Maryland Parkway
High Capacity Transit Project

Biological Resources
Technical Memorandum

Prepared by:

PARSONS

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and

Regional Transportation Commission of
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1.0 INTRODUCTION

The Regional Transportation Commission of Southern Nevada (RTC), in cooperation with the City of Las Vegas and Clark County, proposes the construction of the Maryland Parkway High Capacity Transit Project, an 8.7-mile-long route that will replace the existing local Route 109 bus service with an enhanced transit system that will provide speed and service quality improvements and enhance the viability of transit as a transportation choice. The project is subject to federal environmental review requirements because it may involve the use of federal funds from the Federal Transit Administration (FTA). An Environmental Assessment (EA) has been prepared in compliance with the National Environmental Policy Act (NEPA); FTA is the federal lead agency and RTC is the regional lead agency for this NEPA process.

This Technical Memorandum focuses on biological resources in the Maryland Parkway project study area. It will address potential impacts to biological resources including habitat and vegetation, noxious weeds, federal- and state-listed threated and endangered species, migratory birds, waters of the United States (U.S.), and wetlands.

2.0 REGULATORY ENVIRONMENT

Federal, state, and local regulations protect wildlife, vegetation, habitat, and wetlands in the study area. The following federal and state regulations apply to the Maryland Parkway project.

- The United States Endangered Species Act (ESA)—Protects federally-listed plant and animal species with the goal of ensuring their long-term survival. The ESA is administered by the U.S. Fish and Wildlife Service (USFWS).

- The Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act—Vegetation clearing, earth-moving, bridge demolition, and other construction activities have the potential to disrupt nesting activity or destroy nests of bird species protected under the MBTA. USFWS administers these requirements.

- Noxious Weeds—In addition to regulations primarily designed to protect fish and wildlife species, state and federal regulations are in place to protect habitat from plant species determined to be “noxious.”

Plant and animal species whose populations have declined to a point where extinction is imminent are afforded legal protection under federal and state laws. Federally-listed threatened and endangered species and designated critical habitat are regulated by the Endangered Species Act of 1973. The USFWS is authorized to identify species in danger of extinction and provide for their management and protection. The USFWS also maintains a list of species of special concern.

The Migratory Bird Treaty Act (16 United States Code [U.S.C.] § 703) provides for protection of all native migratory game and non-game birds, including all common songbirds, waterfowl, shorebirds, hawks, owls, eagles, ravens, crows, native doves and pigeons, swifts, martins, swallows and others, including their body parts (feathers and plumes), nests, and eggs. Similar protections and prohibited activities are

included in the Bald and Golden Eagle Protection Act. The take of a protected species is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, collect, or any attempt to carry out these activities." A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof.

Executive Order (EO) 13112 directs federal agencies whose activities may affect the status of invasive species to control populations of such species in a cost-effective and environmentally sound manner, monitor invasive species populations, and provide for restoration of native species and habitat conditions in ecosystems that have been invaded. The State of Nevada Revised Statue (NRS) 555.0 requires that certain species of invasive weeds must be controlled by law. Responsibility for regulation lies with the Nevada Department of Agriculture (NDOA). A noxious weed list places particular species under regulation and require landowners (public and private) to manage these plant species. A plant is considered a weed if it is located where it is not wanted and NDOA defines a noxious weed (a legally recognized invasive weed) as “any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.” Invasive weeds tend to out-compete other native species, and can be destructive to crops, livestock, habitat, public health, wildlife, water quality, and beneficial uses of land.

The U.S. Army Corps of Engineers (USACE), acting under Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899, regulates certain activities occurring in waters of the U.S. and navigable waters of the U.S. Waters of the U.S. include other parts of the surface water tributary system down to the smallest of streams (*e.g*., tributary that only contains water after a rain event), lakes, ponds, or other water bodies on those streams, and adjacent wetlands (*e.g.,* sloughs, swamps, and some seasonally flooded areas) if they meet certain criteria. USACE defines wetlands as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

3.0 EXISTING ENVIRONMENT

The project corridor is wholly located within Clark County and partially located within the City of Las Vegas, as shown in Figure 1. The corridor extends on various local streets from the Las Vegas Medical District through the downtown area to Maryland Parkway, where it would serve major activity centers including the Sunrise Hospital/Medical Center, The Boulevard Mall regional shopping center, the University of Nevada Las Vegas (UNLV) campus, and Russell Road, near McCarran International Airport.

The environmental study area is a 0.25-mile buffer that extends from the centerline of the proposed alignment. The project is located in an urban setting with a wide mix of residential, office, education, medical, and commercial development. Land uses in the project vicinity include residential, commercial, airport, educational institutions, recreation, utility, civic/government, public service facilities (e.g., fire stations, hospitals, and churches), transportation, and vacant land.

