

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

**Environmental Assessment
DOI-BLM-NV-S010-2014-0042-EA
May 2014**

Right-of-Way for Three Well Sites

APPLICANT

Nevada Cogeneration Associates

GENERAL LOCATION

The proposed permanent Rights-of-Way (ROW) amendment and short term ROW areas are generally located on Pabco Road southeast of Apex and northeast of Nellis Dunes in Clark County, Nevada.

BLM CASE FILE SERIAL NUMBER(S)

N-50909/O/ & N-50909/O/-01

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Chapter 1. Introduction

Environmental Assessment- Right-of-Way for Three Well Sites

1.1. Identifying Information:

DOI-BLM-NV-S010-2014-00742EA

1.1.1. Title, EA number, and type of project:

Right-of-Way for Three Well Sites

EA Number: DOI-BLM-NV-S010-2014-0042-EA

Permanent Right-of-Way amendment and new Short Term Right-of-Way

1.1.2. Location of Proposed Action:

The proposed permanent Rights-of-Way (ROW) amendment and Short Term ROW are generally located along Pabco Road, southeast of Apex and northeast of Nellis Dunes, in Clark County, Nevada.

Permanent ROW amendment

Township 19 South, Range 63 East: Section 13, NW¹/₄NE¹/₄NE¹/₄SE¹/₄, NE¹/₄SW¹/₄NE¹/₄SE¹/₄, NW¹/₄NW¹/₄SE¹/₄SE¹/₄.

Consisting of approximately 0.3 acres.

Short Term ROW

Township 19 South, Range 63 East: Section 13, S¹/₂SE¹/₄SE¹/₄NE¹/₄, NW¹/₄NE¹/₄NE¹/₄SE¹/₄, SE¹/₄NW¹/₄NE¹/₄SE¹/₄, NE¹/₄SW¹/₄NE¹/₄SE¹/₄, SW¹/₄SW¹/₄NE¹/₄SE¹/₄, SE¹/₄SE¹/₄NW¹/₄SE¹/₄, NE¹/₄NE¹/₄SW¹/₄SE¹/₄, NW¹/₄NW¹/₄SE¹/₄SE¹/₄.

Consisting of approximately 1.7 acres.

1.1.3. Name and Location of Preparing Office:

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

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

Case file number N-50909/O/ and N-50909/O/-01

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1.1.5. Applicant Name:

Nevada Cogeneration Associates

1.1.6. Existing NEPA Documentation:

The following documents are tiered to as appropriate for indirect site specific and cumulative analysis:

Record of Decision for the Approved Las Vegas Resource Management Plan and Final EIS signed October 5, 1998 (RMP).

1.2. Purpose and Need for Action:

The purpose of the action is to issue a permanent ROW amendment and short term ROW to Nevada Cogeneration Associates for the installation of three new production wells to replace the ones currently in use. Since being installed 20 years ago, all three of the existing wells are in need of replacement in order to provide a safe and reliable source of water for the continued operation of Nevada Cogeneration Associates facilities.

The need for the project is the Bureau of Land Management's (BLM) mandate to comply with the Federal Lands Policy Management Act and 43 CFR 2800 regulations.

1.3. Scoping, Public Involvement, and Issues:

Internal scoping was done for the project and the following concerns were raised:

- Disturbance and construction activities have the potential to spread or introduce Noxious Weeds within and adjacent to the proposed project site;
- Potential impacts to migratory birds if construction/disturbance occurs during the bird breeding season;
- The proposed project is located in desert tortoise habitat, a federally listed threatened species.
- Potential impacts between recreational off road vehicle use in the area associated with construction activities and permanent facilities associated with the proposed action.
- Potential impacts to the surrounding area and wildlife associated with the presence of Salt Cedar (*Tamarix ssp.*) within a 1 mile radius of the proposed action.

This proposal has been reviewed by BLM resource team members. Their comments and evaluations are included in this Environmental Assessment (EA).

A summary of this EA is available for review by the public on the internet http://www.blm.gov/nv/st/en/fo/lvfo/blm_information/nepa.html under NEPA number: DOI-BLM-NV-S010-2014-0042-EA.

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action

ALTERNATIVE NUMBER 1 - PROPOSED ACTION;

Nevada Cogeneration Associates (NCA) proposes to amend the existing ROW N-50909 to install three (3) new ground water production wells with associated pipeline and appurtenances and to decommission/abandon the three (3) authorized wells currently in use. The proposed replacement of the three (3) production wells is part of NCA's general systems operation and maintenance program, in order to provide them a reliable source of water. The wells are generally located on Pabco Road, southeast of Apex and northeast of Nellis Dunes, in Clark County NV.

It is anticipated that activities associated with the well advancement, construction, and incorporation to the existing infrastructure will be conducted over several years. Once the replacement well(s) has/have been installed, connected, and operational, the original well(s) will be taken out of service and abandoned by a licensed drilling contractor.

The proposed new wells are located approximately 100 feet from each of the existing well sites in order to comply with Nevada Revised Statutes requirements (NAC 534.300; replacement wells must not be drilled more than 300 ft. from the existing well and must be within the same quarter quarter section.). Approximately 100 feet of 8-inch steel underground water pipe and 4-inch underground electrical conduit will be installed to connect each of the new wells with the existing facilities. Upon installation the well head will be surrounded by a 15ft x 15ft x 6ft fence with privacy slats.

In addition to amending the permanent ROW for additional area adjacent to the current well facilities for the new wells, a short term ROW for use during construction is also being requested.

2.1.1. Permanent ROW Amendment

The proposed amendments to the permanent ROW consists of three (3) areas approximately 120 feet long and vary from approximately 8-50 feet in width, encompassing a total of approximately 12,100 ft² or 0.3 acres (See Appendix D SKT No. 2). The following provides a description of the facilities and activities associated with the installation of the new underground production wells. Other than the permanent facilities to be installed, some or all of the associated construction activities may occur outside the requested permanent ROW but within the requested short term ROW areas.

Installation of Production Wells

Prior to commencing drilling activities, a temporary drilling fluids pit will be installed and lined to contain all fluids utilized in the drilling process. Generally, the drilling fluids used in this type of drilling process include a water based bentonite mud. Once drilling operations are completed, drilling fluids will be contained, removed from the site and disposed per applicable regulations.

The individual replacement groundwater production wells will include a drilling program to

install three (3) production wells up to a depth 1800 feet below ground surface (bgs) (See Appendix D SKT No.4) . The initial groundwater production installation activities will begin with the drilling of a 48 inch bore hole to a minimum depth of 80 feet bgs for the conductor casing/well seal. The conductor casing will be comprised of 30 inch diameter low carbon steel with a minimum thickness of 0.250 inches. The conductor casing will be cemented in place and allowed sufficient time to dry.

Once the conductor casing has been installed, installation of the production well will commence. The production well drilling will include operation of reverse circulation drilling technology. The reverse circulation drill rig will advance a 17-1/2 inch drill bit up to 1800 feet bgs. The bore hole will then be completed with 12 inch casing including a screened interval. The total depth and well construction details will be based on individual boring production and lithologic characteristic determined during well installation activities. The well annuls will include the installation of a clean gravel filter pack designed for the determined screen slot size and welded seal between the conductor casing and well casing to seal the annulus.

Production Well Development and Pump Testing

Well development activities will commence as soon as the well has been completed. Development will include pumping water from the well in order to develop the filter pack around the well screen and remove the finer sediment from the well. During development activities, water pumped from the well will be monitored for flow and sediment levels. Groundwater produced during development will be discharged to the ground and diverted to the closest dry wash. Development activities typically will last for one to two weeks.

Once the well has been adequately developed, pump testing activities will commence. Pump testing will include pumping water at varying rates and intervals to determine at which depth to locate the pump intake as well as the optimum permanent pump size for the well. Pump testing activities are generally conducted over a two or four week time period. Groundwater pumped from the well will be discharged to the ground and diverted to the nearest dry wash.

