

Determination of NEPA Adequacy (DNA) Worksheet

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

Introduction:

Las Vegas Field Office, LLNVS00530

TRACKING NUMBER:DOI-BLM-NV-S010-2014-0149-DNA

CASEFILE/PROJECT NUMBER: N-83045-01 for current operator, F2M. Future serial numbers would be issued to operators as applications are received.

PROPOSED ACTION TITLE/TYPE: Henderson Community Pit, East, Contracts.

LOCATION/LEGAL DESCRIPTION: T23S, R63E, Section 14, E1/2NW1/4.

APPLICANT (if any): Currently F2M. Other operators may utilize the pit under future contracts.

Description of Proposed Action and Applicable Mitigation Measures:

Description: The DNA is for mineral material activities within a portion of the Henderson Community Pit that was analyzed in EA NV-053-2007-271. Current mineral material operator, F2M, has requested a renewal.

EA NV-053-2007-271 analyzed the use of eighty acres for the purpose of a contract to remove mineral materials. Of the 80 acres analyzed, thirty five of the acres were originally disturbed in a trespass case involving a claimant and a number of companies utilizing the site for a mineral material pit prior to 2003. In September 2, 2003, a contract was issued to legitimize the mineral material operations. Fifteen acres of new disturbance, in addition to the thirty five acres disturbed in the trespass, was authorized. The operator, American Asphalt and Grading, paid \$9,720.00 for tortoise remuneration fees on the fifteen acres they planned to disturb. Currently, there are fifty acres of disturbed land consisting of the thirty five acres disturbed under the trespass and the additional fifteen acres disturbed under the contract. Thirty acres of the eighty acres analyzed in EA NV-053-2007-271 is currently undisturbed.

The activities proposed on the eighty acres analyzed in EA NV-053-2007-271 would be the continued removal, processing and sale of sand and gravel. Removal of materials would be by the open pit method. Materials would be loosened by ripping with a dozer then screened, crushed and washed to product size. Equipment that will be utilized on site may include a screening/crushing plant, loaders, a dozer, haul trucks, etc. A conveyor belt is planned to remove overburden from the top edges of the pit to be processed on the pit floor. All processing of materials will remain within the eighty acre boundary of the contract area. The continuation of operations in the currently disturbed thirty acres on the north portion of the pit will not require any additional tortoise fees. Prior to operations expanding into the southern thirty acres of undisturbed land, analyzed in EA NV-053-2007-271, tortoise fees for those lands they plan to disturb must be paid to the BLM.

An asphalt batch plant, not part of the original EA, is also proposed in the contract area. The asphalt plant will be a temporary installation, two to three years, for the creation of asphalt for the freeway bypass going in nearby. A typical asphalt batch plant will occupy an acre of land. The operator plans on setting up the equipment within the undisturbed thirty acres south of his current operations. He will be required to pay tortoise fees on the lands the batch plant will disturb. Concrete bases and pads to support the equipment will be required prior to moving the equipment in and setting it up. Sand and gravel from the pit will be mixed with a petroleum based product then heated and processed to make the asphalt. The asphalt will be used in the development of the nearby freeway bypass.

The mineral material contractors will be required to obtain all required county permits such as dust control permits. Materials will be hauled from the site on existing roads. Roads and processing areas will require maintenance of the durable surfaces. Water will be used on roads, disturbed areas and in the processing of materials as necessary. Use of a BLM approved chemical dust suppressants may be allowed by the authorized BLM officer, upon request by one of the operators, for use on an experimental basis. Use of a BLM approved chemical dust suppressant on an experimental basis will require monitoring and evaluation by the BLM biologists or an approved environmental contractor.

Reclamation of the site will be required prior to mineral contractors abandoning the contract area. Reclamation will include but is not limited to sloping of the pit walls (2.5h:1v at a minimum) for visual and safety purposes, elimination of any stockpiled materials, use of any fines or available topsoil as a growth medium, seeding with a native mixture and replanting any salvaged plants. A bond will be required of the contractor for what it would cost the BLM to have the site reclaimed if a contractor fails to complete the reclamation on their own.

