



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
<http://www.nv.blm.gov>



In Reply Refer To:
N-82831
3600
NV-053

Dear Interested Party:

The Bureau of Land Management, Las Vegas Field Office, is evaluating the sale of mineral materials. The materials would be sold by competitive sale from the Cactus Springs Community Pit. The sites are located in T. 16 S., R. 55 E., section 12, S2NWSE, SWSE, Clark County, Nevada. I have attached a copy of Environmental Assessment NV-053-2007-065 for your review. The EA analyzes the impacts of the proposed sales. If you have any comments please forward them to this office no later than March 5, 2007.

If you have questions concerning the proposed sale contact Edward Seum at (702) 515-5070.

Sincerely,

Mark R. Chatterton
Assistant Field Manager
Nonrenewable Resources

1 Enclosure
1. EA

LAS VEGAS FIELD OFFICE

**ENVIRONMENTAL ASSESSMENT
NV-053-2007-065
NEVADA**

**43 CFR 3600
MINERAL MATERIAL SALES
N-82830, N-82831**

**PREPARED BY THE
BUREAU OF LAND MANAGEMENT
January 2007**

I. Introduction

The Act of July 31, 1947, as amended (30 U.S.C. 601 et seq.) gives authority for the disposal of mineral materials from public lands of the United States. Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) directs the Secretary to manage public lands under the principles of multiple use and sustained yield in accordance with land use plans developed under the act.

The 43 CFR 3600 regulations establish procedures for the exploration, development and disposal of mineral material resources under contract or permit for sale or free use. Activities occurring on public lands are subject to all Federal, State and local regulations concerning health and safety. Zoning laws or ordinances do not apply to federally managed lands.

II. Need for the Proposed Action

The project is located in the Cactus Springs Community Pit in T. 16 S., R. 55 E., section 12, S2NWSE, SWSE, Clark County, Nevada. The BLM has had a number of requests for materials in this area. To answer this need the BLM has decided to do a competitive sale on two lots of mineral materials. Purchase of the materials from the BLM would allow companies to meet the demands of the market. Materials are not available on private lands. Mineral material sales may be made as long as the aggregate damage to public lands and resources would not exceed the benefits derived from the proposed sale. The proposed action is in conformance with Federal Regulations and Bureau Policies. The action is in conformance with the Las Vegas Resource Management Plan signed October 1998.

A. Proposed Action and Alternatives

Proposed Action

This area was the site of a previous negotiated sale (N-61937) in 1998, which was never mined. The BLM would hold a competitive sale of mineral materials on two (case file numbers N-82830, N-82831) parcels of public land. Each parcel would contain 30 acres. Both parcels are adjacent to one another (see attached map).

Under competitive sale regulations each contract would be awarded to the high bidder. The sales would be for 500,000 tons of sand and gravel from each parcel for a total of One million tons. Each contract would have a five year expiration date with the possibility for renewal, from an area west of Cactus Springs, Nevada (See Maps). Access will be by existing roads.

Anticipated operations on the two parcels may include the following:

Materials would be mined by the open pit method. Materials would be ripped by dozer. Loaders would be used to place the materials onto processing equipment. Processing equipment would at a minimum consist of screens and beltlines. It is possible that wash plants might also be used. Once materials are processed they would be loaded onto haul trucks and leave the site.

Pits would be mined to about 25 feet deep and have 2.5h:1v side slopes. These slopes would be

maintained during the operations and left at reclamation.

A short access road would have to be constructed from Highway 95. The road would be approximately 30 feet wide.

The winning bidder would have to find their own water supply and obtain any approvals needed for its use. Wells could only be installed if a water right is granted by the State Water Engineer.

Access to the sites will be by the existing highway. Ingress and egress from the highway may require an encroachment permit from the Nevada Department of Transportation.

A bond, based on the cost to reclaim each site, is required as part of the contract process.

Reclamation would include removal of all equipment and any foundations; sloping of the pit walls (at least 2.5h:1v) for visual and safety purposes; elimination of any stockpiled materials; ripping of any compacted areas; use of any fines or available topsoil as a growth medium and seeding with a native mixture. In addition, cacti and yucca would be salvaged prior to mining and be placed in a nursery for use in future reclamation.

Should wells be drilled then they must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code.

B. "No-Action" - Alternative

Under this alternative there would be no affects on the environment. No mining would take place and no resources would be affected. This alternative would be preferred only if undue or unnecessary degradation were shown likely to occur to a resource during the scoping process.

III. Affected Environment

In July of 1998 a FONSI was signed for EA-NV-053-98-006 which assessed the potential impacts of a mineral material sale in this area. Relevant information from EA-NV-053-98-006 on the affected environment is being incorporated into this document. The following discussion on the affected environment concerns those areas for which mitigation has not completely removed the impacts to the environment.

A. Declaration of No Effects

The area under consideration would not affect any Areas of Critical Environmental Concern, prime or unique farm lands, Native American Religious Concerns, hazardous or solid wastes, drinking or ground water, wetlands or riparian zones, recreation, wild and scenic rivers, designated wilderness or environmental justice.

B. Proposed Action

The area to be disturbed is located west of Cactus Springs, Nevada within the legal location of T.

16 S., R. 55 E., section 12, S2NWSE, SWSE, Clark County, Nevada. Mineral materials from 60 acres would be sold by competitive sale to the highest bidder.

The project area is located approximately one mile to the west of approximately 74 acres of private lands making up the unincorporated site of Cactus Springs. The private lands are designated for residential and commercial uses. There are several residences, buildings for business and a Pagan temple (Goddess Temple of Sekhmet) located on these lands.

The project is on an alluvial fan ranging from 3250 to 3280 feet. Soils are mapped as falling into the Corncreek - Haymont association. The Corncreek is an extremely gravelly fine sandy loam while the Haymont is a silt loam. The soils are derived from limestone and dolomitic materials.

Local vegetation consists mainly of creosote and white bursage. Other species include Mormon tea, shadescale and range ratany. Plant inventories for the site were completed in September of 1997 and again in April of 1998. No weeds, listed or sensitive species were found during the surveys. The action would not affect any riparian areas, the closest being over 1.5 miles to the east at Cactus Springs.

The area supports various species of birds, small mammals, rabbits, coyotes and reptiles. The area is desert tortoise habitat. Biological surveys completed on the area shows that it supports low densities of tortoise. The desert tortoise is listed as a threatened species by the U.S. Fish and Wildlife Service. The area was not found to support Gila monsters.

