

**U.S. DEPARTMENT OF THE INTERIOR**  
**Bureau of Land Management**

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**Environmental Assessment**  
**DOI-BLM-NV-S010-2014-0036-EA**  
**August 2014**

**Right-of-Way Amendment for Shaumber Road Realignment**  
**N-90154/A**

**APPLICANT**

City of Las Vegas

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management  
Southern Nevada District  
Las Vegas Field Office  
4701 North Torrey Pines Drive  
Las Vegas, NV 89130  
702-515-5172 Office  
702-515-5010 Fax

## **ACRONYMS AND ABBREVIATIONS**

ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
CC 215	Clark County Route 215
CFR	Code of Federal Regulations
CLV	City of Las Vegas
EA	Environmental Assessment
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
NEPA	National Environmental Policy Act
NNHP	Nevada Natural Heritage Program
RMP	1998 Las Vegas Field Office Resource Management Plan
ROW	right-of-way
SHPO	State Historic Preservation Office
SNPLMA	Southern Nevada Public Land Management Act
U.S.	United States
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

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## 1.0 INTRODUCTION

The City of Las Vegas (CLV) submitted an application to the United States (U.S.) Bureau of Land Management (BLM) to amend right-of-way (ROW) grant N-90154 to realign and construct a road across BLM-managed public land.

### 1.1 Identifying Information

#### 1.1.1 Title, EA Number, and Type of Project

Shaumber Road Realignment  
DOI-BLM-NV-S010-2014-0036-EA  
Right-of-Way for Road

#### 1.1.2 Location of Proposed Project

The proposed project is located in the northwest part of the Las Vegas Valley (Figure 1-1). The realignment of Shaumber Road would begin at Centennial Parkway on the north and extend south to Washburn Road. The proposed ROW is offset to the west of the existing Shaumber Road, except at the project termini where it starts and ends with the existing alignment.

The proposed ROW is within the Las Vegas Valley land disposal boundary established by the Southern Nevada Public Land Management Act (SNPLMA). It extends through Township 19 South, Range 59 East, Sections 25 and 36, Mount Diablo Meridian, Clark County, Nevada. The full legal description (aliquot parts and metes and bounds descriptions) of the ROW is included with the N-90154/A grant file.

#### 1.1.3 Preparing Field Office

U.S. Department of the Interior  
Bureau of Land Management  
Southern Nevada District – Las Vegas Field Office  
4701 North Torrey Pines Drive  
Las Vegas, NV 89130

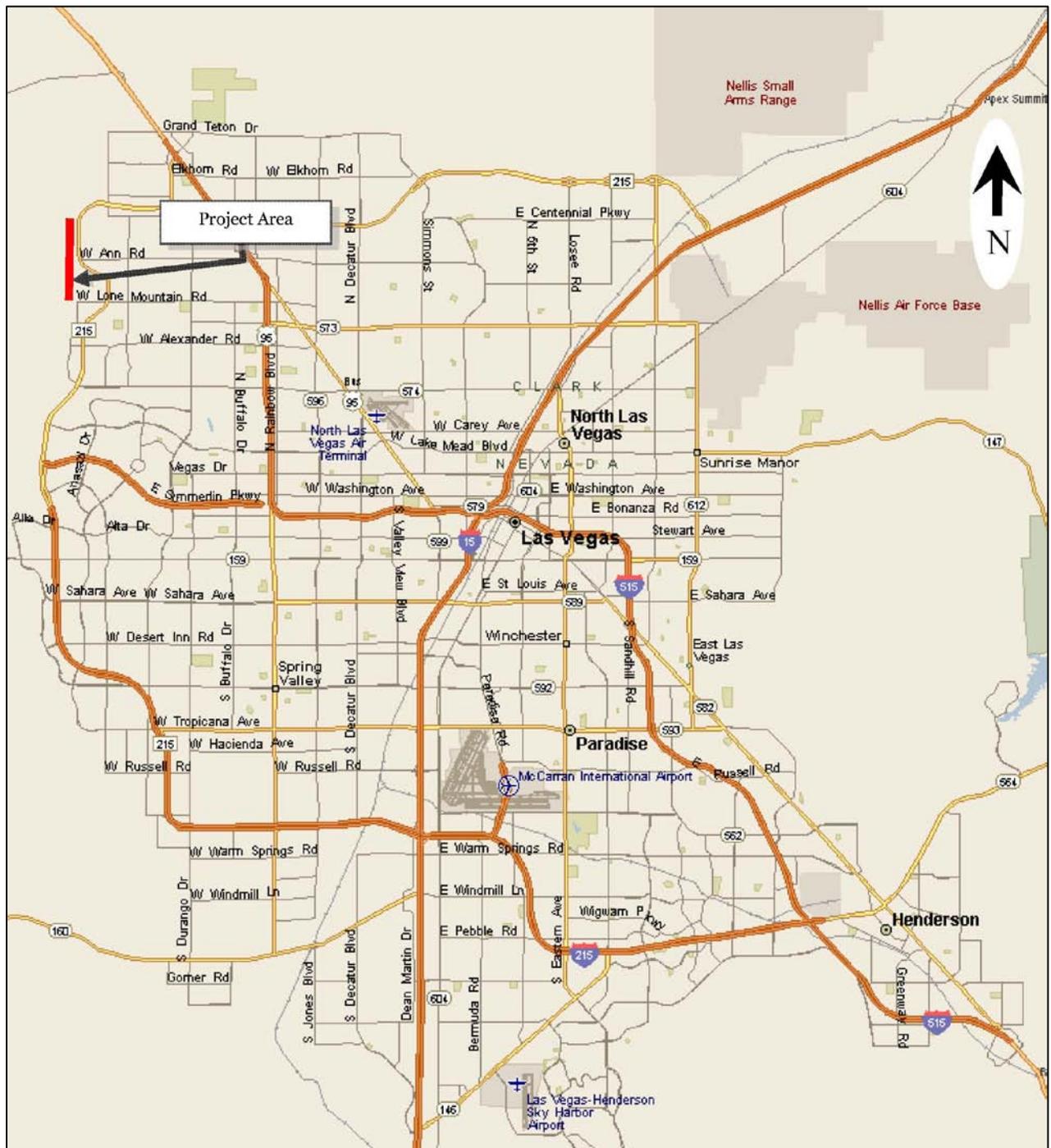
#### 1.1.4 Subject Function Code and Serial Number

Case Code: 281001 – Right-of-Way, Roads (non-energy facilities)  
Serial Number: N-90154/A

#### 1.1.5 Applicant

City of Las Vegas – Right-of-Way  
333 North Rancho Drive, 8<sup>th</sup> Floor  
Las Vegas, NV 89106

Figure 1-1. Project Location



## 1.2 Purpose and Need for Action

As authorized by the Federal Land Policy and Management Act (FLPMA), the BLM issues ROW grants for roads, highways, and other transportation facilities that are in the public interest. The purpose of the action is to determine if certain public lands should be devoted to transportation uses and to provide the CLV with legal access to such lands to construct a realigned Shaumber Road. The need for the action is established by FLPMA and BLM's responsibility to respond to the CLV's request for a ROW grant.

The purpose for the Shaumber Road realignment project is to maintain a north-south roadway connection between Centennial Parkway and Washburn Road. The need to realign Shaumber Road is to accommodate the planned expansion of Clark County Route 215 (CC 215) to handle increases in traffic volumes from projected growth, and to improve traffic circulation in the northwest valley. The full build-out of the CC 215 with additional travel lanes and interchanges requires encroachment on to the existing Shaumber Road alignment.

The CLV obtained ROW grant N-90154 (DOI-BLM-NV-2010-2011-0172-CX) in December 2011 for an extension and partial realignment of Shaumber Road from Washburn Road north to Ann Road to provide access to the Clark County School District Northwest Transportation Facility. The purpose and need for amending the grant are to extend the realignment of Shaumber Road north to Centennial Parkway and to make improvements to travel lanes and install storm drain structures and sewer connections. Expected public benefits of the project include improved traffic patterns and level of service, improved drainage and flood protection of downstream properties, and minimal disturbance to private property.

