

Categorical Exclusion:
**Over Land Access for Pole Replacement as part of the ACE Pole
Maintenance-Mead to River Road 69 kV Transmission Line**

A. Background

DOI-BLM-NV-S010-2014-0056-CX

NV Energy lines need new pole replacements to be in compliance with the National Electric Safety Code (NESC).

BLM Office:

Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
LLNVS01000

Lease/Serial/Case File No.:

NVCC 20736-04

Proposed Action Title/Type:

On January 27, 2012, NV Energy applied for a short-term right-of-way (STR) to allow NV Energy overland travel access to 12 identified 69kV wooden transmission poles. These poles will be replaced to ensure clearance requirements of the National Electric Safety Code (NESC) as part of the ACE Pole Maintenance-Mead River Road 69 kV Transmission line.

On December 31, 2012, STR NVCC-20736-03 expired and no maintenance was done. On February 26, 2014, NV Energy applied to reinstate the short-term right-of-way (STR) to allow NV Energy overland travel access to 12 identified 69kV wooden transmission poles. These poles will be replaced to ensure clearance requirements of the National Electric Safety Code (NESC) as part of the ACE Pole Maintenance-Mead River Road 69 kV Transmission line. The 69kV transmission line was installed under BLM grant CC-020736, granted August 16, 1939. The ROW will be 4,468 feet in length and 24 feet in width approx. 2.46 acres).

Location of Proposed Action:

Mount Diablo Meridian, Nevada, T. 27 S., R. 63 E., sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$. SW $\frac{1}{4}$ SW $\frac{1}{4}$. T.28 S., R. 63 E., sec. 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$. T. 32 S., R. 65 E., sec.19, SE $\frac{1}{4}$ NW $\frac{1}{4}$;sec. 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Description of Proposed Action: On February 26, 2014, NV Energy applied for a short-term right-of-way (STR) to allow NV Energy overland travel access to 12 identified 69kV wooden transmission poles. These poles will be replaced to ensure clearance requirements of the National Electric Safety Code (NESC) are maintained. The 69kV transmission line was installed under BLM grant CC-0220736, granted August 16, 1939.

B. Land Use Plan Conformance

Land Use Plan Name:

Las Vegas Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS), and the Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement.

Date Approved/Amended:

RMP dated October 5, 1998

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

The proposed action is in conformance with the applicable RMP because it is clearly consistent with the following LUP decision(s):

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."

Management Direction. Objective: RW-1-h. "All public land within the planning area, excepted as stated in RW 1-c through 1-g, are available at the discretion of the agency for right-of-way under the authority of the Federal Land Policy and Management Act."

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9, E (19) Issuance of short-term (3 years or less) rights-of-ways or land use authorization for such uses a storage facility, apiary site, and construction sites where the proposals includes rehabilitation rto restore the land to its natural or original condition.

This categorical exclusion 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.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and no further environmental analysis is required.

D. Approval and Contact Information



Vanessa L. Hice
Assistant Field Manager
Division Of Lands

5/8/14
Date

Contact Person

Vivian Browning, Realty Specialist
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
Phone: 702-515-5000

