

ASDO NEPA DOCUMENT ROUTING SHEET

NEPA Document Number: **CX-AZ-110-2008-052**

Project Title: Scenic Fire Station R&PP Lease Assignment AZA-30896

Project Lead: Linda Barwick

Date that any scoping meeting was conducted:

Date that concurrent, electronic distribution for review was initiated: October 14, 2008

Deadline for receipt of responses: November 4, 2008

ID Team/Required Reviewers will be determined at scoping meeting or as a default the following:

Gloria Benson, Tribal Liaison
Diana Hawks, Recreation/Wilderness/VRM
Laurie Ford, Lands/Realty/Minerals
Kitti Jensen, Wildlife/ T&E
John Herron, Cultural
Lee Hughes, Special Status Plants
Ray Klein, GCPNM Supervisory Ranger
Linda Price, S&G
Whit Bunting, Range/Vegetation
Richard Spotts, Environmental Coordinator
Ron Wadsworth, Supervisory Law Enforcement
LD Walker, Weed Coordinator
Lorraine Christian, ASFO Field Manager

Required Recipients of electronic distribution E-mails only (not reminders):

Andi Rogers (E-mail address: arogers@azgfd.gov)
Rick Miller (E-mail address: rmiller@azgfd.gov)
LeAnn Skrzynski (E-mail address: lskrzynski@kaibabpaiute-nsn.gov)

(Ms. Rogers and Mr. Miller are Arizona Game and Fish Department (AGFD) habitat specialists. Ms. Skrzynski is Environmental Program Director for the Kaibab Paiute Tribe (KPT). They may review and/or forward on ASDO NEPA documents to other employees. If a Project Lead receives comments from any AGFD employee on their draft NEPA document, they should include them in the complete set/administrative record and share them with Kitti Jensen as the ASDO Wildlife Team Lead. Ms. Jensen will then recommend how these comments should be addressed. If a Project Lead receives comments from any KPT employee, they should include them in the complete set/administrative record and share them with Gloria Benson as the ASDO Native American Coordinator. Ms. Benson will then recommend how these comments should be addressed.)

Discretionary Reviewers:

(Insert names and titles of any additional reviewers recommended by Project Lead, Manager(s), Environmental Coordinator, or from scoping meetings)

NEPA Document Number: CX-AZ-110-2008-052

A. Background

BLM Office: Arizona Strip Field Office

Lease/Serial/Case File No.: AZA-30896

Proposed Action Title/Type: Scenic Fire Station R&PP Lease Assignment

Location of Proposed Action: GSRM, T. 39 N., R. 16 W., sec. 10, NENENWNE, containing 2.5 acres, more or less (see location map, Attachment 1).

Description of Proposed Action: Mohave County Board of Supervisors has requested assignment of their Recreation and Public Purposes (R&PP) Lease AZA-30896, issued on April 18, 2003 for the construction and operation of a fire station in the community of Scenic, to the Beaver Dam/Littlefield Fire District (BD/LFFD) since the lease is now within the boundaries of the BD/LFFD. The terms and conditions of the lease have been updated to include standard archaeological and invasive species stipulations, and current desert tortoise conservation measures (Attachment 3). The BD/LFFD has agreed to comply with and be bound by the terms and conditions of the referenced lease.

B. Land Use Plan Conformance

Land Use Plan Name: Arizona Strip Field Office Resource Management Plan, dated January 29, 2008

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision:

Decision MA-LR-04 (which states in part): – “Up to 19,743 acres of public land are identified for exchange, sale, or R&PP lease/sale with NEPA and ESA compliance and consistent with planning guidance and objectives.”

In addition, the proposed action does not conflict with other decisions in the LUP.

C. Compliance with NEPA

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(9) which provides for, “Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply (see Attachment 2).