## 1.3 Relationship to Statutes, Regulations, Policies, and Plans

This Environmental Assessment (EA) was prepared in accordance with specific statutory, regulatory, and agency requirements. Local plans were also considered in the analyses and are included in the following list:

- National Environmental Policy Act (NEPA) (42 U.S. Code [U.S.C.] 4321 *et seq.*)
- Council on Environmental Quality, Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508)
- Department of the Interior, Implementation of NEPA (43 CFR 46)
- BLM NEPA Handbook (H-1790-1)
- FLPMA Section 501 (43 U.S.C. 1761)
- BLM Las Vegas Field Office Resource Management Plan (RMP) (1998), Rights-of-Way Management
  - Meet public demand by providing for transportation and other related facilities (Objective RW-1).
  - Public land is available for ROW at the discretion of the BLM under the authority of FLPMA (Management Direction RW-1-h).
- CLV 2020 Master Plan, Streets and Highways
- Regional Transportation Commission of Southern Nevada, 2013-2035 Regional Transportation Plan

## 1.4 Scoping, Public Involvement, and Issues

The BLM resource specialists and the CLV participated in internal scoping discussions to exchange information about the project and the project area, and to identify resources and issues to address during the preparation of this EA. Comments and input provided by the BLM resource specialists are summarized and analyzed in Chapter 3.

The BLM notified adjacent ROW grant holders of the pending request from the CLV for ROW to realign Shaumber Road. Table 1 summarizes the comments received from the adjacent grant holders; Appendix A includes copies of the correspondence.

Table 1-1. Adjacent Grant Holders and Comments

<b>Grant Holder</b>	<b>Comments</b>
Southwest Gas Corporation	Pending response
Clark County School District	Pending response
NV Energy	Pending response
Clark County Department of Public Works	Pending response
Las Vegas Valley Water District	Pending response
Century Link (Central Telephone)	Pending response

## 1.5 Scope of Analysis and Decision

The decision to be made is limited to granting or denying the amended ROW request made by the CLV to realign Shaumber Road and install drainage structures. The existing and proposed ROWs are located entirely on BLM-managed land within the valley disposal boundary established by SNPLMA.

## 2.0 PROPOSED ACTION AND ALTERNATIVES

This chapter describes the BLM’s proposed action and a description of the CLV’s Shaumber Road Realignment project. Other alternatives that were considered and reasons they were not analyzed are discussed.

### 2.1 Proposed Action

The proposed action by the BLM is to evaluate the amended ROW application submitted by the CLV for the Shaumber Road Realignment project, and to decide if granting a ROW on public land for transportation purposes in accordance with FLMPA is in the public interest.

### 2.2 Description of Proposed Project

The realigned and improved Shaumber Road is proposed as a major collector, which is the function classification for a moderate capacity road that serves to move traffic from local streets and residential areas to arterial roadways, such as the CC 215. The proposed ROW extends across BLM land from Washburn Road at the south end of the project to Centennial Parkway at the north end, as shown in Figure 2-1.

The proposed ROW is approximately 1.6 miles in length and varies in width from 100 feet to 132 feet. The proposed full build out of the new road would be four general purpose travel lanes and a center turn lane to serve approximately 30,000 vehicles per day. Improvements within the ROW would include sidewalks, curbs, gutters, street lights, landscaping, bus turnouts, bike lanes, traffic signs, road striping, storm drain structures, sewer connections, and other utilities. Figure 2-2 shows a proposed cross-section of realigned Shaumber Road at full build out.

The total surface area of the amended ROW for the roadway improvements, drainage structures, and sewer connections is 19.72 acres, of which 5.03 acres are disturbed from previous construction activities and existing roads. Construction work areas (temporary use ROW) are not anticipated as all construction could be accommodated within the requested ROW. Table 2-1 lists the size of ROW required for the different roadway improvements, and Figures 2-3, 2-4, and 2-5 show the locations within the ROW of the different improvements.

Table 2-1. ROW Improvements and Acres

Improvement	Acres
Roadway, surface drainage, and sewer	15.74
Sewer	0.52
Grading	1.45
Drainage	1.52
Drainage and sewer	0.47
Total	19.72