Pump Installation and Infrastructure Construction

After development and pump testing activities have been completed the permanent pump and delivery infrastructure will be installed. A submersible pump designed for the specific well conditions along with 8-inch steel conveyance pipe and 4-inch electrical conduit will be installed at the well head. The 8-inch steel pipe and electrical conduit will be installed underground and run to the existing well head compound. The 8-inch steel piping and electrical conduit will then be connected to the established power and water delivery system. The new replacement well head will then be enclosed with a chain link fence six feet high with privacy slates.

Decommission and Abandonment of the Existing Wells

Once the individual replacement wells have been connected to the delivery system and are operational, each well that was replaced will be abandoned. Well abandonment will include pumping Portland cement with a specific consistency into the well in order to seal off the well. Abandonment must be conducted by a licensed contractor and include proper notification of the

Nevada Division of Water Resources. Abandonment activities will be completed per the applicable State regulations.

2.1.2. Short Term Right-of-Way

The proposed short term ROW consists of three (3) areas approximately 120 ft x 200 ft for a total of approximately 73,500 ft² or 1.7 acres. Each of the short term ROW areas will encompass both the new and existing well locations at each of the three (3) replacement well sites and overlap the existing and proposed amendment areas for the permanent ROW. Initial construction activities including site development, will be conducted within the proposed short term ROW areas. During construction the short term ROW areas will be utilized for the drilling and construction of the individual production wells, equipment staging, installation of groundwater piping infrastructure, and abandonment of the current production wells.

2.1.3. Construction

Pre-construction activities are anticipated to begin upon issuance of the ROW. Construction is expected to begin as soon as possible and take approximately 36 months to complete. No grading or blading of the proposed permanent ROW amendment or short term ROW areas is anticipated. Surface and subsurface disturbance is expected to be restricted to the drilling of the wells and associated mud pits and the installation of the underground pipe and conduit. Equipment and materials to be used within the proposed permanent ROW amendment area and short term ROW areas will be placed/parked in a manner so as to minimize surface disturbance by utilizing existing disturbed areas or crushing vegetation in undisturbed areas. Installation times for wells of this size vary depending on the drilling conditionals and total depth, but an approximate time frame would be three months.

The general equipment to be stored and operated at the construction site during each of the well installation activities will include:

- A truck mounted reverse circulation drill and rig with a 1200 CFM/350 PSI compressor;
- A drill pipe trailer and tractor;
- A water truck;
- A 15 ton boom truck;
- Up to 4 pickup trucks;
- Up to 1700 feet of 7" reverse-circulation drill rod;
- 200 feet of 8 inch collars;
- Three lined temporary drilling fluid containment pits;
- A backhoe; and
- An all-terrain forklift.

2.2. Description of Alternatives Analyzed in Detail

ALTERNATIVE NUMBER 2- NO ACTION:

The No Action alternative would result in the BLM not issuing a permanent ROW amendment and short term ROW to NCA for the replacement of the current production wells. Under this alternative NCA would not have a safe and reliable water source as the existing 20 year old wells are expected to become increasingly unreliable until they are no longer useable.

2.3. Alternatives Considered but not Analyzed in Detail

ALTERNATE NUMBER 3:

No other alternatives were considered.

2.4. Conformance

The proposed action is in conformance with the Las Vegas Resource Management Plan (RMP) decisions LD-2, and LD2-a, approved on October 5, 1998.

- RW-1 - “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private in holdings, 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 ROW’s under the authority of the Federal Land Policy and Management Act.

ROW’s are allowable on BLM administered lands per Title V of the FLPMA and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

Chapter 3. Affected Environment:

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Chapter 3

The following table identifies those resources which may or may not be present within the proposed project area. Only those resources identified as being Present/May Be Affected are analyzed further in this EA.

Supplemental Authority	Not Present	Present/Not Affected	Present/May Be Affected	Rational
Air Quality		X		Ensure dust control permit is obtained from DAQ for all soil disturbing activities of .25 acres or greater, in the aggregate and all permit stipulations are in compliance for the duration of the project(s). Ensure work area is confined to the DAQ dust permit boundary and does not use additional BLM administered land to complete the project. If this occurs, proponent will be required to obtain a temporary use permit through BLM Lands Division and will also need to be included in the DAQ dust permit, if this method is used. Furthermore, if additional project area access is required, proponent will not be authorized to use public land to access the work site. If this is necessary, a temporary LUP will also be required and the proponent will be required to add this area into the DAQ dust control permit for the duration of the project(s).
Area of Critical Environmental Concern (ACEC)	X	X		The proposed well site areas are not within any ACECs or any critical habitat for any listed species. A small segment of the overall ROW for the pipeline is within the Rainbow Gardens ACEC which is 37,620 acres and contains geological, scientific, scenic, cultural, and sensitive plant values. As proposed there will be no new surface disturbance associated

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Area of Critical Environmental Concern (ACEC) Continued				with the proposed action as the wells are outside of the ACEC. However, a small amount of disturbance within/directly adjacent to the existing ROW may occur due to operation and maintenance of the associated pipeline but no impacts on the values of the Rainbow Gardens ACEC are anticipated.
Cultural/ Historical	X			Given a review of the relevant maps, and that the area has been previously surveyed (5-135; 5-254) for cultural resources, there are not any historic properties present. No further review required for compliance with Section 106.
Paleontological Resources	X			Given a review of the relevant maps and literature, there are not any paleontological resources present. No further review required. In the event of a discovery, the BLM Archaeologist will be notified prior to work re-commencing in the vicinity of the find.
Environmental Justice		X		No minority or low income group would be disproportionately impacted by health or environmental effects.
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the District.
Invasive Species/ Noxious Weeds		X		Increased vehicle traffic and soil disturbance can create risk for the spread and establishment of Invasive Species/Noxious Weeds. All project actions must conform to BMP's and standard BLM Weed Stipulations for construction throughout the duration of this project.
Native American Religious Concerns	X			Based on previous Native American Coordination/consultation there have not been any issues/concerns that have been identified.

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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			The federal candidate plant species Las Vegas Buckwheat (<i>Eriogonum corymbosum</i> var. <i>nilesii</i>) is present in the general area. There are no known occurrences of the species within the project footprint for the 3 well sites, and Clark County Rare Plant Modeling report indicates that only the northern site is within gypsiferous soils and are considered low. Due to the small amount of disturbance at this site (photos indicate the area is mostly disturbed), the species is not expected to be on site and therefore no impacts are anticipated.
Threatened, Endangered or Candidate Animal Species			X	A site visit April 11, 2013 by GBI Natural Resource Specialist observed large stands of tamarix/salt cedar (a Nevada state noxious weed) growing directly adjacent to wells/storage tanks on this ROW. The tamarix/salt cedar is growing as a direct result of water runoff from the ROW which is within moderate density desert tortoise habitat. In addition to these trees being on the Nevada state noxious weed list, they are also providing habitat to animals that may prey on desert tortoise (especially young ones). The proponent is required to remove the tamarix/salt cedar trees from the area in compliance with the provided Migratory Bird measures and coordinate their efforts with the BLM Weeds Specialist.

