

Mining District File Summary Sheet

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AUTHOR	Seum, E; Chatterton, M.R.
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Cross-references:	
QUAD_NAME	Blue Diamond NE 7.5' Tule Springs Park 7.5'
P_M_C_NAME (mine, claim & company names)	Lone Mountain Community Pit; Diamond Construction; Nevada Ready Mix; Southern Nevada Paving Corporation American Sand and Gravel; Las Vegas Paving; Pipes Paving; Quality Sand and Gravel; Impact Sand and Gravel
COMMODITY If not obvious	Sand; gravel
NOTES	Environmental Assessment; Competitive Sale; Correspondence; BLM Community Pit
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Keep docs at about 250 pages if no oversized maps attached
(for every 1 oversized page (>11x17) with text reduce
the amount of pages by ~25)

SS:	DD	1/22/2010
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SCANNED:	MT	2.3.2010
	Initials	Date
QA	Initials	Date



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
<http://www.nv.blm.gov>



In Reply Refer To:
N-80899-902
3600
NV-053

July 19, 2006

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 Lone Mountain Community Pit. The site is located in T. 19 S., R. 59 E., section 35 and T. 20 S., R. 59 E., section 2, Clark County, Nevada. I have attached a copy of Environmental Assessment NV-053-2006-141 for your review. The EA analyzes the impacts of the proposed sale. If you have any comments please forward them to this office no later than August 31, 2006.

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-053-2006-141
NEVADA**

**43 CFR 3600
Competitive Sale
Lone Mountain Community Pit
N-80899-80902**

**PREPARED BY THE
BUREAU OF LAND MANAGEMENT
July, 2006**

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 for sale, or permit for free use. Subpart 3602 of the regulations deals with mineral material sales.

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. Background

Mining of sand and gravel has taken place in the Lone Mountain Community Pit since the mid 1980's. The purpose for establishing the pit was to provide a local source of sand and gravel to the community. Both short and long term contracts to remove mineral materials are issued to sand and gravel companies and the general public. Mineral materials are sold at fair market value, which is determined through appraisal. Approximately 320 acres of public lands have been affected by mining to date.

III. Need for the Proposed Action

The BLM has received a request for a competitive sale of mineral materials. This assessment will evaluate the impacts for the potential sale of 20,913,000 tons, through competitive sale from 160 acres in the community pit.

Materials in this pit represent a local source for the valley. Mineral material sales may be made as long as the aggregate damage to public lands and resources will not exceed the benefits derived from the proposed sale (43 CFR 3601.11). The proposed action is in conformance with Federal Regulations and Bureau Policies. The action conforms to the Las Vegas Resource Management Plan, signed October 1998, Objective MN-1, page 27, and Objective MN-1-k, page 29.

A. Proposed Action and Alternatives

Proposed Action

The proposed project is located in T. 19 S., R. 59 E., sec. 35, S1/2SW1/4NW1/4, N1/2NE1/4SW1/4, NW1/4SW1/4; and T. 20 S., R. 59 E., sec. 2, NW1/4NW1/4,

SW1/4NW1/4, Clark County, Nevada. The attached map shows the general location of the proposed sale. The BLM has received a request from Southern Nevada Paving Corp. (SNP) for the sale of 20,913,000 tons of mineral materials from 160 acres in the Lone Mountain Community Pit.

The sale request exceeds the volume limitations for noncompetitive sales found at 43 CFR 3602.31. Therefore the sale, if made, would have to be on a competitive basis and there is no guarantee that SNP would be the winning bidder. The disturbance would take place on four parcels, two of which are adjacent to patented lands owned by Nevada Ready Mix (NRM) where SNP is currently mining. Lot 1 is 40 acres in size and contains 9,130,000 tons; Lot 2 is 40 acres in size and contains 6,160,000 tons; Lot 3 is 60 acres and contains 4,963,000 tons; and Lot 4 is 20 acres with 660,000 tons (see map). The contracts would be issued for a 10 year period with right for renewal.

Lands making up Lot 3 have had approximately 30 acres disturbed in the past. The other three parcels have had approximately 10 acres disturbed by roads, the placement of power lines and previous exploration. Mining of public lands would allow SNP to eventually produce more materials over a longer period of time by increasing their reserves. Approval of the sale would **not allow** SNP to expand their current production or operations beyond that already permitted by the Clark County Department of Air Quality, without approval by that agency.

Materials would be ripped loose with dozers. Loaders would load materials onto trucks for processing through a crusher located on private land. All crushing, screening and washing would take place at the SNP plant under an existing air quality permit. The area would be watered regularly to suppress dust. If SNP is not the winning bidder then materials may be processed within the boundaries of the lots.

Either SNP or the winning bidder would be required to submit a mine and reclamation plan, and get any permits required for operations. They would also be required to furnish their own water for dust control and processing. Upon completion of mining, the final slopes would have to meet the approved reclamation plan. Native seed and vegetation would be used to re-establish vegetation on the site.

Major access to and from the pit is by an approved truck route. Trucks have direct access to U.S. 215 without traveling on roads open to the public. There are several existing "pit" roads which access the sites.

C. "No Action" - Alternative

Under this alternative operations within the community pit would continue at their current levels. The competitive sale contracts would not be bid out. SNP would probably continue to mine on the private property in the current manner.

D. "Reduced Acreage and Volume" - Alternative

Under this alternative the BLM would reduce the lots of materials being sold to three (Lots 2, 3 and 4). This would reduce the acreage involved to 120 acres and the volume of materials being sold to 11,783,000 tons.

IV. Affected Environment

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, floodplains, noxious weeds, designated wilderness or environmental justice issues.

B. Proposed Action

The area to be disturbed is located on 160 acres in the northwest part of the Las Vegas Valley, within the legal location of T. 19 S., R. 59 E., sec. 35, S1/2SW1/4NW1/4, N1/2NE1/4SW1/4, NW1/4SW1/4; and T. 20 S., R. 59 E., sec. 2, NW1/4NW1/4, SW1/4NW1/4, Clark County, Nevada. The elevation of the project area ranges to slightly over 3400 feet. The site encompasses alluvial materials composed of limestone and dolomite.

Local vegetation contains elements of both the creosote brush scrub and blackbrush communities. Dominant species include creosote bush, blackbrush and Mojave yucca. Other common plants in the area are Ephedra, indigo bush, and eight varieties of cactus.

