

Biological Opinion Terms and Conditions
 (From Chapter 6 of Biological Opinion 84320-2012-F-D186)
November 2012

Impacts to Desert Tortoises (BO Reasonable and Prudent Measure 1)	
1-A	<p><u>Applicant-committed measures</u>—The BLM shall ensure that the SNWA and their contractors implement all the applicant-committed measures, as modified by the Service and BLM, and the BLM terms and conditions of the ROW grant, including those required in the Ely RMP (BLM 2008).</p>
1-B	<p><u>Timing of construction</u>—The BLM shall ensure that when possible, the SNWA schedules and conducts construction, operation, and maintenance activities within desert tortoise habitat during the less-active season (generally October 31 to March 1) and during periods of reduced desert tortoise activity (typically when ambient temperatures are less than 15.5 or greater than 35 °C [less than 60 or greater than 95 °F]).</p> <p>All vehicles and equipment that are not in areas enclosed by desert tortoise exclusion fencing will stop activities in desert tortoise habitat during rainfall events in the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days. The Field Contact Representative (FCR) or designee will determine, in coordination with the BLM and Service, when it is appropriate for project activities to continue.</p>
1-C	<p><u>Field Contact Representative</u>—The BLM shall ensure an FCR (also called a Compliance Inspection Contractor, or CIC) is designated for each contiguous stretch of construction activity. The FCR will serve as an agent of the BLM and the Service to ensure that all instances of noncompliance or incidental take are reported. The BLM has discretion over approval of potential FCRs; however, those who will also be acting as authorized desert tortoise biologists must also be approved by the Service (see Term and Condition 1D).</p> <p>The FCR and authorized desert tortoise biologist (see Term and Condition 1-D) shall have a copy of all stipulations when work is being conducted on the site and will be responsible for overseeing compliance with terms and conditions of the ROW grant, including those for listed species. The BLM shall ensure the FCR and authorized desert tortoise biologists have authority to halt any activity that is in violation of the stipulations. The FCR shall be on-site year-round during all project activities.</p> <p>Within 3 days of employment or assignment, the SNWA and BLM shall provide the Service with the names of FCRs.</p>
1-D	<p><u>Authorized desert tortoise biologist</u>— In accordance with <i>Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise</i> (USFWS 2009a), an authorized desert tortoise biologist shall possess a bachelor’s degree in biology, ecology, wildlife biology, herpetology, or a closely related field. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and desert tortoise sign. In addition, the biologist shall have the ability to recognize and accurately record survey results. Potential authorized desert tortoise</p>

	<p>biologists must submit their statement of qualifications to the Service’s Nevada Fish and Wildlife Office for approval, allowing a minimum of 30 days for Service response. The statement form is available on the Internet at http://www.fws.gov/nevada/desert_tortoise/auth_dt_form.htm.</p> <p>During the desert tortoise more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, an authorized desert tortoise biologist shall be on-site. He/she will be assigned to each piece/group of large equipment (e.g., front-end loader, backhoe, excavator, water truck) engaged in activities that may result in take of desert tortoises (e.g., clearing, watering roads, blasting, grading, lowering in pipe, hydrostatic testing, backfilling, recontouring, and reclamation activities).</p> <p>An authorized desert tortoise biologist and FCR (see Term and Condition 1-C) shall be responsible for 1) conducting and supervising desert tortoise clearance surveys; 2) enforcing the litter-control program; 3) ensuring that desert tortoise habitat disturbance is restricted to authorized areas; 4) ensuring that all equipment and materials are stored within the boundaries of the construction zone or within the boundaries of previously disturbed areas or designated areas; 5) ensuring that all vehicles associated with construction activities remain within the proposed construction zones; and 6) ensuring compliance with the conservation measures of this biological opinion and reporting actual take (see RPM 4).</p> <p>An authorized desert tortoise biologist will serve as a mentor to train desert tortoise monitors (see Term and Condition 1.e.) and shall approve monitors to conduct specific activities based on the monitor’s demonstrated skills, knowledge, and qualifications. An authorized desert tortoise biologist is responsible for errors committed by desert tortoise monitors.</p> <p>Biologists and monitors shall be visibly identifiable on the project site, wearing, for example, a uniquely designated hard hat color or safety vest color.</p>
1-E	<p><u>Desert tortoise monitor</u>—Desert tortoise monitors assist an authorized desert tortoise biologist during surveys and serve as apprentices to acquire experience. Desert tortoise monitors assist on project activities to ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with Term and Condition 1-D. They will report incidents of noncompliance in accordance with RPM 4.</p> <p>If a desert tortoise is immediately in harm’s way (e.g., certain to immediately be crushed by equipment), desert tortoise monitors will move the desert tortoise and place it in a designated safe area until an authorized desert tortoise biologist assumes care of the animal.</p> <p>Desert tortoise monitors will not conduct field or clearance surveys or other specialized duties of an authorized desert tortoise biologist unless directly supervised by an authorized desert tortoise biologist; “directly supervised” means an authorized desert</p>

