United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

RECEIVED
APR 30 2007
DESIGN & CONSTRUCTION DIVISION

TAKE PRIDE IN AMERICA

In Reply Refer To:
(2710) NV-055

APR 26 2007

Wendy Fenner
Clark County Department of Public Works
500 Grand Center Parkway, Ste 2001
Las Vegas, Nevada 89155-4000

RE: DECATUR BOULEVARD WATER/ELECTRIC LINE FROM RESERVOIR SITE TO THE CLARK COUNTY SHOOTING PARK: LETTER OF AGREEMENT FOR N-77820 (RESERVOIR SITE) AND N-76357 (DECATUR ACCESS ROAD)

Dear Ms. Fenner:

BACKGROUND: City of North Las Vegas (CNLV) right of way grant N-77820 allows for the construction, operation, and maintenance of a water reservoir site on 10 acres at T. 19 S. R. 61 E. MDB&M, Sec. 06., lots 11, 12, and 19 (Attachment 1). This grant allows for two water reservoirs, a pump station, and water transmission main, which runs south along the section line and terminates at the Gilbert Lane alignment. The right of way is east of and adjacent to the City of North Las Vegas right of way grant for the Decatur Blvd. access road (N-76357). The construction of the Decatur Blvd. access road was noticed in BLM's Letter of Agreement to Clark County (Attachment 2). The City of North Las Vegas has granted permission to Clark County to utilize their rights of way to construct an access road and facilities to the Clark County Shooting Park (Attachment 3).

PROPOSED ACTION: Clark County Shooting Park requires a supply of water at sufficient volume and pressure required by the local Fire Department regulations. Clark County will construct the pump station and utilize water from the existing reservoir. However, the right of way grant N-77820 does not provide for a connecting water main and an electrical transmission line to the right of way for the Decatur Blvd. access road. **Clark County has requested BLM to agree to the construction of a water main and electrical distribution line to connect the pump station granted in N-77820 with the water and electrical distribution lines in N-76357.**

COORDINATION: A field trip was conducted on April 17, 2007, and included representatives from BLM, Clark County Public Works, Nevada Power Company, and City of North Las Vegas to gain consensus on the final location of the water/electrical distribution lines. Agency representatives included:

Name	Affiliation
Rich Arnold	City of North Las Vegas
Wendy Fenner	Clark County Public Works
Mona Stammetti	Clark County Public Works
Cindy Skromak	Nevada Power Company
Gayle Marrs-Smith	BLM
Cheryl Cote	BLM

DESCRIPTION OF FACILITIES: Clark County would install a 12-inch water transmission line and Nevada Power Company would install an electrical distribution line encased in a 6-inch conduit from the pump station to the Decatur Blvd. access road as shown in Attachment 4. The pump station would be constructed on the southwest corner of the reservoir site. The buried electrical distribution line would be offset 7' south of the water transmission main, and the construction width would total 20 feet. The total length of the water/electric lines would be approximately 250 feet, with approximately 200 feet contained in N-77820 and 50 feet contained in N-76357. The area is completely disturbed (Attachment 5). The site does not contain fossils or any plants of concern.

AGREEMENT: As a result of the above meeting, the BLM agrees to the following:

1. The construction of an underground electrical distribution line and water main, approximately 250-foot in length, that connects the pump station in N-77820 with the approved water/electrical distribution lines in the Decatur Blvd. access road (N-76357), as described above and shown in Attachment 4.
2. Clark County will coordinate construction activities with the CNLV's construction of the second water tank at the reservoir site.
3. Clark County will update the list of construction personnel who will be on site to BLM so that law enforcement patrols can be notified.
4. Clark County may place temporary concrete barricades along the eastern side of the Moccasin Road alignment between the reservoir site and the Clark County Shooting Park to protect the area from dumping and vandalism. Prior to placement of the barricades, BLM and the U.S. Fish and Wildlife Service will be notified.
5. After the Record of Decision for the CTA Environmental Impact Statement is issued, rights of way grant N-77820 will be amended appropriately.

I look forward to our continued cooperation on the Decatur Access road project. If you have further questions, please do not hesitate to call.

Sincerely,

Angel Garcia

Juan Palma
for Field Manager

5 Attachments:
(1) Right of Wash Grant N-77820
(2) Letter of Authorization dated December 4, 2006
(3) Letter of Permission, dated September 20, 2006
(4) Plan and profile sheet
(5) Photo of Site

Cc:
Cindy Skromak, Nevada Power Company
Lisa Corbett, Nevada Power Company
Rich Arnold, City of North Las Vegas
Don Turner, Clark County Parks and Recreation
Mona Stammetti, Clark County Public Works
Senator John Lee, Chariman, Shooting Park Advisory Committee
Mark Chatterton, BLM, AFM Lands and Minerals

Attachment 1

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

| Issuing Office
| LVFO
| Serial Number
| N-77820

1. A (right-of-way) (~~permit~~) is hereby granted pursuant to:

   a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90Stat. 2776; 43 U.S.C. 1761);

   b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);

   c. ☐ Other (describe)_____

2. Nature of Interest:

a. By this instrument, the holder the City of North Las Vegas, a political subdivision of the State of Nevada, receives a right to construct, operate, maintain and terminate a reservoir site and water mains within public lands (or Federal land for MLA Rights-of-Way) described as follows:

T. 19 S., R. 61 E., MDB&M
Sec. 06, lots 11, 12, and 19.

As shown on the map at Exhibit A, attached hereto and made a part thereof.

A map showing the location of the right-of-way is on file with the Bureau of Land Management, Las Vegas Field Office (N-77820).

b. The right-of-way area granted herein is 3,330.00 feet in length, 50 feet wide, consisting of 3.82 acres, more or less, and a site facility containing ___10___ acres.

c. This instrument shall ~~terminate on~~ be granted in perpetuity ~~years from its effective date~~ unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument ☐ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest. NOT APPPLICABLE

e. Notwithstanding the ~~expiration of this instrument or any renewal thereof~~, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of ~~the expiration, or prior~~ termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations 2800 and 2880.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 120 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibits A and B, dated MAR 10 2004, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and condition of this right-of-way grant or permit.

(Signature of Holder)	(Signature of Authorized Officer)
Manager Real Property (Title)	For Asst. Field Office Manager, Division of Lands (Title)
7/5/04 (Date)	3/10/04 (Date)

NOTES

This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data delineated hereon.

Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

MAP LEGEND

AVERAGE DA VALUE 55

PARCEL BOUNDARY
SUBD BOUNDARY
ROAD EASEMENT
PM/LD BOUNDARY
NON-PARCEL LOT LINE
MATCH LINE
ROAD ID NUMBER

001 1.00 PARCEL NUMBER ACREAGE
202 PARCEL SUB/SEQ NUMBER
PLAT RECORDING NUMBER
5 BLOCK NUMBER
5 LOT NUMBER
GOV. LOT NUMBER