The area contains potential habitat for the rosy two-toned penstemon (*Penstemon bicolor* var. *roseus*) and the yellow two-toned penstemon (*Penstemon bicolor* var. *bicolor*), which are BLM sensitive species and Fish & Wildlife species of concern. These plants can occur along coarse gravelly washes in the Lone Mountain area. The best potential for these plants to occur is on Lots 1 & 2.

The area contains habitat for the desert tortoise (*Gopherus agassizii*). The desert tortoise is listed by the U.S. Fish and Wildlife Service as a threatened species under the Endangered Species Act. Surveys conducted within and adjacent to the project area estimate density of the species is low (10 – 45 tortoises per mile). The BLM estimates that approximately 120 acres of suitable desert tortoise habitat are located within the sale parcels. Peregrine falcons (*Falco peregrinus*), a species that was delisted in 1999, have

been observed within the La Madre/Lone Mountain Trails Complex area of the Red Rock Canyon NCA to the south. The community pit provides foraging and nesting habitat for the species.

The area is also suitable habitat for the following State protected species that have also been identified as BLM Sensitive Species: banded Gila monster (*Heloderma suspectum*), golden eagle (*Aquila chrysaetos*), prairie falcon (*Falco mexicanus*), and western burrowing owl (*Athene cunicularia*). The golden eagle is also listed as a protected species by the U.S. Fish and Wildlife Service under the Bald and Golden Eagle Protection Act. Banded Gila monsters have been seen on and west of Lot 1 and are expected to occur throughout the area. This species is shy and is rarely seen, but may be encountered in washes, upland desert vegetation and rocky areas. Burrowing owls have been found nesting in the community pit. They utilize abandoned desert tortoise burrows and caliche caves for nesting and shelter. Prairie falcons have been observed within the community pit on Lone Mountain and up Box Canyon to the west of the pit within the La Madre/Lone Mountain Trails Complex area of the Red Rock Canyon NCA. The community pit provides foraging and nesting habitat for the species.

Habitat is also suitable for desert bighorn sheep (*Ovis canadensis nelsoni*) and chuckwalla which are both considered to be sensitive species by the BLM. Desert bighorn are typically associated with rough, rocky and steep terrain, often intersected by canyons and washes. Critical habitat for the species is defined as, "those areas where bighorn will concentrate within a 1 mile radius around permanent waters." Parts of Lots, 1, 3 & 4 overlap areas identified as bighorn habitat within documented winter range of the La Madre herd. Chuckwallas are found in rocky areas and washes throughout the community pit.

The area is also habitat for migratory birds, which are protected by the Migratory Bird Treaty Act, as amended. A list of those protect birds is in 50 C.F.R. 10.13. The project area contains suitable nesting and foraging habitat for numerous birds protected under this act.

The site is within the Las Vegas Valley Air Shed. The air shed has been classified as a serious non-attainment area for carbon monoxide and particulate matter less than or equal to 10 micrometers (PM₁₀). De minimis levels for CO and PM₁₀ are 100 tons and 70 tons per year, respectively. Air quality management responsibilities in Clark County reside with the Clark County Department of Air Quality Management (CCDAQM). Anyone mining sand and gravel in Clark County would need to be permitted by CCDAQM prior to the start of mining.

Currently there are no occupied dwellings near the boundaries of the area proposed for mining. The distance to the nearest inhabited structure is approximately three fourths of a mile. There is no likelihood of a residence being built closer to the proposed site, as it is located outside of the SNPLMA disposal boundary. The only private lands nearer to

the action are being developed as a mine.

C. "No Action" - Alternative

Under this alternative, operations within the community pit would continue at their current levels. The competitive sale contract would not be bid out. SNP would probably continue to mine private property at current levels.

D. "Reduced Acreage and Volume" - Alternative

The affected environment under this alternative would differ from the proposed action only in the number of acres that would be impacted. There would be 120 acres affected instead of 160.

V. Environmental Consequences and Mitigating Measures

A. Proposed Action

Environmental Consequences

Air Quality - Air quality would be impacted by the proposed operations. Dust and other air pollutants would be generated during mining and reclamation. Projects which will not exceed de minimis levels do not require a conformity determination.

Sources of CO at the proposed site include the operation of heavy equipment, such as bulldozers and front end loaders. Other sources would be trucks for hauling materials to the processing area. CO would also be generated away from the pit, by travel to and from the pit by employee and service vehicles, and trucks hauling materials to market.

Days of operation are usually Monday through Friday. That would total 260 days per year, less major holidays, for a total of around 255 days of operation. The volume of materials mined can fluctuate on a daily basis, as well as yearly.

Table 1 has the allowable CO emissions (based on the air quality permits) on a per year basis for the operations currently taking place in the community pit.

Table 1

Table 1 Operation	Allowable CO tons/yr.
American S&G	1.22
Diamond Construction	1.91
Hollywood Gravel	1.43
Las Vegas Paving	40.39
Pipes Paving	1.15
Quality S&G	0.32

Impact Sand & Gravel	0.92
Total	47.34

On private lands NRM is allowed to emit 0.12 tons of CO per year, while SNP is permitted to emit 3.1 tons per year. Regardless of this sale, permitted emissions would stay the same unless new permits are issued by the County. The addition of this sale would not put the CO emissions on public lands over the de minimis levels.

A major component of PM₁₀ is dust created by disturbed vacant land/unpaved parking lots, paved road dust, construction activity fugitive dust, natural sources and travel on unpaved roads. Disturbed vacant land/unpaved roads represent more than a third of the PM₁₀ emissions in the valley, on an annual basis. Sand and gravel operations are considered stationary sources and contribute only 627 tons of PM₁₀ emissions per year according to the CCDAQM.

Table 2 has the allowable PM₁₀ emissions (based on the air quality permits) on a per year basis for the operations currently taking place in the community pit.

Table 2

Operation	Allowable PM ₁₀ tons/yr.
American S&G	8.83
Diamond Construction	4.46
Hollywood Gravel	14.07
Las Vegas Paving	104.8
Pipes Paving	8.36
Quality S&G	13.02
Impact Sand & Gravel	6.43
Total	159.97

The above numbers are all based on total production figures which currently exceed the annual production of these operations. For example, American Sand & Gravel is allowed to produce 500,000 tons of sand and gravel a year under the air quality permit, to reach the 8.83 tons of PM₁₀ per year. American's average annual production, through Fiscal Year 2005, is 251,817 tons.

