

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

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**Environmental Assessment  
DOI-BLM-NV-S010-2012-0140-EA**

**N-91155, N-91333, N-91353, N-91368**

**Rights-of-Way for an Access Road,  
Powerline, and Water Pipeline on Public Lands**

**APPLICANTS**

**Reilly D. Jensen, Marcus R. Jensen,  
Overton Power District No. 5, Moapa Valley Water District**

**LOCATION**

**Located in Logandale, Nevada**

**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

## Identifying Information:

DOI-BLM-NV-S010-2012-0140-EA

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

Title: Rights-of-Way for an Access Road, Powerline, and Water Pipeline on Public Lands

EA Number: DOI-BLM-NV-S010-2012-0140-EA

Type: Linear Rights-of-Way

## Location of Proposed Action:

Located in Logandale, Nevada

## LEGAL DESCRIPTION:

Reilly D. Jensen, Marcus R. Jensen, Overton Power District, Moapa Valley Water District:

Mount Diablo Meridian, Nevada, T. 15 S., R. 67 E., Section 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

BLM access road crossing over private lands:

Mount Diablo Meridian, Nevada, T. 15 S., R. 67 E., Section 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$ . (Private land.)

## 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 Numbers: N-91155, N-91333, N-91353, N-91368

## Applicants Name:

Marcus R. Jensen, Reilly D. Jensen, Overton Power District, Moapa Valley Water District, BLM

## Purpose and Need for Action:

Description: The Bureau of Land Management (BLM) is proposing to build two fish barriers located on the Muddy River, Clark County, NV. The BLM needs to cross over private land to get to the fish barrier location site 3. According to 43 CFR 2801.1-2, when the authorized officer determines a right-of-way for an access road is needed by the United States across lands directly or indirectly owned or controlled by an applicant for a right-of-way grant, he or she shall, require the applicant, as a condition to receiving the right-of-way grant, a grant to the United States that is equivalent in duration and rights. This is referred to as a reciprocal right-of-way agreement.

A reciprocal right-of-way agreement is needed to allow BLM to cross over Marcus R. Jensen's private property to access the fish barrier, and allow an access right-of-way over public land for Reilly D. Jensen. A condition of the reciprocal right-of-way is to process a right-of-way for Overton Power District No. 5 and Moapa Valley Water District, in order to provide Reilly D. Jensen's adjacent private property with water and power.

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

The BLM is proposing to build two fish barriers located on the Muddy River, near Logandale, Nevada. The barriers are intended to stop movement of unwanted, non-native fish entering into the habitat of endangered species including the Moapa dace. The only access to one of the fish barriers is through private land. The BLM is attempting to enter into a reciprocal agreement with the private landowner to gain access through the private land.

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-S010-2012-0140-EA.

