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

Environmental Assessment

DOI-BLM-NV-S010-2014-0016-EA

N-92518, N-59946, & N-92523

Right-of-Way

For an 12 kV Overhead Electrical Line on Public Lands

APPLICANT

Nevada Power Company d/b/a NV Energy

LOCATION

West of Nelson, 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

BLM

Environmental Assessment
Right-of-Way for a 12 kV Overhead Electrical Line on Public Lands

Identifying Information:

DOI-BLM-NV-S010-2014-0016-EA

Title, EA Number, and Type of project:

Title: Right-of-Way for a 12 KV Overhead Electrical Line on Public Lands.

EA Number: DOI-BLM-NV-S010-2014-0016-EA

Type: Right-of-Way

Location of Proposed Action:

Located in West of Nelson, Nevada..

LEGAL DESCRIPTION:

**Mount Diablo Meridian, Nevada,

T. 26 S., R. 63 E., Sec. 12, NE¼.

T. 26 S., R. 64 E.,
Sec. 7, SE¼NW¼, NE¼SW¼,N½SE¼;
Sec. 8, NE¼, S½NW¼, NW¼SW¼;
Sec. 9, NW¼NW¼.

***Mount Diablo Meridian, Nevada,

T. 26 S., R. 64 E.,
Sec. 3, SW¼SW¼SW¼;
Sec. 4, S½SE¼, S½SW¼, S½NW¼SW¼;
Sec. 9, NW¼NW¼.

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-92518 (Originally N-59946) & N- 92523

Applicant Name:

Nevada Power Company d/b/a NV Energy

Introduction and Background of Project

** February 8, 1963, a right-of-way (ROW) was granted to California Pacific Utilities Company, pursuant to the provisions of the Act of March 4, 1911 (36 Stat. 1253); 43 U.S.C. 961, for a 12kV overhead power line; which is 20 ft wide by 14,731.2 ft in length (approximately 6.75 acres). This line provides power to a Federal Aviation Administration microwave station on a mountain peak west of Nelson and and the U.S. Department of Commerce Next Generation Weather Radar Facility.

*** There is an additional 20 ft wide by 6,283.2 ft in length of additional existing line (approximately 2.88 acres) and 30 ft wide by 25,200 ft in length of access road (approximately 17.38 acres) that has not been analyzed and it is unknown when the line was put in. This line provides power to the U.S. Department of Commerce Next Generation Weather Radar Facility.

The location of the proposed ROW is west of Nelson, Nevada.

Purpose and Need for Action:

The purpose of the project is to provide access across BLM lands for a transmission line and access road. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a ROW grant for legal access across BLM lands for the "transmission and distribution of electric energy... the applicant shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act, including part I thereof (41 Stat/ 1063, 16 U.S.C. 791a-825r) [P.L. 102–486, 1992]", and 43 CFR Part 2800.

Scoping, Public Involvement and Issues:

The project was scoped internally with the BLM interdisciplinary team from December 12, 2013 thru May 21, 2014. Their comments and evaluations are included in this environmental assessment.

The land on the project is already disturbed, construction has been completed, and proposed actions are already in use.

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.

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-S010-2014-0016-EA.

Proposed Action and Alternatives

Description of the Proposed Action — Alternative Number 1:

On August 17, 1989 NV Energy assignment of a 12kV overhead electrical line from California Pacific Utilities Company was granted.. The grant was placed under the provisions of the Act of October 21, 1976. The line is 20 ft wide by 14,731.2 ft in length (approximately 6.75 acres) and provides power to a Federal Aviation Agency microwave station on a mountain peak west of Nelson and Commerce Next Generation Weather Radar (NEXRAD) . An additional 20 ft wide by 6,283.2 ft in length of existing line (approximately 2.88 acres) and 30 ft wide by 25,200 ft in length of access road (approximately 17.38 acres) that has not been analyzed and it is unknown when the line was put in. Overall the project includes approximately 27.05 acres.

In order to avoid interruption in service to the Federal Aviation Agency microwave station on a mountain peak west of Nelson and Commerce Next Generation Weather Radar (NEXRAD) the right-of-way would be granted to allow continued electrical service to these areas.

CONSTRUCTION:

No temporary construction areas are needed as the line is already constructed.

CONSTRUCTION TIMELINE:

No construction will take place as the 12kV overhead electrical line is already constructed.

STABILIZATION/RECLAMATION:

No construction will take place as the 12kV overhead electrical line is already constructed, therefor no reclamation is needed.

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 electrical facilities available for the Federal Aviation Administration's microwave station and the Commerce Next Generation Weather Radar (NEXRAD) facility.

The existing electrical facilities would need to be removed and reclamation would need to be done to the affected area.

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 December 23, 2004.

- 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		Air quality addressed in EA below.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any designated critical habitat for any federally listed species.
Cultural/Historical		X		No new disturbance is associated with the undertaking, per the BLM-SHPO Protocol Agreement the action is categorically excluded. No issues; no further Section 106 review required unless the scope of the project changes..
Paleontological Resources		X		A review of the relevant literature and maps indicates that there are not any paleontological resources that would be affected by the project; no issues.
Environmental Justice		X		The action is a renewal of an existing ROW, no impacts to low income or minority populations will occur. .
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the District.
Noxious Weeds/Invasive Non-native Species		X		The new disturbance footprint proposed in this project will add minimal risk to the spread of noxious weeds. It is notable that several isolated infestations do exist in the project area and compliance with standard weed stipulations and BMP's will be mandatory throughout the duration of any project activity.
Native American Religious Concerns	X			There have not been any Native American religious concerns or issues that have been identified through previous consultations for other relevant actions in the area. Not present

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Floodplains	X			There are no FEMA designated floodplains present in the project area.
Riparian/Wetlands	X			No permanent surface waters or wetlands exist in or near the project area.
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species		X		Addressed in EA below. Terms and conditions of the Biological Opinion 84320-2010-F-0365.R001 will be attached to the right-of-way grant.
Migratory Birds		X		Addressed in EA below.
Waste - Hazardous/ Solid	X			The Proponent shall immediately notify the BLM Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on, near or emanating from the project area as a result of the Proponent's activities. As required by law, the Proponent shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on, near or emanating from the project area, as a result of the Proponent's activities. Additionally, the Proponent shall be responsible for the handling, collection and proper disposal of all non-hazardous (solid) waste occurring on, near or emanating from the project area as a result of the Proponent's activities. Otherwise, no issues..
Water Quality		X		The project area was already disturbed due to mining activities and the action mentioned above would not have caused any new significant impacts on water resources.
Wild & Scenic Rivers	X			Not present.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Wilderness (Study Area)	X			The proposed action is not located within or adjacent to designated Wilderness, WSAs, or ISAs.
Forests and Rangelands (HFRA only) Woodlands		X		Cactus and yucca are considered government property and regulated under the BLM Nevada forestry program. Because the proposed action is an administrative action for renewal of an existing ROW, no new impacts to cactus and yucca and other forestry products are expected.
Human Health and Safety		X		No issues. Have proponent follow best management practices and health and safety regulations.

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

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management	X			The proposed action area is not located in any authorized grazing allotments.
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			No Issues
Socio-Economic Values		X		This project will not disproportionately impact social or economic values.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Soils/Hydrology		X		The hydrology in the project area was already disturbed due to mining activities and the action mentioned above would not have caused any new significant impacts to the hydrologic conditions of the area.
Vegetation		X		There are to known occurrences of BLM sensitive plant species rosy two tone beardtongue (*penstemon bicolor spp roseus*) in the general area. However, because the proposed project is an administrative action for renewal of an existing ROW, no new impacts to BLM special status plants are expected. Any future activities that require new disturbance will require further analysis.
Visual Resources		X		**This line was authorized prior to the ROD for the Las Vegas RMP which designated the area as VRM Class II. This is an administrative action and no new disturbance will occur. ***Is is my conclusion from the existing records in the case file, or lack there of, that the trespass line was established prior to the VRM Class II designation in the ROD for the Las Vegas RMP. No new disturbance will occur.
Recreation		X		No new disturbance is proposed therefore recreation use would not change due to this project.
Fish and Wildlife excluding Federally Listed Species		X		Addressed in EA below.

Environmental Effects:

Air Quality:

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 Wildife, Excluding Federally Listed Species:

Wildlife species in the general area include small mammals, birds and reptiles. Additionally, the BLM is directed to conserve special status species through BLM Manual 6840. These sensitive species include western burrowing owl, Mojave shovel-nosed snake, desert glossy snake, Mojave Desert sidewinder, chuckwalla, and desert bighorn sheep may be present in the general area. Although there is no new surface disturbance of wildlife habitat associated with this project, these species may be found on the adjacent undisturbed lands and could wander into the proposed project area. The primary direct impact of the proposed action on wildlife would be mortality resulting from operation and maintenance activities. 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 there is no new surface disturbance. Desert bighorn sheep may be 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.