Mitigation Measures:

The following Measures will be added as stipulations. They will be added to update actions the BLM is taking to reduce impacts to resources listed:

1. Air Resources:

- a. Ensure compliance with local dust regulations and air quality stipulations for the duration of this activity, including but not limited to dust control permit or other fugitive emission best management practices.

2. Fuels/Fire Management

- a. Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in place. Specific non-compliant activities may be permitted in writing on a case by case basis by a line officer after review and approval by the Fire Management Officer (43 CFR 9212).
- b. In the event of an unplanned ignition that causes a wildfire the proponent will be held responsible for all costs of suppression and damaged resources pending a fire Origin and Cause Investigation. An Origin and Cause Investigation will be done on any human caused fire by BLM Law Enforcement or their designated representative.

- c. When fire restrictions are not in effect, utilize standard fire prevention measures and best management practices to prevent fires.
3. Invasive Species/Noxious Weeds:
- a. The proponent will strictly follow the most current BMP's and Standard BLM Weed Stipulations for Sand and Gravel Operations.
 - b. The project proponent will be responsible for the control and eradication of any invasive species / noxious weeds found within project boundaries
 - c. The project proponent shall contact the BLM if any invasive / noxious weeds are found escaping beyond the project boundaries. The project proponent will be required to develop a BLM approved weed eradication plan to eliminate escaping invasive/noxious weeds found outside the project boundaries.
4. Migratory Birds:
- a. The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area and habitat-altering projects should be scheduled outside the bird breeding season, which generally occurs from February 15th through August 31st.
 - b. If a project has to occur during the breeding season, then a qualified biologist must survey the area for nests immediately prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests are found, an appropriately-sized buffer area must be established and maintained until the young birds fledge. This buffer must connect to other suitable undisturbed habitat.
 - c. If active nests are observed outside the breeding season they are to be avoided as described in 4b.
5. Threatened, Endangered or Candidate Animal Species:
- a. Section 7 Consultation for this project is covered under the Programmatic Biological Opinion (84320-2010-F-0365.R003) contingent on compliance with the terms and conditions. Terms and conditions and minimization measures in the above Biological Opinion contain measures to avoid and minimize potential impacts, including take, to desert tortoise. Terms and Conditions are attached, see Appendix A.
 - b. This project will disturb a total of 30 acres of tortoise habitat. The proponent will be required to pay remuneration fees of \$25,080 based on the current year's rate of \$836/acre of disturbance.
 - c. To minimize take of desert tortoises, fencing of the 30 acres of undisturbed habitat will be required as part of the terms and conditions (see uploaded terms and conditions). The remaining portion of the active pit (approximately 50 acres of disturbed habitat) will not be required to be fenced as the private land to the north and east is mostly disturbed and the area to the west becomes increasingly steep terrain near the pit. The 30 acres that will be required to be fenced will need the fence to bend at the end section into a u-shape (about 4 feet apart) at the points near the active pit to allow any tortoises walking the fence to be routed out of the active pit area. If the applicant chooses to phase the 30 acre

disturbance, any portion of habitat that is fenced will have to be cleared and scraped to avoid having tortoises attracted to the active area and increase risk of take. All tortoise clearance surveys and fencing must follow the US. Fish and Wildlife Service guidance.

Land Use Plan Conformance:

Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

LUP Name* NV - Las Vegas RMP Date Approved: October 5, 1998

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

Record of Decision (ROD) for the Approved Las Vegas RMP and Final Environmental Impact Statement (EIS). Objective MN-1, page 27 and Objective MN-1-k, page 29.

National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

EA # NV-053-2007-271. Signed July 5, 2007.

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Biological Opinion (BO) File No. 1-5-07-F-23R.3, Sec. & Log # NV-052-07-264.

Biological Opinion (BO) File No. 84320-2010-F-0365.R002.