The BLM Archaeologist conducted an existing data review of the proposed area of potential effect (APE). In 1998, the APE was inventoried for cultural resources to comply with Section 106 of the National Historic Preservation Act (NHPA). Refer to BLM Cultural Resource report 5-2360. No historic properties, that is, those sites that are listed in or eligible for listing in the National Register of Historic Places (NRHP) are located within the APE; no further evaluation is required.

Regarding Native American consultation, the Western Shoshone Nation protested the proposed mineral sale when it was first analyzed in 1997. The Environmental Assessment (EA) contains a letter from the Corporation of Newe Sogobia (Western Shoshone Nation) dated 29-Dec-97, signed by Jack C. Orr. The BLM sent certified letters dated 08-Apr-98 to several Western Shoshone (Corbin Harney, Jack Orr, and Raymond Yowell) asking that any comments or concerns be submitted to the BLM by 10-May-98. In response, Mr. Orr (Corporation of Newe Sogobia) sent a letter dated 27-Apr-98 to the BLM requesting an independent review of BLM cultural report 5-2360. Mr. Orr states, "...this letter is to officially register our concerns with your cultural resource inventory and your compliance with U.S. Federal Law...[and] to notify you that we at the WSNC [Western Shoshone National Council] and CNS still have concerns about the project." Mr. Orr's letter does not mention any specific concerns that could be addressed by the BLM in the EA.

In 1998, the Shundahai Network on behalf of the Western Shoshone Nation/Newe Sogobia sent a

letter to the Interior Board of Land Appeals (IBLA) appealing the proposed undertaking; however, in 2004 the IBLA “affirmed” the BLM’s decision.

This action falls within a VRM Resource Management Class III area. The objective of this class is to partially retain the existing character of the landscape. Level of change to the landscape can be moderate. Management activities may attract attention, but should not dominate the view of the casual observer. Change should repeat the basic elements found in the natural landscape – form, line, color, and texture.

The project area falls within the Indian Springs Valley Airshed. The airshed encompasses 449,200 acres (655 square miles) in Clark, Lincoln and Nye Counties. The airshed is currently managed for Prevention of Significant Deterioration.

C. "No-Action" - Alternative

No mining would take place under this alternative. There would be no additional effects on the environment.

IV. Environmental Consequences and Mitigating Measures

A. Proposed Action

Environmental Consequences

The area is located in the Indian Springs Valley Airshed which is currently managed for Prevention of Significant Deterioration. Air quality would be degraded temporarily. Dust would be generated during mining and reclamation. Building, upgrading and travel over existing roads by heavy equipment would also generate dust. The completion of activities would prevent further additions of dust. The winning bidder for each parcel would have to obtain an air quality permit from the Clark County Department of Air Quality & Environmental Management.

Wildlife inhabiting the project area would be displaced during the life of the operation. Reclamation of the site would give wildlife and vegetation a greater chance to reestablish over the long term. The community which reestablishes itself on the site would probably differ from the historic vegetation.

Burrowing mammals and reptiles occurring on the site may be killed during mining activities. However these species are generally common and widespread. Negative impacts would be minimal. Most other wildlife species would be temporarily displaced during mining and could possibly return to the site after reclamation is complete.

Historical survey data indicates that the area within and surrounding the project site is low density tortoise habitat. Since tortoises have been found in the vicinity and undisturbed habitat

exists in the project site, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or they may be harassed (being moved out of harm's way). This project will not affect any other federally listed species or designated critical habitat. Section 7 Consultation for this project is covered under the Programmatic Biological Opinion for Multiple Use Activities (1-5-97-F-251) contingent on compliance with the attached terms and conditions for Area C. This action may affect migratory birds. The proponent must comply with the Migratory Bird Treaty Act and avoid potential impacts to protected birds within the project area. A list of protected birds can be found at 50 C.F.R. 10.13.

Mining would remove all vegetation from the 60 acres. This could result in the establishment of noxious weeds if preventive measures are not taken. Plants could be salvaged and placed in a nursery for later use in reclamation. Native seed would also be required for use post mining to re-establish a vegetative cover.

The action will have an effect on visual resources. With proper mitigating measures, the project will meet Class III objectives. The pit itself will not attract the attention of the casual observer. However, potential associated structures may be seen, but should not attract attention.

Cumulative Effects

The action area associated with this project is the lands within the central portion of the Indian Springs Valley Airshed. This portion of the Indian Springs Valley Airshed contains approximately 247 square miles or 158,000 acres of land.

Private Lands: Private lands make up approximately 1,194 acres of the area. Approximately 1,121 acres of these lands are associated with the community of Indian Springs, Nevada. The other 73 acres are located in the unincorporated area known as Cactus Springs.

Not all of the private lands in Indian Springs are developed. The community is not exhibiting any signs of growth but it is possible that lands within the community will be developed to their full potential for housing, business or industrial uses. This will probably take place slowly over the next 10 to 15 years.

The lands in Cactus Springs are owned in two separate tracts. A northern tract of approximately 50 acres is designated for commercial use. An aerial photo of this tract dated 2003 shows four buildings fronting Highway 95. The southern parcel of approximately 23 acres is designated as residential. The aerial photo shows a house and three mobile homes on this tract. In addition there is a Pagan temple. Both parcels could be developed under these designations or be rezoned at some time in the future for other uses.

The BLM has designated 1,722 acres of public lands surrounding Indian Springs for disposal in the Las Vegas Resource Management Plan. There has been no current expression of interest by

the Indian Springs community to obtain these lands.

Public Lands: Certain actions on public lands, such as off-road vehicle use not associated with organized events, and dumping are difficult to control and may contribute to habitat destruction and degradation. These activities will increase as the development of private lands in the area increases.

There are currently eleven Nevada Department of Transportation (NDOT) material site rights-of-way located within the action area totaling approximately 600 acres. These material sites are used by NDOT for regional transportation projects such as constructing new roads or repairing existing ones. One of the material sites (Nev060530) is located adjacent to the proposed action. This site is fenced and has been mined in the past. Over the next 10 years it is probable that work will be required to improve or repair the State Routes in the area due to normal wear and the effects of weather. It is estimated that up to 100 acres may be mined from the various material sites for mineral materials needed for the improvements and repairs.

The BLM designated 1,722 acres of public lands adjacent to the community of Indian Springs for disposal. Currently there has been no request that the BLM go ahead with the disposal of these lands. It is reasonable to assume that some of these lands will be disposed of and developed within the next 10 years.

One utility corridor identified in the Las Vegas Resource Management Plan falls within the area. There are a number of existing power lines and other utilities traversing this area. Construction of another utility line in the corridor is currently being reviewed. Disturbances will be linear and will occur over short periods of time.