NRM is allowed to emit 65.18 tons of PM₁₀ per year and SNP is allowed to emit 26.75 tons per year. The total PM₁₀ that could be emitted from this area by sand and gravel operations is 251.9 tons. This would only occur if each operator produced the maximum materials allowable under their permits, which is something that has not happened to date. The allowable volume of PM₁₀ would represent approximately .0015 percent of the total emissions for the Valley. A conformity determination for PM₁₀ was completed as part of the 1997 EA. There would be no appreciable changes in the amounts of PM₁₀ generated under the proposed action. Therefore, the conformity determination made in 1997 is still valid.

The amounts of CO and PM₁₀ that this project will add to the valley can be further lessened by incorporating mitigation measures. The mitigation measures listed below would, upon implementation, reduce the annual emissions of PM₁₀.

Proposed Mitigating Measures for Air Quality

1. All operators shall be required to obtain the applicable permit from the CCDAQM, prior to any surface disturbing activities. The operators shall carry out any monitoring requirements and pay any off-set fees imposed by the permit. 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.
2. Dust abatement measures shall be taken concurrent with mining and reclamation activities. All operations shall use best available control technology to meet air quality regulations. Roads and operating areas shall meet air quality standards established by Clark County.
3. All areas to be excavated shall be watered prior to removal. All borrow; pit run and transferred materials shall contain no less than 2 percent moisture by weight, or be treated with the equivalent volume of water necessary to maintain 2 percent moisture content by weight in 1/4 inch minus material.
4. Operations shall limit disturbance to the smallest area needed for operations. Operating areas not in use for more than 14 days shall be treated with a chemical dust suppressant. Armoring with oversized rock is an acceptable alternative to chemical treatment. Operators shall complete reclamation within 30 days on areas no longer needed for operations or production. Armoring of reclaimed sites or use of a dust suppressant shall be used to reduce erosion until vegetation is established.
5. Measures taken shall be in conformance with Federal, State and County laws or regulations. All sand and gravel trucks shall use load covers when transporting mineral materials. If atmospheric conditions are such that air quality violations would occur, then the purchaser shall cease operations until such time as the atmospheric conditions change and air quality standards can again be met. If new air quality standards are promulgated during the life of the contract, then the purchaser shall come into compliance with the new standards within a reasonable amount of time.
6. All machinery and vehicles used in the operation shall meet air quality standards. Any machinery/vehicles exhibiting signs of not meeting air quality standards, i.e. black smoke from diesel equipment or visible exhaust, shall either be removed from the pit or shut down until serviced to meet standards.

7. The BLM shall suspend the contract of any operations failing to meet air quality regulations, if requested by the CCDAQM to do so. The BLM shall suspend the contract of any operations with a pattern of violations (three violations in any four month period) for air quality regulations, regardless of any request by the Clark County Department of Air Quality Management. The period of suspension will be for 30 days.

8. No open fires for the burning of trash or to provide warmth to workers shall be allowed in the pit. Vehicles and equipment shall not be left idling unnecessarily within the pit.

9. Operators shall be encouraged to get employees involved in car pooling to and from the pit.

Vegetation & Wildlife - Vegetation on the area would be destroyed during the mining process. Wildlife inhabiting the project area would be displaced during the life of the operation. Direct loss of small mammals, reptiles and other less mobile species could result, primarily from the use of earth moving equipment and vehicles involved in the transportation of materials and equipment to and from the parcels. Due to the rate of urban growth in the Las Vegas Valley, after mining activities end the land may be reallocated for other uses that would result in permanent loss of the areas for native vegetation and as wildlife habitat. However, most of these species would be common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region. Reclamation of those areas would give some types of wildlife and vegetation a chance to reestablish over the long term. The community which reestablishes itself on the site would differ from the historic vegetation and may lack wildlife species previously present that are unsuited for the reestablishing vegetation community.

Proposed Mitigation Measures for Vegetation

1. All cactus and yucca, growing in the alluvial areas, must be salvaged and taken to the storage area located in T. 19 S, R. 59 E, section 26, SW1/4SW1/4. Agave and silver cholla do not need to be salvaged. Plants that are not salvaged must be disposed of in trash receptacles out of the view of the public.

2. If mining of the site does not take place until the spring, a survey for rosy two-toned penstemon and yellow two-tone penstemon will be completed by a qualified botanist prior to any mining disturbance. If live plants are identified, then the plants will be allowed to mature and their seeds will be harvested for later use.

If mining takes place outside the time frames when these plants could be expected to be found then a survey will be completed to identify potential habitat. Regardless of whether plants are found soils will be salvaged from areas where occurrence is likely, before mining, and used on the area to help reestablish vegetation and serve as a possible

seed source.

Birds - Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711) it is unlawful to take, kill or possess migratory birds. A list of those protected birds can be found in 50 C.F.R. 10.13. The project area contains suitable nesting habitat for numerous birds protected under this act. Mining activities after the sale would result in the loss of nesting and foraging habitat. Most of these species would be common and widely distributed throughout the area and the loss of habitat would have a negligible impact on populations of the species throughout the region.

Several sensitive species have been documented as nesting near the area to be mined. Burrowing owls, golden eagles and prairie falcon nests have been documented by NDOW within a 1.5 mile radius of the project site. Direct loss of individuals is not anticipated through implementation of the proposed measures. Long term use of the site however may have an effect over an area larger than the project size. It may be possible that continued activities could cause these species to abandon the area and could remove potential nesting sites. However, given the high degree of traffic already occurring on the private land immediately adjacent to the proposed sites, it is unlikely that approval of this action alone would result in complete abandonment of the area.