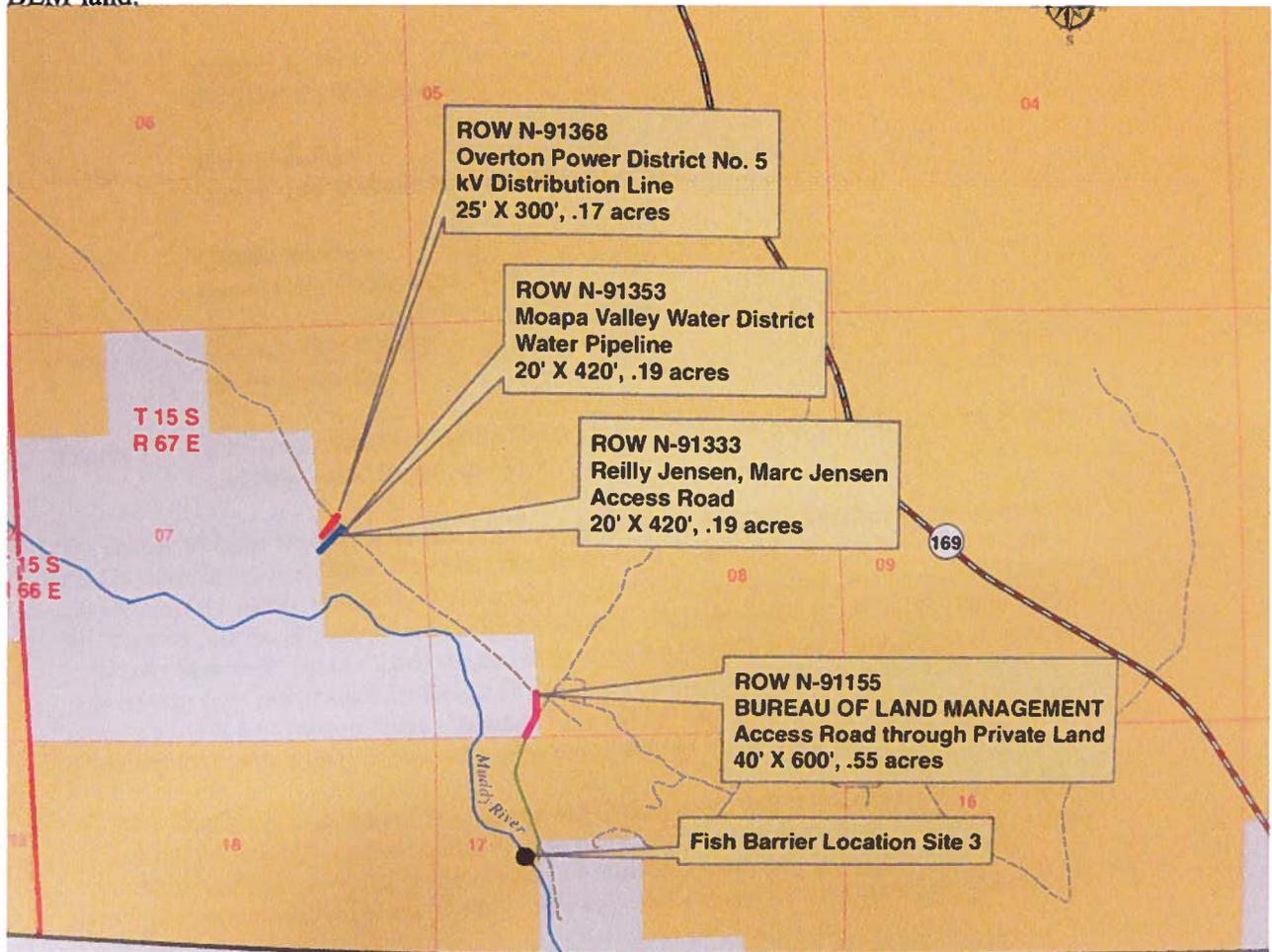
# Proposed Action and Alternatives

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

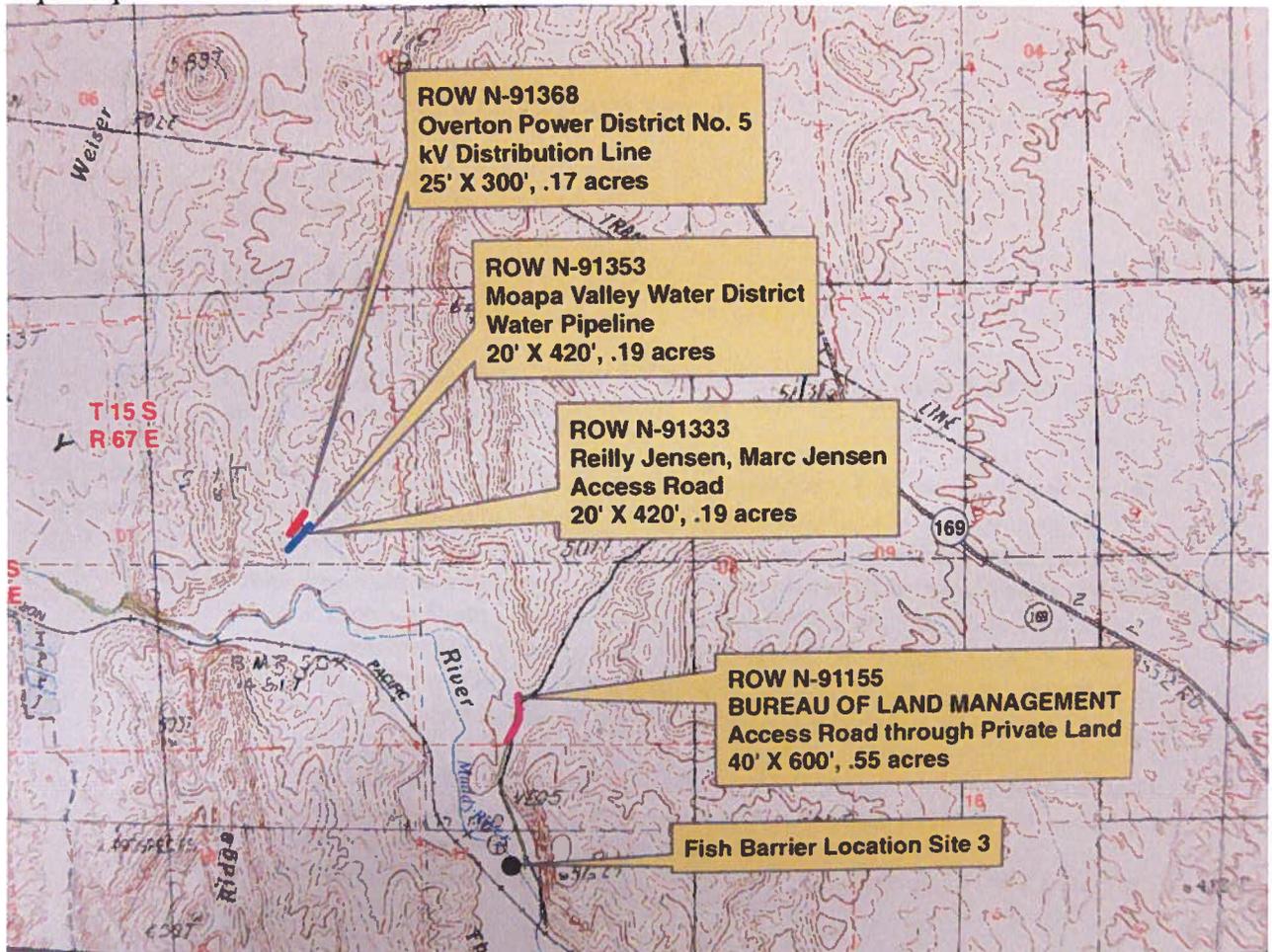
Description: The BLM is proposing to build two fish barriers in the Muddy River, by Logandale, Nevada. The only access to one of the fish barriers is through private property owned by Marcus R. Jensen. The BLM is attempting to establish a reciprocal right-of-way (ROW) agreement with Marcus R. Jensen and Reilly D. Jensen. The reciprocal ROW would allow BLM to cross over Marcus R. Jensen's private property to access the fish barrier, and allow an access right-of-way over public land for Reilly D. Jensen. A condition of the reciprocal ROW is to process a ROW for Overton Power District No. 5 and Moapa Valley Water District, in order to provide Reilly D. Jensen's adjacent private property with water and power.

Reilly D. Jensen and Marcus R. Jensen ROW (N-91333), and the underground water pipeline for Moapa Valley Water District (N-91353) will be located on the previously existing access road. The Overton Power District No. 5 aerial powerline (N-91368) will run parallel to the access road on the hillside (see map below).

The map below shows the proposed rights-of-way areas. White area is private property, yellow is BLM land.



Topo map of the area.



Picture of Reilly D. Jensen, Marcus R. Jensen's access road ROW N-91333. The Moapa Valley Water District ROW N-91353, for an underground water line, will be on this road. The Overton Power District No. 5 ROW N-91368, for an aerial kV powerline will run parallel north of this road on the hillside.



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

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

Under a “no action” alternative, the BLM would not be able to gain a reciprocal right-of-way access over private property. No action would result in the BLM unable to access the proposed site to construct the fish barrier in the Muddy River. Without construction of a fish barrier in the Muddy River, a further decline of the endangered fish species would probably be evident.

Under a “no action” alternative, the BLM land would not be available for issuance of a right-of-way. Reilly D. Jensen and Marcus R. Jensen would not be able to obtain a right-of-way road access to their private property, nor obtain water pipeline and/or aerial power lines to their property. Without power and water, they would be unable to build their dream home on the property.

### **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		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.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or designated critical habitat.
Cultural/Historical	X			The BLM Archaeologist has determined that the undertaking as proposed is exempt from Section 106 review as specified in Section V.A.3(a) of the 2009 State Protocol Agreement with the Nevada State Historic Preservation Office (SHPO). No further evaluation is required.
Paleontological Resources	X			No fossil-bearing strata will be impacted by the proposed undertaking.
Environmental Justice		X		Any minority or low income group present within the project area would not be disproportionately impacted by health or environmental effects.
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the District.
Noxious Weeds/Invasive Non-native Species			X	Impacts from construction and maintenance may introduce and exacerbate weed populations, with potential spread to adjacent lands. All stipulations and mitigation measures for weed control standard to the Southern Nevada District Office apply. A weed plan must be in place before the signing of the EA to ensure that weed mitigation measures are understood and to maintain weed populations at or below