Figure 2-1. Shaumber Road Realignment from Washburn Road to Centennial Parkway

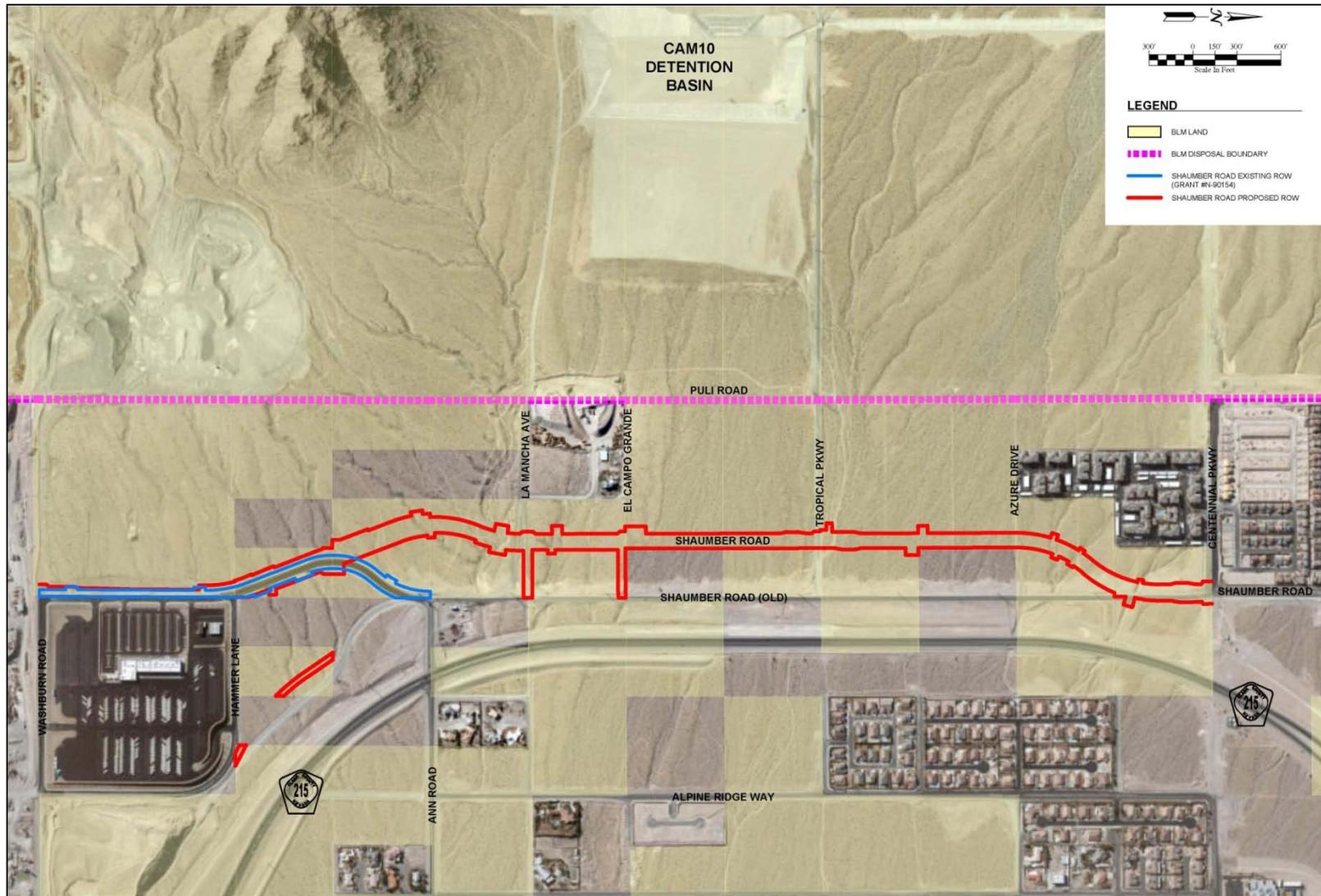


Figure 2-2. Typical Cross-Section

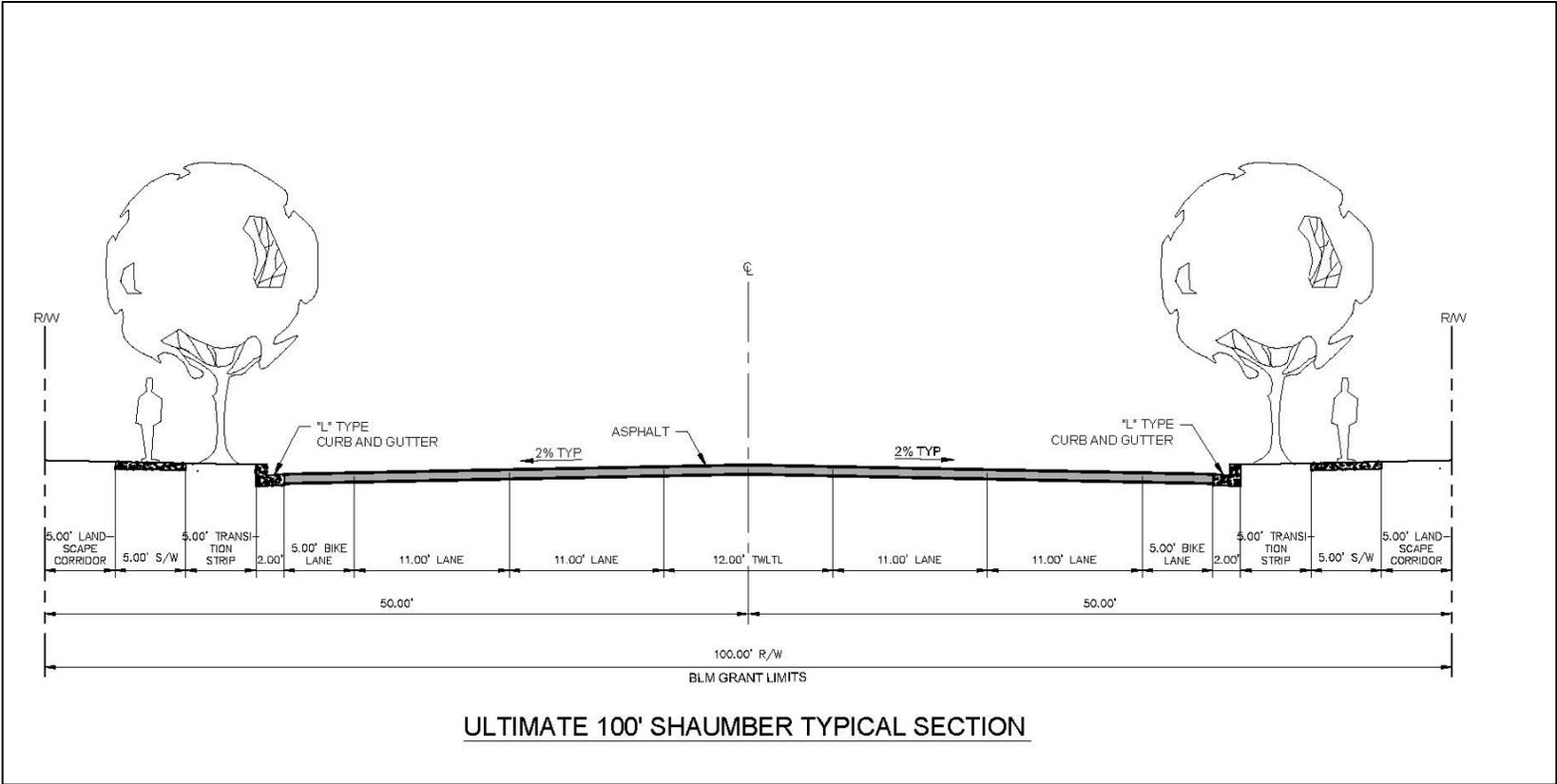




Figure 2-4. ROW Improvements – Ann Road to Tropical Parkway

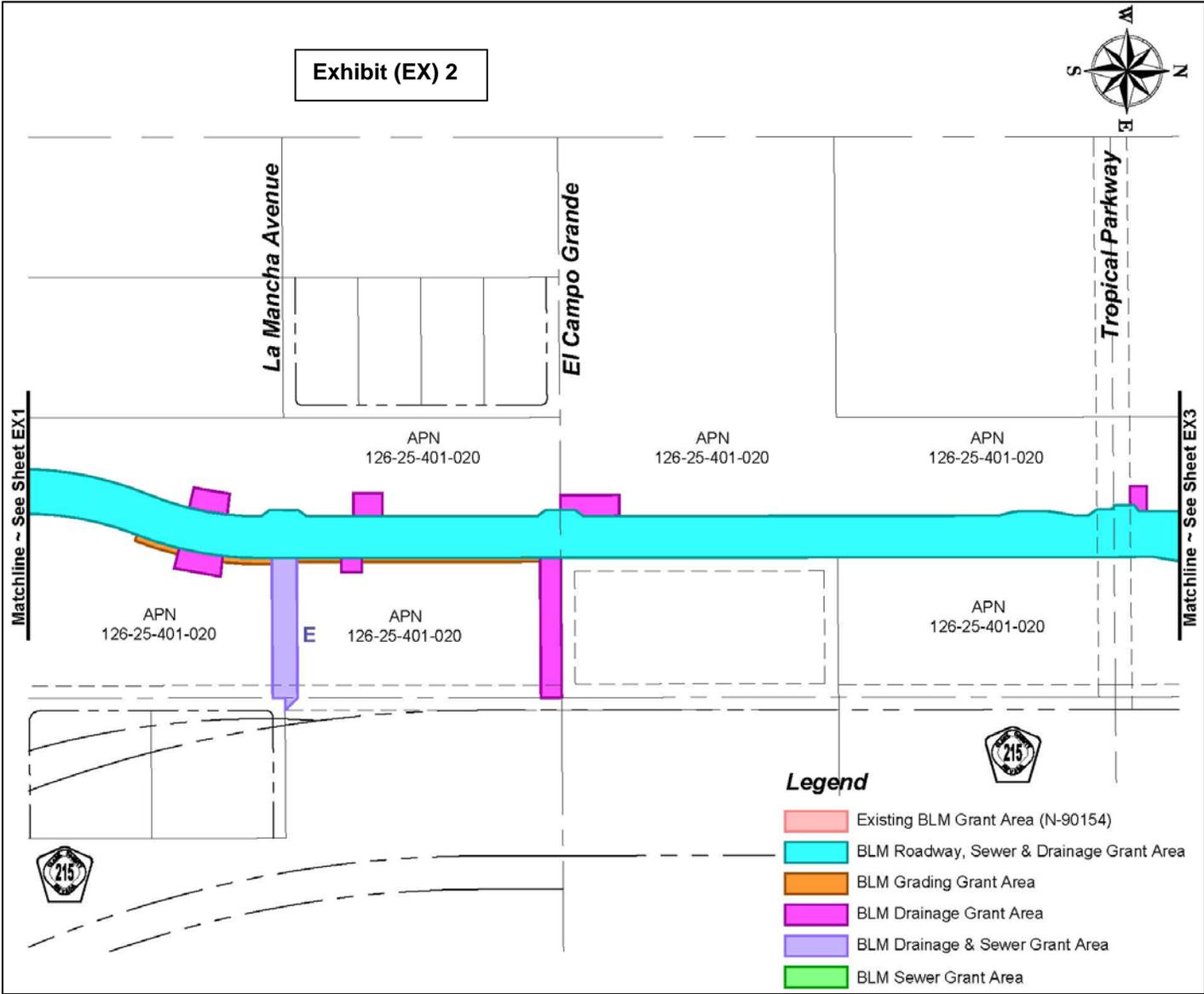
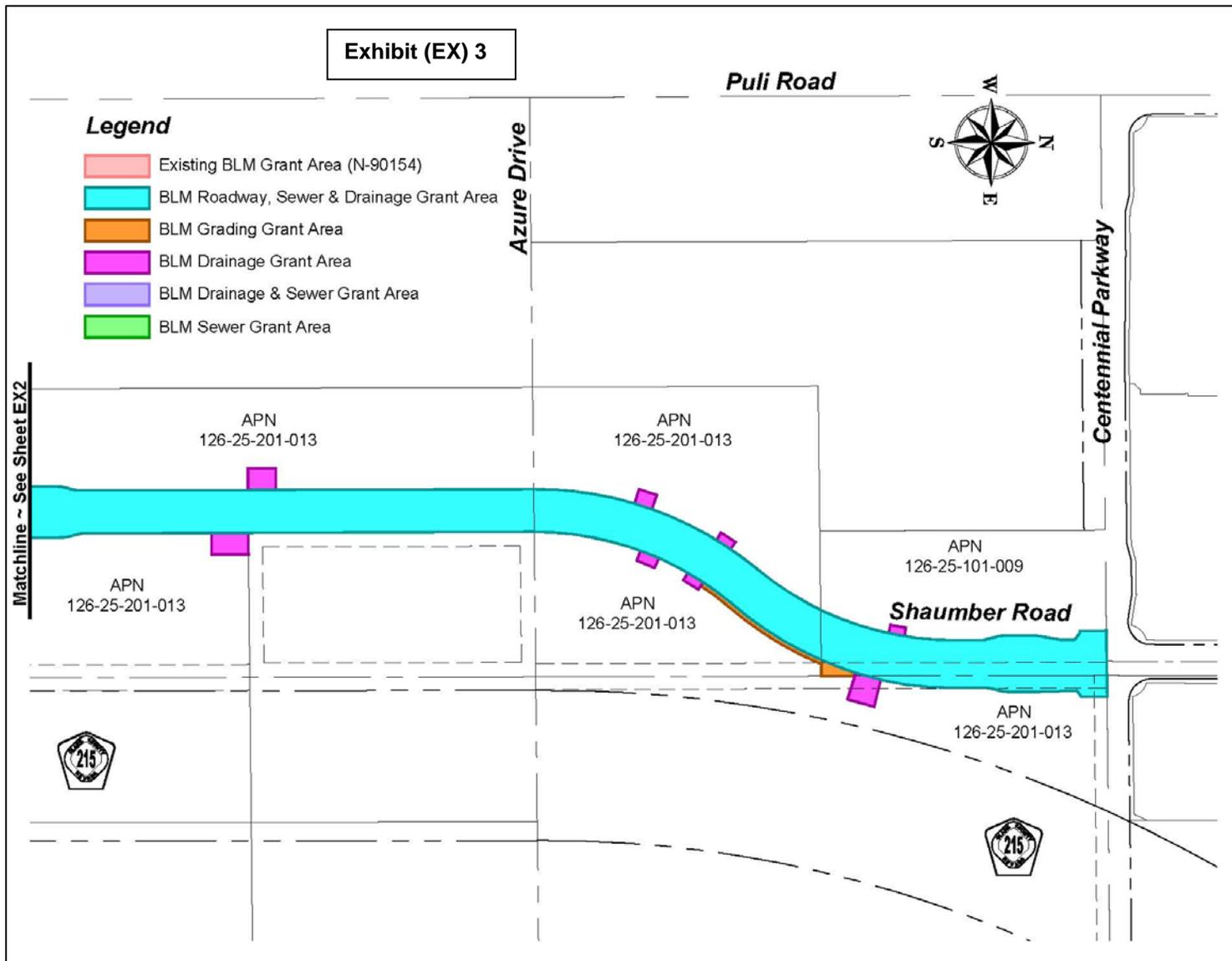


