

**UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
DECISION RECORD FOR THE  
CITY OF MESQUITE, NEVADA LAND SALE**

**ENVIRONMENTAL ASSESSMENT NO. NV-056-99-055**

This document constitutes the Decision Record (DR) for the City of Mesquite, Nevada Land Sale, a United States Bureau of Land Management (BLM) assembled land sale proposal (N-61259) and (N-66238). The proposed action and alternatives were described and their impacts analyzed in an Environmental Assessment (EA) dated July 2002 (Exhibit A). While 10,620 acres have been analyzed, approximately 7,692.09 acres will be offered for sale at this time.

**BACKGROUND INFORMATION**

The United States Department of Interior, BLM is proposing to sell approximately 10,620 acres of public land to the City of Mesquite, Nevada. The Mesquite Lands Act of 1986 (Mesquite Lands Act Public Law [P.L.] 99-548, amended as P.L. 104-208 in 1996, and again amended as P.L. 106-113 in 1999) encompasses approximately 10,620 acres plus 2,560 acres for a potential airport development project. The, 10,620 acres of subject lands, which are analyzed in EA No. NV-056-99-055, have been separated into two parcels and are referred to as the 1996 Amendment Parcel (P.L. 99-548, amended as P.L. 104-208) and the Contiguity Parcel (P.L. 99-458, amended as P.L. 106-113).

A public information meeting was held on April 10, 2000, at the City Hall in Mesquite, Nevada. The purpose of the meeting was to solicit public comments and input regarding the proposed sale of 10,620 acres of BLM-managed lands to the City of Mesquite. Notice of the public information meeting was published in the Las Vegas Review Journal, and the Desert Valley Times. In addition, notice of the meeting was posted at the Mesquite City Hall. The public comment period began on April 6, 2000 with the publication of the notices in the newspapers, and continued through April 24, 2000.

The 1996 Amendment Parcel encompasses approximately 5,345.79 acres and is located north and west of the City of Mesquite and north of the Virgin River. The Contiguity Parcel encompasses approximately 5,080 acres and is located adjacent to and west of the 1996 Amendment Parcel and primarily south of Interstate 15 (I-15). The legal descriptions for these parcels are presented in Exhibit B. Of the total acreage in the Contiguity Parcel, approximately 2,346.30 acres will be offered in this sale.

The sale lands have been fully analyzed in the EA. The BLM has determined, in a Finding of No Significant Impact dated August 2002, that the environmental impacts associated with the land sale are not significant. This Decision Record incorporates that finding. Further environmental analysis will not be required to assess the impacts of the sale of federal lands to the City of Mesquite.

**DECISION**

Pursuant to the authority of Section 203 of the Federal Land Policy and Management Act of 1976, Public Law (P.L.) 94-579, and the Mesquite Lands Act (P.L. 99-548, amended as P.L. 104-208 in 1996, and again amended as P.L. 106-113 in 1999), it is my decision to approve as proposed, the sale of land to the City of Mesquite. The transaction would provide for the sale of approximately

7,692.09 acres of public land to the City of Mesquite, Nevada. The 10,620 acres of subject lands have been separated into two parcels and are referred to as the 1996 Amendment Parcel and the Contiguity Parcel. The entire Contiguity Parcel, while analyzed in this EA, will not be offered in total in this sale.

The value of the sale land has been established in approved appraisal reports. The sale of the public lands shall be made at a price not less than their fair market value pursuant to Section 203(3)(d) of the Federal Land Policy and Management Act. Appraisal information is available for inspection at the Las Vegas Field Office.

In accordance with the P.L. 99-548 (amended as P.L. 104-208 in 1996, and again amended as P.L. 106-113 in 1999P.L. 106-113), it is my decision to convey in this transaction, approximately 7,692.09 acres of federal land to the City of Mesquite, Nevada.

Mitigation measures identified for the proposed action in the environmental consequences section of the attached EA are incorporated by reference into this decision and will be formulated into the terms and conditions of the Patent.

## **RATIONALE FOR THE DECISION**

The following is a summary of pertinent information in support of the above-stated decision to sell 10,620 acres of federal land to the City of Mesquite, Nevada. This sale is intended to accommodate orderly expansion of the City of Mesquite. Consistent with the Mesquite Lands Act, this action was developed and evaluated in a cooperative manner with Clark County and the City of Mesquite.

Assessment of the impacts arising from the sale of the federal land to the City of Mesquite was addressed in EA No. NV-056-99-055 dated July 2002. The federal lands assessed in the EA would most likely be used for residential, industrial, and commercial development.

Air Quality (EA pp. 3-4 through 3-6). Future heavy industry development is anticipated and included in the City's Master Plan, but it is unknown at this time what type of heavy industry will be built within the City limits and what kind of pollutants may be produced. Indirect impacts from industrial pollutants are not anticipated to increase appreciably due to implementation of the Proposed Action, but potential impacts cannot be quantified without detailed information about potential industrial facilities or facility emissions.