The Cactus Springs Community Pit was established in December of 2006. The pit is located in T. 16 S., R. 55 E., sections 11, S2SE, 12, SW, W2SE, 13, NWNE, N2NW, and 14, N2NE, Clark County, Nevada and contains 520 acres. No mining has taken place in the community pit to date. Under the proposed action 60 acres could be disturbed. Additional contracts could be issued over the next 10 years which would affect the more of the 520 acres.

There is the potential for additional sales in the project area, especially if sand and gravel mining is phased out in the Las Vegas Valley. In the next 10 years the BLM expects that as many as two additional mineral material sales (equivalent in size to the proposed action) might take place.

The additional sales are likely to take place in close proximity to the areas currently being evaluated in this EA. This is due to the quality and types of materials available and also to the fact that there is a well established and maintained road.

No mining claims exist in the area. No locatable minerals are known to exist within the action area. Lands withdrawn for military use are not expected to undergo development.

B. "No-Action" - Alternative

No change in the environment will occur under the "No-Action" alternative.

Proposed Mitigating Measures

1. The permittee shall obtain all of the necessary permits from the Clark County Department of Air Quality & Environmental Management. Any construction (including soil and rock excavation and hauling) on a site impacting an area equal to or greater than 0.25 acres requires issuance of a dust control permit (and Dust Plan) prior to commencement of any construction activity. In addition Section 94 Construction Handbook best management practices must be employed at all times. Information on Clark County Air Quality Regulations and fees may be obtained at http://www.accessclarkcounty.com/air_quality/regs_enforcement.htm.
2. Sources within the Prevention of Significant Deterioration (PSD) areas shall comply with all applicable provisions of Section 12 of the Air Quality Regulations pertaining to PM10 and CO. The permittee shall not exceed the emission limitations allowed under the permits issued. Failure to meet the emission limitations will be reason to suspend or revoke the authorization to remove mineral materials. The permittee shall agree to indemnify the United States against any liability arising from the release of dust on the permit area. This agreement applies without regard to whether a release is caused by the Holder, its agent or contractor, or unrelated third parties.
3. Applicable provisions of Section 45 pertaining to idling diesel trucks are to be implemented.
4. The permittee shall take measures to control fugitive dust (e.g. wet suppression, enclosures, etc.) at all material transfer points, stockpiles and throughout the facility. Each emission unit shall incorporate a water spray system and/or a baghouse to control emissions. The control units shall be maintained in good operating condition and be utilized at all times. Additional watersprays may be required at pertinent locations if an inspection indicates that opacity limits are being exceeded.
5. The permittee shall not operate equipment if the daily inspection indicates there is a significant drop in water flow rate, plugged nozzle, leak in the piping system or other problem which affects the efficiency of the water spray system. The permittee shall correct the problem before resuming operations.
6. The permittee shall not cause fugitive dust to become airborne without taking reasonable precautions and shall not cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property on which the emissions originate.
7. Unpaved haul roads shall be treated with chemical dust suppressant and/or watered as necessary so as not to exhibit an opacity greater than 20% for any three minutes in a sixty minute period. The permittee shall have the option of paving roads used for the project.
8. Screens, conveyors and loading operations shall not exhibit an opacity greater than ten percent for a period or periods aggregating more than three minutes in a sixty minute period.

9. All loaded trucks leaving the site shall be watered down and covered to reduce emissions of PM10. This condition applies to trucks regardless of whether they are owned and operated by the permittee.
10. Fugitive dust emissions from screens, crushers, conveyors, storage piles, transfer points and non-metallic mineral processing equipment not connected to baghouse controls shall be controlled by water sprays at emission points and/or maintenance of at least 2.5% moisture by weight in materials less than 3 inch in diameter.
11. During reclamation of the disturbed area, the permittee shall apply permanent dust abatement and control (e.g., rock mulch or other means) acceptable to the Authorized Officer.
12. Disturbed areas shall have a growth medium restored by ripping compacted areas to a depth of two feet, adding amendments as needed and maintaining proper seedbed preparation. Any remaining succulents on the sites shall be salvaged for later replanting. Areas shall be seeded with pure native seed and transplants shall be used, if available, to restore a vegetative community.
13. The operator/permittee shall be responsible for controlling all undesirable invading plant species (including listed noxious weeds and other invasive plants identified as undesirable by federal, state or local authorities) within the boundaries of their authorization area and Bureau-authorized ancillary facilities (e.g. access and utility corridors), including all operating and reclaimed areas, until revegetation activities have been deemed successful and responsibility released by the authorized officer. Control standards and measures proposed must conform to applicable state and federal regulations.
14. The operator shall use weed free seed for reclamation and for other organic products for erosion control, stabilization, or revegetation (e.g. straw bales, organic mulch) must be certified weed free. According to Nevada law (NRS 587.111), "all seed shipped to or sold within Nevada is to be free of noxious weed seeds".
15. Prior to any application of herbicide on public lands the operator shall have a current Pesticide Use Permit that outlines application methods, rates, weather constraints and the specific dates of applications. Stipulation 3 - The project proponent will coordinate project activities with the BLM Weed Coordinator (702-515-5000) regarding any proposed herbicide treatment. The project proponent will prepare, submit, obtain and maintain a pesticide use proposal (PUP) for the proposed action. Weed treatments may include the use of herbicides, and only those herbicides approved for use on Public lands by the BLM.
16. The operator/permittee is responsible for ensuring that all project related vehicles and equipment arriving at the site (including, but not limited to, drill rigs, dozers, support vehicles, pickups and passenger vehicles, including those of the operator, any contractor or subcontractor and invited visitors) do not transport noxious weeds onto the project site. The operator shall

ensure that all such vehicles and equipment that will be traveling off constructed and maintained roads or parking areas within the project area have been power washed, including the undercarriage, since their last off road use and prior to off road use on the project. When beginning off road use on the project, such vehicles and equipment shall not harbor soil, mud or plant parts from another locale. Depending on the site setting such as remoteness, or other site condition, the operator may be required to have an on-site wash area identified and readily available. If a noxious weed infestation is known or later discovered on the project site, project related vehicles or equipment that have traveled through such an infestation shall be power washed including the undercarriage prior to leaving the site, at an established, identified wash area. Wash water and sediment shall be contained in an adjacent settling basin. Should any vegetation emerge in the wash area or settling basin, it will be promptly identified and appropriately controlled if found to be an undesirable invasive plant.

