

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

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**Determination of NEPA Adequacy  
CenturyLink Underground Telephone Line at Shaumber Road  
DOI-BLM-NV-S010-2015-0145-DNA  
N-93814**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management  
4701 N. Torrey Pines Dr.  
Las Vegas, Nevada 89130  
702-515-5000



## Introduction

<b>BLM Office:</b>	Las Vegas Field Office 4701 N. Torrey Pines Dr Las Vegas, Nevada 89130	<b>Serial Number:</b>	N-93814
		<b>NEPA Number:</b>	DOI-BLM-NV-S010-2015-0145-DNA
		<b>Tiered from EA Number:</b>	EA-2014-0036

### Introduction

<b>Title/Type of Project:</b>	CenturyLink underground telephone line for Shaumber road relocation
<b>Location:</b>	West of the Clark County 215 Beltway, from W Washburn Rd. to W Centennial Pkwy in Las Vegas, NV  Mount Diablo Meridian, Nevada  T. 19 S., R. 59 E., sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  T. 19 S., R. 59 E., sec 36, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .
<b>Applicant Name:</b>	Central Telephone Company d/b/a CenturyLink

### Description of Project

CenturyLink has applied for a 10 ft wide and approximately 6,850 ft long ROW to install new underground telephone facilities. The new installation will consist of approximately 6,850 ft of two 4-inch PVC conduit, inner-duct, and cable. There will also be a total of ten (10) new 3'x4'x5' pull boxes installed along the ROW.

The ROW is necessary to facilitate distribution of voice and data services for present and future customers along the Shaumber Road realignment.

Construction crew (4 to 6 persons) with 2 or 3 trucks and backhoe, adhering to local and state regulations including traffic control and flagging (if necessary) to trench and install the conduit and cable, pull box and manhole. Construction contractor is to address and implement dust abatement as required by Air Quality Regulation(s). Excavated soil from the trenching operation will be used to back fill the trench with the remaining excess soil (should there be any) distributed immediate to the trench area. All work is to be done within the right-of-way grant boundaries and concurrent with the road construction.

### Applicable Mitigation Measures from Original NEPA Document

- Comply with any City and County dust control ordinance or permits in place at the time of construction. Ensure dust control permit is obtained through Clark County Dept. of Air Quality (DAQ) for all construction and/or soil disturbing activity of .25 acres or greater, in the aggregate and ensure stipulations are in compliance for the duration of the project.
- Fire restrictions are generally enacted May through October. Compliance with fire restrictions is mandatory while fire restrictions are in effect. 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). 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. Conditions that support wildland fire spread can occur any time of the year in Southern Nevada. In general and when fire restrictions are not in effect, use standard fire

prevention measures and best management practices to prevent fires. Minimize wildfire risk to assets or infrastructure where needed by maintaining a wildfire defensive space.

- If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can be removed from the ROW.
- 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 of these species. Continue to apply best management practices to prevent the spread of weeds and report any new noxious weed infestations to the BLM weed coordinator (702-515-5000).
- The section 7 consultation for this project is covered under the current Programmatic Biological Opinion (84320-2010-F-0365.R003) contingent on compliance with the terms and conditions. Terms and conditions and minimization measures in the Biological Opinion will be included with the ROW grant and contain measures to avoid and minimize potential impacts, including take, to desert tortoise.
- 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.
- 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.

## Land Use Conformance

Land Use Plan: Las Vegas Resource Management Plan

Date Approved: October 1998

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## Land Use Conformance Summary

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) and, if applicable, implementation plan decisions:

- *Lands Management Objective: LD-2.* All public lands within the planning area, unless otherwise classified, segregated or withdrawn, and with the exception of Areas of Critical Environmental Concern and Wilderness Study Areas, are available at the discretion of the agency, for land use leases and permits under Section 302 of Federal Land Policy and Management Act and for airport leases under the authority of the Act of May 24, 1928, as amended.

- *Management Direction:* Land use lease or permit applications and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable.
- *Rights-of-Way Management Objective:* RW-1. Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.
  - *Management Direction:* RW-1-h. All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.

## NEPA Document(s)

NEPA Document: DOI-BLM-NV-S010-2014-0036-EA

Date Approved: 11/10/2014

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The referenced Environmental Assessment was prepared in compliance with the National Environmental Policy Act (NEPA) and the Bureau of Land Management NEPA Handbook H-1790-1 to evaluate the construction and operation of the Shaumber Road realignment and improvements. The document analyzed the potential effects of issuing rights-of-way for road construction within the valley disposal boundary, which was previously analyzed under the Las Vegas Valley Disposal Boundary Environmental Impact Statement (FES 04-048) and Record of Decision signed December 23, 2004. The new proposed action is a feature of the selected action as approved in the decision record as this action will occur within the existing right-of-way grant (N-90154) boundaries and concurrent with the approved Shaumber Road realignment road construction.