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				ambient levels. Impacts addressed below in EA.
Native American Religious Concerns	X			No concerns. The area has been disturbed from previous construction.
Floodplains		X		
Riparian/Wetlands		X		
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	<p>The above proposed action area may contain potential habitat for the endangered Yuma clapper rail (<i>Rallus longirostris yumanensis</i>) and southwestern willow flycatcher (<i>Empidonax trailii extimus</i>). Additionally, there is potential for occurrence of the Virgin River chub (Muddy River Population), a federal candidate species, in the project area. These species should be analyzed in the EA. If habitat exist for the above listed species section 7 consultation is required, coordinate with BLM Wildlife Biologist and USFWS to determine if surveys are required.</p> <p>The proposed action has a no affect determination on the threatened desert tortoise (<i>Gopherus agassizii</i>). This project will have no affect on any other federally listed species or designated critical habitat.</p> <p>No new surface or vegetation disturbance will occur in desert tortoise habitat and all vehicles will remain within existing roadways and turnouts to access the project area. No impacts to desert tortoise or their habitat are expected to occur. In addition, compliance with the special stipulations below will help to ensure that no</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				<p>affect to desert tortoises occurs.</p> <p>1) A speed limit of 25 miles per hour shall be required for all vehicles travelling on the existing access roads.</p> <p>2) If a tortoise is found on the road, all vehicles shall stop until the tortoise moves out of harm's way on its own volition.</p> <p>2) Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.</p> <p>This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-12-108).</p> <p>Impacts addressed below in EA.</p>
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</p>

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge. Impacts addressed below in EA.
Waste - Hazardous/Solid		X		No issues. Include standard hazardous waste stipulations in grant.
Water Quality		X		
Wild & Scenic Rivers		X		
Wilderness/ WSA/Lands with Wilderness Characteristics	X			The proposed action is not located within or adjacent to designated Wilderness, WSAs, or ISAs.
Forests and Rangelands (HFRA only) Woodlands		X		Cactus, yucca, acacia, mesquite and others trees may be present within the project impact area. Cactus, yuccas, acacia, mesquite and others trees are considered government property and are regulated under the Nevada BLM forestry program. To the extent practical, cactus, yuccas and trees within project area are to be avoided. As the project area is within an active flood plain prone to disturbance, potential impacts to forestry products would be considered negligible.
Human Health and Safety		X		No issues. Have proponent follow best management practices and health and safety regulations for construction of the underground pipelines.

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

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management		X		The area is within the Muddy River grazing allotment; however, as there are no authorized grazing permits within this allotment the proposed action will have no impacts to livestock grazing.
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.
Minerals		X		There are mining claims at T. 15 S., R. 67 E., sec.17, and a courtesy letter should be sent to the claimant to let them know what is going on as the company has been active in exploration this year.
Socio-Economic Values		X		This project will not disproportionately impact social or economic values.
Soils/Hydrology		X		
Vegetation		X		There are no known occurrences of BLM sensitive species or suitable potential habitat within the project area. If there are unknown occurrences of BLM sensitive species within the project site, due to the small amount of disturbance, potential impacts would be negligible.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Visual Resources		X		<p>The proposed project location is within VRM Class II – The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.</p>
Recreation		X		<p>Proposed action would not change recreation use.</p>
Fish and Wildlife excluding Federally Listed Species		X		<p>Wildlife species in the general area include small mammals, rodents, birds and reptiles. These species would be displaced as lands are disturbed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals and less mobile species (such as reptiles) during construction, displacement of individuals, the loss of habitat and increased potential for harassments of wildlife. Additional impacts associated with the mortality from vehicular traffic within the project area 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.</p> <p>Additionally, the BLM sensitive species Moapa speckled dace, western burrowing owl, chuckwalla, , Mojave shovel-nosed snake,</p>

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
				desert glossy snake, Mojave Desert sidewinder may be present in the general area. Impacts to BLM sensitive reptile species are the same as described above.

**Invasive Species/Noxious Weeds:**

Noxious and invasive weeds are non-native and undesirable plant species. Noxious weeds crowd out and displace native vegetation and may have an impact on crops, livestock, and land (Nevada Weed Action Committee 2000). Authority, control, and eradication of noxious weed species are regulated by NRS 555.005-201. Species designated as invasive are not regulated by Nevada law but may have substantial negative effects on native vegetation and therefore, these species are often discussed in conjunction with noxious weeds.

Saltcedar is a category C noxious weed (Nevada Department of Agriculture 2012) in the state of Nevada. This species occurs in low densities at the Hidden Valley site but is abundant at the Narrows site. Saltcedar was initially introduced from Asia and has proliferated in the desert Southwest where it now commonly occurs along waterways and other areas of increased water availability. Treatment of saltcedar is best accomplished through a combination of methods (Creech et al. 2010). No other noxious species were observed during the site reconnaissance and field surveys.

Mojave seablite was a commonly observed invasive species, especially in the Hidden Valley site. Although a native plant, this species has weedy tendencies. It can grow very densely and crowd out other native vegetation, creating a monotypic stand. Other invasive species commonly found throughout southern Nevada include cheatgrass (*Bromus tectorum*), red brome (*Bromus rubens*), and Russian thistle (*Salsola tragus*).

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

The project area consists of riparian habitat surrounded by Mojave Desert habitat. Typical upland desert habitat species consist of small mammals, birds, and reptiles that are common and widely distributed. Conversely, desert riparian communities generally exhibit much greater biodiversity than do upland desert communities. Riparian corridors in the desert Southwest provide habitat, and movement and migration corridors for wildlife (Levick et al. 2008).

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A variety of wildlife species typically inhabit desert upland and riparian communities within the region and may potentially occur in the project area. Typical mammal species may include kit fox (*Vulpes macrotis*), gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*), badger (*Taxidea taxus*), western spotted skunk (*Spilogale gracilis*), striped skunk (*Mephitis mephitis*), and bobcat (*Lynx rufus*). Common reptile species may include desert iguana (*Dipsosaurus dorsalis*), collared lizard (*Crotaphytus collaris*), zebra-tailed lizard (*Callisaurus draconoides*), western fence lizard

(*Sceloporus occidentalis*), coachwhip (*Coluber flagellum*), Mojave patch-nosed snake (*Salvadora hexalepis*), glossy snake (*Arizona elegans*), and Mojave desert sidewinder (*Crotalus cerastes*). Typical amphibian species may include red-spotted toad (*Anaxyrus punctatus*), Woodhouse's toad (*Anaxyrus woodhousii*), and Pacific treefrog (*Pseudacris regilla*).

### **Migratory Birds:**

Migratory birds are protected under the Migratory Bird Treaty Act of 1918, as amended (16 USC 703 *et seq.*). The USFWS defines a migratory bird as any species or family of birds that live, reproduce, or migrate within or across international borders at some point in their annual life cycle. Almost all bird species with potential to occur within the project area are migratory bird species.