NEPA Adequacy Criteria:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The proposed action is to issue mineral material sales contract for the Henderson Community Pit. The proposed action would not create any disturbance that was not previously analyzed in the existing NEPA documents. BLM resource specialists reviewed the proposed action to the original EA (EA # NV-053-2007-271) analysis and found the resource conditions have not changed from those analyzed and the existing NEPA analysis is sufficient for the proposed action. The asphalt batch plant, though not specifically identified in the original EA, is similar to the processing

equipment described in the original EA and will occupy an area, within the eighty acres analyzed in the original EA for use by processing equipment..

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource value?

Yes, the EA contained a proposed action and a no-action alternative. There are no new concerns, interests, or resource values in the proposed action that were not addressed in the original EA.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessments, recent endangered species listings, updated lists of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

It is reasonable to conclude that there would be no substantial change to the analysis of the proposed action. There are no new standards, listings, or changes to the mineral material operations that would require additional analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

This proposed action is to issue contracts for mineral materials that exist under the surface of lands, in the Henderson Community Pit, previously analyzed under an existing NEPA document. The eighty acres that are proposed to be affected by this action were analyzed by the existing NEPA, there are no new qualitative or cumulative effects.

5. Are there public involvement and interagency reviews associated with existing NEPA document(s) adequate for the current proposed action?

There was no public review of the existing EA document (EA # NV-053–2007–271). The internal and interagency review for the original NEPA document remains adequate for the current proposed action because conditions have not changed, all operations will be conducted within the eighty acres of land analyzed in the existing EA. The action is the same, a renewal of the existing action with the addition of a batch plant that would have been analyzed as processing equipment in the original EA.

Cooperating Agencies:

There were no agencies consulted with for the current proposed action as the existing EA consulted with and would still remain valid for:

Clark County Department of Comprehensive Planning; Clark County Department of Air Quality and Environmental Management; Clark County Public Response; Robert Hall (Nevada Environmental Coalition); Nevada State Clearing House (Department of Administration); Scott Melder; Nevada Department of Wildlife Southern Region; Vicki G. Mayes (City Manager of the City of Boulder City); Bruce L. Woodbury (Commissioner).

BLM Staff Consulted:

Table 1. List of Preparers

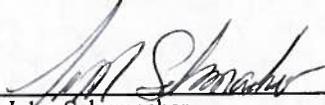
Name	Role	Discipline
John Schumacher	NEPA Project Creator, Author, Editor, Reviewer, Team Lead, Project Administrator	Natural Resource Specialist
Evan Allen	Reviewer, Author, Editor	Geologist
Melanie Cota	Reviewer, Author, Editor	Biologist
Kirsten Cannon	Public Affairs, Author, Editor	Public Affairs
Ben Klink	Reviewer, Author, Editor	Weeds Specialist
Susan Farkas	Reviewer, Author, Editor	NEPA Coordinator
Lee Kirk	Reviewer, Signer	Acting NEPA Coordinator
Ashley Holcomb	Reviewer, Author, Editor	Natural Resource Specialist
Sean McEldery	Reviewer, Author, Editor	Fuels/Fire Management Specialist
Stanley Plum	Reviewer, Author, Editor	Archaeologist
Joel Klosterman	Reviewer, Author, Editor	Outdoor Recreation Planner
Fred S. Edwards	Reviewer, Author, Editor	Botanist
Katherine E. Kleinick	Reviewer, Author, Editor	Biologist, Botanist
Randy Kyes	Reviewer, Author, Editor	Wilderness Specialist
Lisa T. Christianson	Reviewer, Author, Editor	Air Quality Specialist
Boris Poff	Reviewer, Author, Editor	Hydrologist
Krystal Johnson	Reviewer, Author, Editor	Wild Horse & Burro Specialist
Kerri-Anne Thorpe	Reviewer, Author, Editor	Realty Specialist
Mark Slaughter	Reviewer, Signer	Acting Field Manager

Note:

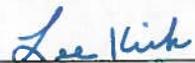
Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion and Signatures:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirement of NEPA.