Figure 2-5. ROW Improvements – Tropical Parkway to Centennial Parkway



Local access would be maintained at LaMancha Avenue and Tropical Parkway. Local access at Ann Road would be maintained until the new CC 215 interchange with Ann Road is constructed. The realigned Shaumber Road cross-section would generally match the existing grade. If necessary, the final roadway designs would adjust the grade west on LaMancha Avenue so as not to impede travel and turn movements by tandem-haul gravel trucks. The design of the realigned Shaumber Road at the new Ann Road intersection would accommodate the turning radius of large vehicles and haul trucks entering and exiting nearby gravel operations to the south at the Lone Mountain quarry and to the north and west off LaMancha Avenue.

Construction could begin within two years of receipt of the amended grant, or by 2016 concurrent with the construction to expand the CC 215. The initial phases of construction would include installation of the drainage and sewer improvements, temporary asphalt surfacing of two travel lanes and a center turn lane, and graded road shoulders and ditches. The CLV anticipates phased completion of the full build out of the roadway as development proceeds in the area. The existing Shaumber Road alignment would eventually become part of the 215 West Beltway Trail.

Construction activities typical for roadways include boundary surveying and staking, soil sampling, and geotechnical studies, followed by clearing, excavating, and compaction for roadbed and embankment, installing drainage structures, road surfacing, and landscaping. The types of construction equipment that could be used include grader, scraper, excavator, backhoe, trencher, crane, hauler, front-end loader, cement truck, water truck, paver, and utility truck. The construction work force would vary and could include up to 50 workers. Because of the different timing of activities, not all workers would likely be on site at the same time.

### **2.3 No Action Alternative**

The No Action Alternative represents the continuation of current management of the public land without BLM granting the requested ROW amendment to the CLV. Realigning Shaumber Road to provide the necessary area to expand the CC 215 would not be possible without the amended ROW. Therefore, the No Action Alternative would not meet the CLV's purpose and need for accommodating projected traffic increases, improving traffic circulation and level of service, and accommodating the expansion of the CC 215. Taking no action on the CLV's request to amend the ROW grant N-90154 would not meet BLM's purpose and need under FLPMA to review and authorize ROW grants for transportation purposes that are in the public interest.

### **2.4 Alternatives Considered but not Analyzed**

The primary objective for identifying alternatives was to maximize the use of public lands and minimize the impact to existing roads, development, and private property. The existing location of the CC 215 adjacent to the existing Shaumber Road alignment and the planned expansion of the CC 215 for additional travel lanes limited any reasonable alternate locations to realign Shaumber Road and construct drainage and sewer improvements. Therefore, no other alternatives to the proposed project were considered.

### 3.0 AFFECTED ENVIRONMENT

#### 3.1 General Setting of Project Area

The project area is along the northwestern edge of the suburban expansion of the Las Vegas Valley, set on the valley floor off the east-facing alluvial slope of the La Madre Mountains. For purposes of defining the affected environment, the project area includes the proposed ROW and the surrounding land that could be directly, indirectly, or cumulatively affected by the proposed Shaumber Road realignment. For purposes of this EA, the project area is bound by the residential development north of Centennial Parkway, the gravel operations south of Washburn Road, the CC 215 to the east, and the land disposal boundary at Puli Road to the west.

#### 3.2 Supplemental Authorities and Resources not Analyzed

The BLM NEPA Handbook lists supplemental statutory and executive authorities to be considered during the NEPA process. During internal scoping, the BLM resource specialists identify environmental resources that are either present in or otherwise considered important to the project area. Scoping discussions and a review of the supplemental authorities facilitate an efficient environmental analysis process by identifying resources for full consideration and analysis in the EA, while devoting less attention to resources that are not present in the project area or are present but not affected by the proposed action. Table 3-1 lists the resources not present in the project area or not analyzed, and the reasoning for excluding them from detailed analysis in this EA.

Table 3-1. Resources Not Present or Not Impacted by Proposed Action

Resources Not Present or Not Impacted	Reasoning
Air Quality	Since the project will disturb more than 0.25 acre, the CLV will obtain a dust control permit from Clark County Department of Air Quality and adhere to the permit conditions and stipulations for the duration of the construction of the project.
Area of Critical Environmental Concern (ACEC)	The project area is not within an ACEC or critical desert tortoise habitat.
BLM Natural Areas	There are no natural area designations within the field office area.
Cultural Resources	The project area was surveyed for cultural resources in support of the Valley Disposal Boundary Environmental Impact Statement (EIS); no historic properties were found. The Nevada State Historic Preservation Officer (SHPO) concurred with the findings and adequacy of the survey and report.
Greenhouse Gas Emissions	There are currently no emission limits for suspected greenhouse gases and no technically defensible methodology for predicting potential climate changes from such emissions.
Environmental Justice	There is no minority or low income group present in the project area that would be disproportionately impacted by health or environmental effects of the proposed action.
Farmlands (Prime or Unique)	There are no prime or unique farmland designations within the district office area.