17. Should undesirable invasive plants become established on developed areas prior to reclamation reshaping; appropriate measures will be taken to ensure that the invasive plants are eradicated prior to reclamation earthwork. Should undesirable invasive plants become established on reshaped areas prior to reclamation seeding; appropriate measures will be taken to ensure that invasive plants are eradicated prior to seeding the site.

18. To reduce visual impacts, the minimum number of sand/gravel and spoil piles shall be utilized. Where possible these stockpiles will be placed on the south side of the project area and shall be kept at as low a height as possible. Where possible, equipment shall be kept on the pit floor. All associated structures (i.e. tanks, scales, buildings) should be painted Carlsbad Canyon (Munsell Soil Color chart # 2.5Y 6/2) to blend with surroundings (this includes all metal surfaces). All tanks should be placed horizontally to lessen impact to existing line. As work is completed, rehabilitation of surface disturbance to reestablish natural vegetation, topographic contour and color shall be completed.

19. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

20. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.

21. If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

Terms and Conditions of Biological Opinion in Area C

File No. 1-5-97-F-251

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

1. Measures shall be taken to minimize take of desert tortoises due to project-related activities.

a. The Bureau, or their designee, shall provide a fact sheet to all foremen, workers, and other employees working on the project. The fact sheet will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of the biological opinion, and personal measures employees can take to promote the conservation of desert tortoises. The definition of "take" will also be explained. Workers are encouraged to carpool to and from project site. The fact sheet shall be approved by the Service prior to implementation.

b. A speed limit of 25 miles per hour shall be required for all vehicles on the project site and unposted dirt access roads.

c. During construction activities, tortoise burrows should be avoided whenever possible. If a tortoise is found onsite during project activities which may result in take of the tortoise (e.g., in harms way), such activities shall cease until the tortoise moves, or is moved, out of harms way. The tortoise shall be moved by either a qualified tortoise biologist or individual trained in the proper technique of handling and moving desert tortoises. All workers will also be instructed to check underneath all vehicles before moving such vehicles. *Tortoises often take cover under vehicles.*

d. A tortoise biologist shall not be required onsite during construction activities unless explicitly determined by the Bureau, or Bureau and Service, that an onsite biologist is necessary.

e. The Bureau must approve the selected consulting firm/biologist to be used by the applicant to implement the terms and conditions of this biological opinion or permit issued by the Bureau. Any biologist and/or firm not previously approved must submit a curriculum vitae and be approved by the Bureau before authorized to represent the Bureau in meeting compliance with the terms and conditions of this biological opinion. Other personnel may assist with implementing mitigation measures, but must be under direct field supervision by the approved qualified biologist.

In accordance with *Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise* (Service 1992), a qualified desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields as determined by the Bureau. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and tortoise sign, which should include a minimum of 60 days field experience. All tortoise biologists shall comply with the Service-

approved handling protocol (Desert Tortoise Council 1994, revised 1999) prior to conducting tasks in association with terms and conditions of this biological opinion. In addition, the biologist shall have the ability to recognize and accurately record survey results.

f. All project areas including construction sites, access routes, staging areas, and fencelines, will be cleared by a qualified biologist before the start of construction or ground disturbance. The parcel shall be surveyed for desert tortoise using survey techniques which provide 100-percent coverage. During the tortoise active season, the pre-construction clearance shall be no more than 3 days before initiation of construction. During the tortoise inactive season, the pre-construction clearance shall be within 5 days before work begins..

g. Desert tortoises encountered experiencing heat stress will be placed in a tub by a qualified tortoise biologist with one inch of water in an environment with a temperature between 76 degrees F and 95 degrees F for several hours, until heat stress symptoms are no longer evident.

h. Tortoises and nests found shall be relocated by a qualified tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1994, revised 1999). Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs.

i. Tortoises that are moved offsite and released into undisturbed habitat on public land, must be placed in the shade of a shrub, in a natural unoccupied burrow similar to the hibernaculum in which it was found, or in an artificially constructed burrow in accordance with Desert Tortoise Council (1994, revised 1999).

j. Desert tortoises moved during the tortoise inactive season or those in hibernation, regardless of date, must be placed into an adequate burrow. If one is not available, one will be constructed in accordance with Desert Tortoise Council (1994, revised 1999). During mild temperature periods in the spring and early fall, tortoises removed from the site will not necessarily be placed in a burrow.

k. ***The project will require desert tortoise exclusion fencing.*** Fences will tie in to any existing fencing adjacent to the project area. Fenced areas will require an initial tortoise clearance of the fenceline prior to fence construction. Project sites to be fenced with permanent tortoise-proof fencing must be fenced prior to the commencement of surface disturbance activities within the project site. Fencing will consist of 1-inch horizontal by 2-inch vertical mesh. The mesh will extend at least 18 inches above ground and, where feasible, 6 inches below ground. In situations where it is not feasible to bury the fence, the lower 6-12 inches of the fence shall be bent at a 90-degree angle towards the potential direction of encounter with tortoise and covered with cobble or other suitable material to ensure that tortoise or other animals cannot dig underneath, thus creating gaps through which tortoises may traverse. The height of tortoise-proof fencing will be a minimum of 18 inches above ground. The fence shall be inspected, and zero clearance maintained between the bottom of the fence and the ground.

l. If fence construction occurs during the tortoise active season, a qualified tortoise biologist shall be onsite during construction of the tortoise-proof fence to ensure that no tortoises are harmed. If the fence is constructed during the tortoise inactive season, a biologist will thoroughly examine the proposed fenceline and burrows for the presence of tortoises no more than 5 days before construction. Any desert tortoises or eggs found in the fenceline will be relocated offsite by a qualified tortoise biologist in accordance with approved protocol. Tortoise burrows that occur immediately outside of the fence alignment that can be avoided by fence construction activities shall be clearly marked to prevent crushing.

Following Fence Construction: Prior to the commencement of project activities, all desert tortoises shall be removed from the site. A qualified biologist shall oversee the survey for and removal of tortoises using techniques providing 100-percent coverage of all areas. Two complete passes of 100-percent coverage will be accomplished. 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 tortoises or eggs found in the fenced area will be removed under the supervision of a qualified tortoise biologist in accordance with Service protocol.

m. After a project has been fenced and a tortoise clearance completed, if the operator encounters a desert tortoise in imminent danger, the operator shall move the tortoise out of harm's way and on to adjacent Bureau land. If the tortoise cannot be avoided or moved out of harm's way onto Bureau land, it shall be placed in a cardboard box or other suitable container and held in a shaded area until the Clark County pickup service or Bureau personnel can retrieve the tortoise.

n. The operator shall inspect the fencing at least on a quarterly basis, to insure that it is in compliance with the standards described in Term and Condition **1.k** and **1.l** above, and shall perform maintenance when needed including removing trash, sediment accumulation, and other debris. 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 the Bureau and Service that the fence is no longer necessary. 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.

o. Where the Bureau allows or requires the installation of a temporary tortoise-proof fence, the fence shall include as much of the proposed construction site as feasible. This may in some cases require the installation of temporary fencing along access routes. Typical fence design should consist of 1-inch mesh or 1-inch horizontal by 2-inch vertical mesh (hardware cloth or plastic) and be installed flush with ground and extend at least 18 inches above ground. Temporary tortoise-proof fencing should not be buried.