John Schumacher
Project Lead,
Natural Resource Specialist for Minerals



Lee Kirk
Acting NEPA Coordinator



Mark Slaughter
Acting Assistant Field Manager,
Division of Resources

12/17/14
Date

Note:

The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Decision Record

Henderson Community Pit, East, Contracts

Decision:

BLM will renew mineral material activities by the current operator, F2M, and any future operator who may apply, within a portion of the Henderson Community Pit that was analyzed by EA NV-053-2007-271 in 2007.

Rationale:

1. This decision of the current proposed action is consistent with the approved Las Vegas Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) and Record of Decision (ROD) approved October 5, 1998, as it will provide for the orderly exploration and development of valuable minerals on a Federally owned mineral estate consistent with the Las Vegas RMP and ROD.
2. The current proposed action is similar to an alternative analyzed in the existing Environmental Assessment (EA NV-053-2007-271) and is within the same analysis area.
3. The range of alternatives of analyzed in EA NV-053-2007-271 is appropriate with respect to the current proposed action and any new information or circumstances would not substantially change the analysis of the new proposed action.
4. Direct, indirect, and cumulative effects that will result from implementation of the new proposed action area are similar (both quantitatively and qualitatively) to those analyzed in EA NV-053-2007-271 and public involvement and interagency reviews associated with the EA NV-053-2007-271 is adequate for the current proposed action.

Mitigation Measures:

Mitigation will be provided for in the proposed action. All recommended mitigation measures contained within EA NV-053-2007-271, DOI-BLM-NV-S010-2014-0149-DNA and the attached Terms and Conditions in Appendix A of DOI-BLM-NV-S010-2014-0149-DNA shall become stipulations and shall be implemented to reduce impacts.

Finding:

Based on the attached Environmental Assessment (EA NV-053-2007-271), which includes a Finding of No Significant Impact (FONSI) and Decision Record, and the attached Determination of NEPA Adequacy (DNA) (DOI-BLM-NV-S010-2014-0149-DNA), I have determined that the EA NV-053-2007-271 is adequate, and that the impacts are not expected to be significant.

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 3601.80, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a

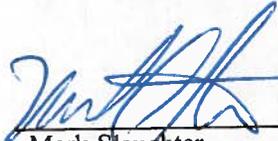
stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to Interior Board of Land Appeals and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

Standards for obtaining a Stay

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

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

Authorizing Official:



Mark Slaughter
Acting Assistant Field Manager
Division of Resources
Las Vegas Field Office

12/17/14
Date

Contact Person

For additional information concerning this Finding, contact:

John Schumacher, Natural Resource Specialist
Las Vegas Field Office
4701 N. Torrey Pines Dr.
Las Vegas, Nevada, 89130
702-515-5072, jschumacher@blm.gov

Case Number: N-83045-01

NEPA Project #: DOI-BLM-NV-S030-2014-0149-DNA

Sec. 7 Log #: **NV-052-15-020**

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

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

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

Terms and Conditions:

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

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

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

1.b. Authorized desert tortoise biologist—Required to be onsite to relocated any tortoises that enter the work area during clearance survey and during tortoise fence installation.

All authorized desert tortoise biologists (and monitors) are agents of BLM and the Service and shall report directed to BLM and the proponent concurrently regarding all compliance issues and take of desert tortoises; this includes all draft and final reports of non-compliance or take. The initial draft report shall be provided to BLM and Service within 24 hours of the observation of take or non-compliance.

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

1. c. Authorized desert tortoise biologists, monitors, and the FCR (see Term and Condition 1.a.) shall be responsible for ensuring compliance with all conservation measures for the project. This responsibility includes: (1) enforcing the litter-control program; (2) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (3) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously-disturbed areas or designated areas; (4) ensuring that all vehicles associated with construction activities remain within the proposed construction zones;

(5) ensuring that no tortoises are underneath project vehicles and equipment prior to use or movement; (6) ensuring that all monitors (including the authorized desert tortoise biologist) have a copy of the required measures in their possession, have read them, and they are readily available to the monitor when on the project site.