D: Signature

Authorizing Official: _____ Date: _____
Field Manager, Arizona Strip

Contact Person

For additional information concerning this CX review, contact Linda Barwick, Land Law Examiner, AZ Strip Field Office, 345 E. Riverside, St. George, UT 84790, 688-3287.

Attachment 2

EXTRAORDINARY CIRCUMSTANCES REVIEW AND CHECKLIST		
<p>IMPORTANT: Appropriate staff should review the circumstances listed below, and comment for concurrence. Rationale supporting the concurrence should be included where appropriate.</p>		
EXTRAORDINARY CIRCUMSTANCES	YES/NO & RATIONALE (If Appropriate)	STAFF
Does the proposed action...		
1. Have significant impacts on public health and safety?	NO	LBarwick
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?	NO	DHawks KJensen JHerron
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?	NO	LFord
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	NO	LFord
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?	NO	LFord
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	NO	LFord
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?	NO	JHerron
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	NO	LHughes/ KJensen
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?	NO	GBenson
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	NO	LFord
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	NO	GBenson
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	NO	LWalker

DECISION MEMORANDUM
CX-AZ-110-2008-052
Scenic Fire Station R&PP Lease Assignment AZA-30896

U.S. Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Categorical Exclusion documentation and field office staff recommendations, I have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan, dated January 29, 2008, and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed with the following stipulations/mitigation measures:

1. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use, new construction, or additions shall be left intact; all work in the area shall stop immediately and the authorized officer shall be notified immediately. Recommencement of work shall be allowed upon clearance by the authorized officer in consultation with the archaeologist.
2. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony are defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
3. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the BLM requires the following measures be taken: The holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The holder is responsible for the eradication of noxious weeds within the lease area throughout the term of the lease. The holder is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (November 2005), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS).
4. Use of herbicides shall comply with the applicable Federal and state laws. Herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides shall be approved in writing by the authorized officer prior to such use.
5. Desert tortoise, Mojave population
DT-1. Minimize or eliminate effects to desert tortoise from authorized projects¹.
DT-1.A. For each authorized project¹, BLM and/or NPS will designate a field contact representative (FCR) who will be responsible for overseeing compliance with these conservation measures and for coordination on compliance with the USFWS. The FCR will be a qualified biologist

approved by BLM, and will have the authority and the responsibility to halt all project activities that are in compliance with these conservation measures. These individuals will have a copy of these conservation measures while on the work site.

DT-1.B. To the extent possible, project features will be located in previously-disturbed areas or outside of desert tortoise habitat.

DT-1.C. To the extent possible, project activities will be scheduled when tortoises are inactive (October 15 through March 15).

DT-1.D. Pre-construction surveys will be conducted to locate desert tortoises that may be injured or killed as a result of proposed activities. Projects will be altered or tortoises in harm's way will be relocated to avoid lethal take of tortoises in project areas. Prior to any surface-disturbing activities associated with "projects," work sites will be surveyed for desert tortoises by a qualified biologist approved by BLM. Areas of new disturbance will be surveyed with 100-percent coverage.

DT-1.D.1. Between October 15 and March 15 any new disturbance will be preceded by 100-percent surveys conducted within one week of the proposed activities. During surveys, occupied desert tortoise burrows in or within 40 feet of areas to be disturbed will be excavated using hand tools under the supervision of an authorized biologist. Tortoises discovered in burrows will be relocated. Burrows will then be collapsed or blocked to prevent entry by tortoises. Desert tortoises and any desert tortoise eggs found in areas to be disturbed will be relocated in accordance with conservation measure DT-1.D.4. All handling of desert tortoises and their eggs will be in accordance with conservation measure DT-1.D.4.

DT-1.D.2. For project activities occurring during the desert tortoise active season (March 15 through October 15), surveys will be conducted within 24 hours of initiation of surface-disturbing activities. For surface-disturbing activities conducted from March 15 to October 15 in desert tortoise habitat, construction and operation activities will be monitored by a qualified desert tortoise biologist approved by BLM. The biologist will be present during all activities in which encounters with tortoises may occur. The biologist will watch for tortoises wandering into construction areas, check under vehicles, check at least three times per day any excavations that might trap tortoises, and conduct other activities necessary to ensure that death or injury of tortoises is minimized.