2. Measures shall be taken to minimize predation on tortoises by ravens drawn to the project area.

This will involve a litter-control program. This program will include the use of covered, raven-proof trash receptacles, removal of trash from the construction site to the trash receptacles following the close of each work day, and proper disposal of trash in a designated solid waste disposal facility. Vehicles hauling trash to the landfill and leaving the landfill must be secured to prevent litter from blowing out along the road.

3. Measures shall be taken to minimize destruction of desert tortoise habitat, such as soil compaction, erosion, or crushed vegetation, due to project-related activities.

a. If possible, overnight parking and storage of equipment and materials, including stockpiling, shall be within previously disturbed areas or areas to be disturbed.

b. All vehicle traffic will be restricted to existing access roads where possible. New access roads will be created only when absolutely necessary and only when approved by the Bureau.

c. Project activity areas will be clearly marked or flagged at the outer boundaries before the onset of construction. All activities shall be confined to designated areas. Blading of vegetation will occur only to the extent necessary and shall be limited to areas designated for that purpose by the Bureau.

d. Remuneration fees apply to future disturbance in tortoise habitat. Past disturbance or disturbance on land not considered to be tortoise habitat by a tortoise biologist, and approved by the Bureau, are not assessed a tortoise remuneration fee. Remuneration fees will be used to fund management actions which are expected to benefit the desert tortoise. Actions may involve: Habitat acquisition; population or habitat enhancement or protection; research that increases our knowledge of desert tortoise biology, habitat requirements, or factors affecting habitat attributes; reducing loss of individual animals, documenting the species' current status and trend, and preserving distinct population attributes or any other action described in the Management Oversight Group's report titled *Compensation for the Desert Tortoise* (Hastey, et al. 1991) or Recovery Plan.

e. Payment of a remuneration fee, currently set at \$705.00 per acre, will be required for all projects *prior* to issuance of the lease, permit, notice to proceed, or other Bureau authorization, with the following exceptions:

Because many mining plans of operation are phased in over a number of years, remuneration fees may be collected prior to the beginning of each phase.

Mineral material sales and leases will be charged a fee of 25 cents per cubic yard up to the equivalent of \$705.00 per acre of disturbance, or will be assessed \$705.00 per acre for each phase of disturbance, at the discretion of the Bureau.

The current rate of \$705.00 per acre will be indexed for inflation as described in Term and Condition **3.g.** below.

f. For Community Sand And Gravel Sales: Fees will be assessed on the basis of cubic yards of material removed from project site. A fee of 25 cents per cubic yard will be applied until such time as the fees collected are equal to \$705.00 per acre for each acre of surface disturbance, or the equivalent rate as indexed for inflation. The fee shall be paid directly to the Bureau while purchasing mineral materials at the Las Vegas District Office. The fee shall be deposited directly into the Bureau's 5320 account.

g. For Projects Other Than Community Sand And Gravel Pits (including mineral material sales): Prior to issuance of the permit, right-of-way grant, lease (except R&PP leases), notice to proceed, or approval of any action to be covered under the biological opinion, and prior to any surface-disturbing activity associated with the proposed project, including R&PP leases, the project proponent shall pay a remuneration fee of \$705.00 for each acre of surface disturbance. For phased projects (e.g., mineral material sales), fees will be paid prior to surface disturbance associated with each phase. This rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31 of each year, beginning January 31, 1998. Fees assessed or collected for projects covered under this biological opinion after January 31st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at:
<http://stats.bls.gov/news.release/cpi.nws.htm>.

The surface disturbance for this project is 60.0 acres. The total fee for this project is \$42,300 (\$705.00 x 60.0 acres).

This fee will be paid directly to the Desert Tortoise Public Lands Conservation Fund (Account Number 730-9999-2315), administered by Clark County or any other administrator approved by the Bureau and Service. The administrator serves as the banker of the funds and receives no benefit from administering these funds. These funds are independent of any other fees collected by Clark County for desert tortoise conservation planning.

The payment shall be accompanied by the **Section 7 Fee Payment Form**, (Attachment) and completed by the payee. The project proponent or applicant may receive credit for payment of such fees and deduct such costs from desert tortoise impact fees charged by local government entities. Payment shall be by certified check or money order payable to Clark County (or other administrator named by the Bureau and Service), and delivered to:

Clark County Desert Conservation Program
c/o Dept. of Air Quality and Environmental Management
Clark County Government Center
500 So. Grand Central Parkway, first floor (front counter)
Las Vegas, Nevada 89106
Contact: (702) 455-5821
Acct. No. 730-9999-2315

In addition, a copy of the Section 7 Fee Payment Form will be accompanied with a payment verification and delivered to:

The Bureau of Land Management
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
Attn: Assistant Field Manager, Lands Division

h. Projects resulting in residual impacts will require the submission of a Bureau-approved reclamation plan, unless determined by the Bureau and Service that reclamation rehabilitation is not necessary. The reclamation plan will describe objectives and methods to be used, species of plants and/or seed mixture to be used, time of planting, success standards, and follow-up monitoring. Depending upon the size and location of the project, reclamation could simply involve recontouring, if needed, and rehabilitation and restriction of access points or could involve reclamation over the entire area of surface disturbance. Reclamation will be addressed on a case-by-case basis.

4. Measures shall be taken to ensure compliance with the reasonable and prudent measures, terms and conditions, reporting requirements, and consultation reinitiation requirements contained in the biological opinion.

a. The project applicant shall notify the Bureau at least 10 days before initiation of the project. Notification shall be made to the Bureau's wildlife staff at (702) 515-5000.

b. The Bureau wildlife staff (702/515-5000) and Service (702/515-5230) must be notified of any desert tortoise death or injury due to the project implementation by close of business on the following work day.

c. All appropriate NDOW permits or letters of authorization shall be acquired prior to handling desert tortoises and their parts, and prior to initiation of any activity that may require handling tortoise.

d. The project proponent must submit a document to the Bureau within 30 days of completion of the project showing the number of acres disturbed; remuneration fees paid; and number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during implementation of programmatic actions.

e. For tortoise removals in Clark County, the applicant shall make prior arrangements with Clark County's tortoise pickup service (702/593-9027) at least 10 days prior to the commencement of tortoise collection. Outside Clark County, initial notification shall be made to the Bureau as stated in Term and Condition **4.a.** above.