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

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

An authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related field. The biologist must have demonstrated prior field experience using accepted resource agency techniques. As a guideline, Service approval of an authorized biologist requires that the applicant have at least 60 days project experience as a desert tortoise monitor. In addition, the biologist shall have the ability to recognize and accurately record survey results and must be familiar with the terms and conditions of the biological opinion that resulted from project-level consultation between BLM and the Service. All tortoise biologists shall be familiar with the field manual (Service 2009).

Potential authorized desert tortoise biologists must submit their statement of qualifications to the Service's Nevada Fish and Wildlife Office in Las Vegas for approval, allowing a minimum of 30 days for Service response. The statement form is available on the internet at: http://www.fws.gov/nevada/desert_tortoise/auth_dt_form.htm.

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

1. d. *Desert tortoise monitor*—A monitor is required to be onsite during all fence repairs requiring heavy equipment.

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. An authorized desert tortoise biologist and desert tortoise monitor will escort or clear ahead of vehicles and equipment for ROW travel. The escort will be on foot and clear the area of tortoises in front of each traveling construction equipment group (see *Desert tortoise clearance*). The escort will use a recreational vehicle with

ground visibility (*e.g.*, UTV); however, at least one authorized desert tortoise biologist and one desert tortoise monitor must ride together and survey both sides of the vehicle. The speed/pace will be determined by an authorized desert tortoise biologist and shall be slow enough to ensure adequate inspection.

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.

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, project- and non-project-related activities on all access roads that intersect the ROW will be monitored and logged. During construction, the ROW will be fenced at public roads that intersect the ROW. Signs will say that access on the ROW is strictly prohibited except by authorized personnel and that violators will be prosecuted.

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.

Penning shall be accomplished by installing a circular fence, approximately 20 ft in diameter to enclose and surround the tortoise burrow. The pen should be constructed with 1-inch horizontal by 2-in vertical, galvanized welded wire. Steel T-posts or rebar should be placed every 5 to 6 ft to support the pen material. Pen material will extend 18 to 24 in aboveground. The bottom of the enclosure will be buried 6 to 12 in or bent towards the burrow, have soil mounded along

the base, and other measures implemented to ensure zero ground clearance. Care shall be taken to minimize visibility of the pen by the public. An authorized desert tortoise biologist or desert tortoise monitor shall check the pen at a frequency to ensure that the desert tortoise is secure and not stressed. No desert tortoise shall be penned for more than 48 hours without written approval by the Service. Because this is a new technique, all instances of penning or issues associated with penning shall be reported to the Service within 3 days (see Appendix E).

1.1. Temporary tortoise-proof fencing—Not required for this project.

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—Fencing of the 30 acres of undisturbed habitat is required prior to the time of expansion of operations into the undisturbed habitat. The 30 acres that will be required to be fenced will need the fence to bend at the end section into a u-shape (about 4 feet apart) at the point near the active pit to allow any potential tortoises walking the fence to be routed out of the active pit area. If the applicant chooses to phase the 30 acre disturbance, any portion of habitat that is fenced will have to be cleared and scraped to avoid having tortoises attracted to the active area and increase risk of take.

Tortoise-proof fencing shall be installed around the boundary of permanent aboveground facilities that require regular monitoring and maintenance and other areas as directed by the BLM or Service. Fence specifications will be consistent with those approved by the Service (Service 2009). Tortoise guards shall be placed at all road access points where desert tortoise-proof fencing is interrupted, to exclude desert tortoises from the facility. Gates shall provide minimal ground clearance and deter ingress by desert tortoises. Permanent tortoise-proof fencing along the project area shall be appropriately constructed, monitored, and maintained. Fencing shall be inspected in accordance with Table 15 and reports prepared in accordance with Term and Condition 7.c. unless modified by the Service. Monitoring and maintenance shall include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if not buried.