DT-1.D.3. Only biologists authorized and permitted by the USFWS and AGFD will handle desert tortoises. Additional biologists can be authorized if BLM submits the name(s) of the proposed authorized biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of activities that can result in a take. Minimum requirements for authorized biologists include attending the Desert Tortoise Council's training course for handling desert tortoises and/or training by an authorized biologist. Authorized biologists must have all valid state and federal permits.

DT-1.D.4. The authorized biologist will maintain a record of all desert tortoises encountered during project activities. This information will include for each desert tortoise:

- a. The locations and dates of observation
- b. General condition and health, including injuries and state of healing and whether animals voided their bladders
- c. Location moved from and location moved to

Diagnostic markings (i.e. identification numbers of marked lateral scutes) Desert tortoises that are handled will be marked for future identification. An identification number (using the acrylic paint/epoxy technique) will be placed on the 4th costal scute (USFWS 1992). No notching of scutes or replacement of fluids with a syringe is authorized.

¹"Project" means any surface-disturbing activities proposed that may cause disturbance of desert tortoise habitat and/or death or injury of a desert tortoise, with the exception of grazing by livestock and activities associated with fire suppression.

- DT-1.E.** If a tortoise or clutch of tortoise eggs is found in a project area, to the extent practicable activities will be modified to avoid injuring or harming it. If activities cannot be modified, the tortoise/clutch will be moved from harm's way by an the authorized biologist the minimum distance possible within appropriate habitat to ensure its safety from death, injury, or collection associated with the project or other activities. The authorized biologist will have some discretion to ensure that survival of each relocated desert tortoise/clutch is likely. Desert tortoises/clutches will not be translocated to lands outside the administration of the Federal government without the written permission of the landowner. Handling procedures for desert tortoises and their eggs will adhere to protocols outlined in Desert Tortoise Council (1994 with 1996 revisions).
- DT-1.F.** Areas of new construction or disturbance will be flagged or marked on the ground prior to construction. All construction workers will strictly limit their activities and vehicles to areas that have been marked. Construction personnel will be trained to recognize markers and understand the equipment movement restrictions involved.
- DT-1.G.** A desert tortoise education program will be presented to all project personnel that may encounter tortoises; such as employees, inspectors, supervisors, contractors, and subcontractors; prior to initiation of activities that may result in disturbance of desert tortoise habitat or death or injury of desert tortoises. The education program will include discussions of the following:
1. legal protection of the desert tortoise and sensitivity of the species to human activities;
 2. a brief discussion of desert tortoise distribution and ecology;
 3. the terms and conditions of applicable biological opinions;
 4. project features designed to reduce adverse effects to desert tortoises and their habitat, and to promote the species' long-term survival;
 5. protocols during encounters with desert tortoises and associated reporting requirements; and
 6. the definition of take and penalties for violations of Federal and State laws.
- DT-1.H.** During the tortoise active season (March 15 through October 15), project features that might trap or entangle desert tortoises such as open trenches, pits, open pipes, etc will be covered or modified to prevent entrapment.
- DT-1.I.** Long-term or permanent project sites in which continued encounters with desert tortoises are expected, such as construction of schools under an R&PP lease, roads, power plants, office buildings, and other permanent or long-term projects will be enclosed with desert tortoise barrier fencing to prevent tortoises from wandering onto the project site where they may be subject to collection, death, or injury. Barrier fencing should consist of wire mesh with a maximum mesh size of 1-inch (horizontal) by 2-inch (vertical) fastened securely to posts. The wire mesh will extend at least 18 inches above the ground and preferably 12 inches below the surface of the ground. Where burial is not possible, the lower 12 inches will be folded outward, away from the enclosed site, and fastened to the ground so as to prevent tortoise entry. Any gates or gaps in the fence will be constructed and operated to prevent desert tortoise entry (such as installing "tortoise guards" similar to cattle guards, and/or keeping gates closed). Specific measures for tortoise-proofing gates and gaps will be addressed project by project. Once fence construction is complete, all tortoises within the fence will be relocated outside the fence in accordance with conservation measure DT-1.D.4. If more than 20 tortoises are to be relocated from any one area enclosed by a fence, the Bureau will contact the USFWS in regard to disposition of the animals. After the area within the fence has been cleared of tortoises, construction and operation activities may occur within the fence without the presence and monitoring of a biologist (see conservation measure DT-1.D.).
- DT-1.J.** Temporary fencing, such as snow fencing, chain link, and other suitable materials will be used in designated areas as determined by the Bureau to reduce encounters with tortoises from March 15 to October 15 on short-term projects, such as construction of power lines, burial of fiber optic cables, etc, where encounters with tortoises are likely.
- DT-1.K.** Blading of work areas will be minimized to the extent possible. Disturbance to shrubs will be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use, wherever possible they will be crushed rather than excavated or bladed.
- DT-1.L.** Project vehicle use will be limited to designated routes (existing routes prior to designation) to the extent possible.
- DT-1.M.** At no time will vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to BLM and cleaned up immediately, using the best available practices