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<p>Threatened, Endangered or Candidate Animal Species Continued</p>				<p>The above action has a may affect, likely to adversely affect determination for the threatened desert tortoise (<i>Gopherus agassizii</i>) and a no effect for its critical habitat. This project will have no effect on any other federally listed species or designated critical habitat.</p> <p>Historical survey data indicate that the area surrounding the project site is moderate 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 construction and maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).</p> <p><u>Special Stipulations for Federally Listed Species:</u></p> <p>The terms and conditions from the previous analysis are no longer valid as the term of action for the Biological Opinion (1-5-90-F-66) has expired. Section 7 Consultation for this project will now be covered under the Programmatic Biological Opinion (84320-2010-F-0365.R002)</p>
<p>Migratory Birds</p>			<p>X</p>	<p>The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et. seq.) protects migratory birds and their 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</p>

<p>Migratory Birds Continued</p>			<p>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). Migratory birds, including the BLM sensitive species the western burrowing owl (<i>Athene cunicularia</i>), may be present on the project site. Migratory birds may be displaced by habitat removal and/or noise disturbance during construction activities, but this should be small in scale due to the size of the action.</p> <p><u>Special Stipulations for Migratory Birds:</u></p> <p>1) To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs from February 15th through August 31st.</p> <p>2) If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge. As the above dates are a general guideline, if active nests are observed outside this</p>
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				range they are to be avoided as described above.
Wastes (hazardous or solid)		X		The Contractor 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 Contractor's activities. As required by law, the Contractor 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 Contractor's activities. Additionally, the Contractor 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 Contractor's activities. Solid, nonhazardous substances and/or wastes must be handled and disposed of in accordance with applicable federal, state and local regulations and BLM Policy.
Water Resources/ Quality (drinking/ surface/ground)		X		All holes should be drilled according to the Nevada Regulations for Water Well and Related Drilling NRS Statues 534. All holes will need to be reclaimed according to NRS and NAC regulations.
Wild & Scenic Rivers	X			No WSR present in the proposed project area.
Wilderness/WSA	X			No WSR present in the proposed project area.
Woodlands/Forestry		X		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

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Woodlands/ Forestry Continued				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.
Livestock Grazing	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.
Geology/ Minerals		X		If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials

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				can removed from the ROW.
Lands/Access		X		No issues. Send notification letters to near, and adjacent ROW holders per 43 CFR 2807.14.
BLM Natural Areas	X			Resource not present.
Rangeland Health Standards	X			Proposed project will not impact rangeland health standards due to the small area of new disturbance.
Socio-Economic values		X		This project will not disproportionately impact social or economic values.
Hydrologic conditions		X		Well replacement, no new impacts to hydrology. Pumping rates and water rights will remain unchanged.
Soils		X		The proposed action includes minimal surface disturbance, there should be no impacts to the soils, as long as the work is conducted during non-precipitation periods and BMPs are followed.
Vegetation Excluding Federally Listed Species		X		<p>BLM Sensitive plant species in the general area include the Las Vegas Bearpoppy (<i>Arctomecon californica</i>).</p> <p>There is no known occurrences of BLM sensitive species within footprints of the 3 well sites, and the amount of new disturbance is 0.7 acres. If there are unknown occurrences of BLM sensitive species within the footprint of the 3 well sites, due to the small amount of disturbance, potential impacts would be negligible.</p> <p>Restoration of STROW is not required due to the minimal amount of disturbance within/directly adjacent to the existing ROW and is close proximity to Pabco Rd.</p>

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Visual Resources		X	<p>The proposed action is in VRM Class III, which aims to partially retain the existing character of the landscape. Levels of change to the landscape can be moderate, but should not dominate the view of the casual observer. The new wellheads will bear the existing structures and thus will not attract observer attention by themselves. The fence and slats around the new well heads should be a color similar to that at the existing structures to help minimize visual impacts.</p>
Recreation		X	<p>Recreation concerns are present, but not affected to a degree that detailed analysis is required if the following mitigation measures are included.</p> <p>While construction is occurring warning signs should be placed on the routes leading into the project area stating that there are workers ahead and advising people to use caution.</p> <p>During construction the work sites should be fenced or marked in a way that they will be seen by vehicles traveling off road at a high rate of speed from far enough away that they will be able to alter their path or slow to a safe speed.</p> <p>The sites should be fenced and some type of reflective material used that they will be seen by vehicles traveling off road at night at a high rate of speed from far enough away that they will be able to alter their path or slow to a safe speed.</p>

Fuels/Fire Management		X	Compliance with fire restrictions current at time of project implementation will mitigate any risks introduced by the proposed actions. Specific, noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer.
Fish and Wildlife Excluding Federally Listed Species		X	Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl, chuckwalla, banded gila monster, Mojave shovel-nosed snake, desert glossy snake, 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 harassments of wildlife. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area. 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

Fish and Wildlife Excluding Federally Listed Species Continued				lead to further decline of the species range wide as the total disturbance for this project is relatively small (0.7 acres).
Wild Horse and Burros	X			The proposed sites are not located in an active herd management area, there will be no impacts to wild horses or burros.
Lands with Wilderness Characteristics	X			There are no designated lands with wilderness characteristics.

3.1 Threatened, Endangered Species

Threatened and Endangered (T&E) species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973, as amended. The only T&E species known to occur in the vicinity of the project area is the threatened desert tortoise (*Gopherus agassizii*).

In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes.

Historical survey data indicate that the area surrounding the project site is moderate density tortoise habitat.

3.2 Migratory Birds

Under the Migratory Bird Treaty Act of 1918 (MBTA) and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. A list of the protected bird species can be found in 50 C.F.R. § 10.13. The list of birds protected under this regulation is extensive and the project site has potential to support many of these species, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*). Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from February 15th through August 30th.

Chapter 4. Environmental Effects:

4.1 Threatened, Endangered Species

This project will disturb a total of 0.7 acres of tortoise habitat. Since tortoise sign has been found in the vicinity and undisturbed habitat exists in the area, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

Section 7 Consultation for this project is covered under the Programmatic Biological Opinion (84320-2010-F-0365.R001) contingent on compliance with the terms and conditions. Minimization measures in the Biological Opinion contain measures to reduce potential impacts to desert tortoise.

4.2 Migratory Birds

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. Migratory birds may be displaced by habitat removal and/or noise disturbance during construction activities, but this should be small in scale due to the size of the action.

Chapter 5. Cumulative Impacts:

5.1 Cumulative Impacts

The October 1998 RMP EIS identifies general management directions for the BLM on approximately 3.3 million acres of federal lands in Clark and a portion of southern Nye Counties in Nevada. Subsequent to the RMP, the BLM has completed numerous other documents which are related to specific uses and/or geographic locations throughout the area.

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 reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions." The actions include 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 reasonably foreseeable future actions are analyzed to the extent that "they are relevant and useful in analyzing whether the reasonably foreseeable effects of the agency proposal for action and its alternatives may have an additive and significant relationship to those effects."

The geographic area for the cumulative effects analysis is the area within a half mile (2,640 feet) of the proposed action. The geographic area was chosen to capture the majority of the cumulative uses in the nearby area.

In order to avoid confusion and ensure that current best management practices are utilized, the stipulations associated with proposed permanent ROW amendment and short term ROW will serve to update/replace the previous stipulations for ROW N-50909.

5.1.2. Past, Present, and Future Actions

Past actions are those that are presently existing, present actions are considered to be those occurring at the time of this evaluation, and future actions are those that are in planning stages with a reasonable expectation of occurring within the next ten years. The timeframe for future actions was set at ten years, to align with the internal BLM standards for planning and due to the inability to extrapolate meaningfully beyond that time period due to the immense growth and development in the Southern Nevada District, LVFO planning area.

Past and Present Actions.

The proposed permanent ROW amendment areas are contiguous with the existing NCA water pipeline/reservoir power, and communication ROW N-50909, and adjacent to the Pabco Gypsum haul road ROW N-049389, and Southwest Gas underground pipeline N-54088. The southernmost proposed amendment area overlaps the Pabco Gypsum Rail Road spur ROW N-54508.

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The proposed short term ROW area overlap the proposed permanent ROW amendment area, the existing NCA water pipeline/reservoir power, and communication ROW N-50909 and the Southwest Gas underground pipeline N-54088. They are also adjacent to the Pabco Gypsum haul road ROW N-049389 and the southernmost proposed short term ROW area overlaps the Pabco Gypsum Rail Road spur ROW N-54508.

While the Pabco Gypsum Rail Road spur ROW does not intersect the two northern proposed permanent ROW amendment and short term ROW areas, it is within the 0.5 mile radius along with a portion of the Pioneer Energy wind testing and project site ROW N-89219.