ASSESSOR'S PARCELS - CLARK CO., NV.
M. W. Schofield, Assessor

T19S R61E | 06 | ALL SEC | 124-06

Scale:1"=800' | Rev:08/04/97

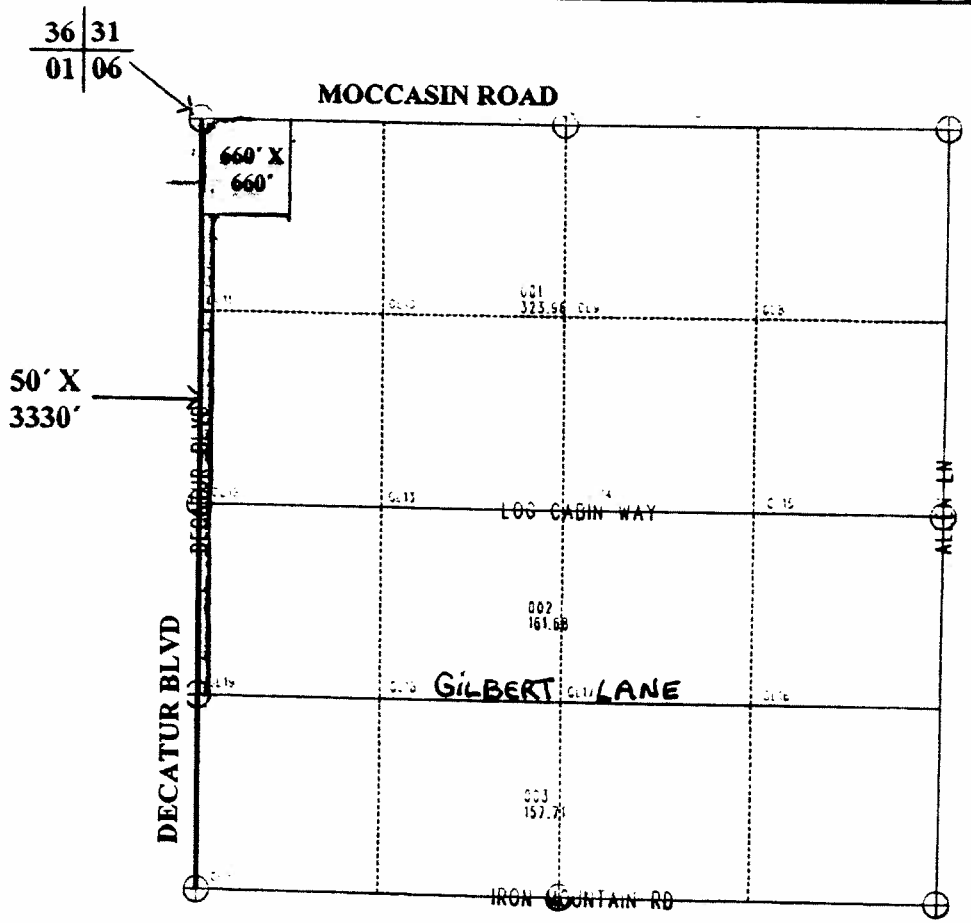


EXHIBIT A
MAP
N-77320

TAX DIST 250

EXHIBIT B
STIPULATIONS
N-77820

1. Plant salvage will not be required as the proposed action falls within the "low" cactus and yucca zone. Plants within the grant area may be used for landscaping of the proposed facilities.

In order to facilitate re-vegetation the first three inches of top soil is to be stock piled in areas where ground disturbance occurs, and then the stock piled material would then be placed on top of the berms. The seeds within the soil should provide a source for future plant germination.

Mitigation measures for potential impacts to the Las Vegas bear poppy will be determined on a case-by-case basis whenever this species is found in a proposed project area. These activities would be coordinated with the Authorized Officer.

2. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.

3. Land surface treatment for areas previously undisturbed: Strip the top six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction (inside the lease area). At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris on the surface of the disturbed area in a uniform fashion.

4. Holder shall be responsible for weed control on disturbed areas within the limits of the project. Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the stipulations.

5. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by Holder, or any person working on his behalf, on public on Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Holder will be responsible for the cost of evaluation. Any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with Holder. Holder shall be responsible for the resultant mitigation costs.

6. Holder shall construct, maintain, operate and or/modify structures and facilities as directed by the Field Manager to protect and minimize adverse effects upon raptors and other wildlife.

7. Holder shall report wildlife fatalities, including raptor electrocutions that are discovered on or near project facilities.

8. Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the lease), the United States against any liability arising from Holder's use or occupancy of the project area, regardless of whether Holder has actually developed or caused development to occur on the project area, from the time of the issuance of this grant to Holder, and during the term of this grant. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by Holder, its agents, contractors, or third parties. If the liability is caused by third parties, Holder will pursue legal remedies against such third parties as if Holder were the fee owner of the project area.

Notwithstanding any limits to Holder's ability to indemnify and hold harmless the United States which may exist under state law, Holder agrees to bear all responsibility (financial and other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from Holder's use or occupancy of the project area regardless of whether Holder has actually developed or caused development to occur on the project area from the time of the issuance of this grant to Holder and during the term of this grant.

9. Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. Holder shall be responsible for dust abatement within the limits of the grant area and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the project area.

Notwithstanding whether a violation of any air quality permit, law or regulation results, Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of Holder.

Prior to relinquishment, abandonment, or termination of this grant, Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

10. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et.seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*, shall be *used, produced, transported, released, disposed of, or stored within the project area at any time*

by Holder. Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the lease area potentially affecting the project area of which Holder is aware.

As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the project area.

11. The project area shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.

12. Holder shall mark the exterior boundaries of the project areas with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.

13. Holder shall conduct all activities associated with construction, operation, and termination of the grant within its limits.

14. Holder shall maintain the project areas in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.

15. Within 90 days of construction completion, Holder shall provide the Authorized Officer (the Assistant Field Manager, Division of Lands) with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the project:

Acceptable data formats are:

- Corrected Global Positioning System files with sub-meter accuracy or better, in NAD 27 or NAD 83;
- An AUTOCAD dxf file;
- Or ARCInfo export files on a CD ROM, 100 mb ZIP disk or 1gb Jazz disk.

Data may be submitted in any of the following formats:

- ARCInfo export file;
- On a 3.5 inch floppy disk in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact Mr. Robert Taylor, GIS Coordinator at (702) 515-5051.

16. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations Holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329. Holder shall record such survey in the appropriate City and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, Holder shall be responsible for the survey cost.

17. Between the periods of March 15 and July 30, surveys for nests of migratory birds shall be completed prior to surface disturbance. If any active nests are found, the area must be avoided until the young birds fledge. If disturbance in Riparian or at higher elevations is required, Holder shall consult with the Authorized Officer prior to proceeding. Please contact a BLM wildlife biologist at (702) 515-5000 for guidance.

18. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides 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 pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this grant.

19. Holder shall maintain a copy of the authorization along with stipulations on construction site at all times.

20. Holder will comply with the terms and conditions of the **Biological Opinion, File No. 1-5-96-F-23R.2 for the Las Vegas Valley**, on file at the Bureau of Land Management, Las Vegas Field Office. In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, BLM must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

A. Although not required, applicants or project proponents may voluntarily choose to search for and remove tortoises from lands to be disturbed within the project [programmatic] area. However, such applicants or project proponents who choose to do voluntary search and removal shall contract or appoint a qualified individual to oversee the process. 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). For tortoise removals, the applicant shall make arrangements with Clark County's tortoise pick-up service (702) 593-9027 at least 10 days prior to the commencement of tortoise collection. 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.

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. The Clark County tortoise pick-up service will be notified immediately. The contained tortoise will be held in the shade or temperature-controlled environment until removed by the pick-up service.

C. BLM has established an exclusionary zone within the project Sec. 7 programmatic area which is identified as having a low probability for desert tortoises to occur. Desert tortoise surveys, removal efforts, and remuneration fees will not be required for projects within the exclusionary zone.

D. Payment of $648 per acre, as indexed for inflation, shall be required for projects occurring outside of the exclusionary zone prior to issuance of the lease, permit, or other BLM authorization, with the following exceptions:

- R&PP conveyance would be issued prior to payment of remuneration fees. Payment of fees on R&PP conveyance shall be deferred until immediately prior to surface disturbance. If the R&PP project consists of phased development of the lease area, fees shall be paid for each phase immediately prior to surface disturbance. Likewise, road rights-of-way issued to local governments (e.g., Clark County, cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City) may be issued before payment of fees. If payment of remuneration fees is postponed for any project, the applicant must submit a request for a Notice to Proceed before surface disturbance. The applicant shall provide BLM with proof of payment of the required remuneration fees, before BLM issues the Notice to Proceed. Both of these actions shall occur prior to surface disturbance. A Notice to Proceed shall be issued for each segment as payment is made.

- Because many mining plans of operation are phased in over a number of years, remuneration fees shall be paid for each phase immediately prior to surface disturbance.