Proposed Mitigation Measures for Birds:

a. Under the Migratory Bird Treaty Act it is illegal to remove an active nest, egg(s) or young bird(s) without a USFWS depredation permit. The proponent must comply with the Migratory Bird Treaty Act to avoid potential impacts to migratory bird species or their habitat. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In the project area, the season generally occurs between March 15th and July 30th. 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.

b. A qualified wildlife biologist is a person with documented ornithological knowledge of **and/or** sufficient experience with birds of the Mojave Desert and their behaviors. The person must be able to identify and locate these birds and their nests which may be present within the project area. The wildlife biologist must be familiar with Mojave bird behavior and be able to establish an adequate buffer area around nest sites. The desert tortoise biologist may be able to perform these duties.

c. Upon selection of a qualified wildlife biologist the BLM shall be notified via letter containing the project serial number as assigned by the BLM or the proponent may call and discuss their selection with BLM wildlife staff at (702) 515-5000. Documentation will be placed in the case file.

d. Project area surveys shall be done to ensure 100% coverage. Methods should be selected based on the plant community and/or topography. Field notes and reports shall

thoroughly describe methodology and rationale for use and archived.

e. Surveys shall include burrowing owls and other ground nesting species. If active nests containing eggs and/or young are found, then an appropriately-sized buffer area must be established, marked and avoided during mining so that egg laying, incubation and the rearing of young continues until **the young fledge**.

f. For mining activities from October 01 to March 14, the proponent's biologist shall collapse all burrows, holes, crevices, or other cavities on the construction site **only after** thoroughly inspecting them for inhabitants like desert tortoises and/or their eggs. This will discourage burrowing owls from potentially occupying the burrows, holes, crevices before and during mining activities.

g. If burrowing owls are seen during surveys after March 15, you must rely on behavioral observations to determine their breeding status. Should breeding behavior be observed, the wildlife biologist will assume that an active nest is present and the area shall be avoided until the young fledge. This will ensure that any eggs or young are not abandoned due to project activities. The owl's total nesting cycle takes a minimum of 74 days, during which time mining activity would need to cease within the buffer area on the site. Generally, owl eggs may be laid between mid-March to the end of May, and young may be present from mid-April through August. (Adapted from US Fish and Wildlife Service recommendations)

h. Following project completion, the project wildlife biologist must **complete the migratory bird section in the provided attachment**, sign and return the attachment to the BLM. For a complete list of protected birds see 50 C.F.R. 10.13.

Reptiles - In addition to common desert reptiles such as collared lizards, banded geckos, desert iguana, leopard lizards and speckled rattlesnakes, the project area provides suitable habitat for the Gila monster and chuckwalla, BLM sensitive species in Nevada. Though no records were listed with the Nevada Natural Heritage Program, recent sightings of Gila monsters were made near the project area and on Lot 1, as provided by NDOW. Given the species' reclusive nature and difficulty of detection, and based on similar conditions at the project site, Gila monsters are likely to be found within the proposed site. Based on habitat characteristics, chuckwalla would also be expected to be found at the project site. Development of this site for mineral materials is likely to cause a direct loss of individuals and/or displacement during prolonged activities. Based on assumed species densities and availability of suitable habitat, this loss is not anticipated to cause significant effects to the species as a whole.

Proposed Mitigation Measures/Protocols for Gila monster

Helpful to any instructional program, personnel should at least know how to: 1) identify

Gila monsters and be able to distinguish it from other lizards such as chuckwallas and banded geckos; 2) report any observations of Gila monsters to the Nevada Division of Wildlife (NDOW); 3) be alerted to the consequences of a bite resulting from carelessness or unnecessary harassment; and 4) be aware of protective measures provided under state law.

1. Live Gila monsters found in harms way on the construction site will be captured and then detained in a cool, shaded environment ($\leq 85^{\circ}$ F) by the project biologist or equivalent until a NDOW biologist can arrive for documentation purposes. Despite that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points). A clean 5-gallon plastic bucket w/ a secure, vented lid; an 18"x 18" x 4" plastic sweater box w/ a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying mapped capture location (e.g. GPS record), date, time, and circumstances (e.g. biological survey or construction) and habitat description (vegetation, slope, aspect, and substrate) will also be provided to NDOW.

2. Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified during normal business hours. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, habitat, and mapped location.

3. Should NDOW's assistance be delayed, biological or equivalent personnel on site may be requested to remove and release the Gila monster out of harms way. Should NDOW not be immediately available to respond for photo-documentation, a 35mm camera or equivalent will be used to take good quality photographs of the Gila monster in situ at the location of live encounter or dead salvage. The pictures, preferably on slide film, will be provided to NDOW. Pictures will include: 1) Encounter location (landscape overview with Gila monster in clear view); 2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); 3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus). Please contact NDOW Biologist Christy Klinger at (702) 486-5127 x3718 for additional information regarding these protocols.

4. During reclamation, low lying rock piles will be established to provide possible cover and habitat for these species. The rock piles will be 3' - 4' high; 4' - 8' wide; and 10' - 15' long. The rock piles will be constructed parallel to contour and made up of a diverse size

(boulders, cobbles 5" - 40") rock to provide interstices and cavities for cover. At least 4 of these rock piles per acre should be constructed. It is anticipated that these will also act as traps for moisture and seed as well as potential habitat.

Desert Tortoise - The project area is in desert tortoise habitat, a federally listed, threatened species. The U.S. Fish and Wildlife Service (Service) was consulted about this project on March 8, 2006. On May 11, 2006, they determined that the proposed action may adversely affect, but is not likely to jeopardize the continued existence of the threatened Mojave population of the desert tortoise. Under the biological opinion, 1-5-96-F-023R3.APD11 a remuneration fee is required to be collected on materials sold from the area.

The effects of the proposed action are within the scope of overall effects described in the Effects of the Proposed Action on the Listed Species section of the *Biological and Conference Opinions for Reinitiation of Consultation on the Las Vegas Valley Programmatic Biological Opinion (File No. 1-5-F-023R, as amended) and Previously Reinitiated (File No. 1-5-96-F-023R.2), to Expand the Disposal Boundary, Clark County, Nevada (File No. 1-5-96-F-023R.3)*. Approximately 40 acres in the project area have been previously disturbed, leaving approximately 120 acres of undisturbed habitat. Therefore, the direct effects of the proposed action include the disturbance of 120 acres of Federal land which is occupied by desert tortoises and the take of all desert tortoises therein. BLM and the Service estimate that the relative abundance of desert tortoise in the action area is low (10 to 45 tortoises per square mile). The Service estimates that seven desert tortoises could occur within the action area.