	<p>tortoise biologist has unaided direct sight of and unaided voice contact with the desert tortoise monitor.</p> <p>Within 3 days of employment or assignment, the SNWA and the BLM shall provide the Service with the names of desert tortoise monitors who will assist an authorized desert tortoise biologist.</p>
1-F	<p><u>Desert tortoise education program</u>—A desert tortoise education program shall be presented by an authorized desert tortoise biologist to all personnel on-site during construction activities. The Service, BLM, and appropriate State agencies shall approve the program. At a minimum, the program shall cover desert-specific Leave-No-Trace guidelines, the distribution of desert tortoises, general behavior and ecology of this species, sensitivity to human activities, threats including introduction of exotic plants and animals, legal protection, penalties for violation of State and federal laws, reporting requirements, and the project measures presented in this Opinion. All field workers shall be instructed that activities must be confined to locations within the approved areas; they shall also be informed of their obligation to walk around and check underneath vehicles and equipment before moving them. In addition, the program shall include fire prevention measures to be implemented by employees during project activities. The program shall instruct participants to report all observations of desert tortoise and their sign during construction activities to the FCR and authorized desert tortoise biologist.</p>
1-G	<p><u>Vehicle travel</u>—Project personnel shall exercise vigilance when commuting to the project area to minimize risk for inadvertent injury or mortality of all wildlife species encountered on paved and unpaved roads leading to and from the project site. Speed limits will be clearly marked, and all workers will be made aware of these limits. On-site, personnel shall carpool to the greatest extent possible.</p> <p>During the desert tortoise less-active season, vehicle speed on project-related access roads and in the work area will not exceed 40 kph (25 mph). All vehicles and construction equipment will be tightly grouped.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, vehicle speed on project-related access roads and in the work area will not exceed 24 kph (15 mph). All vehicles and construction equipment will operate in groups of no more than 3 vehicles. An authorized desert tortoise biologist and desert tortoise monitor will escort or clear ahead of vehicles and equipment for ROW travel. The escort will be on foot and clear the area of tortoises in front of each traveling construction equipment group (see Term and Condition 1-I). The escort will use a recreational/nonpassenger vehicle with ground visibility (e.g., UTV); however, at least 1 authorized desert tortoise biologist and 1 desert tortoise monitor must ride together and survey both sides of the vehicle. The speed/pace will be determined by an authorized desert tortoise biologist. The speed shall be slow enough to ensure adequate inspection.</p> <p>New access road and spur road locations will be sited to avoid potentially active tortoise burrows to the maximum extent practicable.</p>