Table 15. Desert tortoise fence inspection requirements

Condition	Minimum Requirements
First week following fence installation; tortoises active	Inspect fence perimeter, tortoise guards, and gates twice per day, timed to occur when tortoises may be pacing the fenceline.

First week following fence installation; tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises active	Inspect fence perimeter, tortoise guards, and gates once per day.
Beginning the second week following fence construction, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates once per month.
Following major storm event, tortoises active	Inspect fence perimeter, tortoise guards, and gates within 48 hours.
Following major storm event, tortoises inactive	Inspect fence perimeter, tortoise guards, and gates within 72 hours.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises active	Repair within 48 hours of breach occurrence.
Breach in fence observed, tortoise guard or gate requires maintenance, tortoises inactive	Repair within 1 week of breach occurrence.

1.n. *Wildlife escape ramps*—Earthen plugs, with wildlife escape ramps on either side of the plug, will be provided in open trench segments at no greater than every 0.25 mi. These distances will be reduced if the FCR and authorized desert tortoise biologist determine that the plug/escape ramp spacing is insufficient to facilitate animal escape from the trench. Any tortoise that is found in a trench or excavation shall be promptly removed by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance. If the authorized desert tortoise biologist is not allowed to enter the trench for safety reasons, the alternative method of removal must have prior approval by the Service.

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 to this project.

If blasting is required in desert tortoise habitat, detonation shall only occur after the area has been surveyed and cleared by an authorized desert tortoise biologist. A 200-ft radius area around the blasting site shall be surveyed and all desert tortoises aboveground within this 200-ft radius of the blasting site shall be moved 500 ft from the blasting site, placed in unoccupied burrow, and temporarily penned (see Term and Condition 1.k.) to prevent tortoises that have been temporarily relocated from returning to the site. Tortoises in burrows would be left in their burrows. All burrows, regardless of occupied status, will be stuffed with newspapers, flagged, and location recorded using a GPS unit. Immediately after blasting, newspaper and flagging will be removed. If a burrow or coversite has collapsed which could be occupied, it shall be excavated to ensure that no tortoises have been buried and are in danger of suffocation.

1.q. *Power transmission projects*—Not applicable to this project.

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

1.r. *Timing of construction*—The BLM shall ensure that when possible, the project proponent schedules and conducts construction, operation, and maintenance activities within desert tortoise

habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 60 or greater than 95 °F).

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

RPM 2: Predator Control—Applies to all actions. *BLM, and other jurisdictional Federal agencies as appropriate, shall ensure their agency personnel, the project proponent, and their contractors implement the following measures to minimize injury to desert tortoises as a result of predators drawn to the project area from construction, operation, and minor maintenance activities:*

Terms and Conditions:

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

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

2.c. Monitoring and predator control—Not required for this action.

2.d. Evaporation ponds and open water sources—BLM will ensure that the ponds are not available to ravens and other predators. Tortoise-proof fencing should be installed to prevent tortoises from entering the ponds.

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—As required by BLM Resource Specialist, 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 if pit is no longer in use. 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—Required for this project. As proposed, this project will disturb 30 acres of desert tortoise habitat; therefore, remuneration fees of \$25,080 are required 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—required for this project.

Quarterly reports (January-March, April-June, July-September, and October –December) for monitoring and repair of tortoise-proof fencing as specified in Table 15, shall be submitted to the Service’s Nevada Fish and Wildlife Office in Las Vegas. Reports are due within the first 30 days following each quarter (e.g., the report for quarter January-March is due April 30).

7.d. Project reporting requirements— Project proponents will provide BLM with compliance reports. Quarter (non-appended actions), annual, and comprehensive final project reports will be submitted to BLM and the Service’s Nevada Fish and Wildlife Office in Las Vegas. Annual reports are required for all appended actions (except those completed and provided in a prior annual report). Annual reports will cover the calendar year and are due April 1st of the following year (e.g., the annual report for calendar year 2013 is due April 1, 2014). Quarterly reports for non-appended actions are due 15 calendar days following the quarter. Final project reports are due within 60 days following completion of the project or each phase of the project.