V. Consultation and Coordination

A. Resource Reviewing Staff

Edward Seum	Geologist
Susanne Rowe	Archaeologist
Mark Slaughter	Wildlife Biologist
Christina Lund	Botanist
Michael Johnson	Visual Resources
Bob Bruno	Recreation Specialist

Individuals and Public Agencies Contacted

Clark County Department of
Comprehensive Planning
500 South Grand Central Parkway
P.O. Box 551741
Las Vegas, Nevada 89155-1741

Clark County Public Response
500 South Grand Central Parkway
P.O. Box 551700
Las Vegas, Nevada 89155-1700

Nevada State Clearing House
Department of Administration
209 E Musser St., Room 200
Carson City, Nevada 89701-4298

Nevada Department of Wildlife
Southern Region
Attn: Brad Hardenbrook
4747 W. Vegas Drive
Las Vegas, Nevada 89108

Board of County Commissioners
Clark County Government Center
P.O. Box 551601
Las Vegas, Nevada 89155-1601

Indian Springs Town Advisory Board
P.O.Box 12
Indian Springs, Nevada 89018
Cactus Springs 50 LLC
8350 W. Sahara #290

Clark County
Department of Air Quality Management
P.O. Box 555210
Las Vegas, Nevada 89155-5210

Robert W. Hall
Nevada Environmental Coalition
10720 Button Willow Drive
Las Vegas, Nevada 89134

Scott Melder
6105 East Sahara Ave., #118
Las Vegas, Nevada 89142

Great Basin Mine Watch
505 South Arlington
Suite 110
Reno, Nevada 89509-1505

Nevada Division of Minerals
1771 E. Flamingo Rd., Suite #120-A
Las Vegas, Nevada 89119

Corporation of NEWE SOGOBIA
6983 Antell Circle
Las Vegas Nevada 89119-0406

Las Vegas, Nevada 89117-8941

Public Comments:

VI. Recommendation and Rationale

A. Recommendation

Approve the project incorporating the appropriate, recommended mitigating measures into the General Stipulations for each contract.

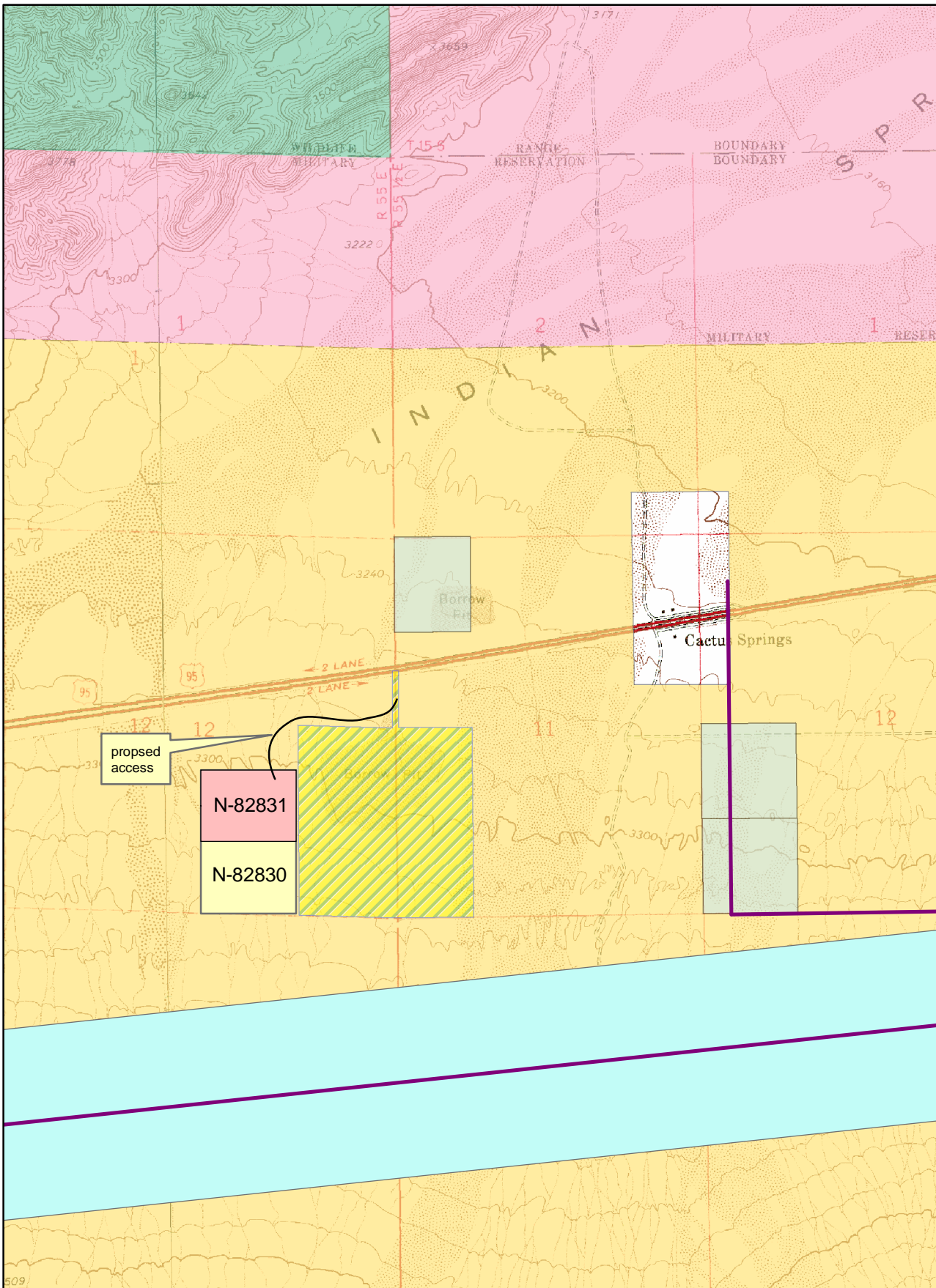
B. Rationale

Approval of the project is in conformance with Federal Mineral Material Regulations, the land use plan and current Bureau policy which encourages mineral development.