1-H	<p><u>Unauthorized access</u>—The BLM shall ensure that unauthorized personnel, including off-duty project personnel, do not travel on project-created access roads.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, project- and nonproject-related activities on all access roads that intersect the ROW will be monitored and logged. During construction, the ROW will be fenced at public roads that intersect the ROW. Signs will say that access on the ROW is strictly prohibited except by authorized personnel and that violators will be prosecuted.</p>
1-I	<p><u>Desert tortoise clearance</u>—Prior to surface-disturbing activities, an authorized desert tortoise biologist, potentially assisted by desert tortoise monitors, shall conduct a clearance survey to locate and remove all desert tortoises from harm’s way or from areas to be disturbed (including areas of hydrostatic testing), using techniques that provide full coverage of all areas (USFWS 2009a). No surface disturbing activities shall begin until 2 consecutive surveys yield no individuals.</p> <p>During the less-active season, clearance surveys will be conducted within 7 days prior to any surface-disturbing activity.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, clearance surveys will be conducted the day of any surface-disturbing activity.</p> <p>An authorized biologist shall excavate all burrows that have characteristics of potentially containing desert tortoises in the area to be disturbed, with the goal of locating and removing all desert tortoises and desert tortoise eggs. During clearance surveys, all handling of desert tortoises and their eggs and excavation of burrows shall be conducted solely by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action. Unoccupied burrows shall be collapsed or blocked to prevent desert tortoise re-entry. Outside of unfenced construction work areas, all potential desert tortoise burrows and pallets within 15 m (50 feet) of the edge of the construction work area shall be flagged. If the burrow is occupied by a desert tortoise, the tortoise shall be temporarily penned (see Term and Condition 1-L). No stakes or flagging shall be placed on the berm or in the opening of a desert tortoise burrow. Desert tortoise burrows shall not be marked in a manner that facilitates poaching. Avoidance flagging shall be designed to be easily distinguished from access route or other flagging, and shall be designed in consultation with experienced construction personnel and authorized biologists. All flagging shall be removed following construction activities.</p> <p>An authorized desert tortoise biologist will inspect areas to be backfilled immediately prior to backfilling.</p>

1-J	<p><u>Desert tortoise in harm's way</u>—Any project-related activity that may endanger a desert tortoise shall cease if a desert tortoise is found on the project site. Project activities may resume after an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.e.) removes the desert tortoise from danger or after the desert tortoise has moved to a safe area on its own.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, at least 1 monitor shall be assigned to observe spoil piles prior to excavation and covering.</p>
1-K	<p><u>Handling of desert tortoises</u>— Desert tortoises shall only be moved by an authorized desert tortoise biologist or desert tortoise monitor (see restrictions in Term and Condition 1.e.) solely for the purpose of moving the tortoises out of harm's way. During construction, operation, and maintenance, an authorized desert tortoise biologist shall pen, capture, handle, and relocate desert tortoises from harm's way in accordance with the most current Service-approved guidance.</p> <p>Desert tortoises that occur aboveground and need to be moved from harm's way shall be placed in the shade of a shrub, 50 to 100 m (150 to 300 feet) from the point of encounter. If desert tortoises need to be moved at a time of day when ambient temperatures could harm them (less than 5 °C [40 °F] or greater than 35 °C [95 °F]), they shall be held overnight in a clean cardboard box. These desert tortoises shall be kept in the care of an authorized biologist under appropriate controlled temperatures and released the following day when temperatures are favorable. All cardboard boxes shall be discarded after 1 use and never hold more than 1 tortoise at a time. If any tortoise active nests are encountered, the Service must be contacted immediately, prior to removal of any tortoises or eggs from those burrows, to determine the most appropriate course of action.</p> <p>During the less-active season (typically October 31 to March 1), desert tortoises located in the project area sheltering in a burrow will be temporarily penned at the discretion of an authorized biologist. Desert tortoises shall not be penned in areas of moderate-to-heavy public use; rather, they shall be moved from harm's way in accordance with the most current Service-approved guidance.</p> <p>Equipment that contacts desert tortoises shall be sterilized or changed before contacting another tortoise to prevent the spread of disease. If a tortoise contacts clothing, those clothes shall be washed before coming into contact with another desert tortoise. All tortoises shall be handled using disposable surgical gloves, and each pair of gloves shall be disposed of after handling 1 tortoise. An authorized biologist shall document each tortoise handling with the following information: 1) narrative describing circumstances; 2) vegetation type; 3) dates of observations; 4) general conditions and health; 5) any apparent injuries and state of healing; 6) if the tortoise was moved, the GPS location where it was captured and the location where it was released; 7) maps; 8) whether animals voided their bladders; and 9) diagnostic markings (e.g., identification numbers marked on lateral scutes).</p>