Sales of federal lands are exempt from air conformity determinations in accordance with 40 CFR 93.153(c)(2)(xiv), which states: "(c) The requirements of this subpart shall not apply to the following federal actions: (2) Actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:" such as, "(xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer." The EA concluded that although there would be a temporary cumulative increase in dust levels resulting from the additional construction and heavy-equipment activities, these cumulative impacts would be minimized by implementing measures that require contractors to: prepare and implement a dust mitigation program for all phases of construction, and use aggressive water application for dust control on the site and on unpaved access roads.

Cultural Resources (EA pp. 3-87 through 3-88). Two eligible sites were identified within the area of potential effect. A Cultural Resources Treatment Plan for these sites has been prepared and

implemented. In addition, the Section 106 consultation with the SHPO is complete. Treatment of the eligible sites has been completed in accordance with the approved Cultural Resources Treatment Plan, and the SHPO has concurred with a “No Adverse Effect” determination for the proposed land sale. The coordination letters between the SHPO and the BLM is provided in Appendix E of this EA.

Threatened and Endangered Species (EA pp. 3-54 through 3-60). In conformance with Section 7 of the Endangered Species Act, a biological assessment was prepared to evaluate the effects of the proposed action on federally listed species, and formal consultation with the U.S. Fish and Wildlife Service (USFWS) was initiated. The USFWS issued the BLM a biological opinion (BO) (File no. 1-5-02-F-495) that the proposed project may adversely affect the Southwestern Willow Flycatcher, Yuma Clapper Rail, Western Yellow-billed Cuckoo, Virgin River chub, woundfin, and the desert tortoise, but through incorporation of the terms and conditions stipulated in the BO, this action would not jeopardize the continued existence of these species or appreciably diminish designated critical habitat.

In compliance with the applicable provisions of the Endangered Species Act of 1973, the City, in cooperation with the USFWS and the BLM, has developed and approved a city ordinance that is aimed at addressing potential direct and indirect impacts to sensitive biological resources as a result of the development of the two parcels. The Ordinance 270, amending Title 9 of the Mesquite Municipal Code, establishes a new Chapter 13, which outlines environmental requirements for development of the Mesquite Land Act land parcels (Appendix C). The Ordinance 270 identifies the standards and conditions by which the subject lands would be developed with regards to protection of the Southwestern Willow Flycatcher, Yuma Clapper Rail, Virgin River chub, and Woundfin (hereafter, collectively referred to as the Virgin River Species). In addition to the Ordinance 270, the terms and conditions stipulated in the BO would be implemented into the minimization and mitigation efforts.

Water Resources (EA pp. 3-34 through 3-43). At this time, the effect of regional groundwater withdrawal on the surface water flows in the Virgin River is unknown. However, groundwater withdrawal that contributes to any additional depletion of Virgin River surface water flows may adversely affect the Southwestern Willow Flycatcher, Yuma Clapper Rail, Western Yellow-billed Cuckoo, Virgin River chub and Woundfin. The best available hydrogeologic data is inconclusive regarding groundwater movement throughout the Virgin River Valley. Groundwater contribution to the Virgin River is not clearly known, therefore a Hydrologic Monitoring and Mitigation Plan for the Lower Virgin River Basin will be developed and implemented through the process defined by Chapter 13 of the City of Mesquite Municipal Code 270, as discussed above.

Visual Resources (EA pp. 3-74 through 3-76). The sale of the 1996 Amendment Parcel and Contiguity Parcel to the City of Mesquite would not directly affect visual resources. However, subsequent development of the parcels would change the visual character of the area. Development activities such as grading, excavating, and construction would level the topography in some areas. The level of impact and contrast between graded areas and the native topography would be greatest in areas having a high level of topographic relief, particularly near Mormon Mesa and Flat Top Mesa and near the washes. However, grading within these areas is expected to be limited.

Minerals (EA pp. 3-16 through 3-21). There is moderate to high potential for development of sand and/or gravel (saleable minerals) on the southwest portion of the Contiguity Parcel (the Mormon

Mesa area). In addition, there is moderate to high potential for the mining of saleable minerals such as gypsum, sand, silt, gravel, and cobbles within the sale property. There is also the potential for the exploration and development of oil, gas, sodium, and potassium compounds. Saleable minerals with the exception of those located within Sections 27 through 34, T13S, R69E, may be sold simultaneously with the surface minerals. Lands in Sections 4 and 5 of T13S, R71E, M.D.M., are encumbered by active mining claims, though the validity of these claims has not been established by BLM.

The City plans to file a private action suit through the BLM to challenge the validity of the association placer mining claims. In addition, the BLM plans to take action to challenge the validity of the mineral-discovery claims on the subject property. The private action suit and the BLM action may be initiated upon publication that the land sale will occur.