- Projects impacting less than 0.25 acres will not be assessed a remuneration fee.

- Mineral material sales will be charged a fee of 25 cents per yard up to the equivalent of $550 per acre of disturbance

E. An assessment of $648, as indexed for inflation, will be applied for each acre of surface disturbance (with the exceptions described above). This rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on

January 31st of each year. The next adjustment shall occur on January 31, 2004, and will become effective March 1, 2004. Fees assessed or collected for projects covered under this biological opinion after January 31st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: http://stats.bls.gov/news.release/cpi.nws.htm

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

Clark County
Department of Comprehensive Planning Attn: Christina Gibson
500 South Grand Central Parkway, Third Floor
Las Vegas, Nevada 89155-1712

G. Remuneration fees will be used to fund management actions that are expected to provide a direct and indirect benefit to the desert tortoise over time. Actions may involve: habitat acquisition; population or habitat enhancement or protection; research that increases our knowledge of desert tortoise biology, habitat requirements, or factors affecting habitat attributes; reducing loss of individual animals, documenting the species' current status and trend, and preserving distinct population attributes or any other action described in the Management Oversight Group's report entitled *Compensation for the Desert Tortoise* (Hastey et al. 1991) or the Desert Tortoise Recovery Plan (Service 1994).

If the applicant or project proponent desires, tortoises encountered during construction may be moved out of harm's way to adjacent habitat in accordance with Service's approved protocol described in Term and Condition 1 above. If adjacent habitat is not available, arrangements must be made with the Clark County pick-up service for disposition of collected tortoises.

H. All necessary information sheets and forms shall be completed by BLM prior to authorizing specific actions (See Attachment A).

I. BLM will keep an up-to-date log of all actions taken under this consultation, including acreage affected, voluntary survey and removal activities (including reported number of desert tortoises injured, killed, or removed from the project site), and fees paid for each project. BLM will continue to provide the above information to the Las Vegas USFWS office on an annual basis. Information will be cumulative throughout the life of this consultation.

ATTACHMENT A
SECTION 7 FEE PAYMENT FORM
Entire form is to be completed by Federal agency and project proponent

Biological Opinion File Number: 1-5-96-F-023.R.2
Species: Desert tortoise (*Gopherus agassizii*)
Location of Fish and Wildlife Service Office that Issued Opinion: Reno, NV
Project: Right of Way Grant for Water Reservoirs and Mains
Amount of Payment Received: _____
Total Payment Required: $8,955.36
Date of Receipt: _____
Check or Money Order Number: _____
Number of Acres to be Disturbed: 13.82 acres
Project Proponent: City of North Las Vegas
Telephone Number: 633-1232 (JoMar Alwes)
Authorizing Agency: Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
Case File Number: N-77820
Project Reviewed By: Kristen Murphy – BLM Wildlife Staff
Make checks payable to: Clark County Treasurer
Deliver check to: HCP Administrator (attn. Christina Gibson)
Clark County Dept. of Comprehensive Planning, Third Floor
500 South Grand Central Parkway
Las Vegas, NV 89155-8270
(702) 455-4181

CITY OF NORTH LAS VEGAS

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

2430 WATER RESERVOIR & PUMPING STATION

ENVIRONMENTAL ASSESSMENT #2004-131
RIGHT-OF-WAY APPLICATION #N-77820

PREPARED BY:

LARRY SIP
Environmental Consultant

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT AND DECISION RECORD FORM

ENVIRONMENTAL ASSESSMENT **EA Designation: 2004-131**
R/W Application #N-77820

In Valley ___X___ Out of Valley_____

Proposed Action Title/Type: The City of North Las Vegas has applied for a permanent right-of-way (R/W) for a water reservoir/pumping station site and water mains that would carry water to and from the site. The reservoir/pumping station site would be located on ten acres at the south east corner of the Moccasin Road/Decatur Boulevard intersection. The water mains portion, 3330 feet long by 50 feet wide, would be along the east side of the future Decatur Bou alignment. Total acreage would be 13.82 acres.

EA: "...future Decatur Blvd..."

Lands included in Project:

Total – 13.82 acres

Exiting Disturbance - none

New Disturbance – 13.82 acres

Location of Proposed Action: The general location of the proposed project is the northern end of the Las Vegas Valley. The legal description of the project area is as follows:

T. 19 S., R. 61 E., MDM
Sec. 06, lots 11, 12, and 19.

No Action Alternative: Patented land is being developed in the area. The proposed reservoir/pumping station and water mains would be a source of potable water and water for emergency purposes.

Existing NEPA Documentation:
The following documents are referenced for site specific and cumulative analysis pertaining to construction and air quality impacts, terms and conditions, and stipulations:
Las Vegas RMP EIS, ROD signed October 5, 1998.
BLM Programmatic EA for Realty Actions in Las Vegas Valley, #NV-054-96-117, signed October 18, 1996.
Clark County Regional Flood Control EIS, ROD signed June 04, 1991.

Applicant (if any): City of North Las Vegas 2266 Civic Center Drive North Las Vegas, NV 89030

Conformance with Applicable Land Use Plans:
This proposed action is in conformance with the Las Vegas Resource Management Plan approved on October 5, 1998. The plan has been reviewed and it is determined the proposed

action conforms with land use plan decision RW-1 under the authority of the Federal Land Policy Management Act (FLPMA).

Description of Proposed Action:
The City of North Las Vegas has applied for a right-of-way for a ten acre water reservoir/pumping station site at the southeast corner of the Decatur Blvd./Moccasin Road intersection and water transmission mains along Decatur Blvd. southward. The site would consist of two 7.5 million gallon steel tank potable water at-grade reservoirs and water pumping station. The 42 inch and 24 inch water transmission mains, buried to a minimum depth of six feet, would carry water to and from the reservoir site. The water mains would be located east of and immediately adjacent to an existing Nevada Power Company 230 kV transmission line right-of-way. The water mains portion of the R/W would be 3330 feet long by 50 feet wide, occupying 3.82 acres. Standard construction practices would be used for the installation. Equipment used would include dump trucks, flat bed trailers, backhoes, front end loaders, water trucks, pick-up trucks, traffic control devices and other related equipment as needed. Construction would begin immediately upon receipt of the R/W and would take approximately one year to complete. Total R/W area would be 13.82 acres

Need of Proposed Action:
The land in the area is currently being developed into residential housing units. The proposed project would provide a source of potable water as well as water for emergency services.

Environmental Impacts (Please mark a "X" in the appropriate spaces):

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality	X		Native American Religious Concerns		X
ACECs		X	T & E Species	X	
Cultural Resources		X	Wastes, Hazard/ Solid		X
Environmental Justice		X	Water Quality		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zone		X
Floodplains		X	Wild and Scenic Rivers		X
Migratory Birds	X		Wilderness		X
Noxious Weeds	X		Vegetation	X	

Description of Impacts:
Air Quality:
In general the impacts associated with air quality are anticipated to be minor, temporary and short term in nature. Increased emissions of PM_{10} will likely occur as a result of soil disturbance associated with vegetation removal, construction activities, and movement of construction equipment. However, the use of water during construction activities and the subsequent application of acceptable soil stabilizing techniques will reduce the potential emissions. A

localized increase in emissions of CO will also likely occur from construction equipment utilized during construction. Anticipated PM_{10} emissions associated with the right-of-way are provided as follows:

Total PM_{10} emissions for the proposed action:
13.82 acres X 0.42 (factor) X = 5.8 tons

Cultural Resources
Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effect of their undertakings on historic properties. Efforts to identify and evaluate cultural resource properties for this project according to 36 CFR 800.4 are described in Las Vegas District Class 1 Cultural Resource Report 5-2121, Proposal to Limit Archaeologist Survey in Las Vegas Valley, Southern Nevada, by Keith Myhrer, Area Archaeologist, April, 1991.