1-L	<p><u>Penning</u>—Penning shall be accomplished by installing a circular fence, approximately 7 m (20 feet) in diameter, to enclose and surround the tortoise burrow. The pen shall be constructed with 5-cm (2-inche) hardware cloth or 3-cm (1-inch) horizontal by 5-cm (2-inche) vertical, galvanized welded wire. Steel Tposts or rebar 0.5 to 1 m (2 to 3 feet) high shall be placed every 1.5 to 2m (5 to 6 feet) to support the pen material. Pen material will extend 0.5 m (18 inches) aboveground. The bottom of the enclosure will be buried 15 to 30 cm (6 to 12 inches) deep or bent toward the burrow, with soil mounded along the base, and other measures implemented to ensure zero ground clearance. Care shall be taken to minimize public visibility of the pen. An authorized desert tortoise biologist or desert tortoise monitor shall check the pen at least daily and ensure that 1) the desert tortoise is in the burrow or pen, 2) the tortoise is healthy, and 3) the pen is intact. Because this is a new technique, all instances of penning or issues associated with penning shall be reported to the Service within 3 days.</p>
1-M	<p><u>Temporary tortoise-proof fencing</u>—All construction areas, including open pipeline trenches, hydrostatic testing locations, and tie-in work, shall be fenced with temporary tortoise-proof fencing (e.g., silt fencing) or inspected by an authorized desert tortoise biologist periodically throughout the day, at the end of the day, and immediately the next morning.</p> <p>Fencing will be designed in a manner that reduces the potential for desert tortoises and hatchlings to access the construction areas. Thus, the lower 15 to 30 cm (6 to 12 inches) of fencing will be folded outward (i.e., away from the construction area) and covered with enough soil, rocks, and staking to maintain zero ground clearance and secure the bottom section of material. After the fencing is erected and secure, the work area inside the fencing will be cleared by an authorized biologist. The fencing must remain closed during any construction activities.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, an authorized biologist will check the integrity of the fencing every 2 hours to ensure that no breaches in the fencing have occurred and no desert tortoises are pacing the fence.</p>
1-N	<p><u>Permanent tortoise-proof fencing</u>—Tortoise-proof fencing shall be installed around the boundary of permanent aboveground facilities that require regular monitoring and maintenance. Fence specifications will be consistent with those approved by the Service (USFWS 2009a). Tortoise guards shall be placed at all road access points, where desert tortoise-proof fencing is interrupted, to exclude desert tortoises from the facility. Gates shall provide minimal ground clearance to deter ingress by desert tortoises. Permanent tortoise-proof fencing along the project area shall be appropriately constructed, monitored, and maintained.</p> <p>During the desert tortoise less-active period and after major storm events, fencing will be checked at least monthly.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive</p>

	<p>days, fencing will be checked at least once per day during construction activities to ensure that tortoises are not pacing the fence, litter and sediment has not piled up, breaches or holes have not occurred in the fence, and no tortoises are caught in the fence.</p> <p>Following project construction, the fence, tortoise guards, and gates shall be inspected at least quarterly unless the timing is modified by the Service. Maintenance shall include regular removal of trash and sediment accumulation and restoration of zero ground clearance between the ground and the bottom of the fence, including re-covering the bent portion of the fence if it is no longer buried.</p> <p>During the desert tortoise less-active period repairs to damaged fence or gates will be completed within 7 days.</p> <p>During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, repairs to damaged fence or gates will be completed within 72 hours.</p>
1-O	<p><u>Open trenches</u>—Earthen plugs, with wildlife escape ramps on either side of each plug, will be provided in open trench segments at intervals of no more than 0.8 km (0.5 miles). These distances will be reduced if the FCR and authorized desert tortoise biologist determine that the plug/escape ramp spacing is insufficient to facilitate animal escape from the trench. Any tortoise that is found in a trench or excavation shall be promptly removed by an authorized desert tortoise biologist in accordance with the most current Service-approved guidance. If the authorized desert tortoise biologist is not allowed to enter the trench for safety reasons, the alternative method of removal must have prior approval by the Service. During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, the amount of open trench, at any one time, will not exceed 5 km (3 miles). An authorized desert tortoise biologist or desert tortoise monitor will be responsible for monitoring each 1,000-foot section of open trench (on both sides) during daylight hours. In sections of the project where the desert tortoise observations increase, the FCR will appropriately increase the number of monitors and authorized desert tortoise biologists. Adjacent to open trenches, an authorized desert tortoise biologist or desert tortoise monitor will thoroughly check under sections of propped pipeline to inspect for tortoises that may be taking advantage of the shade.</p>
1-P	<p><u>Dust control</u>—Water applied to the construction ROW and topsoil piles for dust control shall not be allowed to pool outside tortoise-proof fencing areas, because it can attract desert tortoises. Similarly, leaks on water trucks and water tanks will be repaired to prevent pooling water. During the more-active season (generally March 1 to October 31), and if temperatures are above 15.5 but below 35 °C (above 60 but below 95 °F) for more than 7 consecutive days, an authorized biologist will be assigned to patrol each area being watered, both immediately after the water is applied and at approximate 60-minute intervals, until the ground is no longer wet enough to attract tortoises.</p>
1-Q	<p><u>Blasting</u>—If blasting is required in desert tortoise habitat, detonation shall only occur after the area has been surveyed and cleared by an authorized desert tortoise biologist. A 61-meter (200-foot) radius area around the blasting site shall be surveyed, and all desert</p>