Exhibit A

Legal Description NVCC-20736-04

Mount Diablo Meridian, Nevada

T. 27S., R. 63E., sec 15, SW¹/₄SW¹/₄;

T. 27S., R. 63E., sec 22, NW¹/₄SW¹/₄,SW¹/₄SW¹/₄;

T. 27S., R. 63E., sec 27, NW¹/₄SW¹/₄,SW¹/₄SW¹/₄;

T. 28S., R. 63E., sec 3, NE¹/₄NW¹/₄,NE¹/₄SW¹/₄;

T. 28S., R. 63E., sec 10, NE¹/₄NW¹/₄,NE¹/₄SW¹/₄;

T. 28S., R. 63E., sec 28, NE¹/₄SE¹/₄;

T. 32S., R. 65E., sec 19, SE¹/₄NW¹/₄;

T. 32S., R. 65E., sec 29, NW¹/₄SW¹/₄;

Exhibit B
Stipulations NVCC-20736-04

1.0 Special Stipulations

- 1.1. Weed monitoring shall occur for species identified by the State of Nevada as well as additional species specified by Clark County during a given year. Such species constitute the official list of weeds for which a county may cost-share funding for control and removal efforts. Should such species occur during monitoring, control and eradication efforts shall be implemented following County control procedures. Herbicides shall not be used around the project site unless approved in writing by BLM.
- 1.2. All construction equipment, vehicle, and implements will be washed/steam-cleaned prior to entering the project area to prevent the spread of noxious weeds. Any construction equipment or vehicle that leaves the project area will be washed/steam-cleaned prior to re-entering the project area.
- 1.3. Any fuel or hazardous waste leaks or spills will be contained immediately and cleaned up at the time of occurrence. Contaminated soil will be removed and disposed of at an appropriate facility.
- 1.4. A maximum speed limit of 15 miles per hour will be maintained while traveling on unpaved access roads. This will reduce the potential for vehicle-tortoise accidents.
- 1.5. All relevant permits from the State of Nevada and Clark County should be obtained prior to construction.
- 1.6. Within the ROW boundaries, all activities will be confined to the absolute minimum area necessary to complete project activities.
- 1.7. Hazardous materials would not be used on the ROW; the contractor would comply with applicable laws pertaining to proper usage and disposal of potentially hazardous materials. Any spills would be cleaned up as soon as safely possible and reported as necessary. NVE would notify the appropriate authorities if a spill occurs. All spill materials would be labeled and stored off the ROW for accumulation and disposal.
- 1.8. A litter-control policy will be implemented to minimize predation on tortoises by ravens, coyotes, or other predators drawn to the project area. This policy will include the use of covered, predator-proof trash receptacles, removal of trash from the construction site to the trash receptacles at the end of each workday, and proper disposal of trash in a designated solid waste disposal facility.

- 1.9. All project areas, including temporary use areas, will be cleared by a qualified biologist before the start of construction or ground disturbance. The site will be surveyed for desert tortoises using survey techniques that provide 100 percent coverage. During the tortoise active season, the preconstruction clearance will be conducted immediately before initiation of land-disturbing activities. During the tortoise inactive season, the preconstruction clearance shall be within five days before work begins. Tortoise burrows that are located in the construction areas will be searched for resident tortoises, and if no tortoises occur within the burrow, it will be collapsed to prevent re-entry.
- 1.10. If found, tortoises and/or tortoise nests will be relocated by a qualified tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1999). Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs. If a desert tortoise is encountered and is in imminent danger, it shall be moved out of harm's way and onto adjacent BLM land. If the tortoise cannot be avoided or moved out of harm's way onto BLM land, it shall be placed in a cardboard box or other suitable container and held in a shaded area until the Clark County Desert Tortoise Pick-Up Service or BLM personnel can retrieve the tortoise. Tortoises moved off-site and released into undisturbed habitat on public land will be placed in the shade of a shrub, in a natural unoccupied burrow similar to the one in which it occurred, or in an artificially constructed burrow.
- 1.11. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for any reason when the ambient air temperature is above 95 degrees Fahrenheit (°F). Ambient air temperature shall be measured in the shade, protected from wind, at a height of 2 inches above the ground surface. No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95°F before handling and relocation can be completed. If the ambient air temperature exceeds 95°F during handling or processing, desert tortoises shall be kept shaded in an environment that does not exceed 95°F; and the animals shall not be released until ambient air temperature drops to below 95°F.
- 1.12. A Worker Environmental Awareness Program (WEAP) will be implemented for construction crews prior to commencement of construction activities. Training materials and briefings will include discussion of the section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the consequences of noncompliance with it, identification and values of wildlife and natural plant communities, hazardous substance spill prevention and containment measures, and review of all design features of the proposed action. Additionally, a qualified tortoise biologist will present a tortoise education program to all personnel who will be working on-site. The program will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of the BO, and personal measures employees

can take to promote the conservation of desert tortoises. All workers will be instructed to check underneath all vehicles at project sites before moving vehicles, as tortoises are attracted to shade and often take cover under vehicles. The definition of "take" will also be explained.

- 1.13. A qualified tortoise biologist will be onsite during all phases of construction.
- 1.14. All trash should be kept in raven-proof containers.
- 1.15. Any holes or trenches dug during construction will be covered overnight to ensure tortoises and other animals do not get trapped.
- 1.16. Blading will not be used to create access roads. Drive and crush only will be used. NV Energy will prepare a short two page revegetation within 30 days of start of the activity. The plan will be subject to approval by the BLM botanist. The plan will include the following elements:

Following the pole replacement, all temporary access roads will be rehabilitated. This includes raking to remove tire tracks. Placement of vertical mulch, debris, rocks and/or other materials to visually disguise the access routes to discourage casual use by the public. Any cactus and yucca impacted will be used to as part of this effort.