The Class 1 overview provides documentation that a relatively large number of inventories had been previously conducted within the Las Vegas Valley zone. The results of the surveys indicate that with the exception of two identified sensitive subzones, the lands within Las Vegas Valley are considered to be of very low sensitivity for the presence of cultural resource eligible for nomination to the National Register of Historic Places. The land for the proposed road improvements is not located in either of these sensitive areas. The document also provided a recommendation to exempt additional field inventory for Federal actions outside the sensitive subzones with project area less than 200 acres in size. The State Historic Preservation Office concurred with this proposal in a letter dated 5/15/91. The size and location of the project area for this application meets the stipulations for Section 106 exemption outlined in CR5-2121.

Environmental Justice
According to Executive Order 12898 of February 11, 1994, all Federal actions must address and identify as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in the United States. The subject action was evaluated and no disproportionately high or adverse human health or environmental effects were identified for minority or low-income populations.

Migratory 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. Executive Order 13186 issued January 11, 2001, further defines the responsibilities of Federal Agencies to protect migratory birds; a list of those protected birds can be found in 50 C.F.R. 10.13. The issuance of a conveyance for this project requires the proponent to comply with the Migratory Bird Treaty Act and avoid potential impacts to those listed birds.

Threatened and Endangered Species
The only threatened or endangered species known to occur in the general vicinity of the site is desert tortoise (*Gopherus agassizii*), a threatened species.

All activities within the right-of-way/lease area shall be in compliance with the terms and conditions of **Biological Opinion File No. 1-5-96-F-23R.2 for the Las Vegas Valley.** This project is located within the Programmatic Section 7 Area, outside the exclusionary zone. It has been determined that the programmatic area no longer supports a viable desert tortoise population. The off-site mitigation fee is currently $648 per acre. There is potential for an incidental take of tortoise and loss of 13.82 acres of habitat.

Noxious weeds/Invasive Species:
The Federal Noxious Weed Act, Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148), enacted January 3, 1975, established a Federal program to control the spread of noxious weeds. Executive Order 13112 issued February 3, 1999, further defines the responsibilities of Federal Agencies to prevent the introduction of invasive species and provide for their control by minimizing the economic, ecological and human health impacts that invasive species cause. The issuance of a conveyance for this project requires the proponent to comply with the Executive Order 13112 and prevent the spread or introduction of invasive species and noxious weeds.

Vegetation:Three special status plant species could be impacted by actions under this programmatic: Las Vegas bearpoppy (*Arctomecon californicum*), Las Vegas Valley buckwheat (*Eriogonum corymbosum* var. *aureum*), and two-tone penstemon (*Penstemon bicolor*). These plants occur in the periphery of the valley. Impacts to cacti, yucca, and catclaw habitat could also occur on undisturbed lands in the valley. Cacti/yucca density increases at the periphery of the valley. Catclaw habitat occurs in drainages and washes. This latter habitat provides cover, forage, and nesting sites for many neo-tropical bird species. A plant survey must be conducted in areas with new ground disturbance.

Wildlife
Wildlife species in the general area include small mammals, rodents, birds and reptiles. Most of these species are common and widespread in distribution.

Description of Mitigation Measures and Residual Impacts:

1. Efforts shall be taken to minimize impacts to vegetation during all phases of activities within the project area. This may include pre-disturbance surveys to identify vegetation suitable for salvage and to ensure that protected or sensitive plant species are properly protected. Topsoil will be stockpiled and utilized in post construction reclamation efforts. Weed control measures will be utilized on all disturbed areas within the project area.

2. Efforts shall be taken to preserve surface and subsurface cultural and paleontological resources that may be encountered within the project area.

3. To mitigate the potential for adverse air and water quality impacts, all activities within the project area shall be in conformance with all applicable Federal and State air and water quality laws.

4. To mitigate the potential for adverse impacts to the desert tortoise, (*Gopherus agassizii)* all activities within the project area shall be in compliance with the terms and conditions of **Biological Opinion No. 1-5-96-F-23R.2 for the Las Vegas Valley.**

5. Efforts will be taken to minimize impacts to wildlife during all phases of activities within the project area.

6. Should hazardous materials be spilled or deposited within the project area by Holder, its agents or a third party, the Authorized Agent for the BLM Las Vegas Field office shall be immediately notified. Any clean up or reporting requirements will be completed in compliance with all applicable State and Federal laws and regulations.

7. Efforts shall be taken to avoid impacts to migratory bird nests during the appropriate breeding season. The following measures describe the most effective measures to avoid impacts:

- To prevent undue harm, construction activities should be scheduled outside of the breeding season, which generally occurs March 15 – July 30.

- If construction during the breeding season cannot be avoided, the area will need to be surveyed for nests prior to construction activity.

  If any active nests are found, the area must be avoided until the young birds fled

8. Efforts shall be taken to prevent the spread or introduction of invasive or noxious w species.

Recommendation no access is noted

Recommendation:

It is recommended that the BLM authorize a right-of-way grant, in perpetuity, for a ten acre reservoir/pumping station site and water mains 3330 feet long by 50 feet wide, containing approximately 13.82 acres, to the City of North Las Vegas. The R/W grant would be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761). The authorizations would be subject to the terms and conditions in 43 CFR 2801, the standard stipulations applicable to this type of action and the special stipulations stated below.

Rational:

1. The proposed action is consistent with promoting the utilization of public lands in common with respect to engineering and technological compatibility and land use plans (43 CFR 2800.2(c)).

2. The proposed action supports coordination with State and local governments, interested individuals and appropriate quasi-governmental entities (43 CFR 2800.2(d)).

All activities within the right-of-way/lease area shall be in compliance with the terms and conditions of **Biological Opinion File No. 1-5-96-F-23R.2 for the Las Vegas Valley.** This project is located within the Programmatic Section 7 Area, outside the exclusionary zone. It has been determined that the programmatic area no longer supports a viable desert tortoise population. The off-site mitigation fee is currently $648 per acre. There is potential for an incidental take of tortoise and loss of 13.82 acres of habitat.

Noxious weeds/Invasive Species:
The Federal Noxious Weed Act, Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148), enacted January 3, 1975, established a Federal program to control the spread of noxious weeds. Executive Order 13112 issued February 3, 1999, further defines the responsibilities of Federal Agencies to prevent the introduction of invasive species and provide for their control by minimizing the economic, ecological and human health impacts that invasive species cause. The issuance of a conveyance for this project requires the proponent to comply with the Executive Order 13112 and prevent the spread or introduction of invasive species and noxious weeds.

Vegetation: Three special status plant species could be impacted by actions under this programmatic: Las Vegas bearpoppy (*Arctomecon californicum*), Las Vegas Valley buckwheat (*Eriogonum corymbosum* var. *aureum*), and two-tone penstemon (*Penstemon bicolor*). These plants occur in the periphery of the valley. Impacts to cacti, yucca, and catclaw habitat could also occur on undisturbed lands in the valley. Cacti/yucca density increases at the periphery of the valley. Catclaw habitat occurs in drainages and washes. This latter habitat provides cover, forage, and nesting sites for many neo-tropical bird species. A plant survey must be conducted in areas with new ground disturbance.

Wildlife
Wildlife species in the general area include small mammals, rodents, birds and reptiles. Most of these species are common and widespread in distribution.

Description of Mitigation Measures and Residual Impacts:

1. Efforts shall be taken to minimize impacts to vegetation during all phases of activities within the project area. This may include pre-disturbance surveys to identify vegetation suitable for salvage and to ensure that protected or sensitive plant species are properly protected. Topsoil will be stockpiled and utilized in post construction reclamation efforts. Weed control measures will be utilized on all disturbed areas within the project area.

2. Efforts shall be taken to preserve surface and subsurface cultural and paleontological resources that may be encountered within the project area.

3. To mitigate the potential for adverse air and water quality impacts, all activities within the project area shall be in conformance with all applicable Federal and State air and water quality laws.