Migratory Birds:

Migratory birds, including BLM sensitive species, western burrowing owl (*Athene cunicularia*), may be present on the project site. Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et. seq.*) protects migratory birds and their nests (nests with eggs or young. The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area. A list of MBTA protected birds are found in 50 C.F.R. 10.13 (http://www.gpo.gov/fdsys/pkg/CFR-2012-title50-vol1/xml/CFR-2012-title50-vol1-sec10-13.xml). The proposed will not result in any new surface or vegetative disturbances; therefore, the proposed action will have no impact on migratory birds through habitat removal.

Due to potential for electrocution, collision and nesting/perching by migratory birds on power lines, the applicant should follow Avian Power Line Interaction Committee (APLIC) guidelines to reduce this risk through facility design and comply with MBTA and other federal wildlife laws.

In addition to the attached terms and conditions, the proponent is required to adhere to the following:

Transmission line support structures and other facility structures shall be designed to discourage their use by raptors for perching or nesting (*e.g.*, by use of anti-perching devices) in accordance with the most current Avian Power Line Interaction Committee guidelines.

The project proponent will monitor for the increased presence of ravens and other potential human-subsidized predators in the vicinity of the project area. A qualified biologist (not necessarily an authorized desert tortoise biologist) shall conduct monthly nest surveys of potential nest sites (*e.g.*, power transmission towers/poles) during the raven breeding season (generally February 1 to April 30) and document the presence of all nests and the species using them.

During these monthly surveys, an authorized biologist will also document any sign of predation of desert tortoises below the nest and in the vicinity of the transmission line. If sign of predation is found under a nest, control measures will be implemented in coordination with the Service. The frequency of these nest surveys may be modified as agreed upon by BLM and the Service.

Threatened, Endangered or Candidate Plant Species:

Threatened and endangered plant species are not present in the area.

Threatened, Endangered, or Candidate Animal Species:

This project will be in compliance with section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.;) for consultation with the USFWS on effects to federally listed and candidate species. The above action has a may affect, likely to adversely affect determination for the threatened desert tortoise (*Gopherus agassizii*) and a no effect determination for its designated critical habitat, as the project is outside of this range. This project will have no effect on any other federally listed species or designated critical habitat due to absence of the species and/or habitat. For complete list of FWS listed species: http://www.fws.gov/nevada/protected_species/nevada_species_list.html

The proposed action is a renewal of an existing ROW that was granted prior to the listing of the desert tortoise as threatened under the Endangered Species Act. It also adds an additional segment of power line and access road to the ROW. The construction date of the additional segments is unknown but it is assumed, based on their location, that they also predate the listing of the desert tortoise. The federal register requires all future and existing ROWs to comply with the act.

Section 7 Consultation for this project is now covered under the Programmatic Biological Opinion (84320-2010-F-0365.R001) contingent on compliance with the terms and conditions. As this project is an administrative action for the renewal of an existing ROW, no new disturbance will occur. Therefore, no impacts to desert tortoise habitat is expected and no remuneration fees are required.

Historical survey data indicates that the area surrounding the project site is low to very low density tortoise habitat. Since tortoises have been found in the vicinity and undisturbed habitat exists in and adjacent to the project site, there is potential for tortoises to wander into the project area. 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).

In addition to renewing the ROW, the existing overhead power line and access road may include maintenance. Any maintenance activity will require a monitor, FCR, or other approved by the BLM to present an education program (see Term and Condition 1.e.) and an authorized biologist to be on call during the desert tortoise active season (March 1 to October 31) to relocate any desert tortoises that enter the work during maintenance activities that are in harm's way area per Terms and Conditions provided.

CUMULATIVE IMPACTS:

Cumulative Impacts The CEQ (40 CFR 1508.7) defines cumulative impacts as: "... the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonable foreseeable future actions regardless of what agency (federal or

non-federal) or person undertakes such other actions.: The actions included current and project area development, management activities, and authorizations on private and public land, land use trends, and applicable industrial/infrastructure components. Although the individual impacts of each separate project may not be significant, the additive effects of multiple projects could be. these past, present, and reasonable foreseeable future actions are analyzed to the extent that "they are relevant and useful in analyzing whether the reasonable foreseeable effects of the agency proposal for action and its alternatives may have an additive and significant relationship to those effects."

PAST, PRESENT, AND FUTURE ACTIONS CONSIDERED:

Table 1. Past Actions

Action	Description	Area Affected
N- 002385 —Department of Energy	Withdrawl to DOE for Seismic Station under PLO 3447 & 3485	T. 26 S., R. 64 E., sec. 4
N-59256– Federal Aviation Administration	Withdrawl to Federal Aviation Administration for a communication site under PLO 3447 & 3485	T. 26 S., R. 63 E., sec. 12
N-37926– Eldorado Water Associates	ROW grant for water well site	T. 26 S., R. 64 E., sec. 3
N-39785– Salt River Project	ROW grant for communications site and access road	T. 26 S., R. 63 E., sec. 12
N-48536– Department of Commerce	ROW granted for Federal Agency Reservation sit and access road	T. 26 S., R. 63 E., sec. 12 T. 26 S., R. 64 E., sec. 7
N-55771– Southwest Communication	ROW grant for wireless communication for communication site (N-1531)	T. 26 S., R. 63 E., sec. 12
N–62810– Tri State Amateur	ROW grant for communication site	T. 26 S., R. 63 E., sec. 12
N-71698 & N-87919–Krause Thacke Mining	Mining claim	T. 26 S., R. 64 E., sec. 4 & sec. 3
N-80570– Nevada Pacific Mining Company	ROW granted for two water monitoring wells	T. 26 S., R. 64 E., sec. 4
N-85206– Patrick Ehli	ROW granted for access road to private property	T. 26 S., R. 64 E., sec. 4 & sec. 3
N-89368– University of Reno, Nevada	ROW grant for Seismological Lab	T. 26 S., R. 63 E., sec. 12
N-59068– Federal Aviation Administration	ROW grant for access road from (RCAF to S.R.)	T. 26 S., R. 63 E., sec. 12 T. 26 S., R. 64 E., sec. 7
N-59256– Federal Aviation Administration	ROW grant for communication site	T. 26 S., R. 63 E., sec. 12

Present Actions

Action	Description	Area Affected
N-59946– NV Energy	ROW Amendment for a overhead electrical line and access road.	Proposed Action

Currently there are no pending actions at this time.

Tribes, Individuals, Organizations, or Agencies Consulted:

Table 1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Nevada Power Company d/b/a NV Energy	Applicant	Applied for the right-of-way (ROW). Offered the ROW to the applicant

List of Preparers

Table 2. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Vivian Browning	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
Mark Boatwright	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
Mathew Hamilton	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
Ben Klink	Natural Resource Specialist	Invasive Species/ Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Ben Klink	Fire Management Specialist	Fire Management
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics

1.0 Special Stipulations

1.1 Transmission line support structures and other facility structures shall be designed to discourage their use by raptors for perching or nesting (*e.g.*, by use of anti-perching devices) in accordance with the most current Avian Power Line Interaction Committee guidelines (see terms and conditions 2.b and 2.c.).

1.2 Projects that may create nest sites for ravens: The project proponent will monitor for the increased presence of ravens and other potential human-subsidized predators in the vicinity of the project area. A qualified biologist (not necessarily an authorized desert tortoise biologist) shall conduct monthly nest surveys of potential nest sites (*e.g.*, power transmission towers/poles) during the raven breeding season (generally February 1 to April 30) and document the presence of all nests and the species using them. During these monthly surveys, an authorized biologist will also document any sign of predation of desert tortoises below the nest and in the vicinity of the transmission line. If sign of predation is found under a nest, control measures will be implemented in coordination with the Service. The frequency of these nest surveys may be modified as agreed upon by BLM and the Service.

1.3 Any maintenance activity will require a monitor, FCR, or other approved by the BLM to present an education program (see Term and Condition 1.e.) and an authorized biologist to be on call during the desert tortoise active season (March 1 to October 31) to relocate any desert tortoises that enter the work during maintenance activities that are in harm's way area per Terms and Conditions provided.

2.0 General Stipulations

2.1. The ROW 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 ROW 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 ROW 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 ROW within its authorized limits.

2.6. Holder shall maintain the ROW 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 ROW 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 ROW, 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 ROW, 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 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.

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 ROW 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 ROW.

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 ROW, 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 ROW 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 ROW potentially affecting the ROW 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 ROW.

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 ROW.

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 ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. 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 ROW.

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 ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

5.6. Mineral material generated, and not needed for the development of the proposed action within the ROW 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 ROW 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 ROW. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the ROW 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 ROW. 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 Fish and Wildlife

8.1. 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, Mojave Desert Sidewinder may be present in the general area. The proposed action project area is disturbed and no longer constitutes suitable wildlife habitat. Although there is no new surface disturbance of wildlife habitat associated with this project, these species may be found on the adjacent undisturbed lands and could wander into the proposed project area. The primary direct impact of the proposed action on wildlife would be mortality resulting from construction activities. 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.