Resources Not Present or Not Impacted	Reasoning
Floodplains	The project area is under the authority of the Clark County Regional Flood Control District but is not located within a flood zone designated by the Federal Emergency Management Agency.
Fuels/Fire Management	Compliance with fire restrictions current at time of construction would mitigate any risks posed by the project. Specific noncompliant activities may be waived on a case-by-case basis after review and approval by the Fire Management Officer.
Hydrological Conditions	The project is within the valley disposal boundary where hydrological conditions have already been disturbed. The realigned road design includes drainage structures to control surface water runoff and not negatively impact the hydrology of the area.
Invasive Species/Noxious Weeds	The project area is within the Las Vegas Valley Disposal Boundary and development within the area was analyzed under the associated EIS. Standard weed best management practices must be implemented during construction and maintenance of the realigned road project. The BLM Weed Coordinator will be notified if noxious weed infestations are located on the construction site.
Lands/Access	The CLV will ensure the project is designed with the proper drainage system that meets the requirements set by the Clark County Regional Flood Control District, and obtain any permits that may be required by Clark County or State of Nevada. Adjacent grant holders were notified per 43 CFR 2807.14 to obtain concurrence that the project will not adversely affect their existing rights (see Table 1-1).
Livestock Grazing	The project area is not within any authorized grazing allotment.
Native American Religious Concerns	An ethnographic assessment completed for the Valley Disposal Boundary EIS concluded there are no Native American concerns in this part of the Las Vegas Valley encompassing the project area. The SHPO concurred with those consultation efforts and adequacy of the report; no further analysis is required.
Paleontology	No fossil-bearing geological strata would be adversely affected.
Rangeland Health Standards	The project area is not within any authorized grazing allotment; BLM rangelands are not present.
Recreation	The project area does not conflict with any recreation areas.
Socioeconomics	The project would not disproportionately impact social or economic values.
Soils	The project is within the valley disposal boundary where soils have generally already been disturbed.
Threatened, Endangered, or Candidate Plant Species	There are no threatened, endangered, or candidate plant species or habitat known to occur in the project area.
Wastes (Hazardous or Solid)	There are no hazardous materials or waste issues known in the project area. Standard stipulations addressing hazardous materials would apply to the grant.

Resources Not Present or Not Impacted	Reasoning
Water Resources/Quality (drinking/surface/ground)	The project is within the valley disposal boundary where the general area is already disturbed. Surface water runoff patterns have already been affected by the existing Shaumber Road. Construction excavation would not intercept groundwater. A construction stormwater discharge permit would be obtained and a Stormwater Pollutant Prevention Plan would be prepared prior to construction. The Plan would specify best management practices to control erosion and runoff from the construction areas to protect water quality.
Wetlands, Riparian Zones	There are no wetlands or riparian zones in the project area.
Wild and Scenic Rivers	There are no wild or scenic rivers in the project area.
Wilderness/Wilderness Study Area	There are no wilderness study areas or designated wilderness areas in the project area.
Woodland/Forestry	Cactus and yucca plants are considered government property and are regulated under the Nevada BLM forestry program. The cactus and yucca plants within the ROW will be salvaged and transplanted to the Ann Road stockpile according to BLM guidance. Salvage will be conducted by a contractor with a minimum of three years experience with Mojave or Sonoran desert salvage and transplant. If salvage occurs between May 1 and September 30, the plants must be monitored and watered for a period of 3 months.
Visual Resources	The project area is within Visual Resource Management 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 proposed roadway is not expected to dominate the view of the casual observer or negatively affect the visual characteristics of the surrounding area. To the extent practicable, CLV will incorporate the basic elements found in the natural landscape into the project design.
Wild Horses and Burros	The project area is not located within an active herd management area. There will be no impacts to wild horses or burros.
Lands with Wilderness Characteristics	There are no protected lands with wilderness characteristics in the project area.

### 3.3 Wildlife

#### 3.3.1 Common Species

The term “wildlife” collectively refers to the terrestrial species, including mammals, birds, reptiles, and amphibians. The wildlife that can be assumed to occur in the project area is noted from literature reviews and previous surveys of similar habitat, and includes small mammals, rodents, birds, and reptiles. The project area provides marginal habitat for most common wildlife species typical of the Mojave Desert. Species-specific surveys were not conducted for common wildlife within the project area; however, species likely to occur in the project area include white-tailed antelope squirrel (*Ammospermophilus leucurus*), black-tailed jackrabbit (*Lepus californicus*), western whip-tail lizard (*Cnemidophorus tigris*), desert iguana (*Dipsosaurus dorsalis*), side-blotched lizard (*Uta stansburiana*), zebra-tailed lizard

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(*Callisaurus draconoides*), western shovel-nosed snake (*Chionactis occipitalis*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), and common raven (*Corvus corax*).

### 3.3.2 Sensitive Species

A sensitive species is a native species having its viability at risk because of a downward trend in a distinct population or because unique habitat is threatened. The sensitive species that may occur in the general area include western burrowing owl (*Athene cunicularia*), western chuckwalla (*Sauromalus obsesus*), banded Gila monster (*Heloderma suspectum cinctum*), Mojave shovel-nosed snake (*Chionactis occipitalis*), desert glossy snake (*Arizona elegans eburnata*), and Mojave Desert sidewinder (*Crotalus cerastes*). Species-specific surveys were not conducted for sensitive species and none were observed during a field visit of the project area.

The Mojave Desert scrub in this area of Clark County provides suitable habitat for the western burrowing owl. The burrowing owl commonly nests in burrows created by other animals such as kit fox, badger, coyote, and desert tortoise. The western chuckwalla inhabits rocky outcrops where cover is available between boulders or in rock crevices, typically on slopes and open flats below 5,000 feet usually in association Mojave Desert Shrub vegetation. The Gila monster is commonly found in rocky landscapes of upland desert scrub intermixed with desert wash and riparian habitats. Habitat for the three snake species varies but generally includes open flats or shrubs with desert washes and loose or sandy soils to create burrows or pits used for cover.

### 3.3.3 Threatened or Endangered Species

The Mojave population of the desert tortoise (*Gopherus agassizii*) was listed as threatened under the Endangered Species Act in 1990, and is the only listed species known to occur in the project area. Throughout most of the Mojave Desert, tortoises occur most commonly on gently sloping terrain with sandy-gravel soils and where there is sparse cover of low-growing shrubs, which allows establishment of herbaceous plants. Soils must be friable enough for digging of burrows, but firm enough so that burrows do not collapse. Typical habitat for the desert tortoise in the Mojave Desert has been characterized as creosote bush scrub below 5,500 feet, where precipitation ranges from 2 to 8 inches, the diversity of perennial plants is relatively high, and production of ephemerals is high. (USFWS, 2011)

Field surveys for desert tortoise were completed in support of the Las Vegas Valley Disposal Boundary EIS. Several live tortoises and numerous tortoise signs (primarily burrows and scat) were observed in the project area. The project area is near the western edge of the developed part of the valley in relatively undisturbed habitat, and thus it is possible that tortoises might be seen in the ROW.

### 3.3.4 Migratory Birds

Most birds receive some level of protection from harm by the Migratory Bird Treaty Act. The creosote-white bursage vegetation and mammal and tortoise burrows in the project area can provide foraging and nesting habitat for a number of different bird species, including the western burrowing owl, a BLM sensitive species. The breeding season, generally between March 1 and August 31, is when birds are typically most sensitive to disturbance.

## 3.4 Vegetation

### 3.4.1 Common Species

The vegetation classification of the project area is the *Larrea tridentata-Ambrosia dumosa* Shrubland Alliance (Peterson, 2008), which is dominated by creosote bush and white bursage. Other desert shrubs common to this alliance include four-wing saltbush (*Atriplex canescens*), Mormon tea (*Ephedra torreyana*), ratany, (*Krameria erecta*), and bladder sage (*Salazaria mexicana*).

### 3.4.2 Sensitive Species

The yellow two-toned beardtongue (*Penstemon bicolor* ssp. *bicolor*) is the BLM sensitive species known to occur in the vicinity and might occur in the project area. The plant is commonly found at elevations between 2,500 to 5,480 feet, and in calcareous or carbonate soils in washes, along roadsides, rock crevices, outcrops, or places that receive a significant amount of runoff (NNHP, 2013). The plant occurs in creosote-bursage, blackbrush, mixed-shrub, and the lower juniper zones (NNHP, 2013).