The Programmatic Biological Opinion Report to the Fish and Wildlife Service (Appendix G) will be used for quarterly, annual, and final project reports, and shall include all Desert Tortoise Handling and Take Reports (Appendix E). If available, GIS shape files will be included.

7.e. Operation and maintenance—A written assessment report shall be submitted annually to the Service outlining the operation and maintenance activities that occurred over the past year.

Report to include: It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report. The report is due April 1 of each year.

7.f. Restoration monitoring—Vegetation restoration success shall be monitored by project proponent and reported to BLM and the Service. Monitoring will include both qualitative and quantitative data collection and analysis. Monitoring frequency and parameters for restoration success will be described in the required restoration/reclamation plan.

8: Minimization Measures

8.a. The project applicant shall notify BLM wildlife staff at 702-515-5000 at least 10 days before initiation of the project. Notification shall occur before any activities begin that will damage or remove vegetation, such as off-road vehicle travel for surveys, soil testing, and clearing vegetation off the project site. The purpose of the notification is to ensure that the

proper education program is given and to review expectations for compliance with the terms and conditions of the biological opinion.

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

8.e. Tortoise -proof fencing – Projects will require desert tortoise exclusion fencing in Areas A and B unless BLM and the Service determine that the project should not be fenced (e.g., powerlines, pipelines, and some roads). The fence may be permanent or temporary, as determined on a case-by-case basis. Fenced projects will require an initial tortoise clearance of the fenceline prior to fence construction, and a tortoise clearance (removal) within the fenced area following fence construction as described in the Desert Tortoise Field Manual (Service 2009).

An authorized desert tortoise biologist shall be onsite during construction of the tortoise-proof fence to ensure that no tortoises are harmed unless determined unnecessary by BLM and the Service. Any desert tortoises or eggs found in the fenceline will be relocated offsite by an authorized desert tortoise biologist in accordance with approved protocol (Service 2009). Tortoise burrows that occur immediately outside the fence alignment that can be avoided by fence construction activities shall be clearly marked to prevent damage to the burrow.

Following fence construction and prior to start of project activities within the fenced area, all desert tortoises shall be removed from the site. An authorized desert tortoise biologist shall oversee the survey for and removal of tortoises using techniques providing 100-percent coverage of all areas. All desert tortoise burrows and other species burrows, which may be used by tortoises, will be examined to determine occupancy of each burrow by desert tortoises. Tortoise burrows shall be cleared of tortoises and eggs, and collapsed. Any desert tortoise or eggs in the fenced area will be removed under the supervision of an authorized desert tortoise biologist in accordance with Service protocol (Service 2009).

On phased development projects, the operator will have the option of initially fencing less than the total project acreage. The fenced area will be enlarged as the disturbance expands.

Inspection of exclusion fencing: The project proponent or operator shall be responsible for inspecting the fencing in accordance with Service requirements (Term and Condition 1.m.). Maintenance and repairs shall be performed promptly including removal of trash, sediment accumulation, tumbleweeds and other debris against the fence and restoration of zero ground clearance between the ground and the bottom of the fence, including recovering the bent or buried portion of the fence if not buried. A log shall be maintained to document dates of inspections, condition and issues observed, and date issues were resolved. The log shall be provided to BLM with project reports.

Removal of exclusion fencing: Temporary fencing shall be removed at the end of the construction activity. Permanent fencing may be removed upon termination and reclamation of the project, or when it is determined by BLM and the Service that a fence is no longer necessary.

Exclusion fencing along highways: Fencing should be installed to allow tortoises to use adequately sized culverts to cross under the road. During project design, the proponent and BLM will identify: 1) culverts that may serve as movement corridors underneath the road; 2) modifications that will be needed for culvert use by desert tortoises; and 3) locations suitable

for installation of culverts at a future date, should it be determined necessary, and provide to the Service in writing.