9.0 Migratory Birds

9.1. 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.

10.0 Threatened and Endangered Wildlife and Plant Species Stipulations

10.1. 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.

TERMS AND CONDITIONS: BO File No. 84320-2010-F-0365.R001

In order to be exempt from the prohibitions of section 9 of the Act, the Bureau must comply with the following terms and conditions and minimization measures, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

RPM 1: **Applies towards lands and realty, ROWs, and mining actions and other activities that involve vehicle and equipment use, excavations, or blasting.** *BLM, and other jurisdictional Federal agencies as appropriate, shall implement or ensure implementation of measures to minimize injury or mortality of desert tortoises due to project construction, operation and maintenance; and most actions involving habitat disturbance.*

Terms and Conditions:

1.a. *Field Contact Representative*—BLM shall ensure a Field Contact Representative (FCR) (also called a Compliance Inspection Contractor) is generally designated for each contiguous stretch of construction activity for linear projects or isolated work areas for non-linear projects. The FCR will serve as an agent of BLM and the Service to ensure that all instances of non-compliance or incidental take are reported. BLM has discretion over approval of potential FCRs; however, those who also may be acting as authorized desert tortoise biologists, and must also be approved by the Service (see Term and Condition 1.c). All FCRs will report **directly** to BLM and the Service.

The FCR, authorized desert tortoise biologist, and monitors (see Term and Condition 1.c.) shall have a copy of all stipulations when work is being conducted on the site and will be responsible for overseeing compliance with terms and conditions of the ROW grant, including those for listed species. BLM shall ensure the FCR and authorized desert tortoise biologists have authority to halt any activity that is in violation of the stipulations. The FCR shall be on site year-round during all project activities.

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of the FCR.

1.b. ***Authorized desert tortoise biologist*—required to be on call during the desert tortoise active season (March 1 to October 31)to relocate any desert tortoises that enter the work area during maintenance activities that are in harm's way per Terms and Conditions provided.** All authorized desert tortoise biologists (and monitors) are agents of BLM and the Service and shall report directed to BLM and the proponent concurrently regarding all compliance issues and take of desert tortoises; this includes all draft and final reports of non-compliance or take. The initial draft report shall be provided to BLM and Service within 24 hours of the observation of take or non-compliance.

1. c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) shall be responsible for ensuring compliance with all conservation measures for the project. This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; (5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all

monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

An authorized desert tortoise biologist will serve as a mentor to train desert tortoise monitors and will approve monitors if required. An authorized desert tortoise biologist is responsible for errors committed by desert tortoise monitors.

An authorized desert tortoise biologist shall record each observation of desert tortoise handled in the tortoise monitoring reports. Information will include the following: location (GPS), date and time of observation, whether the desert tortoise was handled, general health and whether it voided its bladder, location desert tortoise was moved from and location moved to, unique physical characteristics of each tortoise, and effectiveness and compliance with the desert tortoise protection measures. This information will be provided **directly** to BLM and the Service.

An authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related field. The biologist must have demonstrated prior field experience using accepted resource agency techniques. As a guideline, Service approval of an authorized biologist requires that the applicant have at least 60 days project experience as a desert tortoise monitor. In addition, the biologist shall have the ability to recognize and accurately record survey results and must be familiar with the terms and conditions of the biological opinion that resulted from project-level consultation between BLM and the Service. All tortoise biologists shall be familiar with the field manual (Service 2009). Potential authorized desert tortoise biologists must submit their statement of qualifications to the Service's Nevada Fish and Wildlife Office in Las Vegas for approval, allowing a minimum of 30 days for Service response. The statement form is available on the internet at: http://www.fws.gov/nevada/desert_tortoise/auth_dt_form.htm.

Prior to final approval to begin work on the project, the authorized desert tortoise biologists will have read the required measures (terms and conditions and other stipulations) and have a copy of the measures available at all times while on the project site. BLM shall provide the appropriate agency contact for the project to the Service and the Service will include the forms with approval letters. Biologists and monitors should be visibly identifiable on the project site, which may include use of a uniquely designated hardhat or safety vest color.

1. d. *Desert tortoise monitor*—Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1.c. They will report incidents of noncompliance to the authorized desert tortoise biologist or FCR. No monitors shall be on the project site unless supervised by an authorized desert tortoise biologist or approved by the BLM. If a desert tortoise is immediately in harm's way (*e.g.*, certain to immediately be crushed by equipment), desert tortoise monitors may move the desert tortoise then place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.

Desert tortoise monitors may not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist or approved to do so by the Service; "directly supervised" means an authorized desert tortoise biologist has direct sight and voice contact with the desert tortoise monitor (*i.e.*, within approximately 200 ft of each other).

Within 3 days of employment or assignment, the project proponent and BLM shall provide the Service with the names of desert tortoise monitors who would assist an authorized desert tortoise

biologist.

1.e. ***Desert tortoise education program*—A desert tortoise education program shall be presented to all personnel on site during maintenance activities by an agency or authorized desert tortoise biologist, monitor, FCR or other approved by the BLM.** The Service, BLM, and appropriate state agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats including introduction of exotic plants and animals, legal protection (the definition of "take" will also be explained), penalties for violation of State and Federal laws, reporting requirements, and project measures in this biological opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas and their obligation to walk around and check underneath and vehicles and equipment before moving them (or be cleared by an authorized desert tortoise biologist). Workers and project associates will be encouraged to carpool to and from the project sites.In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR and authorized desert tortoise biologist.

1.f. *Vehicle travel*— Project personnel shall exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel shall carpool to the greatest extent possible.

During the desert tortoise less-active season (generally November through February), vehicle speed on project-related access roads and in the work area will not exceed 25 mph. All vehicles and construction equipment will be tightly grouped.

During the more-active season (generally March through October), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 15 mph.

1.g. *Unauthorized access*—no required for this project.

1.h. *Desert tortoise clearance*—not required for this project.

1.i. *Desert tortoise in harm's way*—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.

1.j. *Handling of desert tortoises*—Desert tortoises shall only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way as appropriate and in accordance with the most current Service-approved guidance. No tortoise shall be handled by more than one person. Each tortoise handled will be given a unique number, photographed, and the biologist will record all relevant data on the Desert Tortoise Handling and Take Report (Appendix E) to be provided to BLM in accordance with the project reporting requirements.

Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 150 to 1,640 ft from the point of encounter. In situations where desert tortoises must be moved more than 1,640 ft (500 m), translocation procedures may be required. Translocation would likely result in a level of effect to the desert tortoise that would require the

appended procedures.

If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 40 ° F or greater than 95° F), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

Desert tortoises located in the project area sheltering in a burrow during the less-active season may be temporarily penned in accordance with Term and Condition 1.k. at the discretion of an authorized desert tortoise biologist. Desert tortoises should not be penned in areas of moderate to heavy public use, rather they should be moved from harm's way in accordance with the most current Service-approved guidance (currently Service 2009).

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service 2009). Equipment or materials that contact desert tortoises (including shirts and pants) shall be sterilized, disposed of, or changed before contacting another tortoise to prevent the spread of disease. All tortoises shall be handled using disposable surgical gloves and the gloves shall be disposed of after handling each tortoise. An authorized desert tortoise biologist shall document each tortoise handling by completing the Desert Tortoise Handling and Take Report (Appendix E).

1.k. *Penning*—Not applicable for the proposed action.

1.l. *Temporary tortoise-proof fencing*—Not required for this project.

1.m. *Permanent tortoise-proof fencing*—Not required for this project.

1.n. *Wildlife escape ramps*— Not applicable for the proposed action.

1.o. *Dust control*—Water applied to for dust control shall not be allowed to pool outside desert-tortoise fenced areas, as this can attract desert tortoises. Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water. An authorized desert tortoise biologist will be assigned to patrol each area being watered immediately after the water is applied and at approximate 60-minute intervals until the ground is no longer wet enough to attract tortoises if conditions favor tortoise activity.

1.p. *Blasting*— Not applicable for the proposed action.

1.q. ***Power transmission projects***—Transmission line support structures and other facility structures shall be designed to discourage their use by raptors for perching or nesting (*e.g.*, by use of anti-perching devices) in accordance with the most current Avian Power Line Interaction Committee guidelines (see terms and conditions 2.b and 2.c.).

1.r. *Timing of construction*—The BLM shall ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F).

All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), and if temperatures are above 60 but below 95 °F for more than 7 consecutive days. The Field Contact Representative (FCR) or designee will determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue.

RPM 2: **Predator Control— Applies to all actions.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors*

implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:

Terms and Conditions:

2.a. *Litter control, applies to all projects*—A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill. Vehicles hauling trash to the landfill or transfer facility must be secured to prevent litter from blowing out along the road.