according to the requirements of the law. All spills of federally or State-listed hazardous materials that exceed reportable quantities will be promptly reported to the appropriate State agency and the BLM.

DT-1.N. Vehicles associated with Bureau-authorized projects traveling on unpaved roads in desert tortoise habitat will not exceed speed limits established by the Bureau as necessary to protect desert tortoises. These speed limits will generally not exceed 40 mph even on the best-unpaved roads but may be much less than this on some roads. (Note: Exceptions to this term may occur in emergency situations.)

DT-1.O. New paved roads and highways in desert tortoise habitat or major reconstruction or modifications of existing paved roads through desert tortoise habitat will be fenced with desert tortoise barrier fencing (see DT-1.I. and J.). Culverts, to allow safe passage of tortoises, will be constructed approximately every mile of new or reconstructed paved road (culverts can also serve the more typical purpose of conducting water under roads). The culvert diameter needed to encourage tortoise use is correlated with culvert length, but generally short culverts of large diameter are most likely to be used. The floor of the culvert will be covered with dirt and maintenance should be performed as necessary to maintain an open corridor for tortoise movement. Culvert design will be coordinated with and approved by the USFWS.

DT-1.P. Unleashed dogs will be prohibited in project areas.

DT-1.Q. Temporary access routes created during project construction will be modified as necessary to prevent further use. Closure of access routes can be achieved by ripping, barricading, posting the route as closed, and/or seeding and planting with native plants.

DT-1.R. To reduce attraction of potential desert tortoise predators, project sites in desert tortoise habitat will be maintained in a sanitary condition at all times; waste materials at those sites will be placed in covered receptacles and disposed of promptly at an appropriate waste disposal site. "Waste" refers to all discarded matter, including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. All reasonable effort will also be taken to reduce or eliminate water sources associated with project activities that might attract ravens and other predators.

DT-1.S. After completion of the project, trenches, pits, and other features in which tortoises can be entrapped or entangled, will be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoises.