Field surveys for sensitive plant species were completed in support of the Las Vegas Valley Disposal Boundary EIS; no sensitive plants were observed in the project area. Other more recent surveys in the vicinity observed penstemon species at higher elevations than the project area and in the headwaters of desert washes. The project area or the amended ROW footprint was not re-surveyed for sensitive plant species.

## 3.5 Geology / Mineral Resources

A geology and minerals assessment in the La Madre Mountain Wilderness Study area to the west of the project area reported no mineral or energy resources were located in the area (USGS, 2013). Potential for silver, lead, and zinc mineral resources as well as petroleum resources are rated as low. In contrast, sand, gravel, and limestone are listed as abundant in the nearby area.

Information from the 1998 RMP shows the project area having high potential for mineral material sales, low potential for locatable minerals, and moderate potential for prospectively valuable oil and gas (BLM, 1998). Removal of saleable mineral resources (sand and gravel) and active mining operations are occurring in the Lone Mountain pit area south of Washburn Road, and in a smaller pit north of LaMancha Avenue and west of the project area. Mineral materials are public resources available for exploration, development, and disposal by procedures set forth in 43 CFR 3600, Mineral Materials Disposal.

There are no active mining claims in the project area (BLM, 2013).

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## 4.0 ENVIRONMENTAL IMPACTS

Impacts are defined in general terms and are qualified as direct or indirect, adverse or beneficial, and as short-term or long-term. Construction-related impacts are generally addressed by best management practices or permits required by federal, state, or local regulations to minimize or control the adverse effects of construction. Construction-related impacts are generally temporary, short-term, and cease after construction is complete, whereas operational impacts are generally permanent, long-term, and begin or continue after construction is complete.

The special and general stipulations to authorizing a ROW grant serve to avoid or minimize adverse environmental impacts of the proposed project. Special stipulations that would be attached to the grant are listed in Appendix C. Some stipulations are discussed in this chapter as avoidance and mitigation measures.

### 4.1 Wildlife

#### 4.1.1 Proposed Action Impacts

##### **Common Wildlife, Sensitive Species, and Migratory Birds**

Ground-disturbing activities associated with construction could directly result in displacement of or mortality to wildlife inhabiting the project area. Mobile species might be able to avoid injury or mortality by leaving the area; however, less mobile species, nocturnal species, or species that use burrows might be more susceptible to injury or mortality from construction activities. Subsequent use of the project area and increases in vehicle traffic after the roadway is constructed could also have similar impacts to common wildlife.

The proposed ROW would cover 19.72 acres; 5.03 acres were disturbed previously during other construction activities and authorized ROW grants and 14.69 acres are undisturbed. Removing 14.69 acres of creosote-white bursage desert scrub habitat would impact wildlife using the project area; however, this type of habitat is the most common type of habitat throughout the surrounding area. The typical common wildlife species that could be impacted are widely distributed; thus, loss of habitat and some individuals would not measurably impact the populations throughout their range.

The project area provides suitable habitat for burrowing owls and other migratory birds, such as wrens and thrashers, which build their nests in shrubs and cactus and yucca plants. Construction activities that occur from March through August could disrupt the breeding and nesting season of these birds by destroying habitat and altering behavior. Impacts would be minimized by ensuring the construction area is cleared of nests or breeding activity and active nests are avoided.

The rocky outcrop habitats that support the chuckwalla and Gila monster are not prevalent in the project area, so the potential for adverse impacts on these species and their habitats would be minor. Ground-disturbing activities associated with construction could result in displacement or mortality to the three snake species designated as sensitive that could be occupying suitable habitat in the project area.

## **Desert Tortoise**

Permanent removal of 14.69 acres of desert tortoise habitat would be necessary to construct the realignment of Shaumber Road and associated drainage and sewer improvements. All construction would occur within the bounds of the requested ROW.

Similar to the effects on other wildlife, tortoises might be killed or injured during construction activities. Tortoises or tortoise eggs could be crushed, killed, or trapped in burrows by construction grading and excavation activities. Construction traffic entering/exiting the project area could increase the potential for tortoise/vehicle collisions. Construction noise and vibration could affect tortoises and their normal activity patterns. Tortoises might be attracted to the water used for dust control on the site or seek shade under construction equipment and thus be at risk of injury or death. Construction site litter and new perching opportunities might attract ravens and other raptors that prey on juvenile tortoises, thus potentially causing an increase in juvenile tortoise mortality. Due to increased human presence in the area during and after construction, tortoises might be killed or injured due to collection or vandalism associated with increased encounters with construction workers, users of the new road, and domestic animals (pets).

Construction of the realignment of Shaumber Road and associated drainage and sewer improvements may affect and is likely to adversely affect the desert tortoise. Consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act is covered under the Programmatic Biological Opinion for BLM activities, File No. 84320-2010-F-0365.R001. Impacts to and take of desert tortoise and habitat would be minimized through compliance with the terms and conditions of the Programmatic Biological Opinion (discussed in Section 4.1.3 Avoidance and Mitigation Measures).

### **4.1.2 No Action Impacts**

Under the No Action Alternative the amendment to the ROW application would not be granted, Shaumber Road would not be realigned, and no project-related effects on wildlife would occur.

### **4.1.3 Avoidance and Mitigation Measures**

If ground clearing and other construction activities cannot be scheduled to avoid bird breeding and nesting season (generally March 1 through August 31), the project area would be surveyed by a qualified biologist to confirm the absence of nests (on the ground and in burrows and vegetation) and nesting activity to avoid impacting migratory birds. Active nests (containing eggs or young) would be avoided until they are no longer active or the young birds have fledged. The area to be avoided around the nest would be appropriate to the species, and the size of the avoided area would be confirmed by a BLM biologist.

Conservation measures for desert tortoise are those listed terms and conditions of the Programmatic Biological Opinion for BLM activities, File No. 84320-2010-F-0365.R001. For this project, an authorized desert tortoise biologist will conduct a clearance survey of the ROW before construction activities can begin. An authorized biologist or monitor will present an education program to construction workers and site personnel, and will be on-site during construction during the tortoise active season (generally March 1 to October 31) and on-call during the inactive season. The CLV will pay a remuneration fee of \$836 per acre (if paid before March 1, 2015) for 14.69 undisturbed acres of the

amended ROW, for a total of \$12,280.84. The full list of terms and conditions applicable to the project are included in Appendix B.

## 4.2 Vegetation

### 4.2.1 Proposed Action Impacts

#### Common Species

Construction of the Shaumber Road realignment with associated drainage and sewer improvements would clear 14.69 acres of creosote-white bursage vegetation community. The design of the roadway improvements would limit the amount of area that could be restored, so the impacts to vegetation within the amended ROW footprint would be permanent.

#### Sensitive Species

Because the yellow two-toned beardtongue has been observed in the vicinity and typical habitat characteristics occur in the project area, it is assumed the plant could occupy the amended ROW footprint if a survey is not conducted to prove otherwise. Clearing the ROW would therefore have a direct adverse impact on any plant that could be present.

### 4.2.2 No Action Impacts

Under the No Action Alternative the amendment to the ROW application would not be granted, Shaumber Road would not be realigned, and no project-related effects on vegetation would occur.

### 4.2.3 Avoidance and Mitigation Measures

The CLV will pay a mitigation fee of \$10,000 and administrative overhead to the BLM for offsite mitigation through an agreement with the Center for Plant Conservation Imperiled Plant Program to enroll the yellow two-tone beardtongue.

## 4.3 Geological Resources

### 4.3.1 Proposed Action Impacts

Construction would involve earthwork for the road and subsurface excavation for the drainage and sewer improvements, impacting soils within the proposed ROW footprint. Disturbing the surface soils for construction could result in a temporary increase in windblown dust, but impacts would be controlled through best management practices and compliance with dust control permit conditions imposed by the Clark County Department of Air Quality.

There are no active mining claims in the project area that would be affected by the amended ROW.