2.b. *Deterrence*—The project proponent will implement measures to discourage the presence of predators on site (coyotes, ravens, etc.), including elimination of available water sources, designing structures to discourage potential nest sites, and use of hazing to discourage raven presence.

2.c. ***Monitoring and predator control***—Projects that may create nest sites for ravens: The project proponent will monitor for the increased presence of ravens and other potential human-subsidized predators in the vicinity of the project area. A qualified biologist (not necessarily an authorized desert tortoise biologist) shall conduct monthly nest surveys of potential nest sites (*e.g.*, power transmission towers/poles) during the raven breeding season (generally February 1 to April 30) and document the presence of all nests and the species using them. During these monthly surveys, an authorized biologist will also document any sign of predation of desert tortoises below the nest and in the vicinity of the transmission line. If sign of predation is found under a nest, control measures will be implemented in coordination with the Service. The frequency of these nest surveys may be modified as agreed upon by BLM and the Service.

2.d. *Evaporation ponds and open water sources*—Not applicable for the proposed action.

RPM 3: **Impacts to Desert Tortoise Habitat—Applies towards all actions that involve habitat impacts.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants from construction, operation, and minor maintenance activities:*

Terms and Conditions:

3.a. *Habitat protection plans*—BLM shall ensure that the applicants develop and implement an approved fire prevention and response plan, erosion control plan, and a weed management plan approved by BLM prior to surface disturbance.

3.b. *Restoration plan*—Not required for this project.

3.c. *Minimizing new disturbance*—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (*e.g.*, such as construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road).

All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.

3.d. *Weed prevention*—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.

3.e. *Chemical spills*—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.

3.f. *Residual impacts from disturbance*— Remuneration fees are not required for this project as the ROW is existing and no new disturbance is authorized.

RMP 7: **Compliance and Reporting—Applies towards all actions.** *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to comply with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:*

Terms and Conditions:

7.a. *Desert tortoise deaths*—The deaths and injuries of desert tortoises shall be investigated as thoroughly as possible to determine the cause. The Service (702/515-5230), BLM wildlife staff (702/515-5000) and appropriate state wildlife agency must be verbally informed immediately and within 5 business days in writing (electronic mail is sufficient). The Authorized Desert Tortoise Biologist shall complete the Desert Tortoise Handling and Take Report (Appendix E).

7.b. *Non-compliance*—Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or biological monitor to be in non-compliance with this biological opinion shall be immediately documented by an authorized desert tortoise biologist. Documentation shall include photos, GPS coordinates, and details on the circumstances of the event. The incident will be included in the annual report and post-project report.

7.c. *Fence inspection*—Fencing is not required for this project.

7.d. *Project reporting requirements*— Project proponents will provide BLM with compliance reports. Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service's Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1st of the following year (*e.g.*, the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.
The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

7.e. ***Operation and maintenance***—A written assessment report shall be submitted annually to the Service outlining the operation and maintenance activities that occurred over the past year. Report to include: It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report. The report is due April 1 of each year.

7.f. *Restoration monitoring*—Not required for this project.

8: **Minimization Measures**

8.a. Overnight parking and storage of equipment and materials, including stockpiling, shall be in previously disturbed areas or areas cleared by a tortoise biologist. If not possible, areas for overnight parking and storage of equipment shall be designated by the tortoise biologist in coordination with BLM and project proponent, which will minimize habitat disturbance.

8.b. Ravens and other avian tortoise predators: All towers and poles will be fitted with "bird-be-gone" or other perch deterrent devices to minimize the potential for increased predation from aerial predators following construction.

8.c. Vehicles: All project/event-related individuals shall check underneath stationary vehicles before moving them. Tortoises often take cover under vehicles. All vehicle use will be restricted to existing roads. New access roads will be created only when absolutely necessary and only when approved by BLM. Workers shall not drive or park vehicles where catalytic converters can ignite dry vegetation and to exhibit care when smoking in natural areas. Fire protective mats or shields shall be used during grinding or welding.

Minimization Measures to Minimize Threat of Nonnative Plants

8.d. Rehabilitate, reclaim, or revegetate areas subjected to surface-disturbing activities where feasible. Habitat will be reclaimed so that pre-disturbance conditions can be reached within a reasonable time frame. Reclamation may include salvage and transplant of cacti and yucca, recontouring the area, scarification of compacted soil, soil amendments, seeding, vertical mulch, and transplant of seedling shrubs. If necessary subsequent seeding or transplanting efforts may be required, should monitoring indicate that the original effort was not successful.

8.e. Complete a Weed Risk Assessment for the proposed project prior to construction activities. This document will address the presence of any weeds; the potential for weeds within the project area to be spread to non-infested areas within the project area; the potential for introducing weeds into the project area via vehicles, equipment, fill material, and water brought in from an outside source; and minimization to reduce the potential for spreading weeds.

8.f. If off-site fill material is used, survey the site where the fill source comes from for noxious plants. Only fill from non-contaminated sites shall be used.

8.g. Certify that all plant material including animal feed and material used for erosion control (straw, etc.) is weed-free.

8.h. Clean all equipment of weed and grass seeds, stems, stalks, etc., prior to arrival and release from the project site. The washdown will concentrate on the undercarriage, with special emphasis on axles, crossmembers, motor mounts, and on and underneath steps, running boards and front bumper/bushguard assemblies.

8.i. Should there be concentrated areas of noxious weeds within the project area, additional spraying of equipment may be required to prevent the contamination of uninfested areas.

8.j. Wash sites will be mapped for future monitoring of weed infestations.

8.k. Mechanized treatments will not be conducted on slopes greater than 30 percent to minimize erosion.

8.l. Treatments that compact and disturb the soil to the degree that runoff and erosion would be increased should be ripped and properly drained.

8.m. Untreated islands of natural vegetation would be left to minimize negative impacts of the natural community.

8.n. When herbicide use is approved by BLM and the Service, applicant will follow information and guidelines provided on label and pesticide use permit.

APPENDIX E. DESERT TORTOISE HANDLING AND TAKE REPORT

If a desert tortoise is killed or injured, immediately contact the U.S. Fish and Wildlife Service and BLM, by phone at the numbers below and complete Section 1 of the form.

Completed forms should be submitted to the BLM and Fish and Wildlife Service:

Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000

4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5230

U.S. Fish and Wildlife Service

Project Name: Renewal of N-59946 (now N-92518)- 12 KV overhead electrical line, additional existing line and access roads. NEPA No.: DOI-BLM-NV-S010-2014-0016-EA Case File No./SRP No.: N-92518 (formerly N-59946) BLM Section 7 log no.: NV-052-14-055	Report Date:
Fish and Wildlife Service Append File No.- n/a	
Authorized Desert Tortoise Biologist: _____ Employed by:	
Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.	
If tortoise was injured ☐ or killed ☐ (check appropriate box):	
Date and time found: _____ Found by: _____ GPS location (NAD 83): easting: _____ northing: _____ No. of photos taken: _____ Disposition: _____ _____ _____ Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

Section 2: Complete all information below for each desert tortoise handled.

All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project reports.

Desert tortoise number: _____

Date and time found: _____ Sex of tortoise: _____

Air temperature when found: _____ Air temperature when released: _____

Tortoise activity when found: _____

Handled by: _____ Approx. carapace length _____

GPS location (NAD 83) found: easting: _____ northing: _____

GPS location released: easting: _____ northing: _____

Approximate distance moved: _____

Did tortoise void bladder; if so state approximate volume and actions taken:

_____

_____

Post handling or movement monitoring and observations:

_____

_____

_____

Section 3: Complete for each tortoise burrow penned.

All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project reports.

Date and time of pen construction:

Began: _____ Completed: _____

Date and time pen removed: _____

Pen constructed by: _____

Why was tortoise penned? _____

How frequently was pen monitored? _____

Observations of desert tortoise behavior including time and date of observation:

_____

_____

_____

_____

Include photos of pen and burrow with report.

APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365.R001) REPORT TO THE FISH AND WILDLIFE SERVICE

The information below should be completed by BLM or the Authorized Desert Tortoise Biologist for the project/action. Reports for all appended actions are required annually (due March 1 of each year for prior calendar year activities) and upon completion of the project/action.

Project Name: Renewal of N-59946 &N-92518- 12 KV overhead electrical line, additional existing line and access roads.