DT-1.T. After project completion, measures will be taken to facilitate restoration. Restoration techniques will be tailored to the characteristics of the site and the nature of project impacts. Techniques may include removal of equipment and debris, recontouring; and seeding, planting, transplanting of cacti and yuccas, etc. Only native plant species, preferably from a source on or near the project area, will be used in restoration.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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

Standards for Obtaining a Stay

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

Lorraine M. Christian
Field Manager

Date

Attachment: Form 1842-1

Attachment 3

Terms and Conditions

1. Any surface or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use, new construction, or additions shall be left intact; all work in the area shall stop immediately and the authorized officer shall be notified immediately. Recommencement of work shall be allowed upon clearance by the authorized officer in consultation with the archaeologist.
2. If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony are defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the holder shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.
3. There is potential for the spread of noxious and invasive weeds from equipment contaminated with weed seed and/or biomass. To reduce this potential, the BLM requires the following measures be taken: The holder will thoroughly power wash and remove all vegetative material and soil before transporting equipment to the work site to help minimize the threat of spreading noxious and invasive weeds. This includes trucks, trailers, and all other machinery. The holder is responsible for the eradication of noxious weeds within the lease area throughout the term of the lease. The holder is responsible for consultation with the authorized officer and local authorities for implementing acceptable weed treatment methods. Any use of chemical treatments will be made using only chemicals approved in Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (November 2005), by a state certified applicator who will abide by all safety and application guidelines as listed on the product label and Material Data Safety Sheet (MSDS).
4. Use of herbicides shall comply with the applicable Federal and state laws. Herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, weed(s) to be controlled, method of application, location of storage and mixing areas, method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of herbicides shall be approved in writing by the authorized officer prior to such use.
5. Desert tortoise, Mojave population
DT-1. Minimize or eliminate effects to desert tortoise from authorized projects¹.
DT-1.A. For each authorized project¹, BLM will designate a field contact representative (FCR) who will be responsible for overseeing compliance with these conservation measures and for coordination on compliance with the USFWS. The FCR will be a qualified biologist approved by BLM, and will have the authority and the responsibility to halt all project activities that are in compliance with these conservation measures. These individuals will have a copy of these conservation measures while on the work site.
DT-1.B. To the extent possible, project features will be located in previously-disturbed areas or outside of desert tortoise habitat.
DT-1.C. To the extent possible, project activities will be scheduled when tortoises are inactive (October 15 through March 15).

¹"Project" means any surface-disturbing activities proposed that may cause disturbance of desert tortoise habitat and/or death or injury of a desert tortoise, with the exception of grazing by livestock and activities associated with fire suppression.

DT-1.D. Pre-construction surveys will be conducted to locate desert tortoises that may be injured or killed as a result of proposed activities. Projects will be altered or tortoises in harm's way will be relocated to avoid lethal take of tortoises in project areas. Prior to any surface-disturbing activities associated with "projects," work sites will be surveyed for desert tortoises by a qualified biologist approved by BLM. Areas of new disturbance will be surveyed with 100-percent coverage.

DT-1.D.1. Between October 15 and March 15 any new disturbance will be preceded by 100-percent surveys conducted within one week of the proposed activities. During surveys, occupied desert tortoise burrows in or within 40 feet of areas to be disturbed will be excavated using hand tools under the supervision of an authorized biologist. Tortoises discovered in burrows will be relocated. Burrows will then be collapsed or blocked to prevent entry by tortoises. Desert tortoises and any desert tortoise eggs found in areas to be disturbed will be relocated in accordance with conservation measure DT-1.D.4. All handling of desert tortoises and their eggs will be in accordance with conservation measure DT-1.D.4.

DT-1.D.2. For project activities occurring during the desert tortoise active season (March 15 through October 15), surveys will be conducted within 24 hours of initiation of surface-disturbing activities. For surface-disturbing activities conducted from March 15 to October 15 in desert tortoise habitat, construction and operation activities will be monitored by a qualified desert tortoise biologist approved by BLM. The biologist will be present during all activities in which encounters with tortoises may occur. The biologist will watch for tortoises wandering into construction areas, check under vehicles, check at least three times per day any excavations that might trap tortoises, and conduct other activities necessary to ensure that death or injury of tortoises is minimized.