A search of the USFWS Threatened and Endangered Species database (USFWS, 2017) and Nevada Natural Heritage Program (Nevada Department of Conservation and Natural Resources, 2017) identified a list sensitive species that occurs in Clark County (Table 1). None of the species or their habitats occur within the project study area based on surveys of the corridor by a qualified Parsons’ biologist.

Figure 1. Proposed Alignment and Environmental Study Area

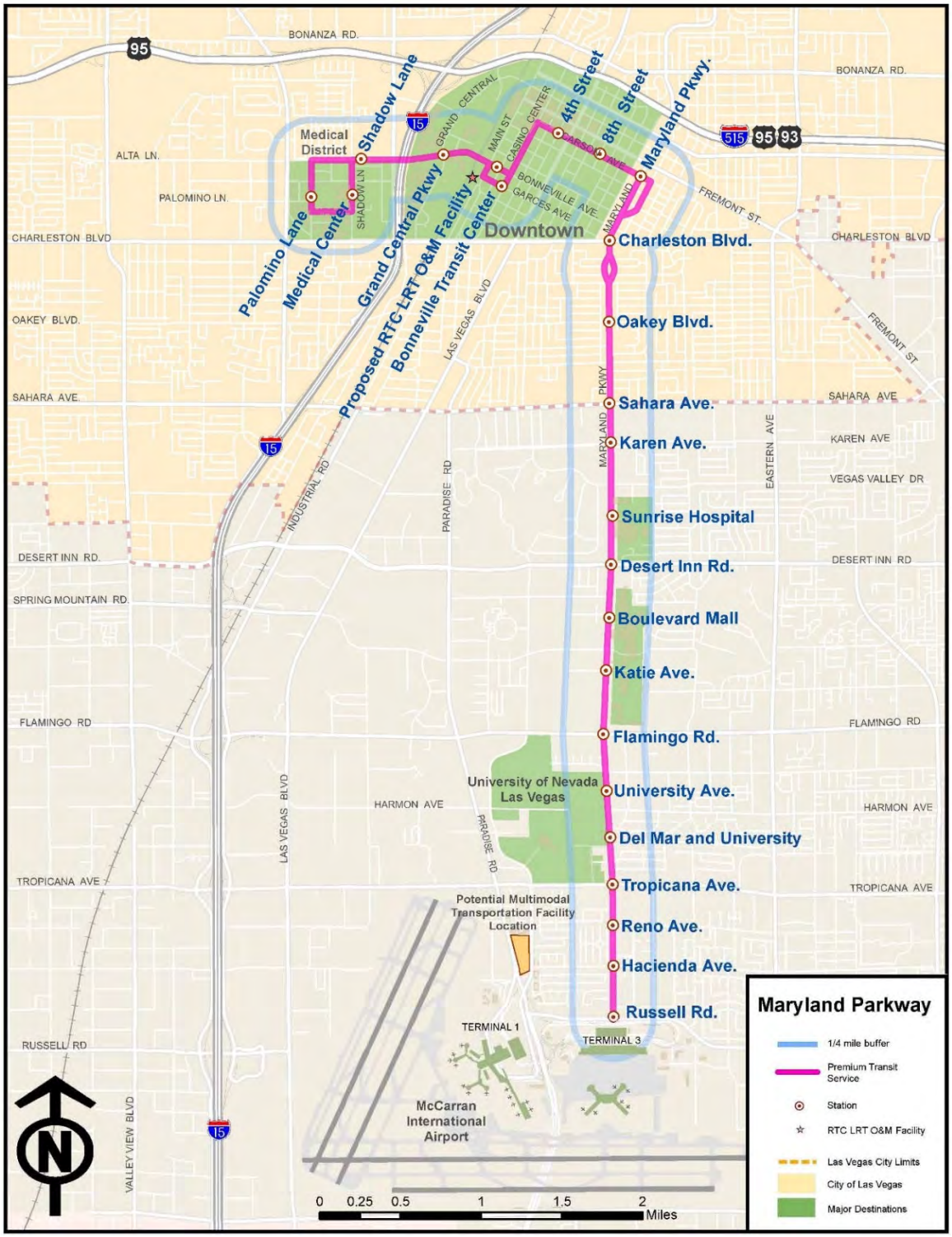


Table 1. Threatened, Endangered, and Sensitive Species in Clark County

Scientific Name	Common Name	USESA Status	Nevada Status
Insects			
Plebejus shasta charlestonensis	Mt. Charleston blue	LE	
Plants			
Arctomecon californica	Las Vegas bearpoppy		CE
Astragalus geyeri var. *triquetrus*	Threecorner milkvetch		CE
Cryptantha insolita	Las Vegas catseye		CE
Cylindropuntia multigeniculata	Blue Diamond cholla		CE, CY
Eriogonum corymbosum var. nilesii	Las Vegas buckwheat	C	
Eriogonum viscidulum	Sticky buckwheat		CE
Ferocactus cylindraceus var. *lecontei*	Mojave barrel cactus		CY
Amphibians			
Lithobates once	Relict leopard frog	C	P
Lithobates pipiens	Northern leopard frog		P
Birds			
Coccyzus americanus	Yellow-billed Cuckoo	LT	
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE	E
Falco peregrinus	Peregrine Falcon		E
Lanius ludovicianus	Loggerhead Shrike		S