	tortoises aboveground within this 61-meter (200-foot) radius of the blasting site shall be moved 150 meter (500 foot) from the blasting site, placed in unoccupied burrows, and temporarily penned (see Term and Condition 1-L) to prevent tortoises from returning to the site. Tortoises in burrows will be left in their burrows. All burrows, regardless of occupied status, will be stuffed with newspapers, flagged, and recorded using a GPS unit. Immediately after blasting, newspaper and flagging will be removed. If a burrow or coversite has collapsed and there is a possibility that it could be occupied, it shall be excavated to ensure that no tortoises have been buried and are in danger of suffocation.
Predator Control (BO Reasonable and Prudent Measure 2)	
2-A	<u>Litter control</u> —A litter-control program shall be implemented to reduce the attractiveness of the area to opportunistic predators such as desert kit foxes, coyotes, and common ravens. Trash and food items will be disposed of properly in predator-proof containers with predator-proof lids. Trash containers will be emptied and construction waste will be removed daily from the project area and disposed of in an approved landfill.
2-B	<u>Deterrence</u> —The applicant will implement best management practices (BMPs) to discourage the presence of predators on-site (coyotes, ravens, etc.). Measures will include eliminating available water sources, designing structures to discourage potential nest sites, and using hazing to discourage raven presence.
2-C	<u>Monitoring and predator control</u> —The applicant will inspect structures annually for nesting ravens and report observations of raven nests to the Service. If sign of predation is found under a nest, a control plan will be implemented. All raven nests will be removed from the transmission line by authorized personnel when desert tortoises are least active, and the nesting material will be disposed of.
2-D	<u>Pets</u> —Dogs will be prohibited in all project work areas.
Impacts to Desert Tortoise Habitat (BO Reasonable and Prudent Measure 3)	
3-A	<u>Habitat protection plans</u> —The BLM shall ensure that the applicant develop and implement an approved fire prevention and response plan, an erosion control plan, and a weed management plan.
3-B	<u>Interim reclamation and restoration plan</u> —The BLM shall ensure that the applicant develop and implement a restoration plan. The plan will adaptively manage the area to restore the physical or biological features essential to the conservation of the species (PCEs). The plan must be approved by the Service. The plan will describe objectives and methods to be used, species of plants and/or seed mixture to be used, time of planting, success standards, and follow-up monitoring. The plan will be prepared within 60 days following completion of the surface disturbance phase of the project. Reclamation will be addressed on a case-by-case basis.
3-C	<u>Minimizing new disturbance</u> —Cross-country travel and travel outside designated areas shall be prohibited. All equipment, vehicles, and construction materials shall be restricted to the ROW, and new disturbance will be restricted to the minimum necessary to complete the task (e.g., construction of 1-lane access roads with passing turnouts every mile rather than a wider, 2-lane road). All work area boundaries shall be conspicuously staked, flagged, or otherwise marked to minimize surface disturbance activities.
3-D	<u>Weed prevention</u> —Vehicles and equipment shall be cleaned with a high-pressure washer prior to arrival on the ROW and prior to departure from areas of known invasive