The Muddy River supports a high diversity of migratory birds, with as many as 230 species reported from a 4-year period (Lund, unpublished data; referenced from Provencher and Andress 2004). Of these observed species it is estimated that 76 species breed along the river (Provencher et al. 2005). In addition to general migratory bird species, a number of Clark County sensitive species occur on the upper Muddy River and include: Southwestern willow flycatcher (*Empidonax traillii extimus*; also federally listed; discussed in Section 3.6.4), Arizona Bell's vireo (*Vireo bellii arizonae*), blue grosbeak (*Passerina caerulea*), phainopepla (*Phainopepla nitens*), summer tanager (*Piranga rubra*), vermilion flycatcher (*Pyrocephalus rubinus*), and yellow-billed cuckoo (*Coccyzus americanus*; also a federal candidate for listing).

Provencher and Andress (2004) completed an assessment of the Muddy River for the Clark County Multiple Species Conservation Plan and found that riparian woodland habitat had 86 associated species and included yellow-billed cuckoo, summer tanager, blue grosbeak, yellow warbler (*Dendroica petechia*), Lucy's warbler (*Oreothlypis luciae*), and western kingbird (*Tyrannus verticalis*). Riparian shrublands had 70 associated species and included yellow-breasted chat (*Icteria virens*), blue grosbeak, indigo bunting (*Passerina cyanea*), Bullock's oriole (*Icterus bullockii*), loggerhead shrike (*Lanius ludovicianus*), and crissal thrasher (*Toxostoma crissale*). Mesquite bosque habitat had 60 associated species including phainopepla, Lucy's warbler, verdin (*Auriparus flaviceps*), and vermilion flycatcher. Riparian marsh, which is limited along the Muddy River, had 13 associated species, including Virginia rail (*Rallus limicola*), sora (*Porzana Carolina*), and marsh wren (*Cistothorus palustris*). Raptors known to nest in the area include the great horned owl (*Bubo virginianus*), northern harrier (*Circus cyaneus*) and American kestrel (*Falco sparverius*). Golden eagles (*Aquila chrysaetos*), prairie falcons (*Falco mexicanus*), and peregrine falcons (*Falco peregrinus*) may also use this area for foraging (NDOW 2005).

The quality of migratory bird habitat is very different between the Hidden Valley and Narrows sites. Habitat quality is low at Hidden Valley, where vegetation is sparse. The riparian vegetation community is limited to sporadic trees and provides very little canopy cover. The shrub community is primarily dominated by monotypic stands of Mojave seablite with an understory of saltgrass. In contrast, vegetative cover is extensive at the Narrows and provides relatively higher-quality migratory bird habitat. Riparian vegetation forms a nearly complete canopy above the open water and extends approximately 30 feet from either edge of the channel. Beyond the riparian vegetation, there are large mesquite trees and dense upland vegetation that primarily consists of saltbush.

### **Threatened and Endangered, or Candidate Animal Species:**

The Muddy River is one of the Mojave Desert's most important areas of biodiversity, providing habitat for many species of concern, as well as a unique array of Mojave Desert aquatic and

riparian habitats (Provencher et al. 2005). Of the 16 USFWS-listed wildlife species occurring in Clark County, Nevada, four were identified as having the potential to occur within the project area (Table 5). Such federally listed species receive protection under the Endangered Species Act of 1973, as amended. Although the project area is located within the range of these four species, no suitable habitat for these species is present.

**Table 5. USFWS Listed Threatened and Endangered Species within the Project Area**

Common Name	Scientific Name	Status*	Probability of Habitat
<b>Fish</b>			
Moapa dace	<i>Moapa coriacea</i>	E	None
<b>Reptiles</b>			
Mojave Desert tortoise	<i>Gopherus agassizii</i>	T	None
<b>Birds</b>			
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E	None
Yuma clapper rail	<i>Rallus longirostris yumanensis</i>	E	None
Source: USFWS (2012).			
* E = Endangered; T= Threatened			

#### MOAPA DACE

Moapa dace is a species of minnow found throughout the headwaters of the Muddy River system. Currently, Moapa dace occupies stream habitat in five thermal headwater springs and the primary stem of the upper Muddy River, within the Moapa National Wildlife Refuge located in the Warm Springs area of the upper Moapa Valley in northeastern Clark County, Nevada. Moapa dace is unique because it is the only representative of its genus and is found nowhere else in the world. Moapa dace was listed as an endangered species in 1967 and is a covered species in the Muddy River Recovery Implementation Program. Threats to its survival include modification, degradation, and loss of habitat; construction of impoundments; and introduction of non-native fishes (USFWS 2009). One of the requirements identified in the Recovery Plan for the Rare Aquatic Species of the Muddy River Ecosystem to de-list Moapa dace is the removal of non-native fishes from its habitat (USFWS 1995).

The project area does not provide suitable habitat for Moapa dace, which require warm water (82°F–89°F [28°C–32°C]) for reproduction; as a result, the current distribution of Moapa dace is restricted to the Warm Springs Natural Area, and tributaries and upper reaches of the Muddy River, north of the project area (Deacon and Bradley 1972; USFWS 1995). Water temperature data within the project area range between 49.1°F and 85.1°F (9.5°C–29.5°C), averaging 69.1°F (20.6°C) over a 6-year period (USGS 2012). Moapa dace were not observed during fish surveys conducted in 2011 between river miles 7.5 and 30.5, which encompasses the project area (Shattuck et al. 2012).

#### MOJAVE DESERT TORTOISE

The distribution of desert tortoise covers the broadest range of latitude, climate, habitats, and biotic regions of any North American tortoise (Germano et al. 1994). The range of desert tortoise roughly approximates the distribution of the creosote bush scrub community and includes the Mojave and Sonoran Deserts in southern California, southern Nevada, northwestern Arizona, the southwest corner of Utah, and Sonora and northern Sinaloa, Mexico. Habitat requirements for desert tortoise are somewhat variable with regard to the different regions in which it occurs and seem to correspond to genetic and morphological differences, as well. In Nevada, Mojave Desert

tortoise typically is found on flats, valleys, bajadas, and rolling hills, generally at 2,000 to 3,500 feet amsl. No suitable Mojave Desert tortoise habitat occurs within the project area.

#### SOUTHWESTERN WILLOW FLYCATCHER

Southwestern willow flycatcher breeds in dense, mesic riparian habitats at scattered, isolated sites in New Mexico, Arizona, southern California, southern Nevada, southern Utah, southwestern Colorado, and, at least historically, extreme northwestern Mexico and western Texas (Unitt 1987). In the Southwest, most breeding territories are found within small breeding sites containing five or fewer territories (Durst et al. 2008). Breeding southwestern willow flycatchers are riparian obligates, nesting in relatively dense riparian vegetation where surface water is present or soil moisture is high enough to maintain the appropriate vegetation characteristics (Sogge et al. 2010). However, hydrological conditions in the Southwest can be highly variable within a season and between years, so water availability at a site may range from flooded to dry over the course of a breeding season or from year to year. Vegetation characteristics of southwestern willow flycatcher breeding habitat generally include dense tree or shrub cover that is  $\geq 10$  feet tall (with or without a higher overstory layer), dense twig structure, and high levels of live green foliage (Allison et al. 2003); many patches with tall canopy vegetation also include dense midstory vegetation in the 3–16 feet range. Beyond these generalities, the species shows adaptability in habitat selection, as demonstrated by variability in dominant plant species (both native and exotic), size and shape of breeding patch, and canopy height and structure (Sogge et al. 2010; USFWS 2002).