The direct effects of the proposed action include injury or mortality of individual desert tortoises if clearance surveys are not conducted; collapse or destruction of desert tortoise burrows possibly occupied by desert tortoises; and if damaged burrows are occupied, the occupant may become entombed and die. If desert tortoises onsite are captured and moved off the land to be developed, the displaced tortoises may wander back into the footprint or out into adjacent areas leading to increased incidents of predation or human encounters, including vehicles. The indirect effects of the proposed action are those effects caused by, or result from the proposed action, are later in time, and are reasonably certain to occur. Indirect effects may include increased stress from harassment and movement into areas that contain a resident tortoise population which can create an increase in competition for forage, particularly during drought years. Increased tortoise densities may lead to increased spread of disease, thus reducing overall population health. Increased tortoise densities would lead to increased competition for shelter. Displaced tortoise would be exposed to increased predation as they learn new surroundings and find shelter.

As the development of Las Vegas Valley continues, so does the direct loss of desert tortoise habitat. Continued infrastructure construction creates physical barriers to tortoise movement and gene dispersal. Desert tortoise habitat could continue to be fragmented,

reduced in quality and quantity. Local isolated pockets of desert tortoises could be lost, which could result in the loss of important genetically distinct populations from the range-wide tortoise population and larger scale population losses.

Proposed Mitigation Measures for Desert Tortoise

1. The BLM shall fully implement the following measures from the Programmatic Biological Opinion to minimize take of desert tortoises:

a. Applicants or project proponents will search for and remove tortoises from project areas within the programmatic area if (a) survey data indicate that tortoises are present based on observation of live tortoises, recent sign, or active burrows, (2) tortoises may be relocated to secure habitat within 2 miles from the point of capture and barriers will exist to prevent tortoises from re-entering project areas and appear in harm's way, and (3) the tortoises appear to be healthy, unless the Service determines that survey and removal will not contribute toward recovery.

Applicants or project proponents shall contract an authorized desert tortoise biologist to conduct the clearance and removal. Only individuals trained to handle desert tortoises in accordance with Service-approved guidelines shall be authorized to handle desert tortoises, unless they are in imminent danger. Currently, the Service-approved handling guidelines are described in Guidelines for Handling Desert Tortoises during Construction Projects (Desert Tortoise Council 1994, revised 1999). Tortoises shall not be placed on private lands or lands under management by an agency other than BLM, without written permission of the landowner or agency. If unforeseen circumstances occur that would question the survival of tortoises potentially relocated from project areas, BLM shall coordinate with the Service on the disposition of such tortoises.

b. If a tortoise is in imminent danger with immediate death or injury likely (such as from an approaching vehicle or equipment), and the tortoise has been given the opportunity to move but has withdrawn in its shell and is not moving, onsite personnel may capture the tortoise and place it in a clean unused cardboard box or similar container. If tortoises are found that cannot be relocated as described in Term and Condition 1.a., Clark County's tortoise pick-up service will be notified immediately. The contained tortoise will be held in the shade or a temperature-controlled environment until removed by the pick-up service.

c. The material pit shall be fenced with permanent tortoise-proof fencing prior to surface disturbance in accordance with the specifications attached to BLM's March 13, 2006, request. The fenced shall be inspected at least quarterly, following substantial precipitation, and maintained for the life of the project. Monitoring and maintenance will include regular removal of trash and sediment accumulation at the bottom of the fence. A qualified tortoise biologist shall be onsite during construction of the fence.

2. BLM shall fully implement the following measures to minimize destruction of desert tortoise habitat, such as soil compaction, erosion, or crushed vegetation:

a. Implement as specified in PBO. [If fees are paid before March 1, 2007, the rate will be \$705 per acre of habitat disturbance. A total of 120 acres of undisturbed habitat would be impacted by the proposed project which requires payment of section 7 fees, for a total payment of \$84,600. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year. The next adjustment shall occur on January 31, 2005, and will become effective March 1, 2005. Fees assessed or collected for projects covered under this biological opinion after March 1st 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>

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

The payment shall be accompanied by the Section 7 Fee Payment Form (Attachment B), and completed by the payee. Payment shall be by certified check or money order payable to Clark County (or other administrator named by the Service), and delivered to:

Clark County Habitat Conservation
c/o Dept. of Air Quality and Environmental Management
Clark County Government Center
500 So. Grand Central Parkway, (front counter, 1st floor)
Post Office Box 558270
Las Vegas, Nevada 89155
Contact: (702) 455-5821

b. The boundaries of project areas shall be flagged or marked and all equipment, vehicles, and construction materials will remain within the project site or authorized areas. Staging areas will be located in previously disturbed areas whenever possible. Cross-country travel and travel outside authorized areas will be prohibited.

3. The BLM shall fully implement the following measure to minimize injury or mortality of desert tortoises during handling and/or removal from BLM lands within the action area:

a. In accordance with Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise (Service 1992), an authorized desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields. The biologist must have demonstrated prior field experience

using accepted resource agency techniques to survey for desert tortoises and tortoise sign. As a guideline, an authorized biologist should have 60 field days of experience. In addition, the biologist shall have the ability to recognize and accurately record survey results.

b. All burrows found during clearance surveys within areas proposed for disturbance, whether occupied or vacant, will be excavated by an authorized desert tortoise biologist and collapsed or blocked to prevent desert tortoise reentry. All burrows will be excavated with hand tools to allow removal of desert tortoises or desert tortoise eggs. All desert tortoise handling and excavations, including nests, will be conducted by an authorized desert tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1994, revised 1999).

c. All located desert tortoises and desert tortoise eggs will be relocated offsite 300 feet to 2 miles into adjacent undisturbed habitat. Tortoises found aboveground will be placed under a bush in the shade. A tortoise located in a burrow will be placed in an existing unoccupied burrow of the same size and orientation as the one from which it was taken. If a suitable natural burrow is unavailable or the occupancy status of the burrow is in question, an authorized desert tortoise biologist will construct one of the same size and orientation as the one from which it was removed using the protocol for burrow construction in Section B-5-f (Desert Tortoise Council 1994, revised 1999).

d. Any tortoise found within one hour before nightfall will be placed in a separate clean cardboard box and held in a cool, predator-free location. The box will be covered and kept upright at all times to minimize stress to the tortoise. Each box will be used once and then disposed of properly. The tortoise will be released the next day in the same area from which it was collected and using the procedures described above. Each tortoise will be handled with new disposable latex gloves. After use, the gloves will be properly discarded and a fresh set used for each subsequent tortoise handling.

e. An authorized desert tortoise biologist will be onsite during the periods when tortoises are expected to be active for all three phases of the highway widening project to ensure construction activities are in compliance with this biological opinion and that desert tortoises that may wander on to the construction site via unfenced areas are not inadvertently harmed.