Within the 0.5 mile cumulative impacts area, a total of five (5) previous actions encompassing approximately 198 acres have been authorized. The current proposed action areas encompass a total of approximately 1.7 acres, of which, approximately 1.0 acre overlaps one or more of the previously authorized actions. Therefore, only a minimal impact from the 0.7 acres associated with the proposed action would be expected.

Future Actions

Potential future actions which would either overlap or be on adjacent Federal lands to the proposed project area would likely include either modification to existing facilities/uses or new facilities with a similar purpose/use.

Currently there are several applications which are pending approval/authorization for water wells, a water pipeline, and a power transmission line within the cumulative impacts area.

However, analysis of these actions would require compliance with the appropriate BLM supplemental authority(s) once the specific alignment and scope of the project were defined and analyzed.

Any past, current, or future projects within the vicinity of the proposed action, would be required to comply with all federal, state, and local regulations. This would include analysis.

5.2 Areas of Critical Environmental Concern

The 1998 RMP designated approximately 37,620 acres as the Rainbow Gardens Area of Critical Environmental Concern (ACEC) for its sensitive/unique geological, scenic, scientific, cultural, and plant resources. While existing ROW are allowed, new ROW's are to be avoided within the ACEC boundary except for in designated utility corridors. Since the original ROW N-50909 was granted in 1991, approximately 0.5 mile was/is included in the boundary of the ACEC at the time of its designation.

As proposed there will be no new surface disturbance associated with the proposed action as the proposed permanent ROW amendment and short term ROW areas are outside of the ACEC. Therefore, a small amount of disturbance within/directly adjacent to the existing ROW may

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occur due to operation and maintenance of the associated pipeline. However, by utilizing the new best management practices identified in the replacement stipulations for the entire ROW, no impacts on the values of the Rainbow Gardens ACEC are anticipated.

5.3 Noxious Weeds/Invasive Non Native Species

Invasive plants and noxious weeds are managed on public lands by the BLM under the direction of the National Invasive Species Council (NISC) established in 1999 (Executive Order [EO] 13112). This statute defines invasive species as "...an alien (non-native) species whose introduction does, or is likely to cause, economic or environmental harm or harm to human health" (NISC 2008). In addition, much of the management of invasive plants and the listing of noxious weeds are regulated by the USDA under the Federal Noxious Weed Act (7 U.S.C 2801 et seq. 1974).

Executive Order 13112 outlines the federal responsibility to "prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause..." Additionally, Nevada Revised Statutes, Chapter 555.05 defines "noxious weeds" and mandates the extent that land owners and land management agencies must control specific noxious weed species on lands under their jurisdiction. Southern Nevada lands are impacted by the presence of noxious and invasive, non-native vegetation. The Las Vegas Field Office (LVFO) has prepared the LVFO Weed Plan that provides guidance for an active integrated weed management program using Best Management Practices (BMP).

A site visit in April 2014, revealed the presence of Salt Cedar (*Tamarix ssp*). within the existing authorized ROW N-50909 near a water reservoir tank and associated run off. Salt Cedar is on the Nevada Noxious weed list and can provide habitat for animals that prey on young (small) tortoises. While the Salt Cedar is not within the footprint of the proposed action, it could have cumulative impacts associated with an increased potential for the spread of seeds and attracting tortoise predators to the area.

Cumulative impacts associated with the past, present, and future actions are expected to be mitigated though current BLM management for those species identified on the Nevada state list of noxious weeds, compliance with the Federal Noxious Weed Act, Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148), enacted January 3, 1975, Executive Order 13112 issued February 3, 1999, and Nevada Revised Statute Chapter 555.005. These documents define what species are considered noxious and invasive, as well as, mandate that appropriate actions are taken to reduce the potential for the introduction and/or spread of those species on federal and private lands.

The proposed action, in conjunction with other projects, would result in cumulative impacts on native vegetation communities, including the potential spread of noxious and/or invasive weeds with the potential to adversely affect the proposed project area and adjacent lands. However, the potential affects will be considered negligible if stipulations are met to identify, prevent, and treat the spread of noxious and or invasive species.

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5.4 Threatened and Endangered Species

The only threatened or endangered species known to occur in the general vicinity of the site is desert tortoise, a threatened species. This project will have no effect on any other federally listed species or designated critical habitat. Previous consultation under Section 7 of the Endangered Species Act was completed with the U.S. Fish and Wildlife Service which resulted in the issuance of a Programmatic Biological Opinion (84320-2010-F-0365.R001). By complying with the terms and conditions of the Programmatic BO, any past, present, or future actions on federal lands within the cumulative impacts area are expected to have minimal impact.

Chapter 6. Tribes, Individuals, Organizations, or Agencies Consulted:

Table 6.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination
Nevada Cogen Associates	Applicant
Broadbent and Associates	Engineer
Bill Garrett, Ventajas LLC	Consultant

Chapter 7. List of Preparers:

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Chapter 7

Table 7.1. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions, Environmental Justice, Socio- Economic, and Hazardous Waste.
Melanie Cota	Natural Resource Specialist	ACEC, Fish and Wildlife excluding Federally listed species, Migratory Birds, T&E or candidate animal species.
Mathew Hamilton	Natural Resource Specialist	Visual.
Katie Kleinick	Natural Resource Specialist	Livestock Grazing, Rangeland Health Standards, T&E or candidate plant species, Woodlands/Forestry, and Vegetation.
Sendi Kalcic	Planner	BLM Natural Areas, Wilderness, and Lands with Wilderness Characteristics.
Benjamin Klink	Natural Resource Specialist	Fuels/Fire Management, and Invasive Species.
Mark Boatwright	Archaeologist	Cultural Resources, Native American Religious Concerns, and Paleontology.
Krystal Johnson	Resource Specialist	Farm Lands Prime and Unique, Wild Horse and Burros.
Boris Poff	Hydrologist	Flood Plains, Hydrology, Soils, Water Resources, and Wetland/Riparian.
Lorri Dee Dukes	Geologist	Geology/Mineral
Jamie Moeini	Realty Specialist	Lands/Access.
Chris Linehan	Recreation Specialist	Recreation, Wild and Scenic Rivers.

APPENDIX A
STIPULATIONS

Exhibit A
Stipulations for N-50909/O/ & N-50909/O/ -01

1.0 Special Stipulations

- 1.1. While construction is occurring warning signs should be placed on the routes leading into the project area stating that there are workers ahead and advising people to use caution.
- 1.2. During construction the work sites should be fenced or marked in a way that they will be seen by vehicles traveling off road at a high rate of speed from far enough away that they will be able to alter their path or slow to a safe speed.
- 1.3. The sites should be fenced and some type of reflective material used that they will be seen by vehicles traveling off road at night at a high rate of speed from far enough away that they will be able to alter their path or slow to a safe speed.
- 1.4. All holes should be drilled according to the Nevada Regulations for Water Well and Related Drilling NRS Statues 534. All holes will need to be reclaimed according to NRS and NAC regulations.
- 1.5. The fence and slats around the new well heads should be a color similar to that at the existing structures to help minimize visual impacts.
- 1.6. Ensure work area is confined to the DAQ dust permit boundary and does not use additional BLM administered land to complete the project. If this occurs, proponent will be required to obtain a temporary use permit through BLM Lands Division and will also need to be included in the DAQ dust permit, if this method is used. Furthermore, if additional project area access is required. Proponent will not be authorized to use public land to access the work site. If this is necessary. a temporary LUP will also be required and the proponent will be required to add this area into the DAQ dust control permit for the duration of the project(s).
- 1.7. To reduce impacts to bats as well as migratory birds, lighting should be kept to the minimum number allowable, minimum intensity, and should be down-shielded to keep light within the boundaries of the site

2.0 General Stipulations

- 2.1. The right-of-way is issued subject to all valid existing rights.
- 2.2. No signs of advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 2.3. The right-of-way shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the right-of-way with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the authorized officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.

- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance and termination of this right-of-way within its authorized limits.
- 2.6. Holder shall maintain the right-of-way in a safe, useable condition, as directed by the authorized officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 2.7. Holder shall maintain a copy of the authorization along with the stipulations on the construction site at all times. In the event that the public land underlying this right-of-way, encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the right-of-way or the land underlying the right-of-way is not being reserved to the United States in the patent/deed and/or the right-of-way is not within a right-of-way corridor being excepted and/or reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to the BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the right-of-way shall be considered a civil matter between the patentee/grantee and the right-of-way holder.
- 2.8. Within 90 days of construction completion, the holder shall provide the authorized officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.

CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

- 2.9 During construction normal conformance with seasonal fire restrictions is adequate. Restrictions can be in effect any time between May 15 and Oct. 1.
- 2.10 Mineral material generated, and not needed for the development of the proposed action within the Right-of-Way site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of the excess mineral material.

3.0 Air Quality

- 3.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The holder shall be responsible for dust abatement within the limits of the Right-of-Way area and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the Right-of-Way area.

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.

- 3.2. All construction projects equal to or larger than .25 acres requires a dust control permit obtained through the Clark County Department of Air Quality and Environmental Management (DAQEM). All dust control permit conditions and stipulations must be in compliance for the duration of the project(s).
- 3.3. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

4.0 **Cultural**

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the authorized officer after consulting with the holder. Holder shall be responsible for the resultant mitigation costs.

5.0 **Hazardous Material/Pesticides/Liability**

- 5.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the Right-of-Way area at any time by the Holder. The holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 5.2. The holder shall immediately notify the authorized officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the Right-of-Way area potentially affecting the Right-of-Way area of which the Holder is aware.
- 5.3. As required by law, holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of- way.
- 5.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the authorized officer.

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

Pesticides shall not be permanently stored on public lands authorized for use under this Right-of-Way area.

- 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 area), the United States against any liability arising from the Holder's use or occupancy of the Right-of-Way area, regardless of whether the holder has actually developed or caused development to occur on the Right-of-Way area, from the time of the issuance of this Right-of-Way area to the Holder, and during the term of this Right-of-Way area. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the holder were the fee owner of the Right-of-Way area.

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

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 BLM 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 BLM 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. Standard weed Best Management Practices (BMP's) must be implemented during construction and maintenance of the project. If noxious weed infestations are found within the right-of-way, they should be reported to the BLM Weed Coordinator.
- 7.2. The Holder shall coordinate project activities with the BLM Weed Coordinator (702-515-5000) regarding any proposed herbicide treatment. The Holder shall prepare, submit, obtain and maintain a pesticide use proposal (PUP) prior to any herbicide use within the right-of-way area.
- 7.3. The Holder shall limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary to perform the activity safely and as designed. The Holder will avoid creating soil conditions that promote weed germination and establishment.
- 7.4. The Holder shall begin project operations in weed free areas whenever feasible before operating in weed-infested areas.

- 7.5. The Holder shall locate equipment storage, machine and vehicle parking or any other area needed for the temporary placement of people, machinery and supplies in areas that are relatively weed-free. The Holder shall avoid or minimize all types of travel through weed-infested areas or restrict major activities to periods of time when the spread of seed or plant parts are least likely.
- 7.6. BLM or the Holder shall determine equipment-cleaning sites (if equipment is infested with weed seeds, plant parts or mud and dirt). Project related equipment and machinery (this especially includes the nooks and crannies of undercarriages) will be cleaned using compressed air or water to remove mud, dirt and plant parts before moving into and from relatively weed-free areas. Seeds and plant parts will be collected, bagged and deposited in dumpsters destined for local landfills, when practical.
- 7.7. Project workers shall inspect, remove, and dispose of weed seed and plant parts found on their clothing and personal equipment, bag the product and dispose of in a dumpster for deposit in local landfills. Disposal methods may vary depending on the project. If you have questions consult with the LVFO Noxious Weed Coordinator.
- 7.8. The Holder shall evaluate options, including area closures, to regulate the flow of traffic on sites where native vegetation needs to be established.
- 7.9. 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.
- 7.10. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the right of way. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.
- 7.11. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling. Consult with ACOE to make sure you do not need a 404 permit.

8.0 **Migratory Birds**

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

9.0 **Threatened and Endangered Species**

- 9.1. The holder shall abide by the terms and conditions of Biological Opinion File No. . 84320-2010-F-0365.R001, on file at the Bureau of Land Management Office, Las Vegas, Nevada, and as shown below.

Terms and Conditions of Biological Opinion

File No. 84320-2010-F-0365.R001

In order to be exempt from the prohibitions of section 9 of the Act, the applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described below. 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*— ***This project will require an authorized desert tortoise biologist to present a tortoise education program to workers, conduct desert tortoise clearance surveys and is required to be call during the desert tortoise active season (March 1 to October 31) for construction activities associated with this project.***

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.

An authorized desert tortoise biologist will be assigned to each piece/group of large equipment engaged in activities that may result in take of desert tortoise (*e.g.*, clearing, blasting, grading, lowering in pipe, hydrostatic testing, backfilling, recontouring, and reclamation activities) and other work areas that pose a risk to tortoises. BLM may use their discretion to require a monitor instead of an authorized desert tortoise biologist to monitor equipment that is low risk to tortoises.

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**— *required to be onsite for construction activities as well as maintenance activities utilizing heavy equipment March through November when desert tortoise are most active. If a desert tortoise is observed in the area, all activities will cease until the desert tortoise has moved to a safe area on its own.*

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 construction activities by an agency or authorized desert tortoise biologist. 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. All vehicles and construction equipment will operate in groups of no more than three vehicles.

New access and spur road locations will be sited to avoid potentially active tortoise burrows to the maximum extent practicable.

1.g. *Unauthorized access*—BLM shall ensure that unauthorized personnel, including the public and off-duty project personnel, do not travel on project-related temporary access roads, to the greatest extent practicable.

1.h. *Desert tortoise clearance*—required for this project.

Prior to surface-disturbing activities, authorized desert tortoise biologists potentially assisted by desert tortoise monitors, shall conduct a clearance survey to locate and remove all desert tortoises from harm's way including areas to be disturbed using techniques that provide full coverage of all areas (Service 2009). During the more-active season, clearance surveys will be conducted either the day prior to, or the day of, any surface-disturbing activity. During the less-active season, clearance surveys will be conducted within 7 days prior to any surface-disturbing activity. No surface-disturbing activities shall begin until two consecutive surveys yield no individuals.

An authorized biologist shall excavate all burrows that have characteristics of potentially containing desert tortoises in the area to be disturbed with the goal of locating and removing all desert tortoises and desert tortoise eggs. During clearance surveys, all handling of desert tortoises and their eggs and excavation of burrows shall be conducted solely by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance (currently Service 2009). 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. Unoccupied burrows shall be collapsed or blocked to prevent desert tortoise entry. Outside construction work areas, all potential desert tortoise burrows and pallets within 50 ft of the edge of the construction work area shall be flagged. If the burrow is occupied by a desert tortoise during the less-active season, the tortoise shall be temporarily penned (see Term and Condition 1.k.). No stakes or flagging shall be placed on the berm or in the opening of a desert tortoise burrow. Desert tortoise burrows shall not be marked in a manner that facilitates poaching. Avoidance flagging shall be designed to be easily distinguished from access route or other flagging, and shall be designed in consultation with experienced construction personnel and authorized biologists. All flagging shall be removed following construction activities.

An authorized desert tortoise biologist will inspect areas to be backfilled immediately prior to backfilling.

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.

During the more-active season and if temperatures are above 60 but below 95 °F for more than 7 consecutive days, at least 1 monitor shall be assigned to observe spoil piles prior to excavation and covering.

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 reRight-of-Wayd 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 required for this project.

1.l. *Temporary tortoise-proof fencing*— may be used around trenches as an alternative to 8.d.