DT-1.D.3. Only biologists authorized and permitted by the USFWS and AGFD will handle desert tortoises. Additional biologists can be authorized if BLM submits the name(s) of the proposed authorized biologist(s) to the USFWS for review and approval at least 15 days prior to the onset of activities that can result in a take. Minimum requirements for authorized biologists include attending the Desert Tortoise Council's training course for handling desert tortoises and/or training by an authorized biologist. Authorized biologists must have all valid state and federal permits.

DT-1.D.4. The authorized biologist will maintain a record of all desert tortoises encountered during project activities. This information will include for each desert tortoise:

- a. The locations and dates of observation
- b. General condition and health, including injuries and state of healing and whether animals voided their bladders
- c. Location moved from and location moved to
- d. Diagnostic markings (i.e. identification numbers of marked lateral scutes)

Desert tortoises that are handled will be marked for future identification. An identification number (using the acrylic paint/epoxy technique) will be placed on the 4th costal scute (USFWS 1992). No notching of scutes or replacement of fluids with a syringe is authorized.

DT-1.E. If a tortoise or clutch of tortoise eggs is found in a project area, to the extent practicable activities will be modified to avoid injuring or harming it. If activities cannot be modified, the tortoise/clutch will be moved from harm's way by an the authorized biologist the minimum distance possible within appropriate habitat to ensure its safety from death, injury, or collection associated with the project or other activities. The authorized biologist will have some discretion to ensure that survival of each relocated desert tortoise/clutch is likely. Desert tortoises/clutches will not be translocated to lands outside the administration of the Federal government without the written permission of the landowner. Handling procedures for desert tortoises and their eggs will adhere to protocols outlined in Desert Tortoise Council (1994 with 1996 revisions).

DT-1.F. Areas of new construction or disturbance will be flagged or marked on the ground prior to construction. All construction workers will strictly limit their activities and vehicles to areas that have been marked. Construction personnel will be trained to recognize markers and understand the equipment movement restrictions involved.

DT-1.G. A desert tortoise education program will be presented to all project personnel that may encounter tortoises; such as employees, inspectors, supervisors, contractors, and subcontractors; prior to initiation of activities that may result in disturbance of desert tortoise habitat or death or injury of desert tortoises. The education program will include discussions of the following:

1. legal protection of the desert tortoise and sensitivity of the species to human activities;
2. a brief discussion of desert tortoise distribution and ecology;
3. the terms and conditions of applicable biological opinions;
4. project features designed to reduce adverse effects to desert tortoises and their habitat, and to promote the species' long-term survival;
5. protocols during encounters with desert tortoises and associated reporting requirements; and
6. the definition of take and penalties for violations of Federal and State laws.

DT-1.H. During the tortoise active season (March 15 through October 15), project features that might trap or entangle desert tortoises such as open trenches, pits, open pipes, etc will be covered or modified to prevent entrapment.

DT-1.I. Long-term or permanent project sites in which continued encounters with desert tortoises are expected, such as construction of schools under an R&PP lease, roads, power plants, office buildings, and other permanent or long-term projects will be enclosed with desert tortoise barrier fencing to prevent tortoises from wandering onto the project site where they may be subject to collection, death, or injury. Barrier fencing should consist of wire mesh with a maximum mesh size of 1-inch (horizontal) by 2-inch (vertical) fastened securely to posts. The wire mesh will extend at least 18 inches above the ground and preferably 12 inches below the surface of the ground. Where burial is not possible, the lower 12 inches will be folded outward, away from the enclosed site, and fastened to the ground so as to prevent tortoise entry. Any gates or gaps in the fence will be constructed and operated to prevent desert tortoise entry (such as installing "tortoise guards" similar to cattle guards, and/or keeping gates closed). Specific measures for tortoise-proofing gates and gaps will be addressed project by project. Once fence construction is complete, all tortoises within the fence will be relocated outside the fence in accordance with conservation measure DT-1.D.4. If more than 20 tortoises are to be relocated from any one area enclosed by a fence, the Bureau will contact the USFWS in regard to disposition of the animals. After the area within the fence has been cleared of tortoises, construction and operation activities may occur within the fence without the presence and monitoring of a biologist (see conservation measure DT-1.D.).