NEPA no.: DOI-BLM-NV-S010-2014-0016-EA

Case File no./SRP no.: N-92518 & N-59946

BLM Section 7 log no.: NV-052-14-055

☐ Annual Report ☐ Project Completion Report

1. Date: _____

2. Fish and Wildlife Service File No (for appended actions): n/a

3. Species and critical habitat affected:

☐ Desert tortoise ☐ Desert tortoise critical habitat

Other (identify):

4. Project/action status:

☐ Not begun ☐ In progress* ☐ Completed date _____

If in progress, state approximate percent complete: _____

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
0		0	

6. Habitat of other species disturbed (identify species, non-critical, and critical habitat affected below):

7. Summary of individual desert tortoises taken (appended action):

	Desert Tortoise:		
	Adults	**Juveniles**	**Eggs**
Exempted			
Actual			

Describe other individuals taken:

8. Name of authorized desert tortoise biologists and monitors on the project and the dates they were on the project.

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

Total number desert tortoises observed: _____
Total number desert tortoises burrows observed: _____
Attach a summary report detailing each desert tortoise and/or desert tortoise burrows observed during activity/event including tortoise activity when found, how the animal was avoided, what happened to the tortoise, the date and time encountered and GPS location (NAD 83 easting: _____ northing: _____)

11. Contact Information

Name_____ Company_____

Address_____

Phone_____

Signature_____ Date_____

Send completed form to:

Bureau of Land Management
Attn: Wildlife Staff
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000
U.S. Fish and Wildlife Service
4701 North Torrey Pines Drive

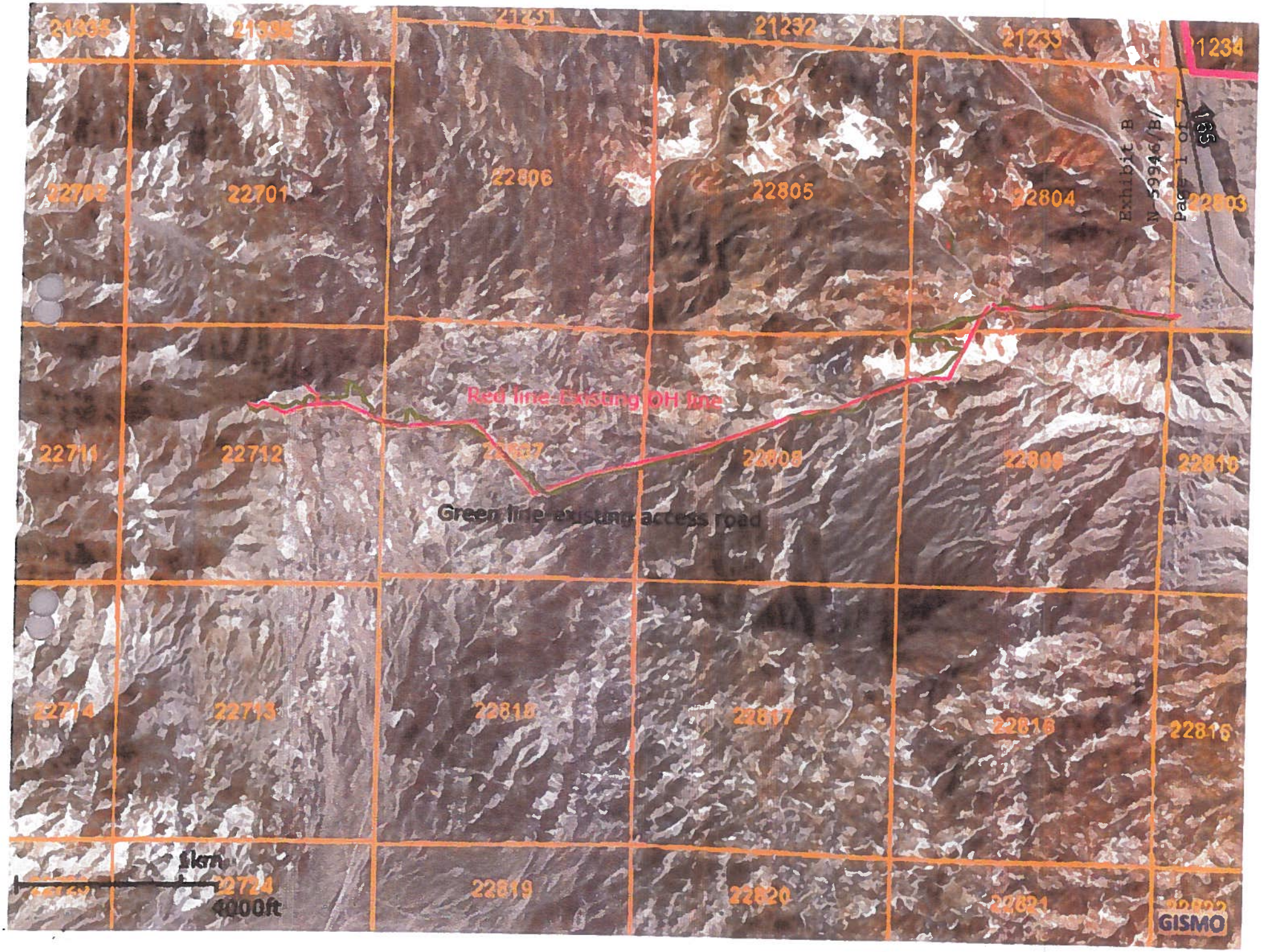
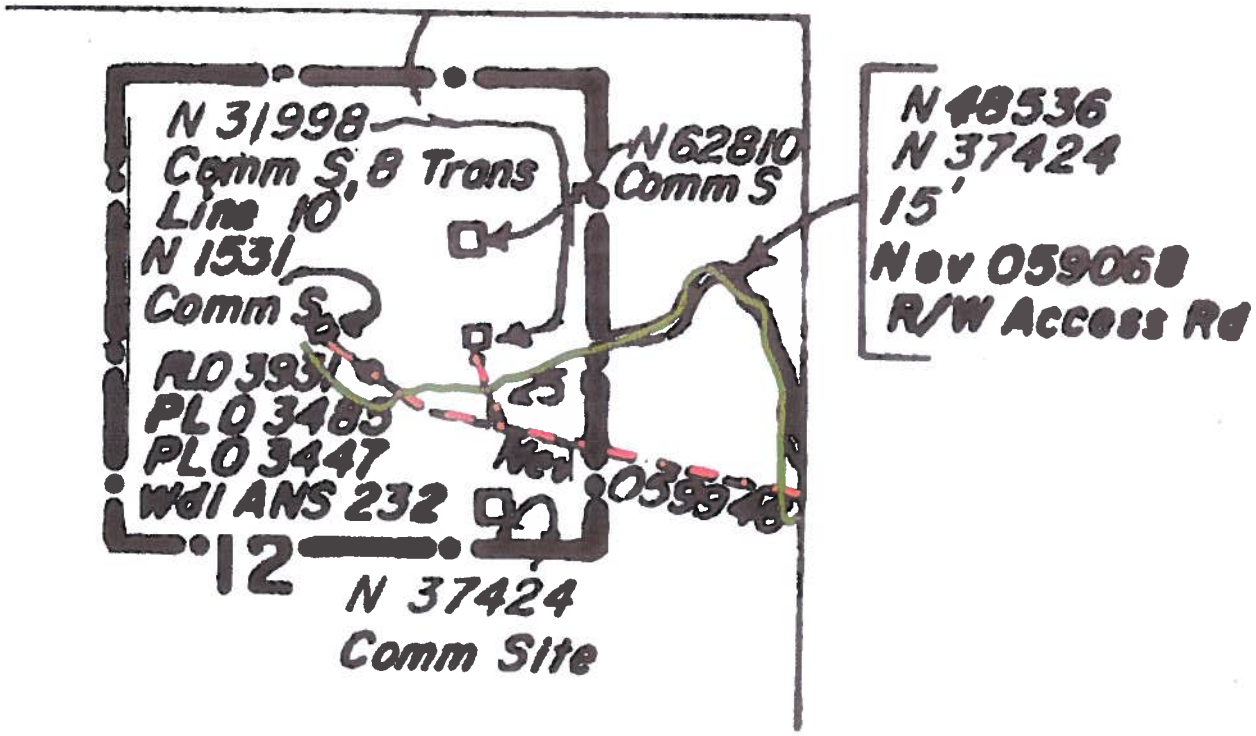


Exhibit B
N 59946/B/
Page 1 of 7
165

DESCRIPTION OF RIGHT OF WAY

An overhead electrical line within a 20-foot wide by approximately 3.98-mile long right-of-way for an existing overhead electrical line and an approximately 4.77 mile long by 30-foot wide access road, located in Section 12, Township 26 South, Range 63 East, and Sections 3, 4, 7, 8 and 9, Township 26 South, Range 64 East, all M.D.M., Clark County, NV:

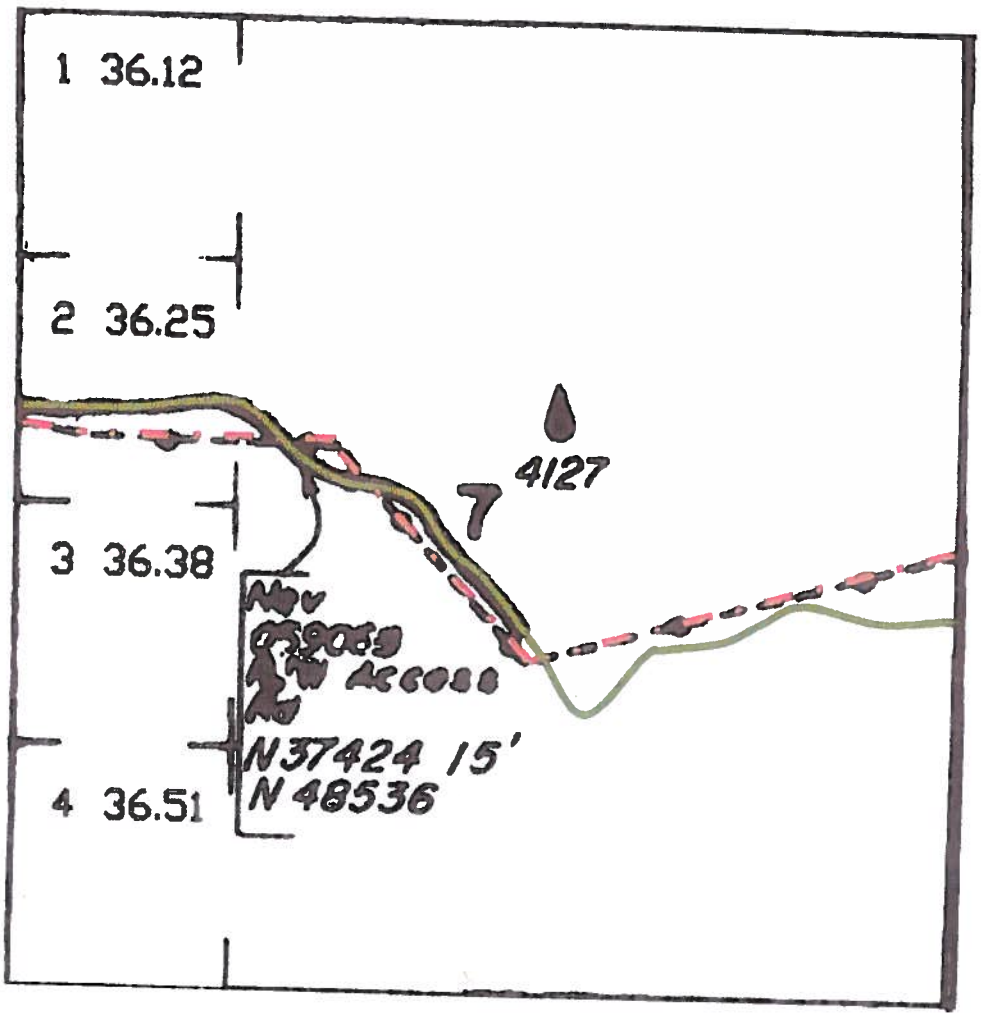


Parcel 1:

The Northeast Quarter (NE ¼) of Section 12, Township 26 South, Range 63 East, M.D.M., Clark County, Nevada.

OH Line

Access Road

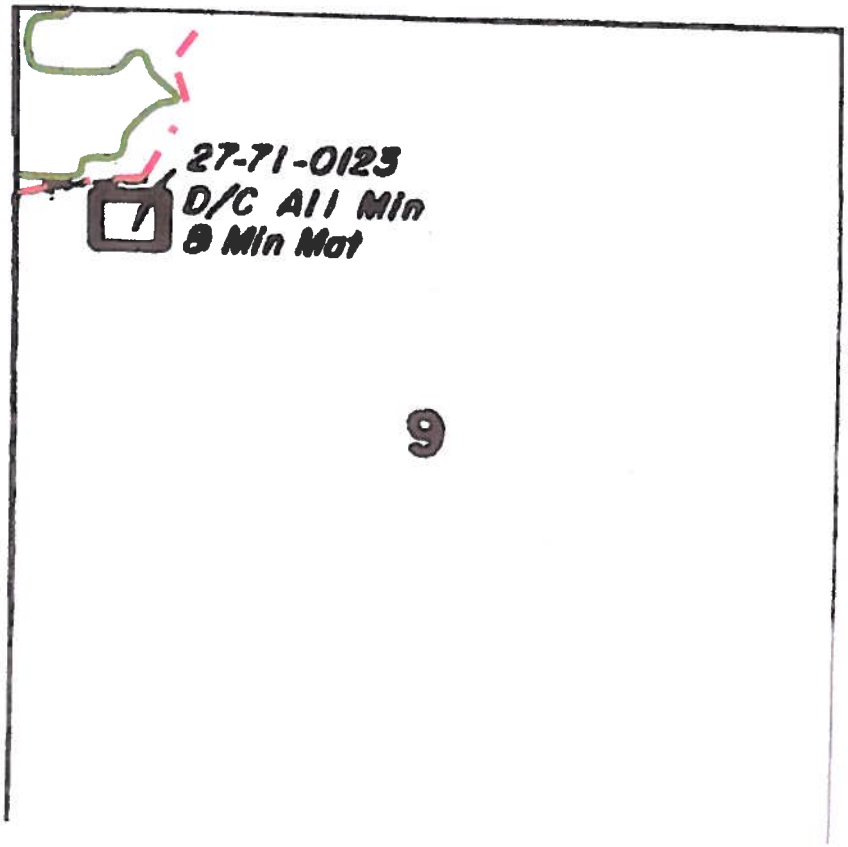


Parcel 2:

Government Lot 2, the Southeast Quarter of the Northwest Quarter (SE ¼ NW ¼), the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) and the North Half of the Southeast Quarter (N ½ SE ¼) of Section 7, Township 26 South, Range 64 East, M.D.M., Clark County, NV.

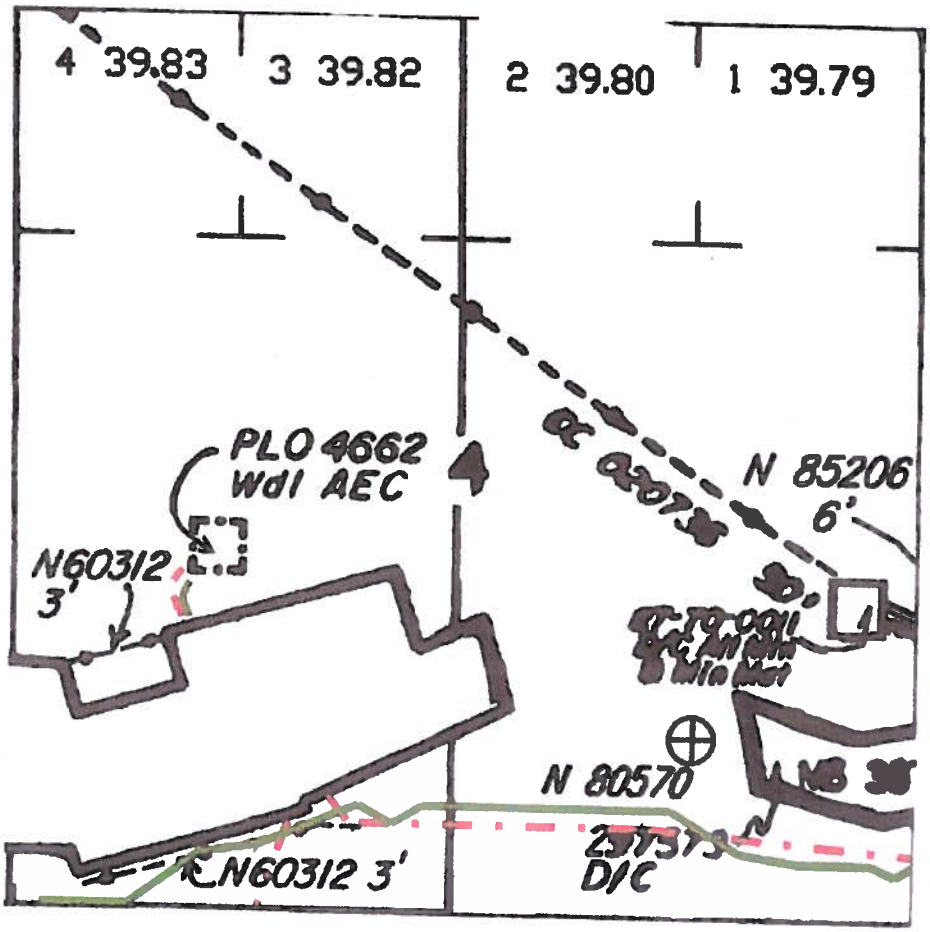
Parcel 3:

The Northeast Quarter (NE ¼), the South Half of the Northwest Quarter (S ½ NW ¼), and the Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section 8, Township 26 South, Range 64 East, M.D.M., Clark County, NV.



