
**FINDING OF NO SIGNIFICANT IMPACT
CITY OF MESQUITE, NEVADA LAND SALE**

ENVIRONMENTAL ASSESSMENT NO. NV-056-99-055

BACKGROUND INFORMATION

The United States Department of Interior, Bureau of Land Management (BLM) is proposing to sell approximately 10,620 acres of public land to the City of Mesquite (City), 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 this Environmental Assessment (EA), 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).

The 1996 Amendment Parcel encompasses approximately 5,540 acres and is located north and west of the City of Mesquite and north of the Virgin River. The 1996 Amendment Parcel location 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.

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 Contiguity Parcel location 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. While analyzed in total, approximately 2,346.30 acres will be offered now. The balance of the acreage may be sold to the City at a later date.

The following Finding of No Significant Impact addresses the impacts of the City of Mesquite Land Sale in its entirety.

II. FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts, including cumulative impacts, for the federal lands contained in Environmental Assessment (EA) No. NV-056-99-055 dated July 2002 (copy attached), as summarized below, I have determined that the impacts associated with the City of Mesquite Land Sale are not expected to be significant, and an EIS is not required.

None of the impacts analyzed in EA No. NV-056-99-055 met the criteria identified in 40 CFR 1508.27 (a or b) for a determination of significance.

III. SUMMARY

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. The following is a summary of the impacts as identified in the EA.

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.

C) Cumulative Effects

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 10,620 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.

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Date