DT-1.J. Temporary fencing, such as snow fencing, chain link, and other suitable materials will be used in designated areas as determined by the Bureau to reduce encounters with tortoises from March 15 to October 15 on short-term projects, such as construction of power lines, burial of fiber optic cables, etc, where encounters with tortoises are likely.

DT-1.K. Blading of work areas will be minimized to the extent possible. Disturbance to shrubs will be avoided if possible. If shrubs cannot be avoided during equipment operation or vehicle use, wherever possible they will be crushed rather than excavated or bladed.

DT-1.L. Project vehicle use will be limited to designated routes (existing routes prior to designation) to the extent possible.

DT-1.M. At no time will vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to BLM and cleaned up immediately, using the best available practices according to the requirements of the law. All spills of federally or State-listed hazardous materials that exceed reportable quantities will be promptly reported to the appropriate State agency and the BLM.

DT-1.N. Vehicles associated with Bureau-authorized projects traveling on unpaved roads in desert tortoise habitat will not exceed speed limits established by the Bureau as necessary to protect desert tortoises. These speed limits will generally not exceed 40 mph even on the best-unpaved roads but may be much less than this on some roads. (Note: Exceptions to this term may occur in emergency situations.)

DT-1.O. New paved roads and highways in desert tortoise habitat or major reconstruction or modifications of existing paved roads through desert tortoise habitat will be fenced with desert tortoise barrier fencing (see DT-1.I. and J.). Culverts, to allow safe passage of tortoises, will be constructed approximately every mile of new or reconstructed paved road (culverts can also serve the more typical purpose of conducting water under roads). The culvert diameter needed to encourage tortoise use is correlated with culvert length, but generally short culverts of large

diameter are most likely to be used. The floor of the culvert will be covered with dirt and maintenance should be performed as necessary to maintain an open corridor for tortoise movement. Culvert design will be coordinated with and approved by the USFWS.

DT-1.P. Unleashed dogs will be prohibited in project areas.