Socioeconomics (EA pp. 3-80 through 3-82). Implementation of the proposed action would allow for increased population and economic growth in the Mesquite and Virgin River Valley areas. In addition, as the parcels are developed, the need for City services, fire and police protection, sewer service, and other municipal and government services would increase. These additional services would accommodate population growth and would benefit the City's population as it grows, and the creation of jobs to meet City service needs would bring new employment opportunities to City residents. It was concluded in the EA that no long-term or substantial adverse economic impacts are anticipated to result from the proposed action.

Cumulative Impacts. Based on the results of the cumulative effects analysis for the proposed Mesquite land sale, it was determined that less than substantial cumulative impacts may be experienced in regards to air quality, cultural resources, visual resources, transportation, and noise. Additionally, implementing a Virgin River habitat-monitoring program, and habitat acquisition may mitigate the potential cumulative impacts to biological resources.

The combined effects of the cumulative actions on the social and economic environment include the expansion of the gross developable area in and near Mesquite by more than 26,600 acres. However, this expansion of the developable area does not result in a fundamental acceleration in the pace of future development. Neither the present nor future actions would directly change the region's economic development outlook for the foreseeable future. That outlook is predicated on continuation of recent growth and its affect in sustaining the local construction industry. Such growth can be accommodated for some time within the City's present land base.

#### **IV. CONFORMANCE WITH LAND MANAGEMENT PLANS**

The sale of the federal lands is in conformance with the Las Vegas Resource Management Plan approved on October 5, 1998. In addition, this action is in compliance with all Federal, State, and local planning and laws for the protection of the environment.

#### **V. CONCLUSION**

Completion of the land sale is consistent with the Mesquite Lands Act, and is intended to accommodate orderly expansion of the City of Mesquite. The public interest would be well served to complete this transaction.

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Mark Morse  
Field Manager  
Las Vegas Field Office

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Date

EXHIBIT A

(EA No. NV-056-99-055)

## EXHIBIT B

### Legal Description of the Mesquite Land Sale Parcels

Parcel 1 (the 1996 Amendment Parcel) contains approximately 5,540 acres located north of I-15. This parcel is described as: Parcel A – The east half of Section 6, Township 13 South, Range 71 East, Mount Diablo Meridian: Section 5, Township 13 South, Range 71 East, Mount Diablo Meridian: the west half of Section 4 Township 13 South, Range 71 East, Mount Diablo Meridian: the east half of the west half of Section 4 Township 13 South, Range 71 East, Mount Diablo Meridian. Parcel B – The north half of Section 7, Township 13 South, Range 71 East, Mount Diablo Meridian: the southeast quarter of Section 12 Township 13 South, Range 70 East, Mount Diablo Meridian: the east half of the northeast quarter of Section 12, Township 13 South, Range 70 East, Mount Diablo Meridian: the east half of west half of northeast quarter of Section 12, Township 13 South, Range 70 East, Mount Diablo Meridian. Parcel C – The west half of Section 6, Township 13 South, Range 71 E., Mount Diablo Meridian: Section 1 Township 13 South, Range 70 East, Mount Diablo Meridian: the west half of west half of northeast quarter of Section 12, Township 13 South, Range 70 East, Mount Diablo Meridian: the northwest quarter of Section 13, Township 13 South, Range 70 East, Mount Diablo Meridian: the west half of Section 12, Township 13 South, Range 70 East, Mount Diablo Meridian: the east half of southeast quarter of Section 11, Township 13 South, Range 70 East, Mount Diablo Meridian: the east half of northeast quarter of Section 14, Township 13 South, Range 70 East, Mount Diablo Meridian. Parcel D – The south half of Section 14, Township 13 South, Range 70 East, Mount Diablo Meridian: the southwest quarter of Section 13, Township 13 South, Range 70 East, Mount Diablo Meridian: the portion of Section 23 north of I-15, Township 13 South, Range 70 East, Mount Diablo Meridian: the portion of Section 24 north of I-15, Township 13 South, Range 70 East, Mount Diablo Meridian: the portion of Section 26 north of I-15, Township 13 South, Range 70 East, Mount Diablo Meridian.

Parcel 2 (the Contiguity Parcel) consists of approximately 5,080 acres in two areas: Parcel 2A lies north of I-15 and Parcel 2B lies south of I-15. This parcel is described as: Township 13S Range 70E, Mount Diablo Meridian: the portion north of I-15 of Section 27; the northeast quarter and the south half (except the I-15 right-of-way) of Section 28; the east half of the northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of Section 29; the portion south of I-15 of Section 30; the portion south of I-15 of Section 31; the northeast quarter of the northeast quarter (except the I-15 right-of-way), the northwest quarter of the northeast quarter south of I-15, and the portion south of I-15 of the west half of Section 32. Township 13S Range 69E, Mount Diablo Meridian: the portion south of I-15 of Section 25; the portion south of I-15 of Section 26; the portion south of I-15 of Section 27; the southwest quarter of the southeast quarter of Section 28; the east half of Section 33; all of Section 34; all of Section 35; and all of Section 36. This description includes the entire Contiguity Parcel that was analyzed in the EA, but only a portion is being offered in this sale.