Oreoscoptes montanus	Sage Thrasher		S
Rallus longirostris yumanensis	Yuma Clapper Rail	LE	E
Spizella breweri	Brewer's Sparrow		S
Fishes			
Cyprinodon diabolis	Devils Hole pupfish	LE	E
Empetrichthys latos	Pahrump poolfish	LE	E
Gila elegans	Bonytail chub	LE	E
Gila seminude	Virgin River chub	LE	E
Moapa coriacea	Moapa dace	LE	E
Oncorhynchus clarkii henshawi	Lahontan cutthroat trout	LT	
Plagopterus argentissimus	Woundfin	LE	E
Rhinichthys osculus moapae	Moapa speckled dace		S
Xyrauchen texanus	Razorback sucker	LE	E
Mammals			
Antrozous pallidus	Pallid bat		P
Corynorhinus townsendii	Townsend's big-eared bat		S
Macrotus californicus	California leaf-nosed bat		S
Euderma maculatum	Spotted bat		T
Idionycteris phyllotis	Allen's big-eared bat		P

Table 1 Threatened, Endangered, and Sensitive Species in Clark County (continued)

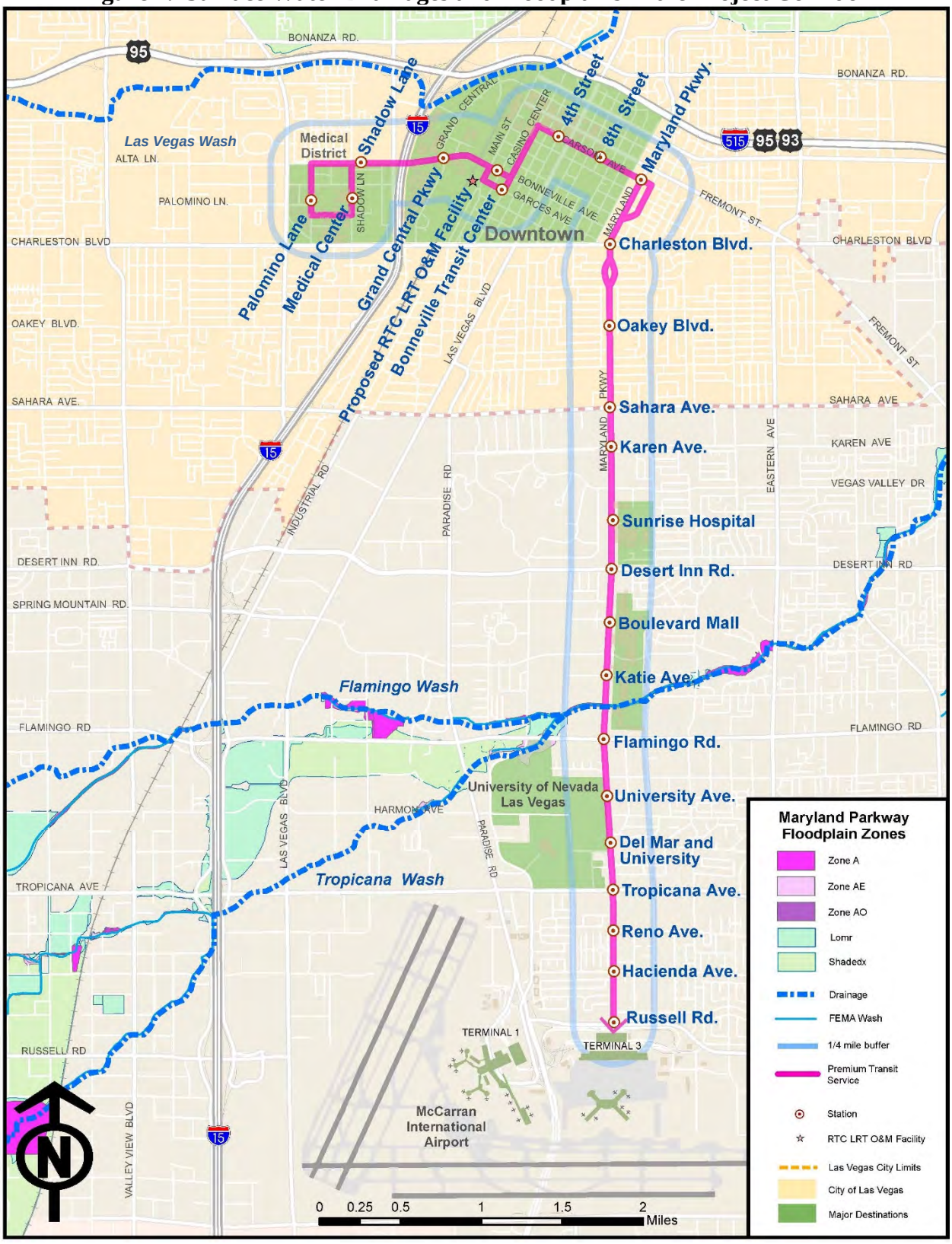
Scientific Name	Common Name	USESA Status	Nevada Status
Lasiurus blossevillii	Western red bat		S
Lontra canadensis sonora	Southwestern otter		FM
Myotis thysanodes	Fringed myotis		P
Neotamias palmeri	Palmer's chipmunk		S
Neotamias umbrinus nevadensis	Hidden Forest Uinta chipmunk		S
Tadarida brasiliensis	Mexican free-tailed bat		P
Vulpes macrotis	Kit fox		FM
Reptiles			
Gopherus agassizii	Mojave Ddesert tortoise	LT	T
Heloderma suspectum cinctum	Banded Gila monster		P