## NEPA Adequacy Criteria

### Similar Action Analysis

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?

Yes, the new proposed action is within the same analysis area and is essentially similar to the proposed project as described in section 2.2 and analyzed in DOI-BLM-NV-S010-2014-0036-EA.

### Range of Alternatives

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, resource values and circumstances?

Yes, the range of alternatives analyzed in the existing NEPA document is appropriate with respect to the new proposed action given current circumstances as this action will occur within the boundary of the analyzed area in DOI-BLM-NV-S010-2014-0036-EA.

## Existing Analysis

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

Yes, the BLM Las Vegas Field Office staff reviewed the proposed action and found that the existing analysis is valid.

## Direct, Indirect, and Cumulative Effects

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?

Yes, the direct, indirect, and cumulative effects that would result from implementation of the new proposed action are similar to those analyzed in chapter 4 of the existing NEPA document.

## Public Involvement

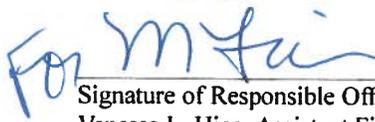
Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

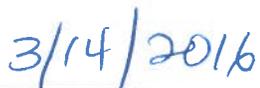
Yes, public involvement and interagency review associated with the existing NEPA document is adequate for the current proposed action. Consultation and internal scoping and coordination were carried out with federal, state, and local agencies and interested parties. The proposed project was analyzed by resource specialists for air quality, cultural resources, water resources, hydrology, minerals, noxious weeds, plant and animal species, wilderness, vegetation, visual, and other resource issues.

## Conclusion

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 constitute BLM's compliance with the requirements of NEPA.

  
\_\_\_\_\_  
Signature of NEPA Coordinator

  
\_\_\_\_\_  
Signature of Responsible Official  
Vanessa L. Hice, Assistant Field Manager Division of Lands

  
\_\_\_\_\_  
Date

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.

Case Number: N-93814  
NEPA Project #: DOI-BLM-NV-S010-2015-0145-DNA  
Sec. 7 Log #: NV-052-16-006

**TERMS AND CONDITIONS for ROWs: BO File No. 84320-2010-F-0365.R003**

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 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 tortoises 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*—Not required for this project.
- 1.i. *Desert tortoise in harm's way*—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.d.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.

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*—Not required for this project.
- 3.b. *Restoration plan*—Not required for this project.
- 3.c. *Minimizing new disturbance*—Cross-country travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the designated areas and new disturbance will be restricted to the minimum necessary to complete the task (*e.g.*, such as construction of one-lane access roads with passing turnouts every mile rather than a wider two-lane road).  
  
All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.
- 3.d. *Weed prevention*—Vehicles and equipment shall be cleaned with a high pressure washer prior to arrival in desert tortoise habitat and prior to departure from areas of known invasive weed and nonnative grass infestations to prevent or at least minimize the introduction or spread these species.
- 3.e. *Chemical spills*—Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed at an approved landfill site.
- 3.f. *Residual impacts from disturbance*—No fees are required as no new disturbance is occurring.

**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.

## 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: CenturyLink Underground Telephone Line for Shaumber Road Relocation NEPA No.: DOI-BLM-NV-S010-2015-0145-DNA Case File No./SRP No.: N-93814 BLM Section 7 log no.: NV-052-16-006	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 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: CenturyLink Underground Telephone Line for Shaumber Road Relocation

NEPA no.: DOI-BLM-NV-S010-2015-0145-DNA

Case File no./SRP no.: N-93814

BLM Section 7 log no.: NV-052-16-006

Annual Report

Project Completion Report

1. Date: \_\_\_\_\_

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

3. Species and critical habitat affected:

Desert tortoise

Desert tortoise critical habitat

Other (identify): \_\_\_\_\_

4. Project/action status:

Not begun     In progress\*     Completed    date \_\_\_\_\_

If in progress, state approximate percent complete: \_\_\_\_\_

5. Desert tortoise habitat disturbed:

Non-critical habitat		Critical habitat	
Proposed disturbance (ac)	Actual disturbance (ac)	Proposed disturbance (ac)	Actual disturbance (ac)
0.0		0	

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

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

	Desert Tortoise:		
	Adults	Juveniles	Eggs
Exempted			
Actual			

Describe other individuals taken:


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

9. Describe all non-compliance issues and events.

10. Desert tortoise burrow observed during activity/event:

Total number desert tortoises observed: \_\_\_\_\_

Total number desert tortoise burrows observed: \_\_\_\_\_

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

11. Contact Information

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

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

Send completed form to:

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