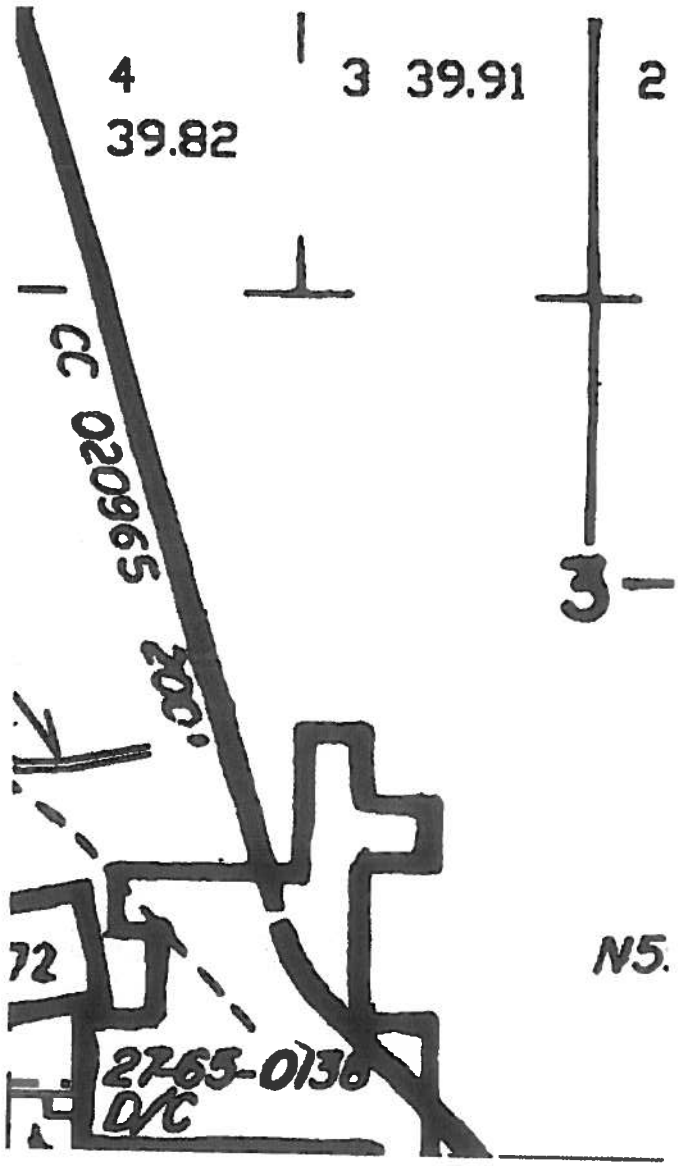
Parcel 4:

The Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section 9, Township 26 South, Range 64 East, M.D.M., Clark County, NV.



Parcel 5:

The South Half of the Northwest Quarter of the Southwest Quarter (S ½ NW ¼ SW ¼), the South Half of the Southwest Quarter (S ½ SW ¼) and the South Half of the Southeast Quarter (S ½ SE ¼) of Section 4, Township 26 South, Range 64 East, M.D.M., Clark County, NV.



Parcel 6:

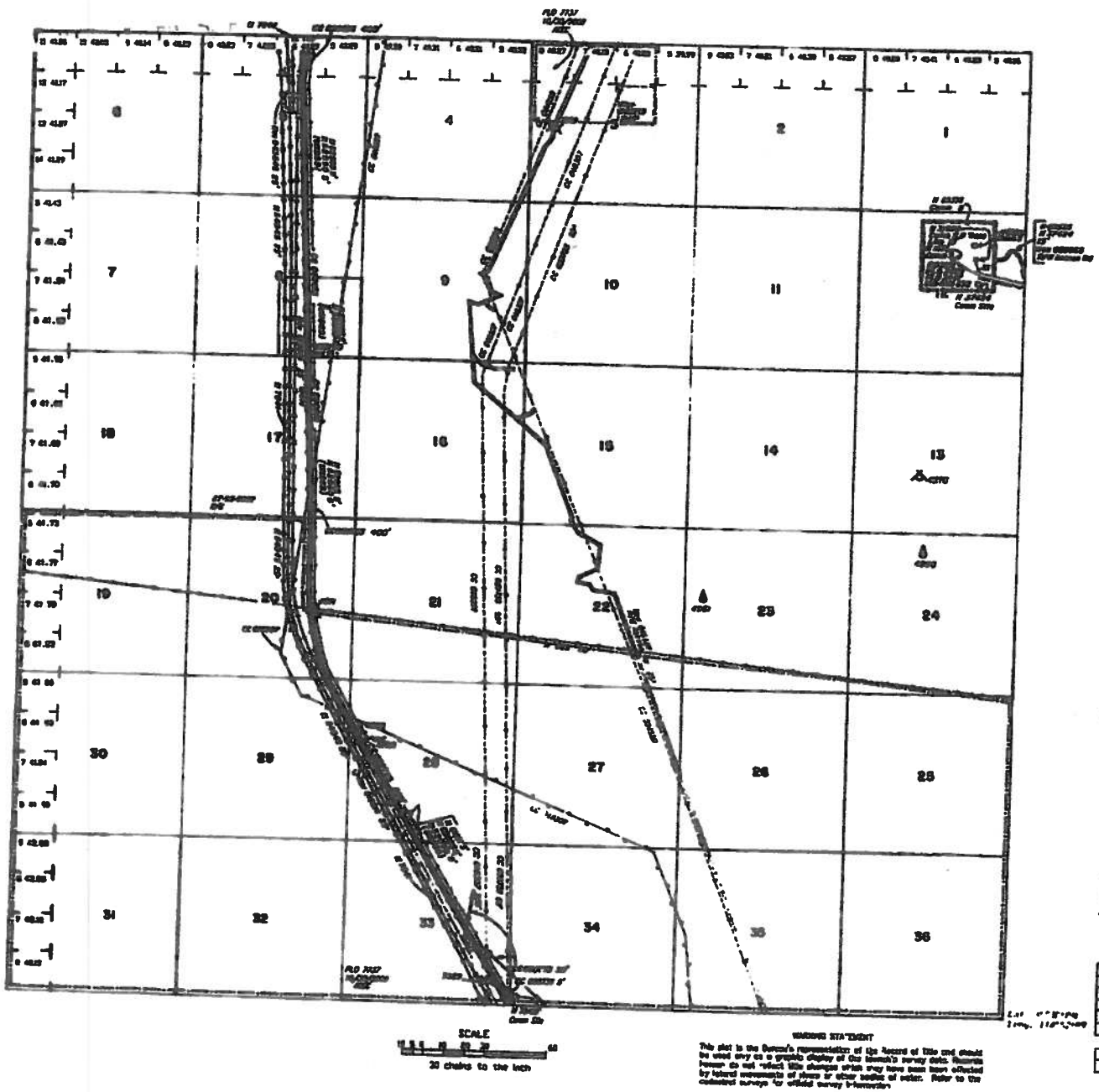
The Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼ SW ¼) of Section 3, Township 26 South, Range 64 East, M.D.M., Clark County, NV.

TOTAL OH: Approximately 21,014.40-feet long, 20-feet wide, approximately 420,288-sq. ft., 9.66-acres; TOTAL ACCESS RD: Approximately 25,200-feet, 30-feet wide, approximately 756,000-sq. ft., 17.38-acres

TOTAL: Approximately 46,214.40-feet long, approximately 1,176,288-sq. ft., approximately 27.05-acres

TOWNSHIP 26 SOUTH RANGE 63 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

CLARK COUNTY



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

SURVEY	ORIGINAL SURVEY			
TRACT NO.	T.	R.	SEC.	SUBDIVISION

CURRENT TO	BY	CURRENT TO	BY
12/1/87	SEZ		
6/27/08	MS		
11/09	SEZ		
6/13/11	MS		
11/6/12	BNG		

WARNING STATEMENT

This plat is the Bureau's representation of the record of title and should be used only as a graphic display of the Bureau's survey data. However, do not reflect title changes which may have been effected by natural movements of shore or other bodies of water. Refer to the cadastral survey for official survey information.

