

**OPTIONAL EA, FONSI AND DECISION RECORD FORM  
LAS VEGAS FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT**

**EA Number: NV-050-2002-085**

Serial/Case File #:N-65922, N-65950, N-65951, N-74817, N-74837, N-74839 thru N-74841, N-75327 thru N-75350, N-75354 thru N-75356, N-75415 thru N-75416 and N-75434

Proposed Action Title/Type: Competitive Sale

Location of Proposed Action:

Mount Diablo Meridian, Nevada

T. 20 S., R. 59 E.,

sec. 1, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>,  
W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

sec. 12, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>,  
E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

T. 19 S., R. 60 E.,

sec. 18, Lots 5, 6, 9, 11, 17, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.

T. 22 S., R. 60 E.,

sec. 13, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>;

sec. 14, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>,  
SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

sec. 15, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>,  
E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>;

sec. 18, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

sec. 20, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;

sec. 23, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>;

sec. 24, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>;

sec. 26, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>.

T. 22 S., R. 61 E.,

sec. 28, Lots 65, 66;

sec. 29, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>,  
NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;

sec. 33, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>.

Totaling 216.25 gross acres

## **Conformance with Applicable Land Use Plan:**

This proposed action is subject to the following land use plan:

Name of Plan: Las Vegas District Resource Management Plan approved October 5, 1998, the Southern Nevada Public Land Management Act of 1998 (P.L.#105-263). The above mentioned land is available for disposal as identified in the Record of Decision, Lands Decision LD-1, page 18 of Appendix A. Disposal of the parcels is clearly in conformance with the approved Resource Management Plan. These lands are also identified for orderly disposal in the Southern Nevada Public Lands Act of 1998, notwithstanding the land use planning requirements, contained in sections 202 and 203 of the Federal Lands Policy Management Act of 1976.

The Resource Management Plan and all applicable public laws have been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5-3. Regulations exist under 43 CFR Part 2700 for disposal of these lands by competitive sale procedures and have been determined to be consistent with provisions of the Southern Nevada Public Land Management Act. There were no inconsistencies identified based on this complete review.

Need for Proposed Action: Because of the rapid development of the Las Vegas Valley, and specifically within the Clark County's Community District 2 boundary, Clark County and the City of Las Vegas submitted nominations of public land for disposal by competitive sale. The properties identified are located in areas of mostly privately owned property and the public lands are considered "in-fill".

The approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, hereafter referred to as RMP, (BLM 1998, copy available at the Las Vegas Field Office) analyzed disposal of 175,314 acres from a regional perspective, with area specific impacts disclosed for the Las Vegas Valley land disposal area. This document will not readdress suitability of the land for disposal but rather the suitability based on management efficiency and public benefit, unless site specific inventory or analysis determines disposal of a particular parcel is not suitable based on the existence of previously unknown resource values.

Relationship to Statutes, Regulations and Agency Jurisdiction:

The Clark County Board of Commissioners has state air quality jurisdiction over the project area. The Clark County Health District requires a Standard Dust Control Permit and a Preconstruction Permit Review for New or Modified Stationary Sources. Section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et seq.*) And regulations under 40 CFR part 51 subpart W, with respect to the conformity of general Federal actions to the applicable Implementation Plan (SIP) apply to projects within non-attainment areas. Under those authorities, "no department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan." Under CAA 176 (c) and 40 CFR part 51 subpart w, a Federal agency must make a determination that a Federal action conforms to the applicable implementation plan before the action is taken.

Sales are exempt from air conformity determinations 40 CFR 93-153(c)(2)(xiv), which states, “The requirements of this subpart shall not apply to the following Federal actions. Actions which would result in no emissions increase or an increase in emissions that is clearly de minimis. Transfers of ownership, interests, and titles in land, facilities and real and personal properties, regardless of the form or method of the transfer.”

Description of Proposed Action: The disposal of approximately 188.75 acres will be by public sale and will be published in the Las Vegas Review Journal and proceeds will be dispersed in accordance with the Southern Nevada Public Land Management Act (P.L.#105-263), Burton-Santini Act (P.L.#96-586), and Section 203 of the Federal Land Policy and Management Act which allows for the sale of Federal lands. This action is consistent with the joint selection criteria as set forth by the Southern Nevada Public Land Management Act of 1998.