The biologist will be responsible for: (1) Enforcing the litter-control program; (2) ensuring that tortoise-proof fences are maintained where applicable; (3) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; (4) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously disturbed areas; (5) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; and (6) ensuring compliance with the terms and conditions of this biological

opinion. Desert tortoises will be handled according to Service-approved protocol (Desert Tortoise Council 1994, revised 1999).

f. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F (35°C). Ambient air temperature shall be measured in the shade, protected from wind, at a height of 2 inches (5 centimeters) above the ground surface. No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95°F (35°C) before handling and relocation can be completed. If the ambient air temperature exceeds 95°F (35°C) during handling or processing, desert tortoises shall be kept shaded in an environment that does not exceed 95°F (35°C), and the animals shall not be released until ambient air temperature declines to below 95°F (35°C).

g. Project activities that may endanger a tortoise will cease if a tortoise is found on a project site. Project activities will resume after an authorized desert tortoise biologist removes the tortoise from danger or after the tortoise has moved to a safe area on its own volition.

h. A desert tortoise education program may be required on an action-specific basis if BLM biologist or Service believe that project personnel will encounter desert tortoises. The program would be presented to all personnel onsite during construction activities. This program would contain information concerning the biology and distribution of the desert tortoise, desert tortoise activity patterns, its legal status and occurrence in the proposed project area, the definition of "take" and associated penalties, measures designed to minimize the effects of construction activities, the means by which employees can facilitate this process, and reporting requirements to be implemented when tortoises are encountered.

4. The BLM shall fully implement the following measures to ensure compliance with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in the biological opinion: BLM shall keep an up-to-date log of all actions taken under this consultation including acreage affected; number of desert tortoises injured, killed, or removed from project areas; and fees paid for each action. BLM will continue to provide the log information to the Service's Southern Nevada Field Office on an annual basis. Information will be cumulative throughout the term of this consultation.

Mammals - The project provides habitat suitable for several species of mammals such as blacktailed jack rabbit, kit fox, and numerous species of rodents. The majority of these is common and widespread and will flee upon approach. Burrowing mammals such as

rodents, however, are likely to be killed or injured during the mineral extraction process. Because these species are common and widespread, loss of a few individuals is not likely to have a significant effect on the species as a whole.

The BLM and NDOW have identified Lone Mountain Community Pit contains approximately 3,700 acres of bighorn winter range on BLM managed lands. This is 14.25 percent of the documented winter range for the La Madre herd. However, records from NDOW and BLM publications have documented this species using the area in fall, winter and spring months. No natural or artificial water sources are located within one mile of the project area; therefore, no critical habitat will be affected. Mining activities will result in the direct loss of 160 acres of bighorn habitat. Use of explosives may startle sheep occupying adjacent areas. Due to the timid nature of bighorn, abandonment of an area larger than the project area could occur. The extent of the impact to the species outside the Lots is not known, as there are documented occurrences in other areas managed by the Las Vegas Field Office where sheep co-exist next to active mines (i.e. Southern Nevada Liteweight and Sterling mines).

Proposed Mitigation Measure for Bighorn Sheep

1. The BLM and NDOW will review existing data on the distribution of bighorn sheep within the La Madre Mountains to determine an appropriate site for installation signs. The proponent will pay \$5,000 for signs to be erected by the BLM or NDOW concerning sheep management, vehicle and mountain bike restrictions, and habitat protection adjacent to the Lone Mountain Community Pit..
2. Prior to any further development located to the west and south of Lots 1 and 2, and to the west of Lots 3 and 4, the BLM will complete an environmental assessment which will cover the area designated as the Lone Mountain Community Pit.

Cumulative Effects

The action area associated with this project is currently sparsely developed. The land ownership pattern is a mix of public and private lands. Lands in this area are generally zoned as Rural Open Land, and Open Land. The largest private development sits three quarters of a mile to the east. Nevada Ready Mix is mining its private property. The boundary for the Red Rock National Conservation Area is approximately a mile to the west, and a half mile to the south of the site. The lands are outside the current disposal boundary identified in both the Las Vegas Resource Management Plan and by law. Therefore they can not be exchanged or sold without a plan amendment or legislation.

Private Development - Private lands outside of the action area are being developed at a rapid pace. Within the action area, other than the mining by NRM, development has been slow. Mining has been taking place since the early 1980's. It is not known how much reserves exist, but mining will probably continue for at least the next 10-20 years.

NRM's land would probably be developed for other purposes once mining is completed.

Public Land Development - 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 may increase with population growth and staffing decreases.

There are no mining claims in the area. No locatable minerals are known to occur. It is reasonable to believe that no valid mining claims will be located under the General Mining Law of May 10, 1872 (17 Stat. 91), as amended.

Mining of the proposed project area would potentially disturb 160 acres. Selection of the "Reduced Acreage Alternative" would result in a reduction of the disturbance by 40 acres. Additional acres could be mined in the future. At this point it is not known how many acres might be mined. This would be determined in part by market requirements, and a need for a buffer between the mining and NCA lands. Post mining, the disturbed areas would be reclaimed.

Mining will continue in the Lone Mountain community pit for the foreseeable future. The BLM has initiated a process to withdraw the lands for the purpose of preserving this deposit for future use. Las Vegas Paving currently has two contracts in the Lone Mountain Community Pit. One of the contracts, N-60827, covers 438 acres and will expire in February 2007. The contract will not be renewed. However, the area will be broken up into several parcels for mining. Part of the area would be put out for bid, and part of the area would be used to accommodate operators currently in the beltway alignment. The second contract, N-76700, covers 30 acres and will expire in July of 2016.

Clark County Public Works has identified the area for the construction of several detention basins. Public Works is hoping that the BLM will cooperate in having the area within the community pit mined to leave a detention basin, or series of detention basins to protect down stream private lands. This would necessitate the mining of lands immediately to the west of the beltway alignment to an engineered depth. Mining of the materials this way would result in less cost to the public for construction of the basins.