An as built report will be prepared and submitted to BLM within 30 days of completion of rehabilitation. The report will include before and after photographs demonstrating completion of rehabilitation at each site.

The spring following construction, monitoring the temporary impact areas will be completed. A determination whether or not casual use of the access roads will be made. If casual use by the public is occurring the report will provide recommendations for stopping the use. The vegetation will be monitored. Vegetation monitoring will include a determination of % of affected shrubs that are resprouting and a determination of any seedlings present, % cover of vegetation present in the impact areas with comparison to adjacent unaffected vegetation.

The report will be due to BLM 30 days after monitoring. If casual use is occurring or there are problems with revegetation of the impact areas, NV Energy and BLM will develop measures for addressing the issue.

The final performance standard for the project will be 90% return of the affected area to predisturbance condition.

Monitoring and any necessary remedial measures will continue for 5 years or until the performance standard is achieved, or BLM determines sufficient progress has been made.

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. Cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.
- 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.
- 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, desert glossy snake, and Mojave Desert Sidewinder may be present in the general area. These species would be displaced as lands are disturbed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals and less mobile species (such as reptiles) during construction, displacement of individuals, the loss and fragmentation of habitat and increased potential for illegal kills and harassments of wildlife. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region. Impacts to BLM Sensitive Species are not anticipated to lead to further decline of the species range wide as the total disturbance for this project is relatively small.

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 1st through August 31st.

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 of Biological Opinion 84320-2011-F-0397

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

1. The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure that desert tortoises in harm's way are located, properly handled, and moved to safety; other measures will be in place to avoid and protect tortoises within the action area but not in harm's way:
 - a. An authorized desert tortoise biologist or environmental monitor shall be onsite during land clearing activities. The authorized desert tortoise biologist must have thorough and current knowledge of desert tortoise behavior, natural history, ecology, and physiology, and demonstrate substantial field experience and training to safely and successfully conduct their required duties. Authorized desert tortoise biologists are approved to monitor project activities within desert tortoise habitat and are responsible for locating desert tortoises and their sign (i.e., conduct clearance surveys) (Service 2009).
 - b. All workers shall complete the Desert Tortoise Awareness Program. The program provides information relative to the occurrence of the desert tortoise, the threatened status of the species, the definition of "take," the potential for impacts to the tortoise, the potential penalties for taking a threatened species, and the procedures for protecting tortoises.
 - c. Project personnel shall halt activities, if possible, when the continuation of such activities may endanger a desert tortoise or if a tortoise is located on a project site. An authorized on-call biologist (Service 2009) will be contacted and will respond to the sighting within one hour of notification during normal operating hours. Project activities will resume after the on-call biologist assesses the situation and takes appropriate action to avoid or minimize the direct impact to the animal.
 - d. All vehicles shall be driven at speeds within posted speed limits on existing roads and will not exceed 15 miles-per-hour within project boundaries. Any tortoise observed in harm's way will be moved off the road in the direction it was moving in accordance with Service-approved tortoise handling procedures (Service 2009). All tortoise observations on the project site and access roads shall be reported to BLM and included in the annual report (Term and Condition 4).
 - e. Prior to initiation of surface-disturbing activities, an authorized desert tortoise biologist (Service 2009) who may be assisted by monitors, shall conduct a clearance survey to locate and remove tortoises using techniques that provide full coverage of all project areas. Desert tortoise monitors will be approved by the

authorized desert tortoise biologist to monitor project activities within desert tortoise habitat, ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with approved protocol (Service 2009). All desert tortoise burrows, and burrows constructed by other species that might be used by desert tortoises, will be examined to determine occupancy by desert tortoises (Service 2009). These surveys will be timed such that tortoises are removed and do not re-enter project areas, as determined by the authorized desert tortoise biologist (Service 2009).