N-050
T. 26 S
R. 63 E

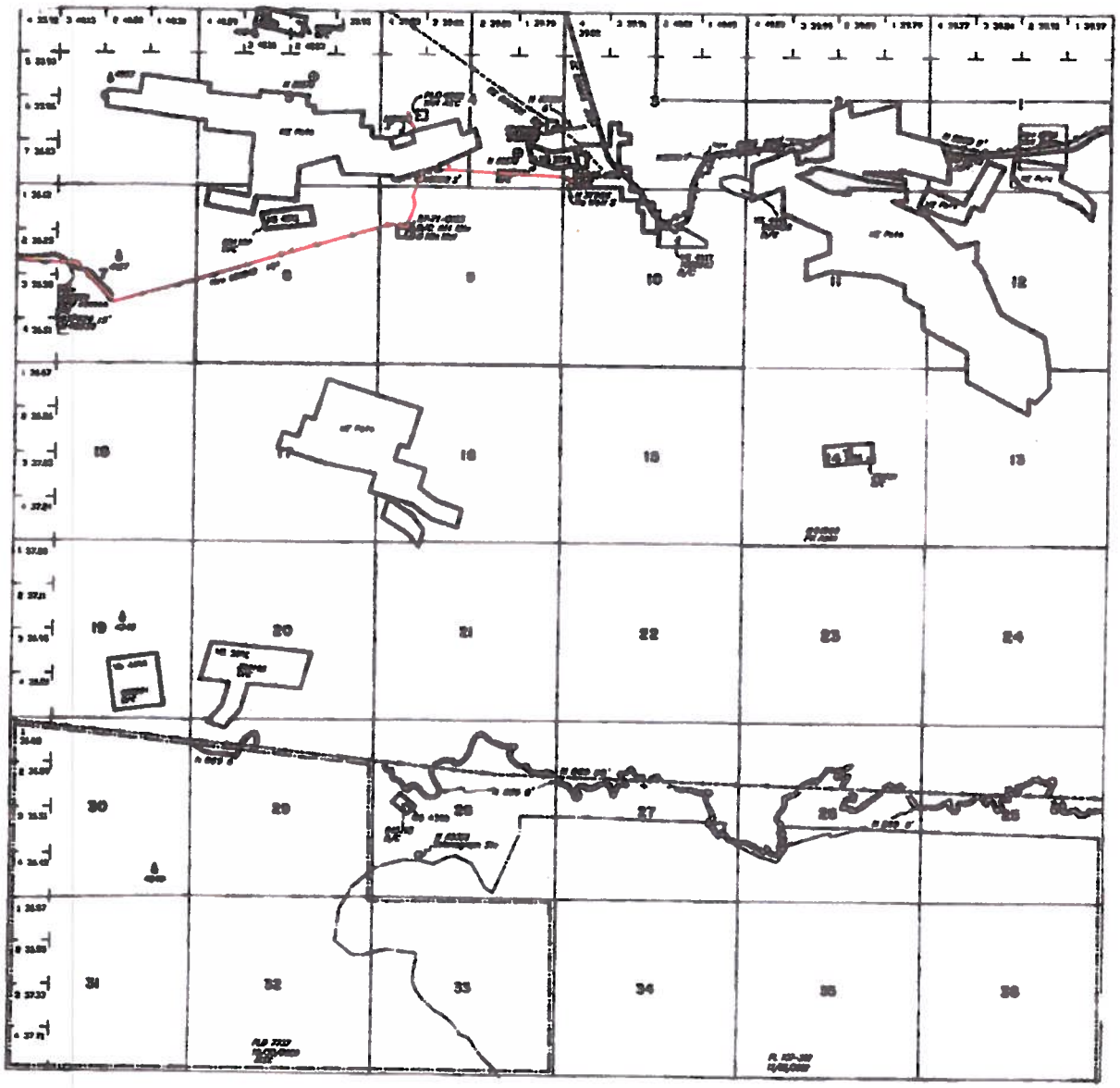
Exhibit C
N-59946/B/
Page 1 of 2

TOWNSHIP 26 SOUTH RANGE 64 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA

CLARK COUNTY
LAS VEGAS GR DIST

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS

REFERENCE	ORIGINAL SURVEY			
TRACT NO.	T	R	SEC	SUBDIVISION

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	BY	CURRENT TO	BY
3/25/09	MS		
4/16/09	MS		
11/8/09	S.L.C.		
6/13/11	MS		

SCALE
30 chains to the inch

WARNING STATEMENT
This plat is the Bureau's representation of the Record of Title and should be used only as a graphic display of the township survey data. Records hereon do not reflect this changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

N 050
T. 26S
R. 64E

Exhibit C
N-59946/B/
Page 2 of 2

Finding of No Significant Impact
ROW for a 12kV Overhead Electrical Line and Access Road

EA Number: DOI-BLM-NV-S010-2014-0016-EA

I have reviewed the Environmental Assessment (EA) for a ROW for a 12kV overhead electrical line and access road on public lands. Based on the analysis of potential environmental impacts contained in DOI-BLM-NV-S010-2014-0016-EA, I have determined that the proposed action with the mitigation measures described in the EA will not have any significant impacts on the environment and an Environmental Impact Statement is not required.

Mitigation Measures:

Effects the proposed action may have on our resources were addressed for air quality, invasive species/noxious weeds, hydrologic conditions, paleontology, threatened, endangered or candidate animal and plant species, water resources, wilderness, and other types of resource issues. Comments providing substantive information relevant to the analysis and mitigation measures have been incorporated into stipulations which shall be attached to the grant.

Signatures:

Recommended by:

5/27/14

Project Lead: Vivian Browning, Realty Specialist

Approved by:

5/30/14

Vanessa L. Hice, Assistant Field Manager, Division of Lands — Date

Decision Record
Right-of-way (ROW) for a 12kV Overhead Electrical Line and Access Road

NEPA Number: DOI-BLM-NV-S010-2014-0016–EA

Compliance

The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all Bureau of Land Management (BLM) land uses in Southern Nevada, the Las Vegas Resource Management Plan (RMP), the Endangered Species Act, the National Historic Preservation Act,, and the Noxious Weed Control Act of 2004 (P.L. 108-412).

Selected Action

The selected action is Alternative No. 1, as mentioned in environmental analysis DOI-BLM-NV-S010-2014-0016-EA. The selected action is a right-of-way for a 12kV overhead power line and access road on public lands. On February 8, 1963, a ROW was granted to California Pacific Utilities Company, pursuant to the provisions of the Act of March 4, 1911 (36 Stat. 1253); 43 U.S.C. 961, for a 12kV overhead power line; which is 20 ft wide by 14,731.2 ft in length (approximately 6.75 acres). This line provides power to ta Federal Aviation Agency microwave station on a mountain peak west of Nelslon. NV Energy applied for an assignment of the ROW April 27, 1989. The assignment of the ROW from to NV Energy was approved August 17, 1989. The grant was placed under the provisions of the Act of October 21, 1976. In addition to the ROW that was granted, there is an additional 20 ft wide by 6,283.2 ft in length of additional existing line (approximately 2.88 acres) and 30 ft wide by 25,200 ft in length of access road (approximately 17.38 acres) that has not been analyzed and it is unknown when the line was put in. This line provides power to the U.S. Department of Commerce Next Generation Weather Radar Facility. The overall project includes approximately 27.05 acres.

Decision:

It is my decision to implement the above proposed action known as Alternative No. 1, with the mitigation measures and relevant information identified in the environmental assessment and incorporated into stipulations known as Exhibit A.

Compliance with NEPA:

An environmental analysis was carried out in compliance with the National Environmental Policy Act (NEPA) to evaluate the proposal for installation of underground water pipelines on public lands.

Effects the proposed action may have on our resources were addressed for air quality, invasive species/noxious weeds, hydrologic conditions, paleontology, threatened, endangered or candidate animal and plant species, water resources, wilderness, wetlands, and other types of resource issues

This environmental analysis is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The

proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Public Involvement:

Consultation and internal scoping and coordination was carried out with federal, state, and local agencies and interested parties when analyzed under EA NV-S010-2014-0016-EA, with Fish and Wildlife Service for Biological Opinion 84320–2010–F-0365.R001.

This project proposal and EA was analyzed by resource specialists for air quality, cultural, floodplains, hydrology, minerals, noxious weeds, plant and animal species, wilderness, vegetation, visual, and other resource issues. Comments providing substantive information relevant to the analysis and mitigation measures supplied by the resource specialists are included in Exhibit A stipulations which will be attached to the ROW grant.

Rationale:

The Proposed Action Alternative has been developed in accordance with the guidelines and policies identified in the approved land use plan for the Las Vegas area: Las Vegas Resource Management Plan and Final Environmental Impact Statement approved October 1998.

The action meets ROW Management. Objective: 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."

The action meets Management Direction. 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 ROWs under the authority of the Federal Land Policy Management Act (FLPMA)."

Decision:

I have reviewed the document DOI-BLM-NV-S010-2014-0016–EA. The above proposal for additional existing overhead power lines and access road has been analyzed under DOI-BLM-NV-S010-2014-0016-EA. Since the area has been analyzed, and it has already been determined that the proposed action identified above will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Therefore, it is my decision to approve and implement the proposed action as described above and as evaluated under DOI-BLM-NV-S010-2014-0016-EA.

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the information provided in BLM Form 1842–1.

If an appeal is taken, your notice of appeal must be filed in the Las Vegas Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is

being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals ant to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Authorizing Official:

Vanessa L. Hice — 5/30/14

Vanessa L. Hice
Assistant Field Manager
Las VegasField Office

Date

Contact Person:

For additional information concerning this Finding, contact:

Vivian Browning, Realty Specialist
Las Vegas Field Office, Las Vegas, NV 89130
phone: 702–515–5000