-S010-2012-0128-EA

Type: Right-of-Way

### **Location of Proposed Action:**

Located in Southern Clark County, north of Laughlin Highway, off Christmas Tree Pass Drive near the NV Energy Communication Site.

### **LEGAL DESCRIPTION:**

Mount Diablo Meridian, Nevada, T. 31 S., R. 65 E., section 16,

SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

### **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-4188 & N-4188-01 - Nevada Power Company d/b/a NV Energy.

### **Applicant Name:**

Nevada Power Company d/b/a NV Energy (Casefile N-4188 & N-4188-01)

### **Purpose and Need for Action:**

Description: The application is an amendment for a right-of-way (ROW) over public lands to upgrade an existing underground 15kV electrical line. The amendment is needed to upgrade the electrical service to the existing Christmas Tree Pass communication site to ensure reliable power to the facility. A short term ROW (STR) is also needed for construction purposes.

## **Scoping, Public Involvement and Issues:**

Located in Southern Clark County, north of Laughlin Highway, off of Christmas Tree Pass near the NV Energy Christmas Tree Pass communication site.

The power line is existing; however it is being upgraded to ensure reliable power to the facility. The STR is needed for the construction of the upgraded facilities. NEPA was never performed on this ROW. The upgrade to the power line will remain within the already granted ROW; however, ROW needed for the STR exceeds the original ROW area.

Stipulations will be attached to the right-of-way grant which will include conservation and protection of the natural resources, cultural resources, Threatened and Endangered (T&E) Species, and the environment.

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

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-S010-2012-0128-EA.

Notifications have been sent to all adjacent ROW holders in the area to ensure there are no conflicts with the upgrading of this power line.

## **Proposed Action and Alternatives**

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

Description: NV Energy applied for an amendment to their right-of-way over public lands for an underground 15kV Electric line. The power line is approximately 744.76 feet long, 6 feet wide, and approximately 0.103 acres. They plan to upgrade approximately 202 feet (0.03 acres) of the existing 4/0 service in 3–inch conduit and hand hold and to replace with 500 triplex wire in a 4–inch conduit with a new handhold and transformer pad. NV Energy has requested a STR 10 feet on either side of the 202 feet of upgrade area for 0.1 acres. the upgraded power line will ensure reliable power to the Christmas Tree Pass communication site facility.

The requested right-of-way is within the existing 6 feet wide ROW and the requested STR is 202 feet long and 20 feet wide to allow for construction, of the power line. The upgrade is necessary to provide reliable power to the communication site. The STR is necessary to facilitate construction.

#### **RIGHT-OF-WAYS OR PENDING ACTIONS WITHIN THE PROJECT AREA:**

There are several Communication Sites in the project area; however, none appear to be in conflict with NV Energy’s proposed project. Notification has been sent to all ROW holders with facilities in the area for their review and comments.

#### **CONSTRUCTION:**

The upgrade to the power line would be designed and constructed in accordance with current NESC and Clark County codes. The line currently has 4/0 in 3–inch conduit and 202 feet of the line would be replaced with 500 triplex wire in 4–inch conduit. A new hand hold and new transformer pad would also be installed. the sequence of construction events is as follows: Dig trench, install conduit, backfill trench to existing grade, remove existing concrete pad and install composite pad.

The request for ROW would be within the currently granted 6 foot wide ROW for maintenance of the line.

The request for the STR is for a 20 foot right-of-way on either side of the existing 6 foot wide ROW to allow for the construction of the power line upgrade. Equipment used during construction would be trucks, a trencher, small front-end loader and a backhoe.

#### **CONSTRUCTION TIMELINE:**

- a) Dig trench.
- b) Install conduit.
- c) Backfill trench to existing grade
- d) Remove existing concrete pad.
- e) Install composite pad.

**RECLAMATION:** The final phase of construction would be cleanup and reclamation. Excess soil excavated for the installation of the electrical line would be spread on site. The disturbed area within the temporary construction area would be returned to its original state. With the exception

of emergency repair situations, NV Energy would operate and maintain the site as required by BLM stipulations. There is no line work associated with this project.

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

#### **NO ACTION ALTERNATIVE NUMBER 2:**

Under a “no action” alternative, BLM land would not be made available for issuance of the right-of-way. No action would result in no upgrade to the existing power line for the ability to ensure reliable power to the Christmas Tree Pass communication site.

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

#### **ALTERNATE NUMBER 3:**

No other alternatives were considered.

### **Conformance**

The proposed action is in conformance with the Las Vegas Resource Management Plan (RMP) decisions RW-1, and RW-1-h, approved October 5, 1998.

- RW-1 — “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.”
- RW-1-h— “All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.”

Rights-of-ways are allowable on BLM-administered lands per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

## Affected Environment:

### SUPPLEMENTAL AUTHORITIES

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		
Area of Critical Environmental Concern (ACEC)	X			
Cultural/Historical	X			
Paleontological Resources	X			
Environmental Justice	X			
Farmlands Prime or Unique	X			
Noxious Weeds/Invasive Non-native Species		X		
Native American Religious Concerns	X			
Floodplains	X			
Riparian/Wetlands	X			
Threatened, Endangered or Candidate Plant Species	X			
Threatened, Endangered or Candidate Animal Species.		X		
Migratory Birds			X	
Waste - Hazardous/Solid	X			
Water Quality		X		
Wild & Scenic Rivers	X			
Wilderness (Study Area)	X			
Forests and Rangelands (HFRA only) Woodlands		X		
Human Health and Safety		X		

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

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management	X			
Green House Gas Emissions (Climate Change)		X		
Minerals		X		
Socio-Economic Values		X		
Soils/Hydrology		X		
Vegetation		X		
Visual Resources		X		
Recreation		X		
Fish and Wildlife excluding Federally Listed Species		X		

### **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 the found dwelling animals and less mobile species (such as reptiles) during construction, displacement of individuals, the loss and fragmentation of habitat and increased potential for and harassments of wildlife. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area. Desert bighorns may be temporarily disturbed by vehicles operating in their habitat. Animals may seek cover on steep slopes and ridges to avoid vehicular activity and associated noise pollution. Solitude depended species, such as the desert bighorn sheep, may abandon the area if human activities reduce the quality of their habitat.