The gross proceeds of the sale will be distributed as follows: (A) 5 percent to the State of Nevada. (B) 10 percent to the Southern Nevada Water Authority. (C) the remainder will be deposited in a special account in the Treasury Department of the United States to be used for specific allocations all within the State of Nevada, with the highest priority area being Clark County, Nevada. Those lands disposed off within the Burton-Santini boundary will be deposited into the general fund and dispersed in accordance with P.L. #96-586.

Upon conveyance the land will be developed in accordance with local planning and zoning regulations.

Environmental Impacts:

<b>Critical Element</b>	<b>Affected</b>	<b>Critical Element</b>	<b>Affected</b>
Air Quality	Yes	T & E Species	Yes
ACECs	No	Wastes, Hazard/Solid	No
Cultural Resources	No	Water Quality	No
Farmlands, Prime/Unique	No	Wetlands/Riparian Zones	No
Floodplains	No	Wild & Scenic Rivers	No
Environmental Justice	No	Noxious Weeds	No
Native American Religious Concerns	No	Wilderness	No

Description of Impacts:

Threatened and Endangered Species:

This project is located within the Programmatic Section 7 Area, outside the exclusionary zone, and is covered by Biological Opinion, File No. 1-5-96-F-23R/AMD2 (July 18, 1997). The Opinion identifies tortoise populations in the Las Vegas Valley are isolated from high quality habitat and contiguous high-density habitat and, because of habitat fragmentation, from each

other. Tortoise habitat in the Las Vegas Valley continues to be fragmented and degraded due to development and urbanization. This urbanization has already decoupled tortoise habitat north and south of Las Vegas, which resulted in closing any opportunity to provide a corridor on the west side of the valley. Consequently, the US Fish and Wildlife Service issued the above Biological Opinion authorizing take of 125,000 acres of habitat within the Las Vegas Valley. Land sales are authorized within the Las Vegas Valley based on this opinion without further on the ground surveys.

#### 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 Cultural Resource Report 5-1918(p, by Keith Myhrer, Area Archaeologist, September, 1990. The project area for this action meets the stipulations for Section 106 exemption outlined in CR5-2121.

#### Air Quality:

Disposal of lands within the Las Vegas Valley disposal area was analyzed in the Environmental Impact Statement for the Las Vegas Resource Management Plan (BLM 1998), page 4-3, and are incorporated by reference. Based on an annual disposal rate of 1,277 acres, 243 tons per year of PM10, and 1,750 tons of CO would be released, with no control measures applied. This sale would potentially generate 60.72 tons of PM10, over the life of the development plan, based on 216.25 acres sold x 1.2 tons/acre x .36 of TSP emission x 65% control efficiency. The expected increase in CO would be 216.25 acres x 1.37 tons/acre = 296.26 tons for the life of the project.

A cumulative impacts analysis was completed in the RMP on pages 4-53 to 4-55, which addressed both PM10 and CO increases over the next 20 years based on 25,540 acres of public land disposal and 54,000 acres of private land development, over the same period and is incorporated by reference. It is clear from the analysis that the use of best management practices and any new technology may be required to ensure State Implementation Plan budgets are not exceeded. The BLM will work closely with the Clark County Health District on any land disposal action within the non-attainment area. BLM actions will never exceed the 10% per year threshold set by EPA to determine if impacts are regionally significant, which is approximately 7,800 tons/yr for PM10 and 12,100 tons/yr for CO, based on the total budgets identified in each State Implementation Plan (SIP).

#### Soil

The exposed soil surfaces are likely to result in wind erosion and soil losses or movement. Surface compaction is likely to result in increased water runoff and an increase in water erosion. However, after a surface is prepared, erosion from wind can be reduced by applying water to the prepared surface. Therefore, dust emissions are a short term concern.

## Water

The increase in water demand based on the sale and potential development of the land was analyzed in the Environmental Impact Statement for the Las Vegas Resource Management Plan (BLM 1998), page 4-9, and are incorporated by reference. Based on an annual disposal rate of 1,277 acres per year, 3,193 acre-feet per year of increase in water demand is expected provided all land is developed. This sale would lead to a potential 500 acre-feet per year increase in water demand, 2.5 acre-feet per acre per year x 200 acres.