Excavated materials would be incorporated into the design of the roadway, drainage structures, sewer connections, and landscaping. The cut and fill calculations for the design indicate approximately 19,000 cubic yards of excess mineral materials. The full build out of the Shaumber Road realignment would leave little room to stockpile excess materials throughout the ROW for future use on other public works projects. The excess materials would therefore be disposed of in accordance with 43 CFR 3600 Mineral

Materials Disposal regulations or the Federal Highway Act (discussed in Section 4.3.3 Avoidance and Mitigation Measures). Possible locations for long-term storage or stockpile of excess materials include previously disturbed portions of the Lone Mountain Community Pit, or the CAM-10 detention basin, which is a CLV authorized grant on BLM land approximately one-half mile west of the project area (refer to Figure 2-1).

The design and construction of the Shaumber Road realignment would not affect local access at existing intersections and roads. Access to haul roads would remain open to gravel pit operators during construction activities. The grade of the realigned Shaumber Road and turn lanes would not impede travel or turn movements by tandem-haul gravel trucks using LaMancha Avenue or Ann Road to access gravel operations.

#### **4.3.2 No Action Impacts**

Under the No Action Alternative, there would be no impacts to existing geological resources and no change to mineral materials.

#### **4.3.3 Avoidance and Mitigation Measures**

The CLV and its construction contractor will comply with any City and County dust control ordinance or permits in place at the time of construction, including obtaining a dust control permit from Clark County as required.

The BLM must authorize the use of any excess materials in accordance with 43 CFR 3600 Mineral Materials Disposal before their removal or disposal from the proposed ROW, including stockpile or storage locations. Authorized uses could include free-use permits for government agencies and non-profits, purchase or sale contracts, or competitive sales. If mineral materials are stockpiled for future disposal by the BLM, a mineral material contract, free use permit, or material site right-of-way must be issued by the BLM. The CLV will provide the BLM with the location and volume of stockpiled mineral materials. If excess mineral materials are to be stockpiled at the Lone Mountain Community Pit, the CLV will contact the BLM at least 30 days in advance of moving the materials. The CLV will not stockpile excess mineral materials outside the ROW without prior written acknowledgement from the BLM.

## **5.0 CUMULATIVE IMPACTS**

Cumulative impacts are the incremental impacts of an action added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR 1508.7). These actions include projects identified within the spatial (geographic) and temporal (timeframe) boundaries of the project considered in this EA. For this project, the spatial limits are bound by the residential development north of Centennial Parkway, the gravel operations south of Washburn Road, the CC 215 to the east, and the land disposal boundary at Puli Road to the west. The temporal limits are bound by the anticipated construction timeframe (full build out) of the Shaumber Road alignment.

### **5.1 Past and Present Actions**

Existing land ownership in the project area is primarily BLM land with a few scattered privately-owned parcels. There are several master planned communities, mixed-use developments, and employment centers that have been developed or are being developed in adjacent areas, and existing projects adjacent to the project area include the detention basin and flood control channels, and the Clark County School District Northwest Transportation Facility. As such, the impacts of past and present actions combine to form existing conditions. Existing conditions were considered in the affected environment section of this EA.

### **5.2 Reasonably Foreseeable Actions**

Reasonably foreseeable actions include the disposal of BLM lands and subsequent residential and commercial development in the area. The existing Providence and future Kyle Canyon master-planned communities (residential and commercial developments) in the area cover 2,900 acres and up to 20,000 residences, and would continue to advance growth, resulting in traffic impacts and further loss of natural habitat. The CLV will construct a segment of Sheep Mountain Parkway on the ROW it holds from Fort Apache Road to Grand Teton Drive through the Kyle Canyon development, and future construction of the Sheep Mountain Parkway-West Leg that would connect with the CC 215 at Ann Road. Clark County will expand the CC 215 to add more travel lanes and interchanges.

### **5.3 Summary of Cumulative Impacts**

The environmental impacts of future developments within the disposal boundary were analyzed in the Las Vegas Valley Disposal Boundary EIS (BLM, 2004). Development within the disposal boundary is expected to continue regardless of the proposed ROW amendment request by the CLV. Relative to the existing development and planned growth for the northern Las Vegas Valley, the incremental cumulative impact of the proposed ROW on natural and social resources would be insignificant.

Mitigation of potential environmental impacts resulting from planned development projects would remain with each project proponent in accordance with applicable federal, state, and local laws, regulations, and ordinances. Mitigation of related impacts of the proposed Shaumber Road realignment and associated drainage and sewer improvement is considered in the impacts and mitigation sections of this EA.

### 5.3.1 Wildlife

Future development within the disposal boundary, along with increases in population and human activities in the area would continue to displace wildlife including migratory birds, cause mortality of species, and reduce the amount of wildlife habitat. The Las Vegas Valley does not contain the majority of any common wildlife species' population, and therefore, the cumulative loss of 14.69 acres of habitat for the proposed ROW amendment would likely be unmeasurable in comparison to similar habitat occurring elsewhere.

The cumulative impacts of development within the disposal boundary and adjacent areas on desert tortoise were addressed in the biological opinion (File No. 1-5-96-F-023R.3) for the expansion of the disposal boundary by SNPLMA, for programmatic actions proposed by the BLM (File No. 94320-2010-F-0365), and for the incidental take permit issued to Clark County (File No. 1-5-00-FW-575). The cumulative impacts of directly affecting 14.69 acres needed for ROW are also addressed by the terms and conditions for the Programmatic Biological Opinion for BLM activities (File No. 94320-2010-F-0365).

### 5.3.2 Vegetation

The proposed ROW with other projects would result in the incremental loss of native vegetation communities (including cactus and yucca species) and the potential spread of invasive and noxious species. However, the extent of similar creosote-white bursage vegetation, with associated cactus and yucca species, surrounding the Las Vegas Valley would likely make the incremental loss of 14.69 acres unmeasurable. The habitat is marginal for sensitive plant species and with the mitigation fee to support seed collection, research, and propagation of the yellow two-tone beardtongue, cumulative impacts are not anticipated. The hard landscape design anticipated upon construction completion would eliminate the spread of invasive or noxious species and fire risk.

### 5.3.3 Geological Resources

Mitigation of potential impacts to geology, minerals, and soils resulting from planned development projects in the area would remain with each project proponent in accordance with applicable federal, state, and local laws, regulations, and ordinances.

Any excess mineral materials from constructing the CC 215 expansion and the segments of Sheep Mountain Parkway would be managed the same as excess materials on BLM land from the Shaumber Road realignment. There could be temporal overlap of the construction of the Shaumber Road realignment with the CC 215 expansion but not with the Sheep Mountain Parkway, which would minimize the cumulative disposal needs of any excess materials.

Relative to the existing development and planned growth for the northern Las Vegas Valley, the incremental cumulative impact of the proposed project on geology, minerals and soils would be negligible.

## **6.0 COORDINATION AND CONSULTATION**

The BLM and the CLV, as the project proponent, coordinated together in identifying resource issues and concerns to address in this EA, and to assist with consultation requirements with other agencies.

### **6.1 Federal Agencies**

The BLM consulted with the USFWS, Nevada Fish and Wildlife Office in accordance with Section 7 of the Endangered Species Act and the Programmatic Biological Opinion for BLM activities (File No. 94320-2010-F-0365). The results of consultation (biological opinion) will be incorporated into the ROW grant stipulations.

### **6.2 State Agencies**

The BLM consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act in support of the Las Vegas Valley Disposal Boundary EIS. The SHPO previously concurred with BLM's findings of historic properties and determinations of eligibility for the National Register of Historic Places.

### **6.3 Local Agencies**

As the project proponent, the CLV provided information on the purpose and need for the Shaumber Road realignment project and the anticipated design of the roadway facility to assist BLM in their review of the proposed ROW project.

To assist BLM, the CLV coordinated with adjacent grant holders to resolve potential conflicts with the proposed ROW location (see Section 1.4).