4. To mitigate the potential for adverse impacts to the desert tortoise, (*Gopherus agassizii)* all activities within the project area shall be in compliance with the terms and conditions of **Biological Opinion No. 1-5-96-F-23R.2 for the Las Vegas Valley.**

5. Efforts will be taken to minimize impacts to wildlife during all phases of activities within the project area.

6. Should hazardous materials be spilled or deposited within the project area by Holder, its agents or a third party, the Authorized Agent for the BLM Las Vegas Field office shall be immediately notified. Any clean up or reporting requirements will be completed in compliance with all applicable State and Federal laws and regulations.

7. Efforts shall be taken to avoid impacts to migratory bird nests during the appropriate breeding season. The following measures describe the most effective measures to avoid impacts:

- To prevent undue harm, construction activities should be scheduled outside of the breeding season, which generally occurs March 15 – July 30.

- If construction during the breeding season cannot be avoided, the area will need to be surveyed for nests prior to construction activity.

  If any active nests are found, the area must be avoided until the young birds fled

Recommendation no access is noted

8. Efforts shall be taken to prevent the spread or introduction of invasive or noxious w species.

Recommendation:

It is recommended that the BLM authorize a right-of-way grant, in perpetuity, for a ten acre reservoir/pumping station site and water mains 3330 feet long by 50 feet wide, containing approximately 13.82 acres, to the City of North Las Vegas. The R/W grant would be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761). The authorizations would be subject to the terms and conditions in 43 CFR 2801, the standard stipulations applicable to this type of action and the special stipulations stated below.

Rational:

1. The proposed action is consistent with promoting the utilization of public lands in common with respect to engineering and technological compatibility and land use plans (43 CFR 2800.2(c)).

2. The proposed action supports coordination with State and local governments, interested individuals and appropriate quasi-governmental entities (43 CFR 2800.2(d)).

3. No known Federal programs will be adversely affected by this proposed action. Even though the subject lands are within the area defined by Public Law 105-263 (Southern Nevada Public Land Management Act of 1998) [and Public Law 96-586 (Santini-Burton Act)], which provide for the sale of public lands in the Las Vegas Valley. The Act[s] recognizes the need for orderly community development and infrastructure needs associated with development of both public and private lands. The requested right-of-way is necessary for the normal functioning of the community, and therefore is not in conflict with the Act[s].

4. The recommendation to authorize a right-of-way grant on Federal lands is in order to meet the stated objective RW-1and RW-1-h in the Las Vegas Resource Management Plan approved October 5, 1998.

Persons/Agencies Consulted:

Bureau of Land Management
Stanton Rolf, Archaeologist
Kristen Murphy, Wildlife Biologist
Christina Nelson, Botanist
City of North Las Vegas
JoMar C. Alwes, Real Property Agent
Randal D. Cagle, SR/WA

Larry Sip — Prepared by Larry Sip

12/31/03 — Date

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD:

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action is in conformance with the approved land use plan. It is my decision to implement the project or action with the mitigation measures identified below.

Authorized Official: Sharon D. Pinto Date: 2/4/04

Mitigation Measures/Stipulations

1. Plant salvage will not be required as the proposed action falls within the "low" cactus and yucca zone. Plants within the grant area may be used for landscaping of the proposed facilities.

In order to facilitate re-vegetation the first three inches of top soil is to be stock piled in areas where ground disturbance occurs, and then the stock piled material would then be placed on top of the berms. The seeds within the soil should provide a source for future plant germination.

Mitigation measures for potential impacts to the Las Vegas bear poppy will be determined on a case-by-case basis whenever this species is found in a proposed project area. These activities would be coordinated with the Authorized Officer.

2. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.

3. Land surface treatment for areas previously undisturbed: Strip the top six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction (inside the lease area). At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris on the surface of the disturbed area in a uniform fashion.

4. Holder shall be responsible for weed control on disturbed areas within the limits of the project. Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the stipulations.

5. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by Holder, or any person working on his behalf, on public on Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Holder will be responsible for the cost of evaluation. Any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with Holder. Holder shall be responsible for the resultant mitigation costs.

6. Holder shall construct, maintain, operate and or/modify structures and facilities as directed by the Field Manager to protect and minimize adverse effects upon raptors and other wildlife.

7. Holder shall report wildlife fatalities, including raptor electrocutions that are discovered on or near project facilities.

8. Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the lease), the United States against any liability arising from Holder's use or occupancy of the project area, regardless of whether Holder has actually developed or caused development to occur on the project area, from the time of the issuance of this grant to Holder, and during the term of this grant. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by Holder, its agents, contractors, or third parties. If the liability is caused by third parties, Holder will pursue legal remedies against such third parties as if Holder were the fee owner of the project area.

Notwithstanding any limits to Holder's ability to indemnify and hold harmless the United States which may exist under state law, Holder agrees to bear all responsibility (financial and other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from Holder's use or occupancy of the project area regardless of whether Holder has actually developed or caused development to occur on the project area from the time of the issuance of this grant to Holder and during the term of this grant.

9. Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. Holder shall be responsible for dust abatement within the limits of the grant area and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the project area.

Notwithstanding whether a violation of any air quality permit, law or regulation results, Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of Holder.

Prior to relinquishment, abandonment, or termination of this grant, Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

10. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et.seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et. seq.*, shall be used, produced, transported, released, disposed of, or stored within the project area at any time by Holder. Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall

be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the lease area potentially affecting the project area of which Holder is aware.

As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the project area.

11. The project area shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.

12. Holder shall mark the exterior boundaries of the project areas with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.

13. Holder shall conduct all activities associated with construction, operation, and termination of the grant within its limits.

14. Holder shall maintain the project areas in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.

15. Within 90 days of construction completion, Holder shall provide the Authorized Officer (the Assistant Field Manager, Division of Lands) with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the project:

Acceptable data formats are:

- Corrected Global Positioning System files with sub-meter accuracy or better, in NAD 27 or NAD 83;
- An AUTOCAD dxf file;
- Or ARCInfo export files on a CD ROM, 100 mb ZIP disk or 1gb Jazz disk.

Data may be submitted in any of the following formats:

ARCInfo export file;

- On a 3.5 inch floppy disk in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact Mr. Robert Taylor, GIS Coordinator at (702) 515-5051.

16. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations Holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329. Holder shall record such survey in the appropriate City and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, Holder shall be responsible for the survey cost.

17. Between the periods of March 15 and July 30, surveys for nests of migratory birds shall be completed prior to surface disturbance. If any active nests are found, the area must be avoided until the young birds fledge. If disturbance in Riparian or at higher elevations is required, Holder shall consult with the Authorized Officer prior to proceeding. Please contact a BLM wildlife biologist at (702) 515-5000 for guidance.

18. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides 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 pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this grant.

19. Holder shall maintain a copy of the authorization along with stipulations on construction site at all times.

20. Holder will comply with the terms and conditions of the **Biological Opinion, File No. 1-5-96-F-23R.2 for the Las Vegas Valley**, on file at the Bureau of Land Management, Las Vegas Field Office. In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, BLM must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

A. Although not required, applicants or project proponents may voluntarily choose to search for and remove tortoises from lands to be disturbed within the project [programmatic] area. *However, such applicants or project proponents who choose to do voluntary search and removal* shall contract or appoint a qualified individual to oversee the process. Only individuals trained to

4. To mitigate the potential for adverse impacts to the desert tortoise, (*Gopherus agassizii)* all activities within the project area shall be in compliance with the terms and conditions of **Biological Opinion No. 1-5-96-F-23R.2 for the Las Vegas Valley.**

5. Efforts will be taken to minimize impacts to wildlife during all phases of activities within the project area.

6. Should hazardous materials be spilled or deposited within the project area by Holder, its agents or a third party, the Authorized Agent for the BLM Las Vegas Field office shall be immediately notified. Any clean up or reporting requirements will be completed in compliance with all applicable State and Federal laws and regulations.

7. Efforts shall be taken to avoid impacts to migratory bird nests during the appropriate breeding season. The following measures describe the most effective measures to avoid impacts:

To prevent undue harm, construction activities should be scheduled outside of the breeding season, which generally occurs March 15 – July 30.