A cumulative impacts analysis was completed in the RMP on pages 4-55 to 4-56, which addressed the increased water demand expected based on development of 54,000 acres of private land and 26,000 acres of currently Federal which would be subsequently developed when privatized. It is clear from the analysis that additional water allocations would be needed to sustain growth. The Southern Nevada Water Authority is in the process of completing a water and treatment facility, with an extensive pipeline network, which would close to double the existing pumping and delivery potential. They are also working with the Secretary of the Interior to acquire additional water rights from Lake Mead to meet the projected future needs.

### Hazardous Material Assessment/Inspection:

The public land recommended for transfer out of federal ownership via competitive sale has been physically inspected and existing records have been examined in accordance with Section 120(h) of SARA. No evidence was found to indicate that any hazardous substance was stored for one year or more or disposed of or released on the property.

### Description of Mitigation Measures and Residual Impacts:

Under the Biological Opinion no mitigation fee is collected upon sales. The fees will be collected prior to development in accordance with the Clark County Multi-Species Habitat Conservation Plan.

Residual impacts to air quality include a short term increase in dust emissions from clearing of the land and vehicle activity. In addition an increase in hydrocarbon and combustion emissions from internal combustion engines would be expected in the project area. No long term residual adverse effects on Air Resources are expected from the proposed action. The impacts are expected to occur during the duration of the proposed action. Once the action is completed, the dust emissions would be minimal to none for the entire project area and a slight increase in hydrocarbons would be expected due to additional combustion engine vehicles continually located in the area. However, new technology for combustion engines has reduced the CO emission, which results in a minimal increase in CO.

Recommendation and Rationale:

Recommendation:

It is recommended that the above described land be transferred out of federal ownership under the authority of Southern Nevada Public Land Management Act of 1998 (P.L.#105-263), Burton-Santini (P.L.#96-586), and the Federal Land Policy and Management Act by auction.

The patent, when issued, will contain the following reservations to the United States:

1. A reservation of all leaseable and saleable mineral deposits in the land so patented, and to it, its permittees, licensees and lessees, the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.
2. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
3. All land parcels are subject to all valid and existing rights. Encumbrances of record are available for review during business hours, 7:30 a.m. to 4:15 p.m., Monday through Friday, at the Bureau of Land Management, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada.
4. All land parcels are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.
5. All purchaser's/patentees, by accepting a patent, agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgements of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgements, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any

cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

Rationale:

1. The land is physically suitable or adaptable for the use and purpose requested (43 CFR 2410.1(a)).
2. Lands found to be valuable for public purposes will be considered chiefly valuable for public purposes (43 CFR 2430.2(b)).
3. The recommendation to dispose of this parcel is consistent with the Las Vegas District Resource Management Plan approved October 1998, the Southern Nevada Public Land Management Act of 1998 (P.L.#105-263).
4. Road reservations in accordance with the governing entities Transportation Plan.

Persons/Agencies Consulted:

Kristen Murphy, Biologist, Division of Resources - Las Vegas Field Office  
Stan Rolf, Archaeologist, Division of Resources - Las Vegas Field Office  
Rebecca Lange, Non-Renewable Resources - Las Vegas Field Office  
Clark County  
Clark County Comprehensive Planning  
Clark County Public Works

Preparer(s): \_\_\_\_\_

Susan Hepworth  
Realty Specialist  
Division of Lands

Date: \_\_\_\_\_

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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.

The proposed action and alternatives were analyzed under section 176 (c) of the Clean Air Act, as amended, and the selected action is determined to be in conformity to the applicable state implementation plan's (SIP) purpose of attaining ambient air quality standards (NAAQS).

Mitigation Measures/Remarks:

1. The patentees will be required to comply with the Clark County Multi-Species Habitat Conservation Plan
2. The patents will be issued subject to valid existing rights.

Authorized Official:  /s/ Mark T. Morse  
\_\_\_\_\_ Mark T. Morse

Date: 2//06//0

Field Manager