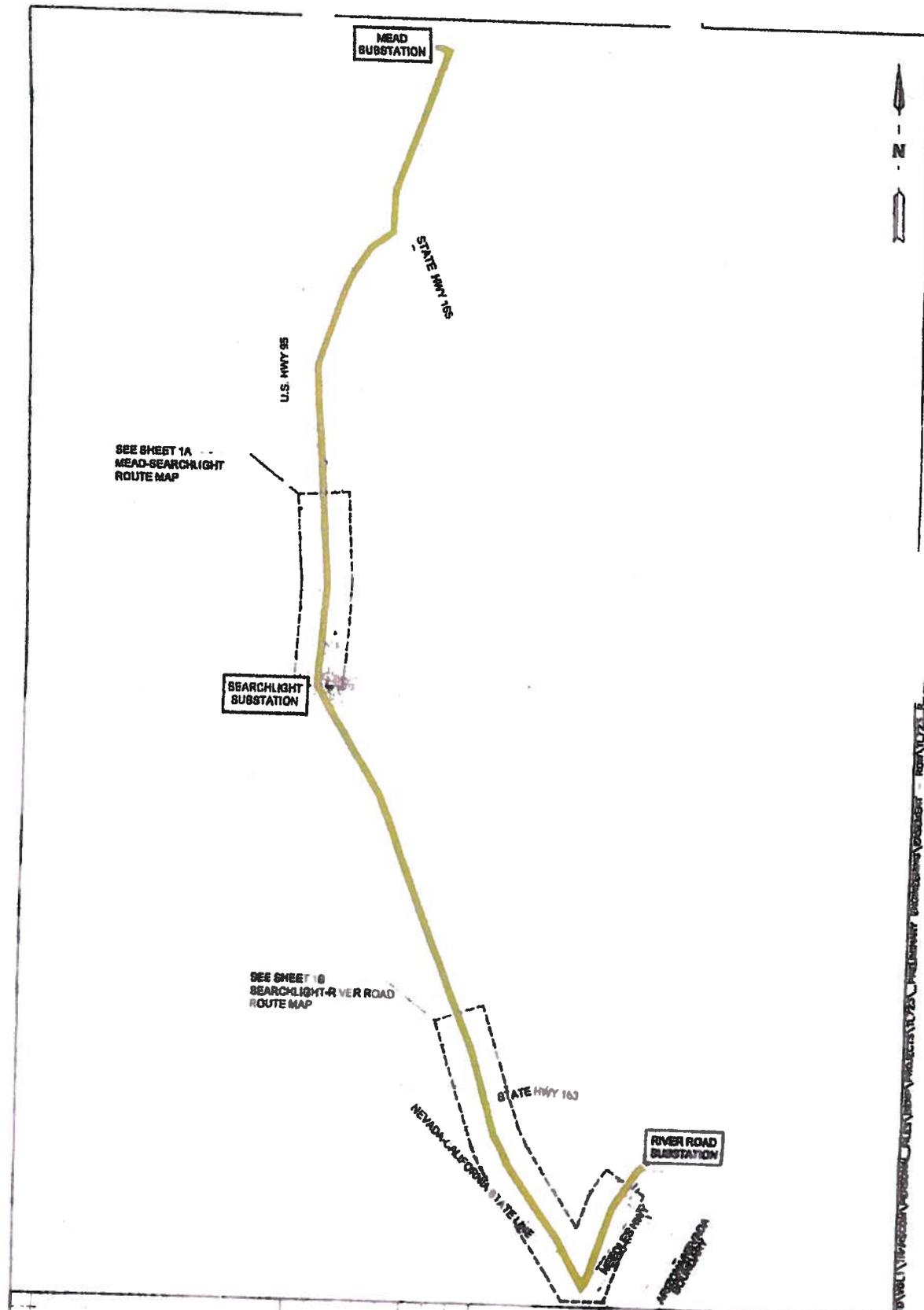
- f. All burrows that occur within areas proposed for disturbance shall be excavated by an authorized desert tortoise biologist and collapsed or blocked to prevent occupation by desert tortoises. All burrows will be excavated with hand tools to allow removal of desert tortoises and/or desert tortoise eggs. All desert tortoise handling and burrow excavations, including nests, will be conducted in accordance with the Service-approved protocol (Service 2009).
- g. All desert tortoises and desert tortoise eggs shall be relocated 300 to 1,500 feet into adjacent undisturbed habitat. A tortoise located in a burrow will be placed in an existing unoccupied burrow of the same size and orientation as the one from which it was removed. If a suitable natural burrow is unavailable, an authorized desert tortoise biologist will construct one of the same size and orientation as the one from which it was removed. The construction method will adhere to the protocol for burrow construction (Service 2009). All handling of desert tortoises shall be in accordance with the Desert Tortoise Field Manual (Service 2009).
- h. Open trenches, stockpiled pipes, and excavations that pose a threat or potential to entrap or injure tortoises shall be capped; temporarily fenced; and/or escape ramps installed. Any excavated holes left open overnight will be covered, and/or tortoise-proof fencing will be installed to prevent the possibility of tortoises falling into the open holes.
- i. Project personnel shall exercise caution when commuting to the project area and obey speed limits to minimize any chance for the inadvertent injury or mortality of species encountered on roads leading to and from the project site. All desert tortoise observations, including mortalities, shall be reported directly to an authorized desert tortoise biologist and the Service.
- j. Any vehicle or equipment within desert tortoise habitat shall be checked underneath before moving. This includes the morning before any construction activity begins. If a desert tortoise is observed, an authorized desert tortoise biologist will be contacted.