- If construction during the breeding season cannot be avoided, the area will need to be surveyed for nests prior to construction activity.
- If any active nests are found, the area must be avoided until the young birds fled

Recommend no access is not

8. Efforts shall be taken to prevent the spread or introduction of invasive or noxious w species.

Recommendation:

It is recommended that the BLM authorize a right-of-way grant, in perpetuity, for a ten acre reservoir/pumping station site and water mains 3330 feet long by 50 feet wide, containing approximately 13.82 acres, to the City of North Las Vegas. The R/W grant would be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761). The authorizations would be subject to the terms and conditions in 43 CFR 2801, the standard stipulations applicable to this type of action and the special stipulations stated below.

Rational:

1. The proposed action is consistent with promoting the utilization of public lands in common with respect to engineering and technological compatibility and land use plans (43 CFR 2800.2(c)).

2. The proposed action supports coordination with State and local governments, interested individuals and appropriate quasi-governmental entities (43 CFR 2800.2(d)).

16. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations Holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329. Holder shall record such survey in the appropriate City and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, Holder shall be responsible for the survey cost.

17. Between the periods of March 15 and July 30, surveys for nests of migratory birds shall be completed prior to surface disturbance. If any active nests are found, the area must be avoided until the young birds fledge. If disturbance in Riparian or at higher elevations is required, Holder shall consult with the Authorized Officer prior to proceeding. Please contact a BLM wildlife biologist at (702) 515-5000 for guidance.

18. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides 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 pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this grant.

19. Holder shall maintain a copy of the authorization along with stipulations on construction site at all times.

20. Holder will comply with the terms and conditions of the **Biological Opinion, File No. 1-5-96-F-23R.2 for the Las Vegas Valley**, on file at the Bureau of Land Management, Las Vegas Field Office. In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, BLM must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

A. Although not required, applicants or project proponents may voluntarily choose to search for and remove tortoises from lands to be disturbed within the project [programmatic] area. However, such applicants or project proponents who choose to do voluntary search and removal shall contract or appoint a qualified individual to oversee the process. 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). For tortoise removals, the applicant shall make arrangements with Clark County's tortoise pick-up service (702) 593-9027 at least 10 days prior to the commencement of tortoise collection. 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.

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. The Clark County tortoise pick-up service will be notified immediately. The contained tortoise will be held in the shade or temperature-controlled environment until removed by the pick-up service.

C. BLM has established an exclusionary zone within the project Sec. 7 programmatic area which is identified as having a low probability for desert tortoises to occur. Desert tortoise surveys, removal efforts, and remuneration fees will not be required for projects within the exclusionary zone.

D. Payment of $648 per acre, as indexed for inflation, shall be required for projects occurring outside of the exclusionary zone prior to issuance of the lease, permit, or other BLM authorization, with the following exceptions:

- R&PP conveyance would be issued prior to payment of remuneration fees. Payment of fees on R&PP conveyance shall be deferred until immediately prior to surface disturbance. If the R&PP project consists of phased development of the lease area, fees shall be paid for each phase immediately prior to surface disturbance. Likewise, road rights-of-way issued to local governments (e.g., Clark County, cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City) may be issued before payment of fees. If payment of remuneration fees is postponed for any project, the applicant must submit a request for a Notice to Proceed before surface disturbance. The applicant shall provide BLM with proof of payment of the required remuneration fees, before BLM issues the Notice to Proceed. Both of these actions shall occur prior to surface disturbance. A Notice to Proceed shall be issued for each segment as payment is made.

- Because many mining plans of operation are phased in over a number of years, remuneration fees shall be paid for each phase immediately prior to surface disturbance.

- Projects impacting less than 0.25 acres will not be assessed a remuneration fee.

- Mineral material sales will be charged a fee of 25 cents per yard up to the equivalent of $550 per acre of disturbance

E. An assessment of $648, as indexed for inflation, will be applied for each acre of surface disturbance (with the exceptions described above). This rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year. The next adjustment shall occur on January 31, 2004, and will become effective March 1, 2004. Fees assessed or collected for projects covered under this biological opinion after January 31st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: http://stats.bls.gov/news.release/cpi.nws.htm

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

Clark County
Department of Comprehensive Planning Attn: Christina Gibson
500 South Grand Central Parkway, Third Floor
Las Vegas, Nevada 89155-1712

G. Remuneration fees will be used to fund management actions that are expected to provide a direct and indirect benefit to the desert tortoise over time. Actions may involve: habitat acquisition; population or habitat enhancement or protection; research that increases our knowledge of desert tortoise biology, habitat requirements, or factors affecting habitat attributes; reducing loss of individual animals, documenting the species' current status and trend, and preserving distinct population attributes or any other action described in the Management Oversight Group's report entitled *Compensation for the Desert Tortoise* (Hastey et al. 1991) or the Desert Tortoise Recovery Plan (Service 1994).

If the applicant or project proponent desires, tortoises encountered during construction may be moved out of harm's way to adjacent habitat in accordance with Service's approved protocol described in Term and Condition 1 above. If adjacent habitat is not available, arrangements must be made with the Clark County pick-up service for disposition of collected tortoises.

H. All necessary information sheets and forms shall be completed by BLM prior to authorizing specific actions (See Attachment A).

I. BLM will keep an up-to-date log of all actions taken under this consultation, including acreage affected, voluntary survey and removal activities (including reported number of desert tortoises injured, killed, or removed from the project site), and fees paid for each project. BLM will continue to provide the above information to the Las Vegas USFWS office on an annual basis. Information will be cumulative throughout the life of this consultation.

ATTACHMENT A
SECTION 7 FEE PAYMENT FORM
Entire form is to be completed by Federal agency and project proponent

Biological Opinion File Number: 1-5-96-F-023.R.2
Species: Desert tortoise (*Gopherus agassizii*)
Location of Fish and Wildlife Service Office that Issued Opinion: Reno, NV
Project: Right of Way Grant for Water Reservoirs and Mains
Amount of Payment Received: _____
Total Payment Required: $8,955.36
Date of Receipt: _____
Check or Money Order Number: _____
Number of Acres to be Disturbed: 13.82 acres
Project Proponent: City of North Las Vegas
Telephone Number: 633-1232 (JoMar Alwes
Authorizing Agency: Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
Case File Number: N-77820
Project Reviewed By: Kristen Murphy – BLM Wildlife Staff
Make checks payable to: Clark County Treasurer
Deliver check to: HCP Administrator (attn. Christina Gibson)
Clark County Dept. of Comprehensive Planning, Third Floor
500 South Grand Central Parkway
Las Vegas, NV 89155-8270
(702) 455-4181

NOTES

This map is for assessment use only and does not represent a survey. No warranty is assumed for the accuracy of the data delineated hereon.

Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

MAP LEGEND

AVERAGE DA VALUE 55

PARCEL BOUNDARY
SUBD BOUNDARY
ROAD EASEMENT
PM/LB BOUNDARY
NON-PARCEL LOT LINE
MATCH LINE
ROAD ID NUMBER

PARCEL NUMBER
ACREAGE
202 PARCEL SUB/SEQ NUMBER
PLAT RECORDING NUMBER
BLOCK NUMBER
LOT NUMBER
COV. LOT NUMBER

ASSESSOR'S PARCELS - CLARK CO., NV.