Prepared By: Edward Seum

Date: January 25, 2007

Proposed Competitive Sales



Legend

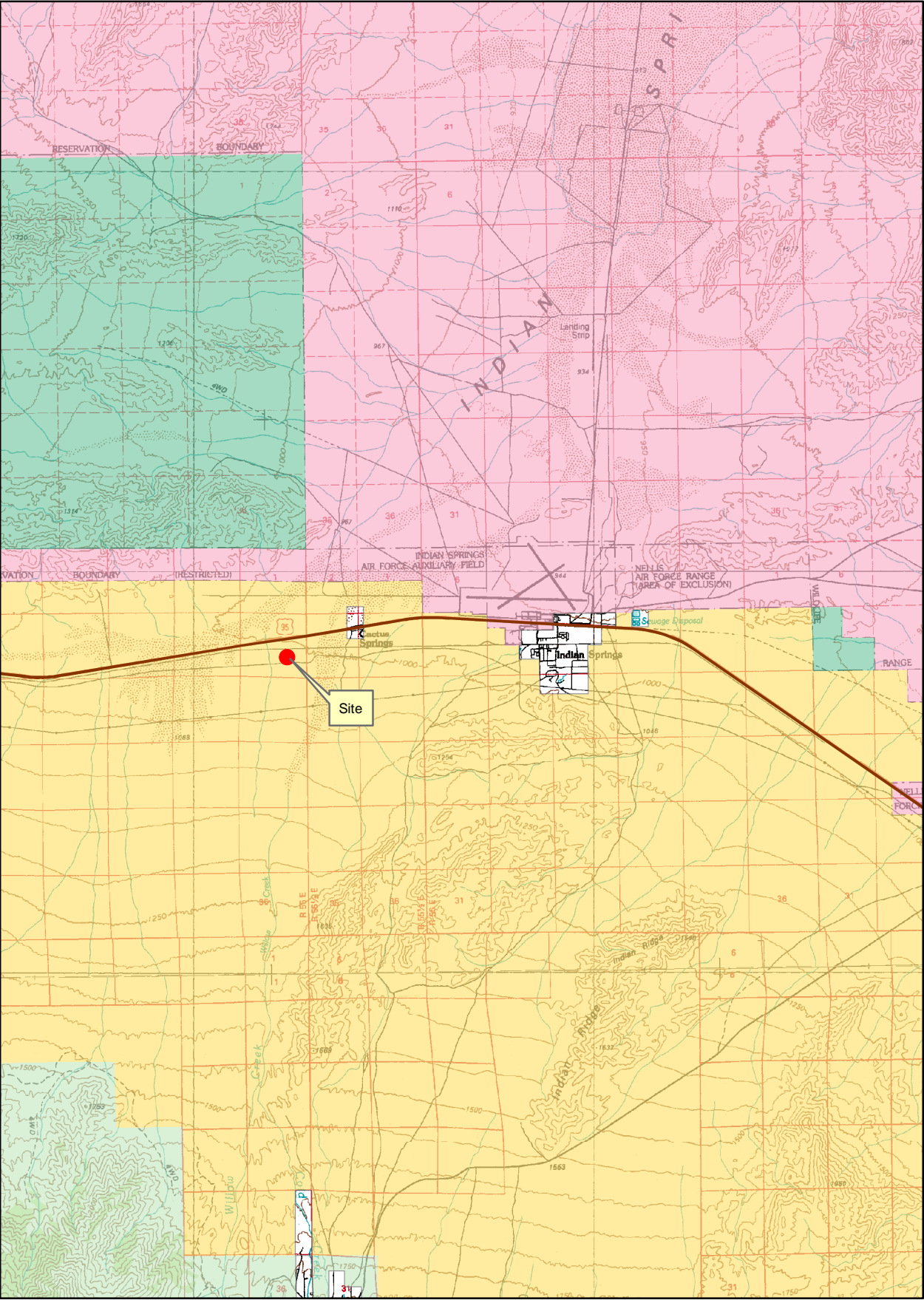
- powerlines arc
- corridors polygon
- ACTIVE, Clark County Regional Pit
- ACTIVE
- PROPOSED
- INACTIVE
- <all other values>
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- City of Las Vegas
- Clark County, Nevada
- Department of Defense
- Department of Energy
- Fish and Wildlife Service
- Forest Service
- National Park Service
- Nevada State
- Private

Indian Springs 7.5'

0.4 0.2 0 0.4 Miles



General Location Map



Las Vegas & Indian Springs 1:100,000



Legend

- highways arc
- <all other values>
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- City of Las Vegas
- Clark County, Nevada
- Department of Defense
- Department of Energy
- Fish and Wildlife Service
- Forest Service
- National Park Service
- Nevada State
- Private

CLARK COUNTY

MT PLAT

[illegible]