2. The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of measures to minimize predation on desert tortoises by ravens or other desert tortoise predators attracted to the project area.:
 - a. A litter control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit fox, coyotes, and common ravens. Trash and food items will be disposed properly in predator-proof containers with re-sealing lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill.
 - b. Dogs will be prohibited in all project work areas.

3. The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of measures to minimize loss and long-term degradation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, or introduction of non-native invasive plants or weeds as a result of project activities:
 - a. The boundaries of disturbance shall be flagged before beginning any activities, and all disturbances shall be confined to the flagged areas. Project personnel will be instructed that their activities must be confined within the flagged areas. Cross-country travel, travel outside flagged construction zones, and disturbance beyond the flagged areas are generally prohibited.
 - b. All disturbances shall be restricted to the absolute minimum area within the ROW boundaries necessary to complete project activities.
 - c. Prior to surface-disturbing activities associated with the proposed project, BLM shall ensure that all compensation commitments for habitat disturbance, in the Description of the Proposed Action of this BO are fulfilled by the applicant. For disturbance in Nevada, the applicant shall submit fee payment with the fee payment form (Appendix A).
 - d. The applicant will salvage and relocate cacti, and yuccas for onsite and offsite restoration efforts as directed by BLM.
 - e. All work area boundaries will be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities. All workers, equipment, vehicles, and construction materials shall remain within the ROW, existing roads, and designated areas. Staging areas will be located in previously-disturbed areas whenever possible.

- f. A weed monitoring and management plan will be implemented, which will incorporate monitoring, controlling, and eradicating weeds following County control procedures for species identified by the State of Nevada. All construction equipment, vehicles, and implements will be washed/steam-cleaned prior to entering the project area.
 - g. Hazardous materials shall not be used on the ROW. Any spills will be cleaned up as soon as safely possible and reported as necessary. All spill materials will be labeled and stored off the ROW for accumulation and disposal.
4. The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of measures to ensure compliance with the Reasonable and Prudent Measures, Terms and Conditions, reporting requirements, and reinitiation requirements contained in this BO
- a. The authorized desert tortoise biologist shall record each observation of a desert tortoise. 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 the desert tortoise was moved from and location moved to, and unique physical characteristics of each tortoise.
- The reporting requirements would include the submission of an assessment after construction is completed. The report would outline the schedule that was followed for implementing the minimization measures as well as biological observations (as stated above) and the general success of each of the minimization measures and the maintenance activities that occurred over that period. A final report will be submitted to the Nevada Fish and Wildlife Service Office in Las Vegas within 90 days of completion of construction of the project.
- b. Any incident occurring during project activities that was considered by the biological monitor to be in non-compliance with this BO will be documented immediately by the authorized desert tortoise biologist. The FCR will document the incident in the report in Term and Condition 4.a. along with the appropriate corrective action taken.

All necessary information sheets and forms shall be completed by the proponent. The proponent must complete an assessment after construction is complete. The report would outline the schedule that was followed for implementing the minimization measures as well as biological observations and the general success of each of the minimization measures and the maintenance activities that occurred over that period. A final report will be submitted to the Nevada Fish and Wildlife Service Office in Las Vegas within 90 days of completion of construction of the project.