## 7.0 REFERENCES

- BLM (Bureau of Land Management). 1998. Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement. U.S. Department of the Interior. May.
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- USGS (U.S. Geological Survey). 1987. Mineral Resources of the La Madre Mountains Wilderness Study Area, Clark County, Nevada. U.S. Geological Survey and Bureau of Mines, 1985-1987. Retrieved from <http://pubs.usgs.gov/bul/1730a/report.pdf>

## 8.0 LIST OF PREPARERS

The following individuals contributed to scoping the issues and the preparation of this EA:

Name	Title	EA Contribution
<b>BLM – Las Vegas Field Office</b>		
Evan Allen	Geologist	Geology/Mineral Resources
Lisa Christianson	Air Resources Specialist	Air Quality; Greenhouse Gas Emissions; Solid/Hazardous Waste
Fred Edwards	Botanist	Livestock Grazing; Range Health Standards; Threatened or Endangered Plants; Woodland/Forestry; Vegetation
Mathew Hamilton	Wildlife Biologist	Areas of Critical Environmental Concern; Fish and Wildlife; Migratory Birds; Threatened or Endangered Wildlife
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands; Wild Horses and Burros
Sendi Kalcic	Wilderness Specialist	BLM Natural Areas; Wilderness/Wilderness Study Areas; Lands with Wilderness Characteristics
Ben Klink	Fire Management Specialist	Fuels/Fire Management; Invasive Species/Noxious Weeds
Chris Linehan	Environmental Resource Specialist	Visual Resources
Marilyn Peterson	Outdoor Recreation Specialist	Recreation; Wild and Scenic Rivers
Stan Plum	Archaeologist	Cultural Resources; Native American Religious Concerns, Paleontology
Boris Poff	Hydrologist	Floodplains; Hydrological Conditions; Soils; Water Resources/Water Quality; Wetlands/Riparian Zones
Gayle Marrs-Smith	District Manager	Environmental Justice; Socioeconomics
Kerrie-Anne Thorpe	Realty Specialist	Lands/Access
<b>City of Las Vegas</b>		
Rosa Cortez	Project Manager	Purpose and Need; Proposed Action; Coordination and Consultation
Mary Wulff	Right-of-Way Agent	Plan of Development
Rebecca Rury	Realty Specialist	NEPA Review and Processing
Jeff Griest	Engineering Manager (CH2M Hill)	Proposed Action; Coordination and Consultation
Mary Peters	Environmental Consultant (MBP Consulting)	Affected Environment and Impacts; Wildlife; Vegetation; Coordination and Consultation

**Appendix A:  
Agency and Grant Holder Correspondence**

Insert comment letters from adjacent grant holders.

**Appendix B:  
Programmatic Biological Opinion – Terms and Conditions**

Case Number: N-90151/A  
NEPA Project #: DOI-BLM-NV-S010-2014-0036-EA  
Sec. 7 Log #: NV-052-14-127

**TERMS AND CONDITIONS for ROWs: BO File No. 84320-2010-F-0365.R002**

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

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

**Terms and Conditions:**

1.a. ***Field Contact Representative—The desert tortoise monitor may act as the FCR.***

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](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 released the following day when temperatures are favorable. All cardboard boxes shall be discarded after one use and never hold more than one tortoise. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.

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

Desert tortoises shall be handled in accordance with the Desert Tortoise Field Manual (Service

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

1.k. *Penning*—Not 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/monitor 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 November 1 to February 28/29) 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 release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.

- 3.f. *Residual impacts from disturbance*—*As proposed, this project will disturb 14.69 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 1<sup>st</sup> 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: Not applicable to this project.
- 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. If required by BLM weeds specialist, 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, crossmembers, 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  
702-515-5230

Project Name: Shaumber Road Alignment NEPA No.: DOI-BLM-NV-S010-2014-0036-EA Case File No./SRP No.: N-90154/A BLM Section 7 log no.: NV-052-14-127	Report Date:
Fish and Wildlife Service Append File No.- n/a	
Authorized Desert Tortoise Biologist: _____ Employed by: _____	
<b>Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.</b>	
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:

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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.R002  
**Biological Opinion Issued By:** Nevada Fish and Wildlife Office, Las Vegas, Nevada  
**Species:** Mojave Desert Tortoise (*Gopherus agassizii*)  
**Project Name:** Shaumber Road Alignment  
**NEPA #:** DOI-BLM-NV-S010-2014-0036-EA  
**Case File/Serial #:** N-90154/A  
**BLM Sec 7 log #:** NV-052-14-127  
**Project Proponent:** City of Las Vegas  
**Comment:** \_\_\_\_\_

**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		14.69				
Fee rate (per acre)		836				
<b>Total cost/habitat type (per county)</b>	\$ -	<b>\$12,280.84</b>	\$ -	\$ -	\$ -	\$ -
<b>Total cost per county</b>	<b>\$12,280.84</b>		\$ -		\$ -	

**Total payment required (all counties): \$ \$12,280.84**

**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**

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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: Shaumber Road Alignment  
 NEPA no.: DOI-BLM-NV-SO10-2014-0036-EA  
 Case File no./SRP no.: N-90154/A  
 BLM Section 7 log no.: NV-052-14-127

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)
14.69		0	

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

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

	Desert Tortoise:		
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:


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

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

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

11. Contact Information

Name \_\_\_\_\_ Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Send completed form to:

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

**Appendix C:  
Avoidance and Mitigation Measures and Stipulations**

## Avoidance and Mitigation Measures

The following table summarizes the avoidance and mitigation measures presented in Section 4.0 of the EA that will be included as special stipulations in the grant. Compliance requirements listed in the supplemental authorities Table 3-1 will be incorporated into the general stipulations of the grant.

<b>Resource</b>	<b>EA Section 4.0 – Avoidance or Mitigation Measure</b>
Migratory Birds	A qualified biologist will survey the ROW for nests (on the ground, in burrows, and in vegetation) and nesting activity if construction begins during bird breeding and nesting season (generally March 1 through August 31). Active nests (containing eggs or young) will be avoided until they are no longer active or the young birds have fledged. The area to be avoided around the nest will be established by a BLM wildlife biologist.
Desert Tortoise	Per the terms and conditions of Programmatic Biological Opinion, File No. 84320-2010-F-0365.R001.
Sensitive Plant Species	The CLV will pay an off-site mitigation fee of \$10,000 plus administrative overhead to the BLM to coordinate with the Center for Plant Conservation Imperiled Plant Program to enroll the yellow two-tone beardtongue plant species.
Mineral Materials	<p>The CLV will provide BLM with the location and volume of excess stockpiled mineral materials to be removed from the ROW in accordance with BLM regulations through contract, free use permit, or material site right-of-way. The CLV will notify the BLM 30 days in advance if excess mineral materials are to be stockpiled at the Lone Mountain Community Pit, or request written approval from BLM to stockpile excess mineral materials outside the ROW.</p> <p>The CLV will design the road cross-section grade and turn lanes so as not to impede travel and turn movements by tandem-haul gravel trucks accessing the gravel operations off Ann Road and LaMancha Avenue.</p>
<b>Resource</b>	<b>Table 3-1 – Supplemental Authorities Compliance</b>
Air Quality	Obtain and comply with any city and county dust control ordinance or permits in place at the time of construction.
Fuels/Fire Management	The CLV will comply with fire restrictions current at time of construction.
Invasive Species/ Noxious Weeds	Standard weed best management practices will be implemented during construction and maintenance of the realigned road project. The BLM Weed Coordinator will be notified if noxious weed infestations are located on the construction site.
Lands/Access	The CLV will ensure the project is designed with the proper drainage system that meets the requirements set by the Clark County Regional Flood Control District.
Water Resources	The CLV will obtain a construction stormwater discharge permit and prepare a Stormwater Pollutant Prevention Plan prior to construction. The Plan will specify best management practices to control erosion and runoff from the construction areas to protect water quality.
Vegetation – Cactus and Yucca Plants (Woodland/Forestry)	The CLV will salvage cactus and yucca plants within the ROW and transplant the plants to the Ann Road stockpile according to BLM guidance. Salvage will be conducted by a contractor with a minimum of three years experience with Mojave or Sonoran desert salvage and transplant. If salvage occurs between May 1 and September 30, the plants must be monitored and watered for a period of 3 months.

<b>Resource</b>	<b>Table 3-1 – Supplemental Authorities Compliance (continued)</b>
Visual Resources	To the extent practicable, CLV will incorporate the basic elements found in the natural landscape into the project design.