Based on a review of the available data and a site reconnaissance visit conducted by SWCA in 2012, neither fish barrier site appears to contain habitat at this time to support southwestern willow flycatcher. The vegetation at the Hidden Valley barrier site does not contain the structural characteristics, specifically patch size, to support willow flycatchers. The Narrows barrier site does contain vegetation (i.e., saltcedar of moderate height) with the structural characteristics to support flycatchers, but does not have the appropriate hydrology.

#### YUMA CLAPPER RAIL

Yuma clapper rail prefers unfragmented freshwater areas with emergent riparian and marsh vegetation composed of moderate- to high-density stands of cattail and bulrush (*Scirpus* sp.) adjacent to shorelines. Within this habitat, Yuma clapper rail seems to prefer a wet substrate, such as a mud flat, sandbar, or slough bottom. Saltcedar are typically used by Yuma clapper rail only when floods deeply inundate cattail marshes and surface flows spread into adjacent saltcedar stands. Based on SWCA's site reconnaissance visit in 2012, it was determined that no suitable habitat for Yuma clapper rail is present in the project area.

#### 3.6.5 Special Status Species

Species included on the sensitive species list for the state of Nevada, which is maintained by Nevada's Natural Heritage Program (NNHP), are also included as special status species (NNHP 2010a, 2010b). The NNHP has identified four State-sensitive species as having the potential to occur within the project area: Moapa speckled dace, the Muddy River population of Virgin River chub, banded Gila monster (*Heloderma suspectum cinctum*), and phainopepla. These species are protected under Nevada Administrative Code 503 and are also considered special status species by the Nevada BLM.

#### MOAPA SPECKLED DACE

Moapa speckled dace is a small cyprinid fish that averages 3 inches in length and typically lives for 3 years. Moapa speckled dace prefers the cooler water temperatures below the Warm Springs area, and has been documented within the project area (Shattuck et al. 2012). Larval speckled dace are primarily plankton feeders, while the adults feed primarily on aquatic insects and algae. Speckled dace prefer the lower horizon of shallow cobble riffles. Moapa speckled dace inhabits the Muddy River in low numbers; fish surveys conducted in 2011 documented one individual between river miles 7.5 and 30.5, which encompasses the project area (Shattuck et al. 2012). Threats to Moapa speckled dace include deterioration in water quality, non-native fish, and parasites (SNWA 2012; USFWS 1995).

#### VIRGIN RIVER CHUB

Currently occupied habitat of Virgin River chub is found in Utah, Arizona, and Nevada, and includes only 65.3% of the chub's historical range. The present range of this species is very limited and, in Nevada, is restricted to the Muddy and Virgin Rivers. Two distinct populations of Virgin River chub are recognized by the USFWS: the Virgin River population, which is currently listed as federally endangered and occurs outside the project area; and the Muddy River population, which is State- and BLM-sensitive, and occurs within the project area (NNHP 2010a; USFWS 2012). Impacts analyzed in this document are limited to the Muddy River population of Virgin River chub. The Virgin River chub lives in swift, turbid waters, so it is often found in deep pools near large boulders and root snags that offer it protection from being swept downstream. Fish studies conducted in 2011 documented 34 individuals of Virgin River chub within the project area (Shattuck et al. 2012). Threats to the Virgin River chub include non-native fish, reduced flows, habitat alteration, disease, floods, and toxic spills (USFWS 1994, 1995).

#### BANDED GILA MONSTER

Banded Gila monster is one of only two species of venomous lizards in the world. This reptile is a stout-bodied lizard that grows up to 14 inches long. It has black, orange, pink, or yellow broken blotches, bars, and spots, with bands extending onto its blunt tail. Banded Gila monster lives in Mojave Desert scrub with gravelly and sandy soils and is found below 5,000 feet amsl. Banded Gila monster habitat is found in canyon bottoms or arroyos with permanent or intermittent streams, near water or moist soils. In these areas, individuals are often found under rocks, in burrows of other animals, and in holes it digs itself. Gila monster is diurnal, especially in the spring (Stebbins 2003). Gila monster records exist for the Moapa area, immediately north of the project area (NNHP 1998). Suitable habitat for the banded Gila monster does exist within the project area, although no Gila monsters or sign were observed during the site reconnaissance.

#### PHAINOPEPLA

Phainopepla is a medium-sized bird that occupies upland desert and arid woodland habitats ranging from Mexico to the southwestern United States. Phainopepla forage primarily on berries, but will also take small insects. In Nevada, phainopepla breed exclusively in stands of mesquite and acacia that produce mistletoe berries (Floyd et al. 2007). Patches of honey and screwbean mesquite identified within upland portions the project area may provide suitable phainopepla habitat.

## **Environmental Effects:**

### **Invasive Species/Noxious Weeds:**

The spread and introduction of noxious and invasive weed species is a primary concern during construction activities. Construction equipment is capable of transporting and spreading weed seed or plant parts (such as root material) from infested to non-infested areas. Implementation of the Proposed Action would result in the removal of saltcedar at the Narrows site. A noxious weed management plan will be included as part of the Proposed Action and would mitigate the spread of noxious and invasive species. Additionally, restoration and reclamation of native vegetation will increase competition with noxious and invasive species.

Impacts from construction and maintenance may introduce and exacerbate weed populations, with potential spread to adjacent lands. All stipulations and mitigation measures for weed control standard to the Southern Nevada District Office apply. A weed plan must be in place before the signing of the EA to ensure that weed mitigation measures are understood and to maintain weed populations at or below ambient levels.

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

Potential adverse impacts to terrestrial wildlife may also include short-term disturbance resulting from construction. Construction-related human presence will increase noise and vibration which may stress or harass terrestrial wildlife. Predator populations may temporarily increase; common ravens and coyotes are often attracted to litter at construction sites. Direct mortality may occur to less mobile species from crushing by construction activities or other vehicle-related accidents.