Sources: U.S. Fish and Wildlife Service Threatened and Endangered Species database (USFWS, 2017) and Nevada Natural Heritage Program (Nevada Department of Conservation and Natural Resources, 2017)

U.S. Endangered Species Act (USESA) Designation:
LE - Listed Endangered
LT - Listed Threatened
PE - Proposed Endangered
PT - Proposed Threatened
C - Candidate for listing as Threatened or Endangered
State of Nevada Protection and Designations:
CE - Critically Endangered Plant
CY - Protected as a cactus, yucca, or Christmas tree
P - Protected
E - Endangered
S - Sensitive
FM - Fur-bearing Mammal

A wetland and waters of the U.S. field survey was completed by a qualified Parsons' biologist on May 10, 2016, along the project corridor. There is one designated waters of the U.S. in the project corridor, which is the Flamingo Wash that crosses Maryland Parkway north of Flamingo Road (Figure 2). The drainage facility is concrete lined, maintained, and does not contain any wetlands. No other waters of the U.S. or wetlands occur in the project study area.

Figure 2. Surface Water Drainages and Floodplains in the Project Corridor



4.0 IMPACTS

The urban nature of the project corridor provides little natural habitat for wildlife and plants. Native and non-native landscaping plants are scattered along the corridor. There are no biological resources that would be impacted in the highly-urbanized study area. There are no surface water or riparian areas present in the project corridor to support aquatic species. No noxious weeds were observed along the project corridor during the site surveys. Therefore, no impacts to the biological community from the Build Alternatives or Enhanced Bus Alternative are anticipated.

There could be potential impacts to migratory birds during construction activities if trees or shrubs are removed along the project corridor that contain active bird nests.

5.0 POTENTIAL MITIGATION MEASURES

Before construction begins, active migratory bird nest surveys should be completed by a qualified biologist to determine if active nests (*e.g.*, eggs, young) are located in trees and shrubs that will be removed or trimmed as part of the project. If construction activities are scheduled during prime nesting periods, the vegetation should be removed ahead of construction during non-nesting periods.

A noxious weed management plan will be prepared and implemented by the contractor to prevent noxious weeds from entering the project corridor. Earthmoving and hauling equipment will be washed at the contractor's storage facility prior to arriving onsite to prevent the introduction of noxious weed seeds. Disturbed areas will be landscaped or reseeded with a certified weed-free mix.

Prior to construction, a wetland survey will be performed to ensure no wetlands have formed.

Best management practices would be utilized by the contractors to prevent sediment from entering the storm sewers or Flamingo Wash during construction activities. Permits are required by the local agencies to ensure compliance with water quality standards. A Stormwater Pollution Prevention Plan would be prepared prior to construction to avoid or mitigate potential water quality impacts.

6.0 REFERENCES

Nevada Department of Conservation and Natural Resources. 2017. Nevada Natural Heritage Program. http://heritage.nv.gov/

U.S. Fish and Wildlife Service (USFWS). 2017. Threatened and Endangered Species Database.

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