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 the desert bighorn will be temporary in nature. Impacts to BLM Sensitive Species, chuckwalla, 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:**

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

## **Environmental Effects:**

### **Migratory Birds:**

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

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

## **CUMULATIVE IMPACTS:**

The proposed action is an amendment to a right-of-way for an underground 15kV Electrical line over public land, approximately 202 feet in length, 6 feet wide, and approximately 0.03 and a Short Term right-of-way for the construction of the power line over public land, approximately 202 feet in length, 20 feet wide and approximately 0.1 acres. The proposed action is located in southern Clark County, north of Laughlin Highway off of Christmas Tree Pass Road, near the NV Energy Christmas Tree Pass communication site. The right-of-way for the power line is existing and the only new disturbance is for the short term right-of-way for the construction of the upgrades to the power line.

There are no noted cumulative impacts associated with this action.

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

Future impacts associated with this action should be minor, since the project is for an existing underground power line, which will be in an area that is currently undeveloped with the exception of communication sites nearby. Upon completion of construction, appropriate stabilization and rehabilitation measures will be completed in conformance with the requirements of BLM, the State of Nevada Division of Environmental Protection, and Clark County Department of Air Quality and Environmental Management.

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

**Table 1. List of Persons, Agencies and Organizations Consulted**

<b>Name</b>	<b>Purpose &amp; Authorities for Consultation or Coordination</b>	<b>Findings &amp; Conclusions</b>
Nevada Power Company d/b/a NV Energy, P.O. Box 98910, Las Vegas, NV 89151-0001	Applicant	Applied for amendment to upgrade electrical facilities.

## List of Preparers

**Table 2. List of Preparers:**

Name	Title	Responsible for the Following Section(s) of this Document
Cheri B. Woodward	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 Dec Dukes/George Varhalmi & Evan Allen	Geologist	Geology/Mineral Resources/Energy Production,
Marilyn Peterson/Chris Linehan	Recreation Specialist	Recreation
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands, Prime or Unique
Billy Williams	Natural Resource Specialist	Invasive Species/ Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Sean McEldery/Lucas Rhea	Fire Management Specialist	Fire Management
Sendi Kalcic	Wilderness Planner and Visual Resources	Areas with Wilderness Characteristics

**Exhibit A**  
**Stipulations N-4188/B/ & N-4188-01**

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**1.0 Special Stipulations**

- 1.1 Trench shall be backfilled or covered at the end of each day during hours of inactivity or the trenches shall be dug in such a manner that the side and/or end walls are contoured to allow any animals that inadvertently fall in , a means to climb out.
- 1.2 Should a Desert Tortoise enter the project area, all activities will immediately stop until such time as the animal has left the area of its own accord.
- 1.3 A speed limit of 25 miles per hour shall be required for all vehicles traveling on the existing access road.
- 1.4 Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.

**2.0 General Stipulations**

- 2.1. The right-of-way is issued subject to all valid existing rights.
- 2.2. No signs or 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 right-of-way 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 right-of-way 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 right-of-way within its authorized limits.
- 2.6. Holder shall maintain the right-of-way 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. In the event that the public land underlying the right-of-way encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments.

At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- 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 right-of-way:

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.

### 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 right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The 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 right-of-way.

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.

Prior to relinquishment, abandonment, or termination of this right-of-way, 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.

- 3.2. 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

- 4.1. 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

- 5.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 5.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.
- 5.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

- 5.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

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

Pesticides shall not be permanently stored on public lands authorized for use under this right-of-way.

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

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the right-of way regardless of whether the Holder has actually developed or caused development to occur on the right-of-way from the time of the issuance of this right-of-way to the Holder and during the term of this right-of-way.

- 5.6. Mineral material generated, and not needed for the development of the proposed action within the right-of-way site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of in place excess mineral material. All mineral material needs to be used on site within the right-of-way or stockpiled on site for sale by the BLM.

## 6.0 Survey Monuments

- 6.1. 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.

## 7.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

- 7.1. There are no conflicts with any T/E plant species. This project occurs within the designated "low" density zone for cactus and yucca and has been previously disturbed. All cactus and yucca that might be impacted by this action must be disposed of in an off-site trash receptacle.
- 7.2. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the right-of-way stipulations.

This action will occur within a previously developed/urban setting in the Las Vegas Valley. The potential for noxious weeds to transfer from the proposed project area to BLM managed multiple use lands elsewhere is negligible; therefore, noxious weeds are not considered to be an issue for the proposed project.

- 7.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 7.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction 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.

- 7.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling.

## 8.0 Migratory Birds

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

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

## 9.0 Threatened and Endangered Wildlife and Plant Species Stipulations

- 9.1. The Holder will comply with the terms and conditions of the **Biological Opinion for this project** on file at the Bureau of Land Management, Las Vegas Field Office and included below.

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Section 7 log #: NV-052-12-167