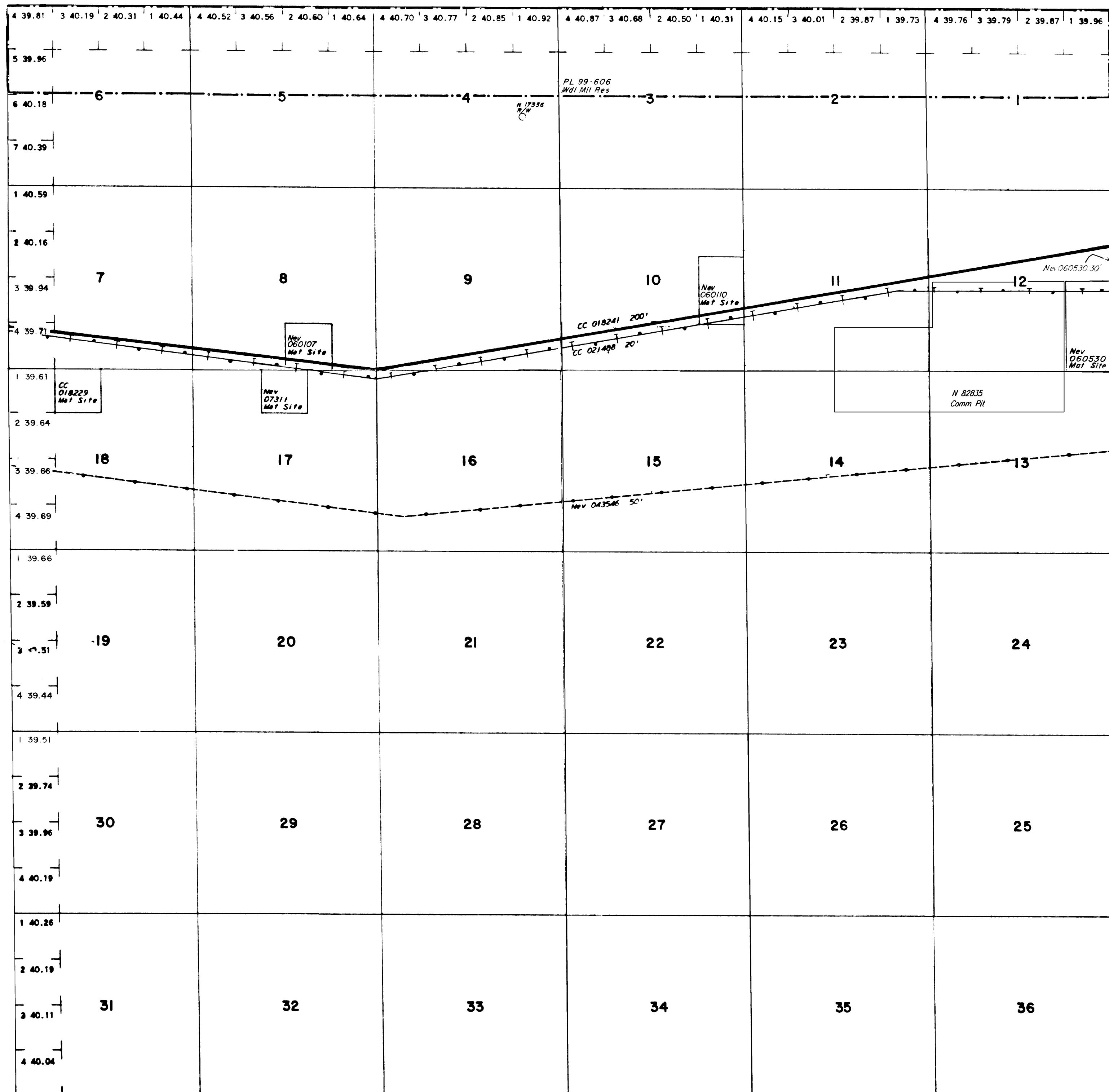
Sec 14 E 1/2 NE 1/4 Resurvey 8/31/1939 places this area in
16S 55 1/2 E as Tr 37

BLM-0 CL Nonsuitable DLE effects:

N25866 Sec 1 S1/2
 N23737 Sec 4 S1/2 SW 1/4
 5 E1/2 SE 1/4
 8 N1/2 NE 1/4
 9 N1/2 NW 1/4
 N23735 Sec 7 E1/2
 N23736 Sec 8 S1/2 NE 1/4, N1/2 SE 1/4, SE 1/4
 SE 1/4,
 9 SW 1/4 NW 1/4, W1/2 SW 1/4,
 N23733 Sec 9 S1/2 NE 1/4, SE 1/4 NW 1/4
 SW 1/4, N1/2 SE 1/4, SW 1/4 SE 1/4
 N23734 Sec 10 SW 1/4 NE 1/4, S1/2 NW 1/4, S1/4
 NW 1/4 SE 1/4,
 N25547 Sec 10 S1/2 SE 1/4,
 N24620 Sec 11 W1/2
 N23858 Sec 11 E1/2
 N23856 Sec 12 W1/2
 N25814 Sec 13 E1/2
 N37697 Sec 13 W1/2
 N25460 Sec 14 W1/2
 N25240 Sec 15 W1/2
 N37703 Sec 17 A11
 N37172 Sec 18 A11
 N23824 Sec 12 E1/2

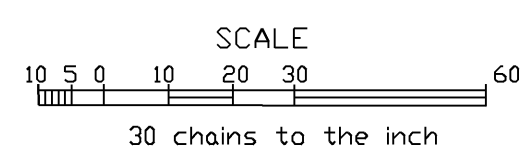
[illegible]

N-050
T.16 S
R.55 E



WARNING STATEMENT

This plot is the Bureau's Record of Title and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.



CLARK COUNTY

MT PLAT

INDEX TO SEGREGATED TRACTS					
RESURVEY		ORIGINAL SURVEY			
TRACT NO.	T	R	ISEC.	SUBDIVISION	
37	165	56E	2	LOTS 1, 2, 5 NE $\frac{1}{4}$ SE $\frac{1}{4}$	
38	165	56E	2	LOTS 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$	
39	165	56E	4	SW $\frac{1}{4}$	
			9	NW $\frac{1}{4}$	
40	165	56E	3	SW $\frac{1}{4}$	
41	165	56E	4	SE $\frac{1}{4}$	
42	165	56E	10	NW $\frac{1}{4}$	
43	165	56E	8	E $\frac{1}{2}$ SE $\frac{1}{4}$	
			9	W $\frac{1}{2}$ SW $\frac{1}{4}$	
44	165	56E	11	NW $\frac{1}{4}$	
45	165	56E	11	W $\frac{1}{2}$ SW $\frac{1}{4}$	
46	165	56E	16	NW $\frac{1}{4}$, NW $\frac{1}{4}$	
47	165	56E	17	E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	
48	165	56E	16	NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$	
49	165	56E	14	NW $\frac{1}{4}$, NW $\frac{1}{4}$	

N 38127 R&PP CI & Lse

Sec 8: Lot 8

N57141 NORA-R&PP Direct Sale Apnl

Sec. 8: NE1/4 NE1/4 SE1/4 SW1/4

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

N 32916 5' R/W Trans Line affects Sec 8 Tr 42 C

N 30598 5' R/W Trans Line affects Sec 8 Tr 42 C

N 57867 10' R/W (UNDGD) and Overhead Distribution Line

Sec 8: Lots 6, 7: W/I

Nev. 054510 Proposed Revocation of to Sec 9: Lot 2

BLM O CI Nonsuitable DLE:

N 23840 Sec 15 S1/2

N 30630 Sec 18 All

N 23843 Sec 15 N1/2

N 23849 Sec 10 E1/2

N 23835 Sec 9 SE 1/4,

N 23990 Sec 16 W1/2

PARTIALLY RESURVEYED 9/17/80 UPDATED 7/27/81

CURRENT TO	BY
1/26/04	MS
6/2/04	MS
8/16/04	MS
12/21/04	MS
8/16/05	MS
1/31/06	MS

Lat. 36°30'N
Long. 115°37'W

N-050

T 16-S

R. 56 E

SCALE

10 20 30 60

30 chains to the inch

WARNING STATEMENT

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