All construction areas, including open pipeline trenches, hydrostatic testing locations, and tie-in work shall be fenced with temporary tortoise-proof fencing (*e.g.*, silt fencing) or inspected by an authorized desert tortoise biologist periodically throughout and at the end of the day and immediately the next morning. BLM and the Service will determine the appropriate length of open trench that will be allowed on the project.

Fencing will be designed in a manner that reduces the potential for desert tortoises and hatchlings to access the construction areas. Thus, the lower 6 to 12 in of fencing will be folded outward (*i.e.*, away from the construction area and towards the direction a tortoise would approach the work area), and covered with sufficient amount of soil, rocks, and staking to maintain zero ground clearance and secure the bottom section of material. An authorized desert tortoise biologist will check the integrity of the fencing every 2 hours and ensure that there are no breaches in the fencing and no desert tortoises pacing the fence. After the fencing is erected and secure, the inside will be cleared by an authorized desert tortoise biologist. The fencing must remain closed during any construction activities.

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

- 1.n. *Wildlife escape ramps*— Not required for this project. See measure 8.d. for trenches.
- 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*—Not applicable for the proposed action.
- 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*—Not applicable for the proposed action.
- 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*—BLM shall ensure that the applicant develop and implement a restoration/reclamation plan. The plan will describe objectives and methods to be used, species of native plants and/or seed mixture to be used, time of planting, success standards, actions to take if restoration efforts fail to achieve the success standards, and follow-up monitoring. The plan will be prepared and approved prior to the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.
- 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 reRight-of-Way 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— As proposed, this project will disturb 0.7 acres of desert tortoise habitat and required payment of remuneration fees as described below.***

BLM shall collect remuneration fees to offset residual impacts to desert tortoises from project-related disturbance to desert tortoise habitat.

Remuneration fees will be used for management actions expected to promote recovery of the desert tortoise over time, including management and recovery of desert tortoise in Nevada. Actions may involve habitat acquisition, population or habitat enhancement, increasing knowledge of the species' biological requirements, reducing loss of individual animals, documenting the species status and trend, and preserving distinct population attributes. Fees will be used to fund the highest priority recovery actions for desert tortoises in Nevada

The current rate is \$836 per ac of disturbance, as indexed for inflation, effective March 1, 2014. The next adjustment will become effective March 1, 2015. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year, becoming effective March 1st. Fees assessed or collected for projects covered under this

biological opinion will be adjusted based on the current CPI-U for the year they are collected. Information on the CPI-U can be found on the internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>.

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*—Vegetation restoration success shall be monitored by project proponent and reported to BLM and the Service. Monitoring will include both qualitative and quantitative data

collection and analysis. Monitoring frequency and parameters for restoration success will be described in the required restoration/reclamation plan.

8: Minimization Measures

- 8.a.** *The project applicant shall notify BLM wildlife staff at 702-515-5000 at least 10 days before initiation of the project.* Notification shall occur before any activities begin that will damage or remove vegetation, such as off-road vehicle travel for surveys, soil testing, and clearing vegetation off the project site. The purpose of the notification is to ensure that the proper education program is given and to review expectations for compliance with the terms and conditions of the biological opinion.
- 8.b. 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.c. Within desert tortoise habitat, any construction pipe, culvert, or similar structure with a diameter greater than 3 inches stored less than 8 inches above the ground will be inspected for tortoises before the material is moved, buried, or capped.
- 8.d. Trenches:** All trenches and holes will be covered, fenced or backfilled to ensure desert tortoises do not become trapped unless alternate measures are in place as agreed by BLM and the Service. If trenches or holes are to remain open during construction, they will be checked for tortoises at least four times a day, at the start of day, at mid-morning, early afternoon, and at the end of the work day. The trenches or holes will also be checked immediately before backfilling regardless of the season. Tortoises found in the trench will be reported and moved out of harm's way in accordance with handling protocols (Service 2009)..
- 8.e. 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.f. 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.g. 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.h. 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.i. 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.j. Certify that all plant material including animal feed and material used for erosion control (straw, etc.) is weed-free.
- 8.k. 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, cross members, motor mounts, and on and underneath steps, running boards and front bumper/bushguard assemblies.
- 8.l. 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.m. Wash sites will be mapped for future monitoring of weed infestations.
- 8.n. Mechanized treatments will not be conducted on slopes greater than 30 percent to minimize erosion.
- 8.o. Treatments that compact and disturb the soil to the degree that runoff and erosion would be increased should be ripped and properly drained.
- 8.p. Untreated islands of natural vegetation would be left to minimize negative impacts of the natural community.
- 8.q. 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

U.S. Fish and Wildlife Service
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000

Project Name: Right of Way for three well sites NEPA No.: DOI-BLM-NV-S010-2014-0042-EA Case File No./SRP No.: N-50909/O -01 BLM Section 7 log no.: NV-052-14-102	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 <input type="checkbox"/> or killed <input type="checkbox"/> (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 F. SECTION 7 FEE PAYMENT FORM

SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM

Biological Opinion File Number: 84320-2010-F-0365.R001
Biological Opinion Issued By: Nevada Fish and Wildlife Office, Las Vegas, Nevada
Species: Mojave Desert Tortoise (*Gopherus agassizii*)
Project Name: Right of Way for three well sites
NEPA #: DOI-BLM-NV-S010-2014-0042-EA
Case File/Serial #: N-50909/O -01
BLM Sec 7 log #: NV-052-14-102
Project Proponent: _____
Comment: Tortoise fees were already paid under N-86654; NEPA LV 2009-127

Payment Calculations:

	Clark County		_____ County		_____ County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat
# acres anticipated to be disturbed on federal land		0.7				
Fee rate (per acre)		836				
Total cost/habitat type (per county)	\$ -	\$585.20	\$ -	\$ -	\$ -	\$ -
Total cost per county	585.20		\$ -		\$ -	

Total payment required (all counties): \$ 585.20

Amount paid: _____ **Date:** _____ **Check/Money Order #:** _____

Authorizing agencies: Bureau of Land Management, _____ Las Vegas, _____ Nevada

Make check payable to: Bureau of Land Management

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

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

For BLM Public Room

Process check to:

Contributed Funds-All Other
 WBS: LVTFFX000800
 7122 FLPMA
 All other Res. Dev. Project and Management
 Remarks: LLNV934000 L71220000.JP0000 LVTFFX000800 Desert Tortoise Conservation Program

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

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

**APPENDIX G. PROGRAMMATIC BIOLOGICAL OPINION (FILE NO. 84320-2010-F-0365)
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: Right of Way for three well sites
 NEPA no.: DOI-BLM-NV-S010-2014-0042-EA
 Case File no./SRP no.: N-50909/O -01
 BLM Section 7 log no.: NV-052-14-102

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)
0.7		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 tortoise 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 _____