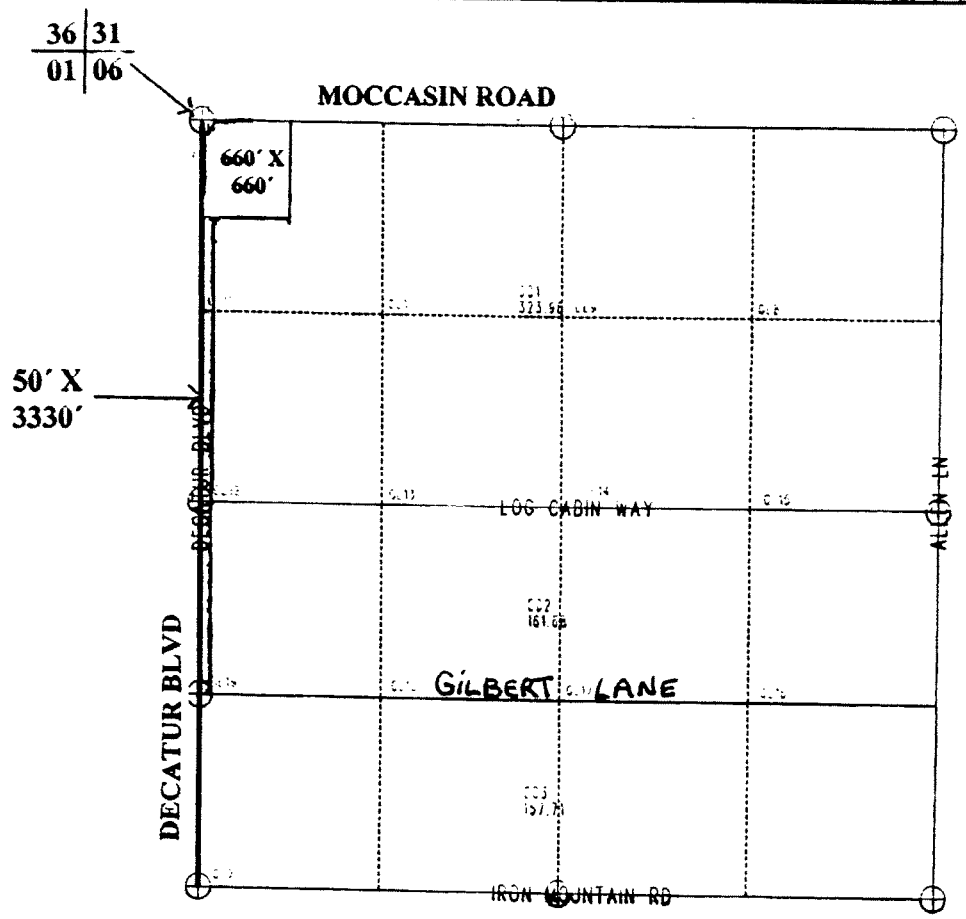
M. W. Schofield, Assessor

T19S R61E	06	ALL SEC

100	101	102
125	124	123
150	130	140

Scale: 1"=800' Rev: 08/04/97

124-06



TAX DIST 250

Project # 2004-131

make comment | upload photo | upload document | ENLARGE

Case File # N-77820

City of North Las Vegas Water Facilities R/W

Project Lead: Cheryl Cote
Activity: Water Reservoir/Pumping Station Site ROW
Project Type: EA-IV
Tiered Off: N/A
Biological Opinion #: 1-5-96-F-23R.2

Applicant: City of North Las Vegas
Date Entered: 5 Dec 2003
Comments Due: 15 Dec 2003

Contractor: Larry Sips
Charge Code: 1430ER
Status: Active

Location: Located in the northern portion of the Las Vegas Valley
Lat: N 36 20.032'
Long: W 115 12.369'

Legal Description: Township 19 South, Range 61 East, MDM, Section 06, Lots 11, 12, and 19.

Map: Gass Peak SW

Images: 0
Documents: 0

Total Length:	Reservoir Site 660'/Pipeline 50'	**Width:**	Reservoir Site 660'/ Pipeline 50'	**Acres:**	Site 10 acres/Pipeline 3.82 acres
Previous Disturbance Length:	none	**Width:**	none	**Acres:**	none
New Disturbance Length:	variable	**Width:**	varible	**Acres:**	13.82

Duration: Perpetuity

Proposed Action:

PROPOSED ACTION: The City of North Las Vegas has applied for a right-of-way for a ten acre water reservoir/pumping station site at the southeast corner of the Decatur Blvd./Moccasin Road intersection and a water transmission main along Decatur Blvd. southward. The reservoir/pumping station would consist of two 7.5 million gallon steel tank potable water at-grade reservoirs and potable water pumping station. The 42 inch and 24 inch water transmission mains, buried to a minimum depth of six feet, would carry water to and from the reservoir site. The water mains would be located east of and immediately adjacent to an existing Nevada Power Company 230 kV transmission line right-of-way. Standard construction practices would be used for the installation. Equipment used would include dump trucks, flat bed trailers, backhoes, front end loaders, water trucks, pick-up trucks, traffic control devices and other related equipment as needed. Construction would begin immediately upon receipt of the R/W and would take approximately one year to complete.

Comments/Activity:

Comment | 30 Dec 2003 at 3:25:10 PM | Christina Nelson | **Vegetation T/E Plants**
I have received the rare plant survey report from Hermi Hiatt. There were no Las Vegas bearpoppies or Las Vegas buckwheats found within the proposed right-of-way. It was noted that there are a few of these plants just east of this proposed project area. Care should be taken to ensure that all equipment definately stays within their granted right-of-way.

There are cactus and yucca which will be impacted by this action. However, this project occurs within a designated "low" cactus and yucca density zone. There will be no salvage requirements at this time. All cactus/yucca that will be impacted must be disposed of in an off-site trash receptacle.

Comment | 12 Dec 2003 at 1:17:19 PM | Christina Nelson | **Vegetation T/E Plants**

There a documented populations of the Las Vegas buckwheat and the Las Vegas bearpoppy adjacent to the project site. A complete survey of the project area needs to be conducted to ensure that neither of these populations will be impacted by this proposed project. After I receive the results of this survey, I can finish my review of this project.

Comment | 10 Dec 2003 at 4:37:12 PM | Kristen Murphy | **Wildlife T/E Animals**
The above action has a may affect determination for the threatened desert tortoise (Gopherus agassizii). This project will have no affect on any other federally listed species or designated critical habitat. Section 7 Consultation for this project is covered under the Programmatic Biological Opinion for the Las Vegas Valley (1-5-96-F-23R.2) contingent on compliance with the attached terms and conditions for low density tortoise habitat.

Rationale:
The project will disturb a total of 13.82 acres of previously undisturbed tortoise habitat. The proponent will be required to pay remuneration fees of $8,955.36 based on the current year's rate of $648/acre of disturbance. This rate is subject to change as described in term and condition 2c., if fees are paid after March 1, 2004.

A copy of the determination will be provided upon signature for the casefile (Section 7 Log # NV-052-04-100).

Comment | 10 Dec 2003 at 7:38:58 AM | Stanton Rolf | **Cultural/NAm/Paleo**
This undertaking is exempt from further review as defined in cr report 5-2121, A No Survey Justification for Las Vegas Valley.

Attachment C

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

TAKE PRIDE IN AMERICA

In Reply Refer To:
2710/2800 NV-050

DEC 04 2006

Wendy Fenner
Clark County Department of Public Works
500 Grand Center Parkway, Ste 2001
Las Vegas, Nevada 89155-4000

DECATUR BOULEVARD ACCESS ROAD TO THE CLARK COUNTY SHOOTING PARK: LETTER OF AGREEMENT

Dear Ms. Fenner:

- As agreed upon during our meeting of September 28th and field trip of October 13th, the Bureau of Land Management (BLM) made a commitment to provide a letter of written agreement to Clark County that defined the items granted and approved for the construction of an access road and facilities along Decatur Blvd. from Iron Mountain Road to the Shooting Park. BLM confirms the following:

- Clark County ("the County") can utilize the City of North Las Vegas' ("the City") granted right-of- way (N-76357), which is defined as being 65 feet west of centerline (the western side of section 1, T.19S., R61E.). This grant includes an access road, sewer line, water line, and flood control (attachment 1).

- The County can extend the flood control structures (box culvert and pipe) 10-15 feet east of centerline in order to protect the City's existing water pipe line. The terminus of these structures can be overlain with rock rip-rap to reduce erosion. The existing road along the Decatur alignment can be used by the County during construction of the flood control structures, but no grading or improvement of this road will be allowed.