Mining along the beltway alignment will continue until January of 2008. At that time contracts where the beltway will be constructed will expire. They will not be renewed and the County will start work on the beltway in this area. Approximately 80 acres would no longer be mined. This area would be disturbed by beltway construction for an unknown amount of time, but probably would only be for one to two years. Several of the operators now on the beltway alignment would be moved to the area west of the Bardon Road alignment.

The proposed project site is located adjacent to private land, a large portion of which has

already been developed, and is continuing to be developed for mineral extraction. Approximately 1900 acres of the lands designated as community pit are considered bighorn sheep habitat. Mining of all four lots would affect about 40 of those acres. Though approval of this activity alone may not contribute to significant impacts to desert bighorn, Gila monsters or nesting raptors, the loss of the land within the designated Lone Mountain Community Pit, the patented lands adjacent to this pit, and the development of the western edge of the Las Vegas Valley, will disturb land which is currently being utilized by these species. Loss of this habitat is likely to add to current population declines.

Suitable habitat for these species is located within the Red Rock National Conservation Area and the newly designated La Madre Wilderness Area, west of the project. Installing artificial water sources within protected areas to redistribute the population, will afford greater protection from the expansion of the Las Vegas Valley. Post mining reclamation will have the potential to re-establish a vegetative community favorable to these species.

The location selected for the proposed action is a result of growing demand for mineral materials. The particular materials available at this site are typical of the rocky terrain in the western portion of the Valley, and therefore of similar habitat characteristics. By locating the proposed action adjacent to existing disturbances and within an area previously identified for that purpose, instead of in a completely new area, disturbance is minimized because access already exists, and habitat fragmentation is minimized compared to installation of numerous dispersed sites.

There are no known development plans for the rest of the public lands which are dispersed throughout the action area.

C. "No Action" - Alternative

Under this alternative operations within the community pit would continue at their current levels. The competitive sale contracts would not be offered for bid.

D. "Reduced Acreage and Volume" - Alternative

The affected environment under this alternative would differ from the proposed action only in the number of acres that would be impacted. There would be 120 acres affected instead of 160 since materials on Lot 1 would not be sold. Impacts to air quality, wildlife and plant species in the area would be reduced by 40 acres. Mitigation measures would remain the same as for the "Proposed" action. Cumulative effects would not differ from those identified under the "Proposed" action.

VI. Consultation and Coordination

A. Resource Reviewing Staff

Edward Seum	Geologist
Carolyn Ronning	Wildlife Biologist
Bob Bruno	Recreation Specialist
Christina Nelson	Botanist
Stan Rolf	Archaeologist
Michael Johnson	Environmental Coordinator

B. Individuals and Public Agencies Contacted

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DEPARTMENT COMPREHENSIVE PLANNING
P.O. BOX 551741
LAS VEGAS, NV 89155-1741

CLARK COUNTY
REGIONAL FLOOD CONTROL, STE. 300
600 S. GRAND CENTRAL PARKWAY
LAS VEGAS, NV 89155

CLARK COUNTY
DEPARTMENT OF AIR QUALITY MANAGEMENT
P.O. BOX 555210
LAS VEGAS, NEVADA 89155-5210

NEVADA STATE CLEARINGHOUSE
209 E. MUSSER STREET, ROOM 200
CARSON CITY, NV 89710

CITY OF LAS VEGAS
PUBLIC WORKS DEPARTMENT
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

CITY OF LAS VEGAS
CITY COUNCIL OFFICE
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

CITY OF LAS VEGAS
CITY MANAGER'S OFFICE
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LAS VEGAS, NEVADA 89101

SIERRA CLUB
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LAS VEGAS, NV 89132

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STEVE MELLINGTON
RESOURCE ADVISORY COUNCIL, VICE CHAIR
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LAS VEGAS, NV 89131

GREAT BASIN MINE WATCH
C/O TOM MEYERS
P.O. BOX 10262 2252
RENO, NV 89510

OUTSIDE LAS VEGAS
C/O ALAN O'NEIL
MORNING MESA AVENUE
HENDERSON, NV 89052

ROBERT W. HALL
NEVADA ENVIRONMENTAL COALITION
P.O. BOX 370956

LAS VEGAS, NV 89137

C. Public Comment

VII. Recommendation and Rationale

A. Recommendation

Go forward with the project as described in the "**Reduced Acreage and Volume**" - **Alternative**. Approve the project incorporating the appropriate, recommended mitigating measures into the stipulations, which would be added as an attachment to the material sale contract.