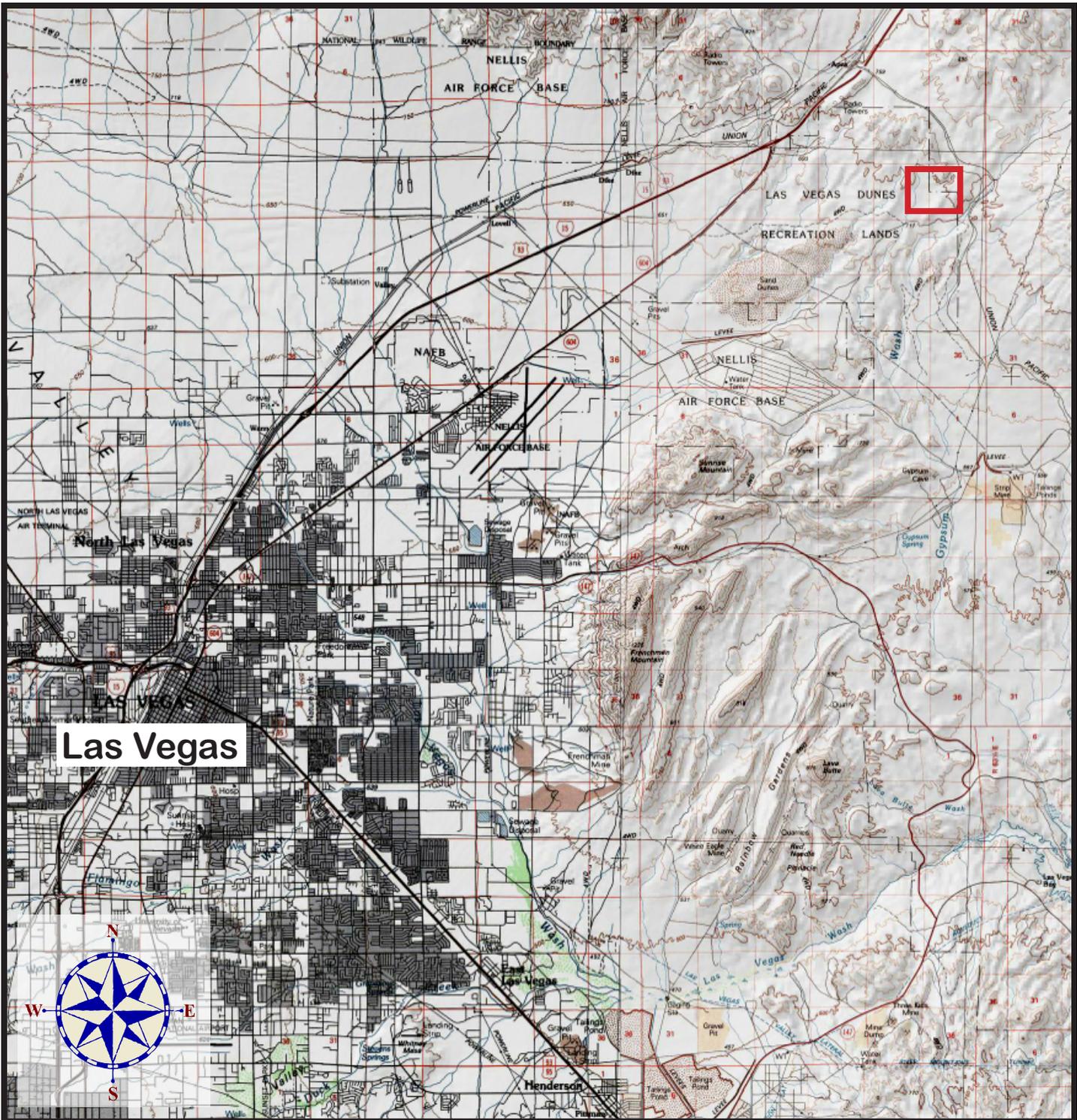
Signature _____ Date _____

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

APPENDIX B

MAPS



LEGEND

 Project Area

Source Map:
National Geographic TOPO
Nevada
100K Map Series

Exhibit B

Township 19S Range 63E
Section 13



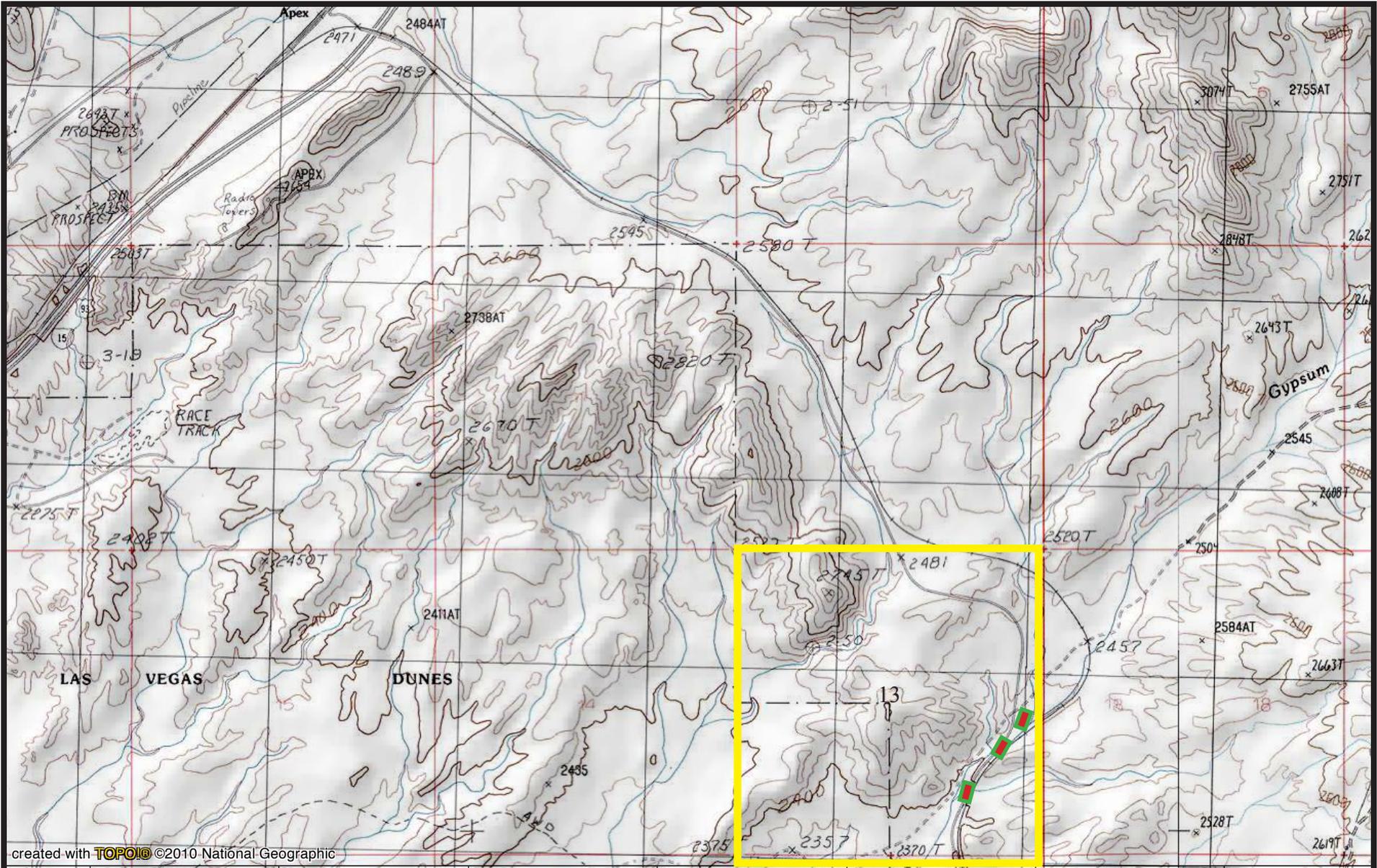


LEGEND

- Short-Term Right of Way
- Permanent Right of Way Ammendment

Exhibit B
Township 19S Range 63E
Section 13





LEGEND

- █ Short-Term Right of Way
- █ Permanent Right of Way

Exhibit B

Township 19S Range 63E
Section 13



APPENDIX C

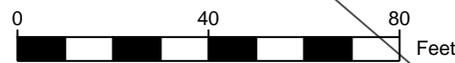
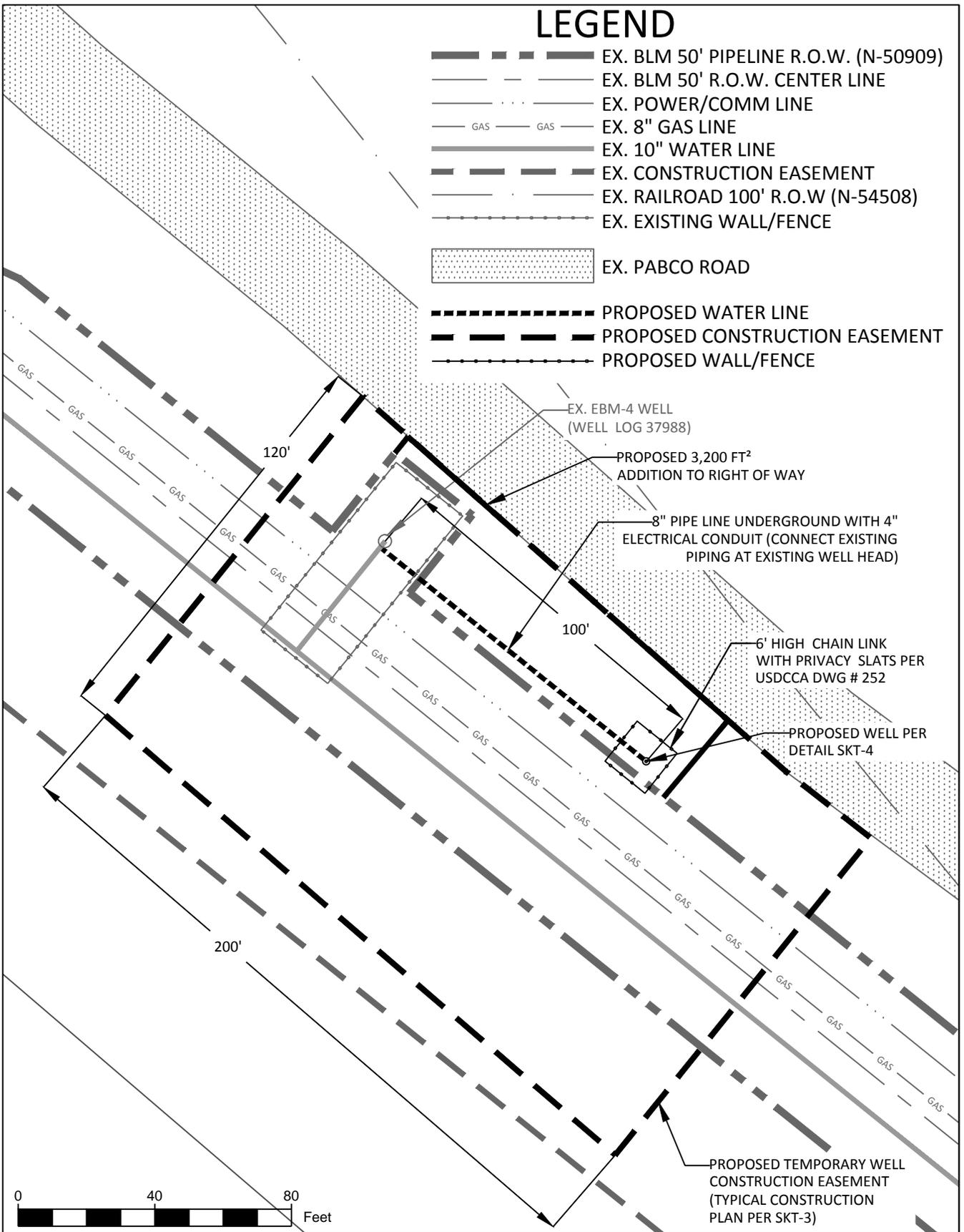
MASTER TITLE PLAT

APPENDIX D

FIGURES

LEGEND