- Within the 65 foot width defined by (N-76357), the County can construct and fill an electrical conduit to run power from the Iron Mountain Substation to the Shooting Park.

- Within the 65 foot width defined by (N-76357), the County can install a fiber optic conduit that will be filled at a later date when BLM receives an application from the responsible utility company.

- Finally, the County will have a qualified paleontological monitor present on site during ground disturbing activities and that the approved Discovery Plan will be followed throughout the project.

This defines the limits of construction under the existing right-of-way granted prior to the designation of the Conservation Transfer Area (CTA). BLM has given consideration to the other improvements (pumping station, water line, and power line) the County has requested to construct within the CNLV's right-of-way area granted under N-77820. These improvements are not currently included in the existing right-of-way grant and would require an amendment to that grant, or issuance of a new right-of-way grant to the County. The only alternative is for the County to tie-into the existing water line within the existing road right-of-way, possibly outside the CTA boundaries. Amendments or new rights-of-way for a new pumping station, water line and power line may be evaluated after the completion of our Supplemental Environmental Impact Statement for the CTA.

I look forward to our continued cooperation on the Decatur Access road project. If you have further questions, please do not hesitate to call me at (702) 515-5220.

Sincerely,

Juan Palma

Juan Palma
Field Manager

Enclosure: Right-of-way Grant N-76357

Attachment 3

CITY OF
NORTH LAS VEGAS

Your Community of Choice

SEP 21 7 30 AM '06

Public Works - Real Property Services
2266 Civic Center Drive • North Las Vegas, Nevada 89030
Telephone: (702) 633-1213 • Fax: (702) 649-4696 • TDD: (800) 326-6868
www.cityofnorthlasvegas.com

September 20, 2006

Ms. Sharon DiPinto
Assistant Field Manager, Lands
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

DECATUR BOULEVARD ACCESS ROAD FROM IRON MOUNTAIN ROAD TO MOCCASIN ROAD

Dear Ms. DiPinto:

The purpose of this letter is to notify BLM that the City of North Las Vegas agrees to allow Clark County to utilize the existing grants issued by BLM to the City for the purpose of providing roadway, drainage and utility access to the Clark County Shooting Park in the vicinity of Decatur Boulevard between Iron Mountain Road and Moccasin Road. The existing grants are listed as follows:

BLM Grant No. N-53584 issued on December 10,1991 for the Upper Las Vegas Wash storm water detention basin and diversion dikes.

BLM Grant No. N-76357 issued on April 9, 2003 for roadway, water, sewer and drainage improvements on the west side of Decatur Boulevard.

BLM Grant No. N-77820 issued on March 10, 2004 for a waterline and reservoir on the east side of Decatur Boulevard.

If you have any questions or require further discussion on this matter, please contact me at 633-1232, or Mel Barosay at 455-6097.

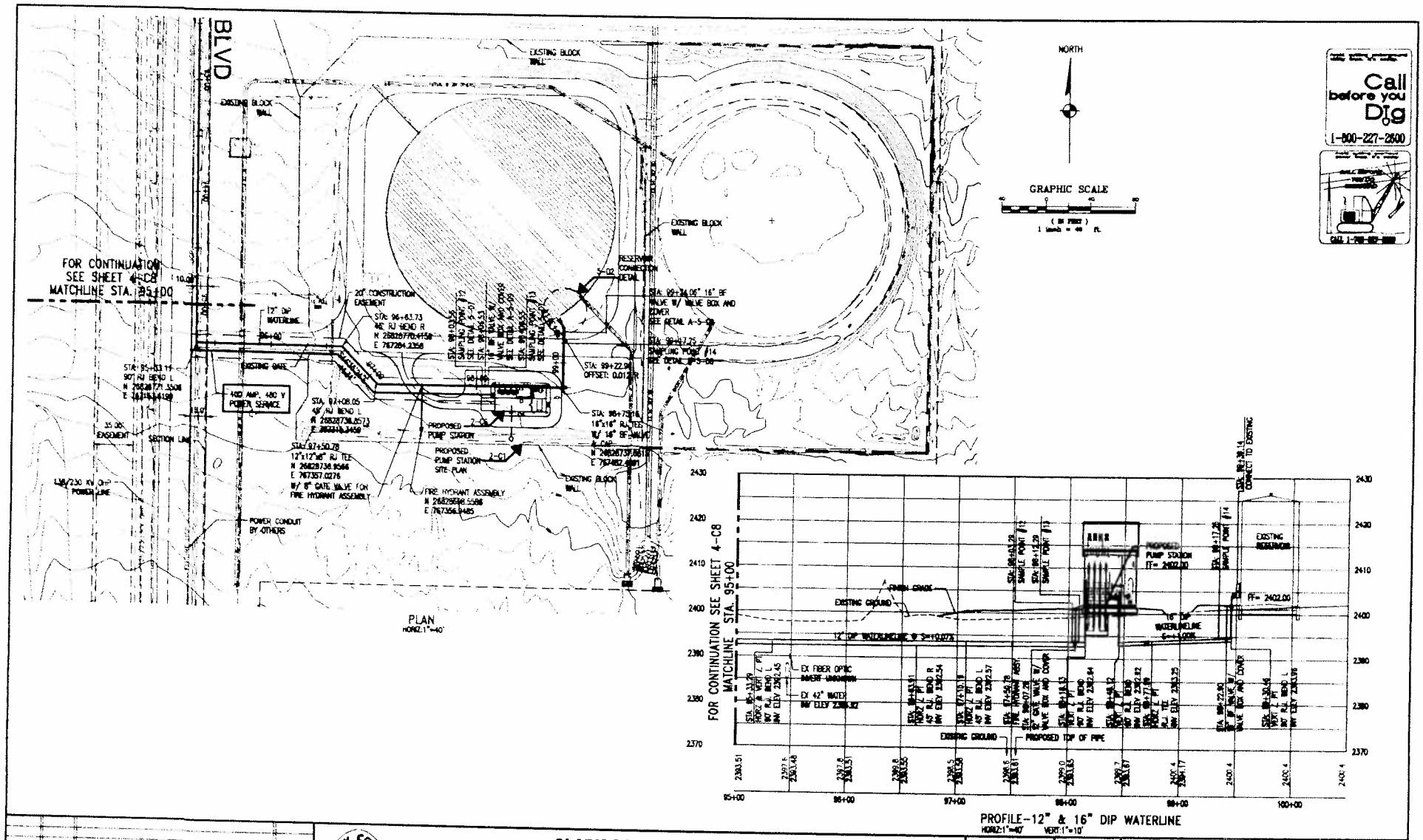
The City appreciates your cooperation and assistance in this important project.

Sincerely,

Randal D. Cagle, SR/WA
Manage Real Property Services

RDC:pad

cc: Mike Hand, Design Manager, Clark County Public Works
Pam Wyatt, Right of Way Supervisor, Clark County Public Works
Mel Barosay, Right of Way Agent II, Clark County Public Works
Wendy Fenner, Senior Engineer, Clark County Public Works



REV No	DATE	DESCRIPTION	APPROVED

CLARK COUNTY NEVADA

CLARK COUNTY SHOOTING PARK

WATER TRANSMISSION MAIN

PLAN AND PROFILE STA: 95+00 TO STA: 99+XX.XX

CLARK COUNTY, NEVADA, DEPARTMENT OF PUBLIC WORKS

90% DESIGN NOT FOR CONSTRUCTION

DESIGNED BY: JD
DRAWN BY: VND
CHECKED BY: KG
DATE: 04-18-2007

Stanley Consultants INC.

SCALE (22"x34" SHEET)
HORIZ: 1"=40'
VERT: 1"=10'

FIELD BOOK NONE

PROJECT # 19454

SHEET No 4-C9

43 OF 84

L-1820

Attachment 4

Attachment 5. Photo of Reservoir Site (N-77820)