Overall, impacts to terrestrial wildlife are anticipated to be minimal. Temporary and permanent loss of habitat would occur on a very limited portion of habitat, relative to the amount of available habitat along the Muddy River. Impacts related to construction activities would be mitigated through implementation of environmental protection measures described in Section 2.1.2. Furthermore, the general terrestrial wildlife species within the project area are commonly found within the Mojave Desert and impacts to individuals are unlikely to have any local or regional population impacts. 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:**

Development of the Proposed Action would result in a permanent loss of 0.03 acre (0.01 acre at Hidden Valley and 0.02 acre at the Narrows) for the footprint of the fish barriers. Short- and long-term habitat loss would occur within temporary use areas. Long-term habitat loss would occur within 0.62 acre of temporary use areas (0.37 acre at Hidden Valley and 0.25 acre at the Narrows) located in the uplands, where vegetation reestablishment is relatively slow. Desert vegetation may take 5 to 10 years to reestablish to a suitable density. Short-term losses in habitat would occur within 0.19 acre of temporary use areas (0.01 acre at Hidden Valley and 0.18 acre at the Narrows) in wetland and riparian areas which should recover quickly; resprouting would likely occur in the following year. Losses in habitat within the Narrows would have a greater impact than losses in habitat at Hidden Valley. The complexity and density of vegetation at the Narrows provides habitat with greater value to migratory bird species.

Other potential adverse impacts to migratory birds from the Proposed Action include project-related noise, human presence, and vehicle movement, resulting in migratory birds' abandoning the project area. These impacts would be short-term and limited to the construction

phase of the project. It is anticipated that migratory birds would quickly resume using the area following the completion of construction.

Overall, impacts to migratory birds are anticipated to be negligible. Migratory birds are highly mobile and are able to quickly relocate to other suitable habitat, which is abundant in the areas adjacent to the project area. Additionally, environmental protection measures (Section 2.1.2) and mitigation measures (Section 4.5.3) would be implemented in order to further reduce impacts to migratory birds.

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. 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 15th - July 30th.
- 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 and Endangered, or Candidate Animal Species:**

**Mohave desert tortoise:** No suitable desert tortoise habitat occurs within the project area. As a result, the Proposed Action would not result in impacts to Mojave Desert tortoise. No new surface or vegetation disturbance would occur in desert tortoise habitat and all vehicles would remain within existing roadways and turnouts to access the project area. No impacts to desert tortoise or their habitat are expected to occur.

**Southwestern Willow Flycatcher:** Based on a review of the available data and a site reconnaissance visit in 2012, neither fish barrier site appears to contain habitat at this time to support the southwestern willow flycatcher. Therefore, construction of the fish barrier would not impact the southwestern willow flycatcher.

**Yuma Clapper Rail:** No suitable habitat for Yuma Clapper rail was identified within the project area. As a result, the Proposed Action is not anticipated to have any adverse impacts to the Yuma clapper rail.

**Banded Gila Monster:** Although suitable habitat for the banded Gila monster was identified in the proposed project area, no individuals were observed during the site reconnaissance. Potential adverse impacts may occur to the banded Gila monster under the Proposed Action and would include those impacts discussed for general wildlife in Section 4.5.1.1. The Proposed Action would result in short-term, adverse impacts to 0.45 acre (0.33 acre at Hidden Valley and 0.12 acres at the Narrows) of suitable Gila monster habitat during construction activities. These impacts would be temporary and reduced through environmental protection measures identified in the Proposed Action.

**Phainopepla:** Potential adverse impacts may occur to the phainopepla under the Proposed Action and would include those impacts discussed for migratory birds in Section 4.5.1.2. Although suitable habitat for the phainopepla was identified in the proposed project area, no individuals

were observed during the site reconnaissance. Higher densities of mesquite at the Narrows fish barrier site likely provide higher quality phainopepla nesting and foraging habitat relative to the Hidden Valley site. The Proposed Action would result in adverse, short-term impacts to 0.45 acre (0.33 acre at Hidden Valley and 0.12 acre at the Narrows) of suitable phainopepla habitat during construction activities. These impacts would be temporary and reduced through restoration activities and other environmental protection measures identified in the Proposed Action (see Section 2.1.2).

## **CUMULATIVE IMPACTS:**

Cumulative impacts associated with this area were analyzed in the Las Vegas Resource Management Plan and Final Environmental Impact Statement, Statement, and Record of Decision signed October 1998.

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

The BLM is proposing to build two fish barriers located on the Muddy River, near Logandale, Nevada. The barriers are intended to stop movement of unwanted, non-native fish entering into the habitat of endangered species including the Moapa dace. The dace and three other endemic minnows are present in the river. All have been negatively impacted by non-native species. The fish barriers will help the ecosystem by producing more Moapa dace, and other minnows, thus alleviating the possibility of disappearance of endangered species habitat. The BLM needs access through private land in order to construct one of the fish barriers. Should the BLM not be able to obtain access, nor build the fish barrier, a further decline of the endangered fish species could be evident in that area.

Since the only access one of the fish barriers is through private property, the BLM is attempting to establish a reciprocal ROW agreement with the private landowners, Marcus R. Jensen and Reilly D. Jensen. The reciprocal ROW would allow BLM to cross over Marcus R. Jensen's private property to access the fish barrier, and allow an access right-of-way over public land for Reilly D. Jensen. A condition of the reciprocal ROW is to process a ROW for Overton Power District No. 5 and Moapa Valley Water District, in order to provide Reilly D. Jensen's adjacent private property with water and power.

Under a "no action" alternative, the BLM land would not be available for issuance of a right-of-way. Reilly D. Jensen and Marcus R. Jensen would not be able to obtain a right-of-way road access to their private property, nor obtain water pipeline and/or aerial power lines to their property. Without power and water, they would be unable to build their dream home on the property.

Granting of the ROW's to Reilly D. Jensen, Marcus R. Jensen, Moapa Valley Water District, and Overton Power District No. 5, then Reilly D. Jensen would give the Jensen brothers the opportunity to build a house on his property.

The establishment of an access road and an underground water line to the Reilly D. Jensen property should cause minimal disturbance to the public lands, since they will be constructed on an existing access road which is already disturbed. The overhead kV powerline will be located parallel to the access road on the adjoining hillside. An overhead kV powerline and underground water pipeline already exists near the property, within approximately 420 feet. The addition of the underground water pipeline and kV powerline of 420 feet would cause a minimal visual change in the area since it is located away from civilization, in the desert, surrounded by low hills and mountains, away from public view. The Overton Power District No. 5 plans to construct two poles into the ground for the kV power lines thus creating a minimal ground disturbance of less than .01 acres. The future possibility of a house being built on the private property by Reilly Jensen should not affect the visual aspect of the area since it would be surrounded by low hills and not noticeable from a distance.

The proposed project location is within VRM Class II – The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should

be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

Future impacts associated with this action should be minor, since the rights-of-way would cause minimal disturbance to the public lands. .