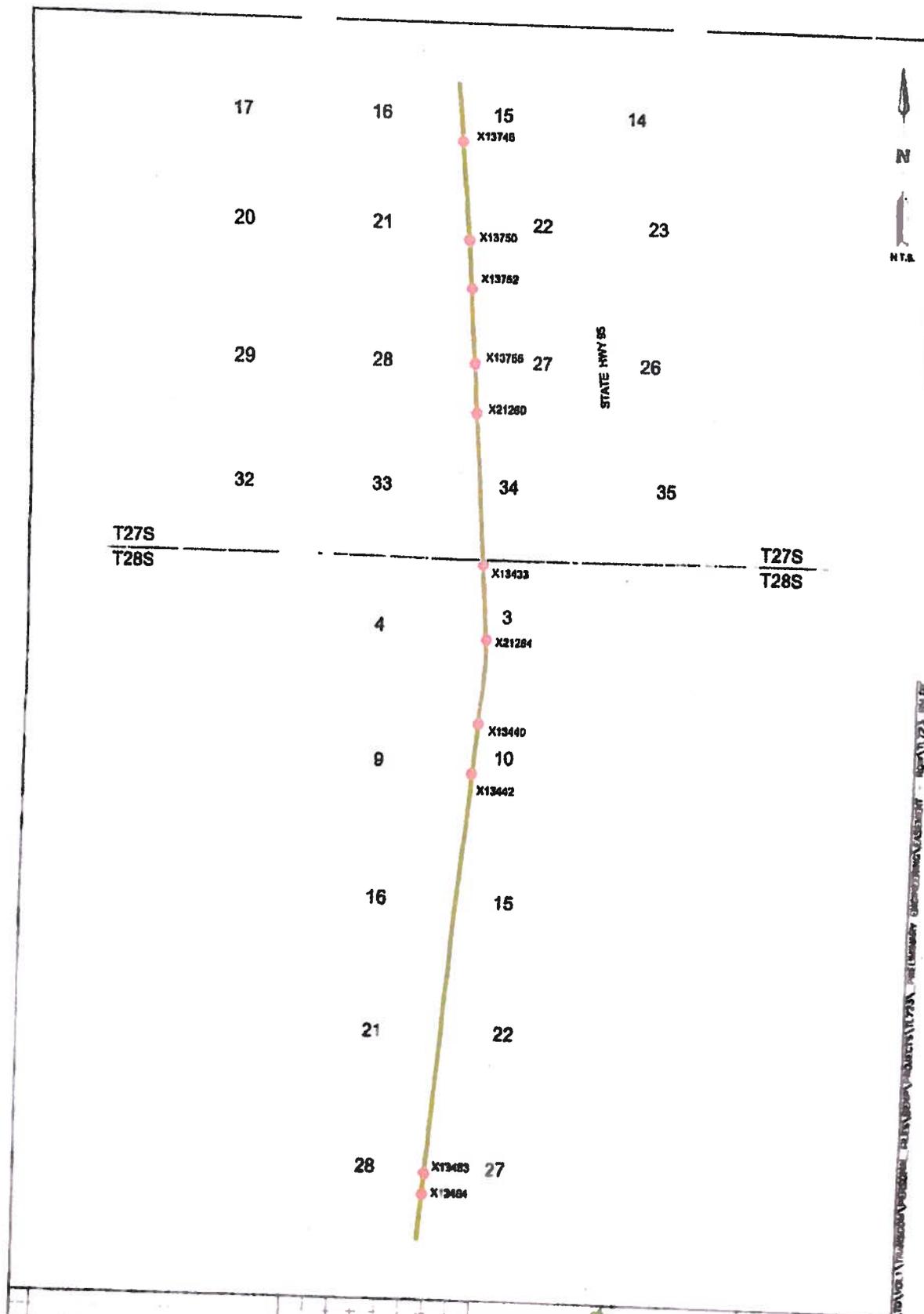


PLOT DATE/TIME 2/2/2011 11:03 AM PLOTTED BY: CHAO, APRIL



500KV TRANSMISSION LINE MEAD TO RIVER ROAD 500KV LINE UPDATING OVERALL ROUTE MAP	
DESCRIPTION REVISION RECORD	FILE C: P:\1\2281070

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PLOT DATE/TIME: 2/3/2011 11:04 AM PLOTTED BY: CARO. APPL.



NO.	DATE	BY	DESCRIPTION

DESCRIPTION REVISION RECORD

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