-  EX. BLM 50' PIPELINE R.O.W. (N-50909)
-  EX. BLM 50' R.O.W. CENTER LINE
-  EX. POWER/COMM LINE
-  EX. 8" GAS LINE
-  EX. 10" WATER LINE
-  EX. CONSTRUCTION EASEMENT
-  EX. RAILROAD 100' R.O.W (N-54508)
-  EX. EXISTING WALL/FENCE
-  EX. PABCO ROAD
-  PROPOSED WATER LINE
-  PROPOSED CONSTRUCTION EASEMENT
-  PROPOSED WALL/FENCE



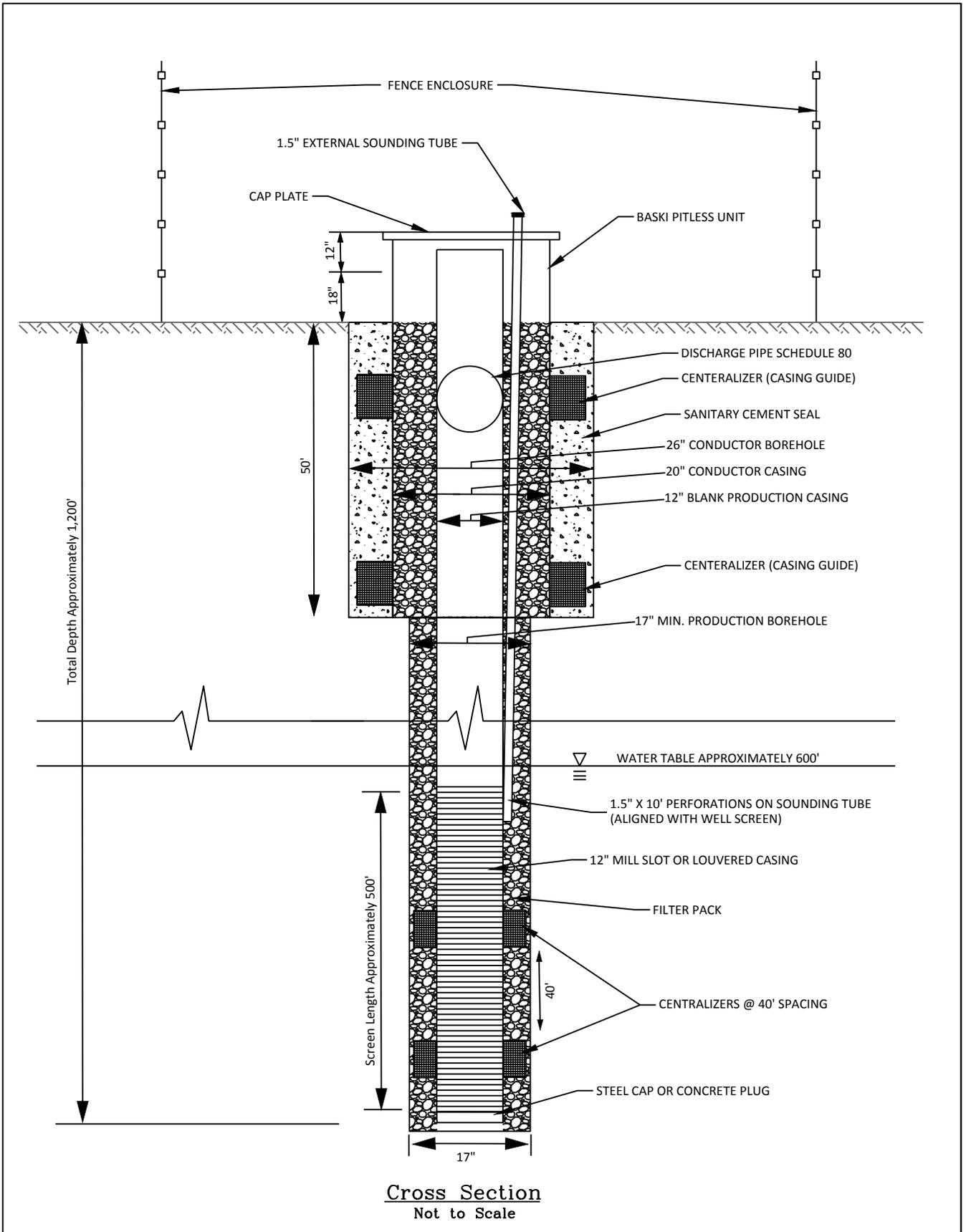
Typical Well Site Plan
 Three Water Production Wells
 Clark County, Nevada

SKT No. 2

Project No. 03-01-228-1101

Prepared by: JAT Approved by: JB Date: 2/6/14





Production Well Design Detail
Three Water Production Wells

SKT No. 4

Clark County, Nevada

Project No. 03-01-228-1101

Prepared by: JAT Approved by: JB Date: 2/6/14