Upon completion of construction, appropriate stabilization and rehabilitation measures will be completed by all parties involved 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**

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Reilly D. Jensen, Duchesne, Utah, Marcus R. Jensen, Las Vegas, Nevada	Applicants	Applied for a ROW for access road and allowing a ROW be established for water lines and power lines.
Overton Power District No. 5, Overton, Nevada	Applicant	Applied for ROW for overhead kV power lines.
Moapa Valley Water District, Logandale, Nevada	Applicant	Applied for ROW for underground water lines.
Fish and Wildlife Service, Nevada Fish and Wildlife Office, 4701 N Torrey Pines Drive, Las Vegas, NV 89130	Consultation and Review	Consultation

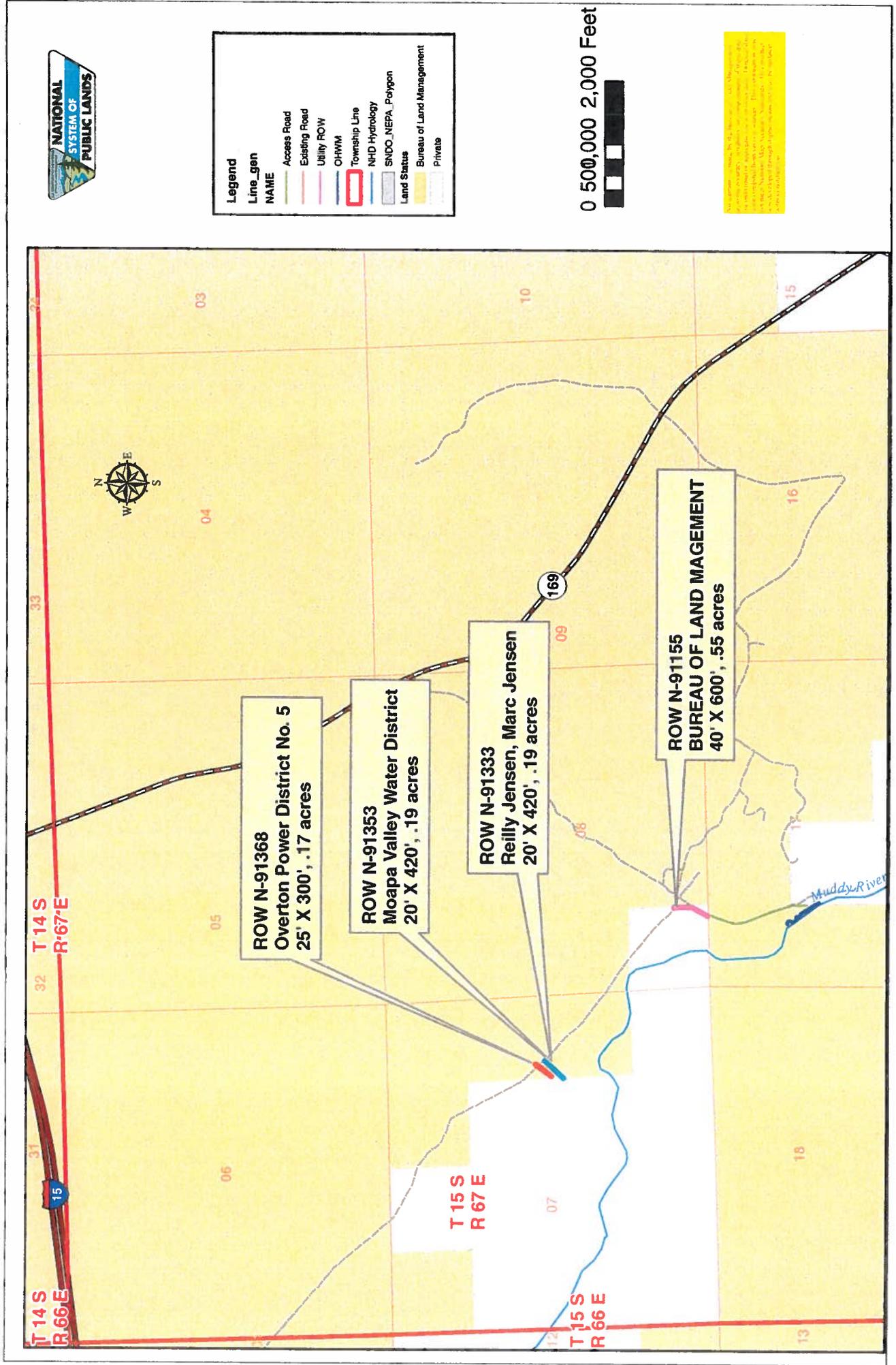
## List of Preparers

**Table 2. List of Preparers:**

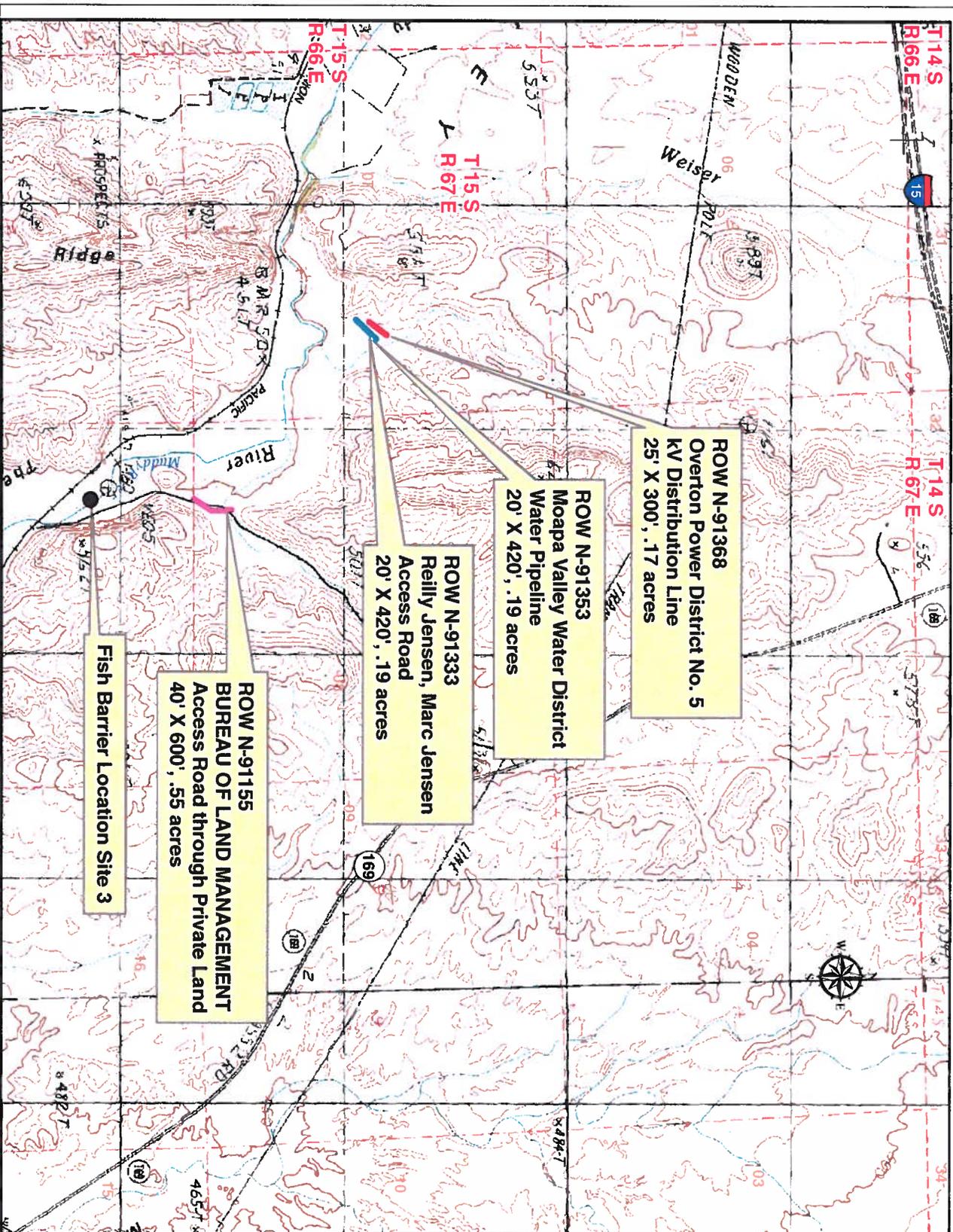
Name	Title	Responsible for the Following Section(s) of this Document
Dorothy J. Dickey	Realty Specialist	Introduction, Purpose and Need, Scoping, Land/Access
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions
Fred Edwards	Botanist	Botanist, Forest Initiative, 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)
Amelia Savage	Wildlife Biologist	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)
Mark Slaughter	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, Wild and Scenic Rivers
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands, Prime or Unique
Chris Linchan	Recreation Specialist	Visual Resources
Lucas Rhea	Natural Resource Specialist	Invasive Species/ Noxious Weeds/ Fire Management
Billy Williams	Weed Specialist	Invasive Weeds, Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Sendi Kalcic	Wilderness Specialist	Wilderness/WSA's/ Lands with Wilderness Characteristics