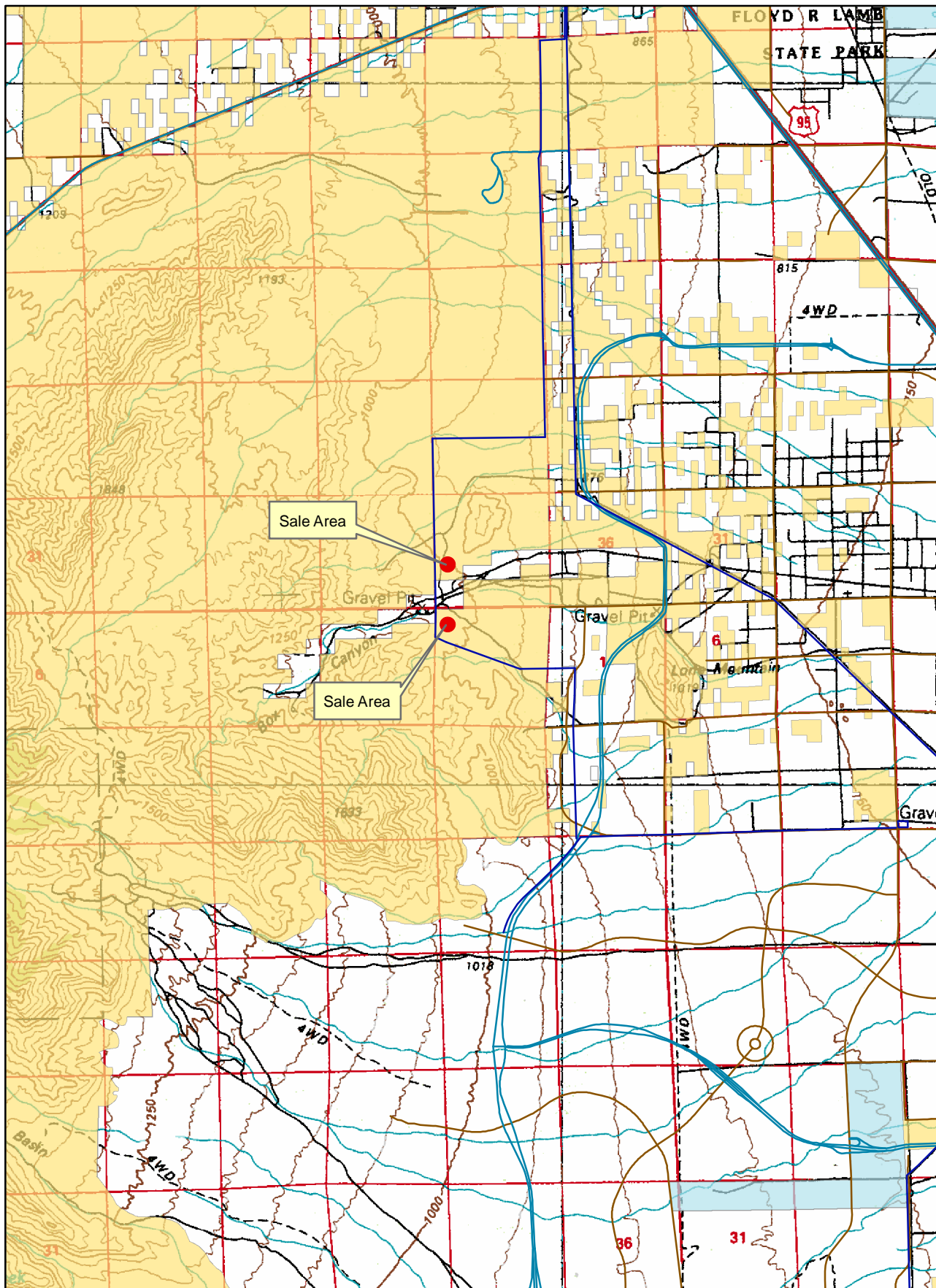
B. Rationale

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

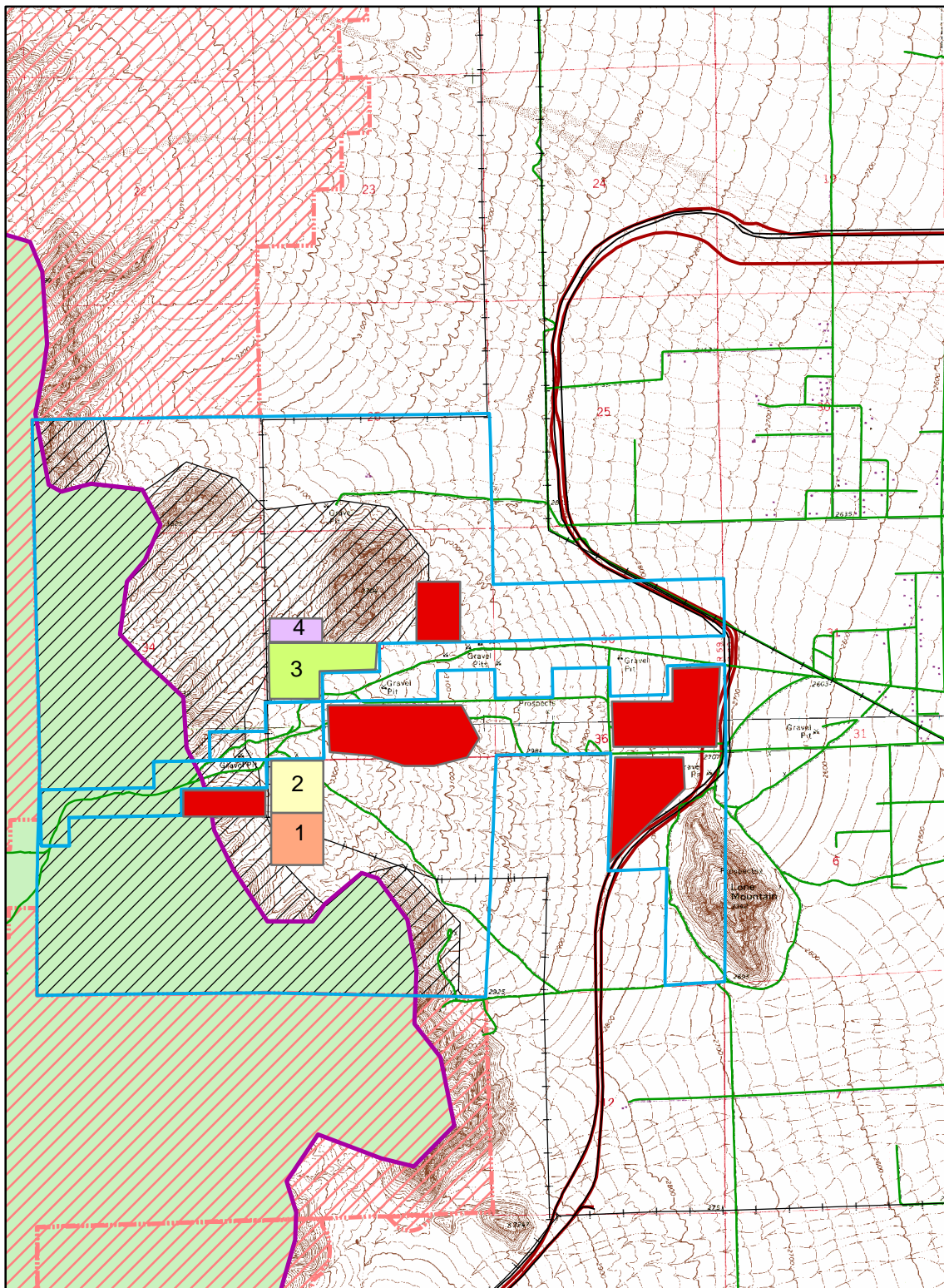
Date: July 17, 2006

General Location Map


















Las Vegas 1:100000





Lone Mountain Competitive Sales

Legend

-  comm_pits2 arc
-  powerlines arc
-  habitat_high arc
-  Interstates
-  US Highways
-  State Highways
-  County Highways
-  roads_24kdlg arc
-  freeways arc
-  compitBighorn
-  nca polygon
-  habitat_high arc
-  bighorn_hab polygon
-  Current mining in the community pit
-  Sale parcels