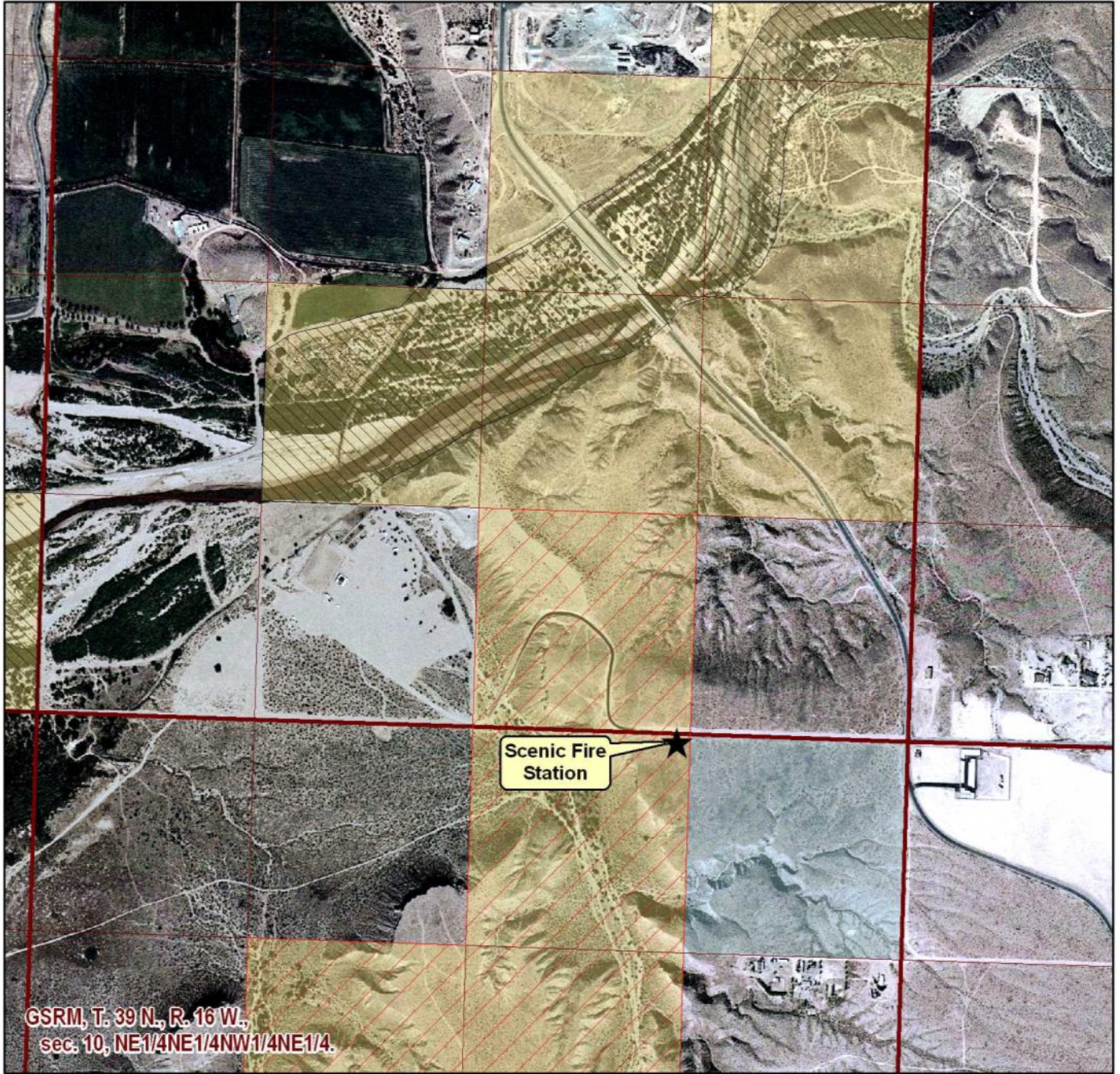
DT-1.Q. Temporary access routes created during project construction will be modified as necessary to prevent further use. Closure of access routes can be achieved by ripping, barricading, posting the route as closed, and/or seeding and planting with native plants.

DT-1.R. To reduce attraction of potential desert tortoise predators, project sites in desert tortoise habitat will be maintained in a sanitary condition at all times; waste materials at those sites will be placed in covered receptacles and disposed of promptly at an appropriate waste disposal site. "Waste" refers to all discarded matter, including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. All reasonable effort will also be taken to reduce or eliminate water sources associated with project activities that might attract ravens and other predators.

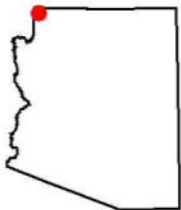
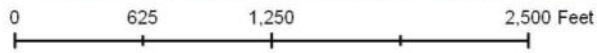
DT-1.S. After completion of the project, trenches, pits, and other features in which tortoises can be entrapped or entangled, will be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoises.

DT-1.T. After project completion, measures will be taken to facilitate restoration. Restoration techniques will be tailored to the characteristics of the site and the nature of project impacts. Techniques may include removal of equipment and debris, recontouring; and seeding, planting, transplanting of cacti and yuccas, etc. Only native plant species, preferably from a source on or near the project area, will be used in restoration.

Attachment 1



GSRM, T. 39 N., R. 16 W.,
sec. 10, NE1/4NE1/4NW1/4NE1/4.



BD/LFFD - Scenic Fire Station R&PP Lease AZA-30896



United States Department of the Interior
Bureau of Land Management
Arizona Strip Field Office

Legend

- Bureau of Land Management
- Private
- State
- Virgin River ACEC
- Available for Disposal
- Aliquot Part Line
- Section Line

CAUTION: Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Map created on October 16, 2008