8.f. 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.g. 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).

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:

Project Name: Henderson Community Pit East Mineral Contracts	Report Date:
NEPA No.: DOI-BLM-NV-S030-2014-0149-DNA	
Case File No./SRP No.: N-83045-01	
BLM Section 7 log no.: NV-052-15-020	
Fish and Wildlife Service Append File No.- 84320-2010-F-0365. R003	
Authorized Desert Tortoise Biologist: _____	
Employed by: _____	
Section 1: Complete all information below if a desert tortoise is injured or killed in addition to initial contact described above.	
If tortoise was injured or killed (check appropriate box):	
Date and time found: _____	
Found by: _____	
GPS location (NAD 83): easting: _____ northing: _____	
No. of photos taken: _____	
Disposition: _____	

Attach report with photos that describe in detail, the circumstances and potential cause of injury or mortality. For injuries include name of veterinarian and detailed assessment of injuries.	

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

<p>Section 2: Complete all information below for each desert tortoise handled.</p> <p>All instances of desert tortoise handling must be reported in this section and be included in the quarterly, annual, and final project report</p> <p>Desert tortoise number: _____</p> <p>Date and time found: _____ Sex of tortoise: _____</p> <p>Air temperature when found: _____ Air temperature when released: _____</p> <p>Tortoise activity when found: _____</p> <p>Handled by: _____ Approx. carapace length _____</p> <p>GPS location (NAD 83) found: easting: _____ northing: _____</p> <p>GPS location released: easting: _____ northing: _____</p> <p>Approximate distance moved: _____</p> <p>Did tortoise void bladder; if so state approximate volume and actions taken: _____</p> <p>_____</p> <p>_____</p> <p>Post handling or movement monitoring and observations: _____</p> <p>_____</p> <p>_____</p>
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<p>Section 3: Complete for each tortoise burrow penned.</p> <p>All instances of desert tortoise penning must be reported in this section and be included in the quarterly, annual, and final project report</p> <p>Date and time of pen construction:</p> <p>Began: _____ Completed: _____</p> <p>Date and time pen removed: _____</p> <p>Pen constructed by: _____</p> <p>Why was tortoise penned? _____</p> <p>How frequently was pen monitored? _____</p> <p>Observations of desert tortoise behavior including time and date of observation:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Include photos of pen and burrow with report.</p>
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APPENDIX F. SECTION 7 FEE PAYMENT FORM

Biological Opinion File Number:	84320-2010-F-0365.R003					
Biological Opinion Issued By:	Nevada Fish and Wildlife Office, Las Vegas, Nevada					
Species:	Mojave Desert Tortoise (<i>Gopherus agassizii</i>)					
Project Name	Henderson Community Pit East Mineral Contracts					
NEPA No.	DOI-BLM-NV-S030-2014-0149-DNA					
Case File/Serial #:	N-83045-01					
BLM Sec 7 log:	NV-052-15-020					
Project Proponent:	F2M and/or others					
Phone Number:						
Payment Calculations:	Clark County	_____ County			_____ County	
	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat	Critical habitat	Non-critical habitat

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

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

Project Name: Henderson Community Pit East Mineral Contracts

NEPA no.: DOI-BLM-NV-S030-2014-0149-DNA

Case File no./SRP no.: N-83045-01

BLM Section 7 log no.: NV-052-15-020

<input type="checkbox"/> Annual Report	<input type="checkbox"/> Project Completion Report
--	--

<input type="checkbox"/>

1. Date:

84320-

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

3. Species and critical habitat affected:

<input type="checkbox"/> Desert tortoise	<input type="checkbox"/> Desert tortoise critical habitat
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Other (identify):

4. Project/action status:

<input type="checkbox"/> Not begun	<input type="checkbox"/> In progress*	<input type="checkbox"/> Completed date	<input type="checkbox"/>
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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)

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