## **EXHIBIT B — ARCGIS MAP**

# Mount Diablo Meridian, Nevada, T. 15 S., R. 67 E.



# Mount Diablo Meridian, Nevada, T. 15 S., R. 67 E.



**ROW N-91368**  
Overton Power District No. 5  
KV Distribution Line  
25' X 300', .17 acres

**ROW N-91353**  
Moapa Valley Water District  
Water Pipeline  
20' X 420', .19 acres

**ROW N-91333**  
Reilly Jensen, Marc Jensen  
Access Road  
20' X 420', .19 acres

**ROW N-91155**  
**BUREAU OF LAND MANAGEMENT**  
Access Road through Private Land  
40' X 600', .55 acres

**Fish Barrier Location Site 3**



**Legend**

- Township Line
- NHD Hydrology
- SUDO, NEPA, Polygon

**nv210150a0670a00001.tif**

**Value**

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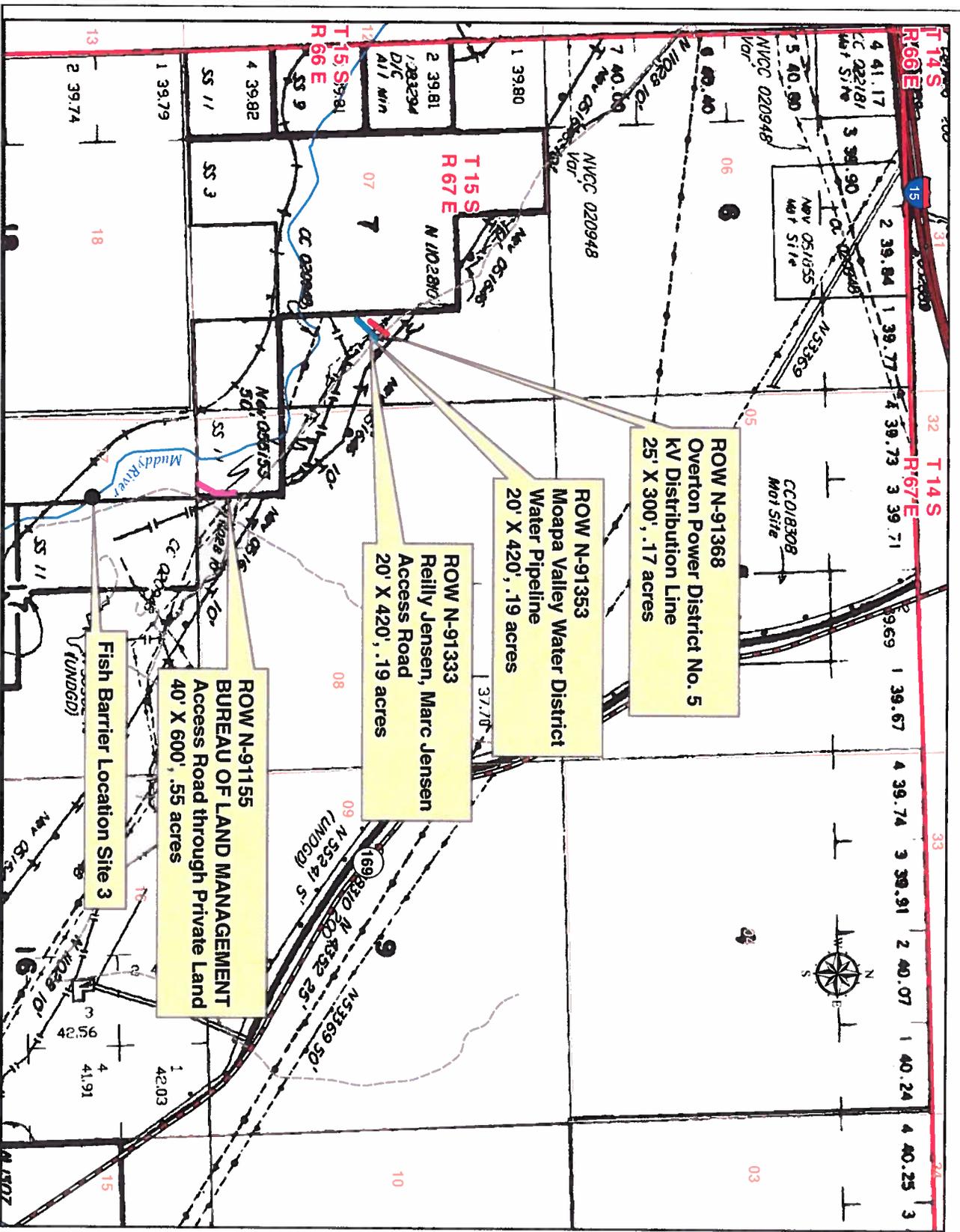
Low: 0

0 500,000 2,000 Feet

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

# Mount Diablo Meridian, Nevada, T. 15 S., R. 67 E.



**Legend**

- Township Line
- NHD Hydrology
- SNOO, NEPA, Polygon

Value  
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 Low: 0

0 500,000 2,000 Feet

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