	weed and nonnative grass infestations to prevent or at least minimize the introduction or spread of these species.
3-E	<u>Chemical spills</u> —Hazardous and toxic materials such as fuels, solvents, lubricants, and acids used during construction will be controlled to prevent accidental spills. Any leak or accidental release of hazardous and toxic materials will be stopped immediately and cleaned up at the time of occurrence. Contaminated soils will be removed and disposed of at an approved landfill site.
3-F	<p><u>Residual impacts from disturbance</u>—The BLM shall ensure remuneration fees are paid to offset residual impacts to desert tortoises from project-related disturbance to desert tortoise habitat.</p> <p>Remuneration fees will be used for management actions expected to promote recovery of the desert tortoise over time, including management and recovery of desert tortoise in Nevada. Actions may involve habitat acquisition, population or habitat enhancement, research to increase knowledge of the species’ biological requirements, reducing loss of individual animals, documenting the species’ status and trend, and preserving distinct population attributes. Fees will be used to fund the highest-priority recovery actions for desert tortoises in Nevada.</p> <p>The current rate is \$810 per acre of disturbance, as indexed for inflation. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31 of each year. Fees assessed or collected for projects covered under this biological opinion will be adjusted based on the current CPI-U for the year they are collected. Information on the CPI-U can be found on the Internet at http://stats.bls.gov/news.release/cpi.nws.htm.</p>
3-G	<u>Green stripping</u> —BLM shall avoid using crested wheatgrass (<i>Agropyron cristatum</i>) and forage kochia (<i>c</i>) as reclamation candidates for degraded habitats and green stripping. In emergency circumstances, such as severe erosion and headcutting, the BLM may use crested wheatgrass and forage kochia to stabilize soil. A detailed rationale for potential seeding with selected nonnative species must be submitted to the BLM and approved by the Service. Once the soil is stabilized, the BLM shall overseed with native seed.
Compliance and Reporting (BO Reasonable and Prudent Measure 4)	
4-A	<u>Desert tortoise deaths</u> — The deaths of desert tortoises shall be investigated as thoroughly as possible to determine the cause of death. The Service and appropriate State wildlife agency must be informed immediately verbally and within 5 business days in writing (electronic mail is sufficient). See <i>Care for Dead or Injured Desert Tortoises</i> (section 6.5.4) and Table 6-5 of the Biological Opinion.
4-B	<u>Noncompliance</u> —Any incident occurring during project activities that was considered by the FCR, authorized desert tortoise biologist, or desert tortoise monitor to be in noncompliance with this Opinion shall be immediately documented by an authorized desert tortoise biologist and immediately reported to the BLM and the Service at (702) 515-5230.
4-C	<u>Fence inspection</u> —Quarterly reports for monitoring and repair of tortoise-proof fencing shall be submitted to the Service’s Nevada Fish and Wildlife Office in Las Vegas. Reports are due within the first 10 days of the beginning of each quarter.

4-D

Phase completion—Within 60 days following completion of each phase of construction, a written assessment report shall be submitted to the Service, outlining the schedule that was followed for implementing the minimization measures. The report shall also include biological observations and the general success of each of the minimization measures and the maintenance activities that occurred over that phase of construction. The following information will be included in the report: location (GIS shapefile); date and time of observation; documentation of desert tortoise handling (see Terms and Conditions 1-D and 1-K); any actions taken to protect the desert tortoise, such as penning or temporarily holding; unique physical characteristics of each desert tortoise; raven and predator monitoring; fence monitoring; reports of noncompliance; chemical spills; unauthorized access; GIS shapefiles; acreage of final habitat disturbance; and any other information useful to the Service.

Table 6-5. Example compliance reporting table

Activity	Actual Mortality, Injury, and Destruction			Actual Harassment: Capture and Removal			Actual Habitat Loss (acres)	
	Adults / Subadults	Juveniles / Hatchlings	Eggs	Adults / Subadults	Juveniles / Hatchlings	Eggs	Critical	Noncritical
Construction								
Operation and Maintenance								
Predation								
Minimization Measures Implemented		Effectiveness and Recommendations						

4-E

Construction completion—A comprehensive final construction report shall be submitted to the Service’s Nevada Fish and Wildlife Office in Las Vegas within 90 days of completion of construction of all phases of the project.

4-F

Operation—A written assessment report shall be submitted to the Service, outlining the maintenance activities that occurred over the past year. It will include frequency of implementation of minimization measures, biological observations, general success of each of the minimization measures and Terms and Conditions, and recommendations for future minimization measures. All deaths, injuries, and illnesses of endangered or threatened species within the project area, whether associated with project activities or not, will be summarized in the annual report, which is due April 1 of each year. We recognize that the procedures we are likely to develop in the future, in close cooperation with the BLM and SNWA, will include a more efficient way of collecting this information; we welcome recommendations to improve the reporting method, provided that any new method meets the requirements of the implementing regulations for section 7(a)(2) of the Act (50 CFR 402.14(i)(3)).