BLM

U.S. Department of the Interior
Bureau of Land Management

Environmental Assessment

DOI-BLM-NV-S010-2011-0118-EA

N-89674

RIGHT-OF-WAY FOR ROAD AND DRAINAGE

AND RELATED APPURTENANCES ON PUBLIC LANDS

APPLICANT

Clark County, Nevada

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N Torrey Pines
Las Vegas, Nevada 89130

Environmental Assessment
Right-of-Way for Road and Drainage and Related Appurtenances on Public Lands

Identifying Information:

Title, EA number, and type of project:

Right-of-Way for Road and Drainage and Related Appurtenances on Public Lands

EA Number: DOI-BLM-NV-S010-2011-0118-EA

Serial Number: N-89674

Location of Proposed Action:

Located north of Las Vegas, off of Highway 168, in the Town of Moapa, Nevada.

Legal Description:

Mount Diablo Meridian, Nevada,
T. 14 S., R. 66 E.,
sec. 22, SW¼SW¼SE¼;
sec. 27, E½SE¼NW¼, E½NE¼SW¼, E½SE¼SW¼, W½SW¼SE¼, and W½NW¼SE¼;
sec. 34, W½NW¼NE¼, W½SW¼NE¼, E½NE¼NW¼, E½SE¼NW¼, and NW¼NW¼NW¼SE¼.

Name and Location of Preparing Office:

Lead Office - Las Vegas FO and number LLNVS01000

Department of the Interior
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines
Las Vegas, NV 89130

Identify the subject function code, lease, serial, or case file number:

Case file number is: N-89674

Applicant Name:

Clark County, Department of Public Works, Las Vegas, Nevada

Purpose and Need for Action:

As land surrounding the Las Vegas Valley continues to develop, interconnecting roadways are necessary for the housing and new developments in the area. Improvements and upgrades to existing pavements and dirt access roads is necessary to ensure safe vehicle travel to and from destinations. The purpose and need for this action is BLM's responsibility to provide rights-of-way across public lands for road improvements in accordance with 43 CFR Part 2800, consistent with the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA).

Scoping, Public Involvement and Issues:

This is an application for road and drainage and related appurtenances on public lands. Clark County intends to improve an existing roadway with paving, curb, gutter, sidewalks, streetlights, and signage as necessary. The roadway is located north of Las Vegas, in Moapa, off of Highway 168, known as Henrie Road. The improvements to the road are needed due to new developments in the area, and to ensure safe travel to the residents in the area.

Stipulations will be attached to the grant for the preservation, conservation, and protection of our natural resources, cultural resources, threatened and endangered species, and the environment.

This proposal has been reviewed by Bureau of Land Management resource team members. Their comments and evaluations are included in this environmental assessment.

The proposed right-of-way is in concurrence with the Las Vegas Resource Management Plan, and Environmental Impact Statement (RMP) approved October 5, 1998.

A draft of this EA is available for review by the public on the internet under NEPA number: DOI-BLM-NV-S010-2011-0118-EA.

Proposed Action and Alternatives

Description of the Proposed Action:

Description: Clark County Department of Public Works, has applied for a right-of-way for road and drainage and related appurtenances on public lands. Related Appurtenances include paving, curb, gutter, sidewalks, streetlights, and signage as required. The roadway will include a stripe on the side for a recreational trail area for pedestrian and bicycle usage. The right-of-way is needed so that the County can upgrade an existing road known as Henrie Road, located north of Las Vegas, off of State Highway 168 in the Moapa Valley. An elementary school, a soccer park, and residential housing exist on Henrie Road. The improvements of the road are needed in order to ensure safe travel and recreational activities for the local public and residents in the area. The proposed road right-of-way will be 40 to 80 feet in width, 7260 feet in length, and contain approximately 10.61 acres.

Description of Alternatives Analyzed in Detail:

No Action Alternative: Adoption of the no action alternative would not allow the County to improve and upgrade the road with asphalt, sidewalks, drainage, and trails. It would negate the benefits of improving the road, thereby not making it safer for travel for local residents, elementary school students, the public, and park recreationists. For a no action alternative, the road would remain as it presently exists.

Alternatives Considered but not Analyzed in Detail

No other alternatives were considered since the road already exists and just needs upgrading.

Conformance

The proposed action is in conformance with the Record of Decision (ROD) for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement (RMP), approved October 5, 1998.

The plan has been reviewed and it is determined the proposed action is in conformance with land use plan ROD decision RW-1 and RW-1-h, which allows for rights-of-ways on public lands. The proposal is in conformance with the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et.seq.).

Affected Environment:

This chapter describes the existing conditions of the environmental resources within the Proposed Project Area. The affected environment is the physical area that bounds the environmental, sociological, economic, or cultural features of interest that could be impacted by the Proposed Action or No Action Alternative.

The Supplemental Authorities Table summarizes the environmental attributes that have been reviewed, whether they may be affected by the Proposed Action, and the rationale for that determination. Elements that are present and may be affected are further described in more detail in the EA. Rationale for those elements that would not be affected by the Proposed Action and alternatives are listed in the table below.

SUPPLEMENTAL AUTHORITIES

Table 1. Supplemental Authorities Table

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Resources		X		All construction activity in Clark County is required to have a dust control permit for proposed actions of .25 acres or greater (in the aggregate) regardless of whether the project is inside or outside the non-attainment boundary (Hydrographic Basin 212). Ensure a dust permit is obtained and in compliance with all stipulations for the duration of the project(s
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any critical desert tortoise habitat.
BLM Natural Areas	X			There are no such designations within the Field Office.

Cultural Resources	X			To comply with Section 106 of the National Historic Preservation Act (NHPA), efforts to evaluate cultural resources were conducted according to 36 CFR 800.4. The BLM archaeologist completed an existing data review that demonstrated the area of potential effect (APE) was previously evaluated for cultural resources. Knight and Leavitt completed a Class III Cultural Resource Inventory and results are detailed in BLM Cultural Resource report 5-2656. The road is within the original 15 acres that the County had requested for a park. There are no cultural sites within this area of potential effect (APE). No historic properties will be affected; no further evaluation is necessary.
Greenhouse Gas Emissions		X		Currently, there are no emission limits for suspected greenhouse gas (GHG) emissions, for this project, and no technically defensible method for predicting potential climate changes from GHG emissions during construction of the proposed action. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.
Environmental Justice		X		No minority or low income group would be disproportionately impacted by health or environmental effects.
Farmlands (Prime or Unique)	X			There are no prime or unique farmland designations in the District.
Fish and Wildlife (excluding Federally Listed Species)			X	The project has a potential to impact wildlife species in the area. See analysis below in EA.
Floodplains		X		The proposed road upgrades are mostly out off the floodplain. The area of the floodplain where the road improvements will be made is already disturbed and the proposed action will not significantly impact downstream flooding.
Fuels/Fire Management		X		Normal conformance with seasonal fire restrictions is adequate. Restrictions can be in effect any time between May 15 and Oct. 1.

Geology / Mineral Resources / Energy Production		X		Any necessary excavation that produces mineral materials within the ROW must be used within the ROW or stockpiled on site for sale by the BLM.
Hydrologic Conditions		X		Even though the proposed action will cause some disturbance, these disturbances should not cause new significant impacts to the Hydrologic Conditions, due to the previous disturbances.
Invasive Species / Noxious Weeds		X		Impacts from construction and maintenance may introduce and exacerbate weed populations, with potential spread to adjacent lands. Standard stipulations apply that ensure that all vehicles and equipment are cleaned free of soil and vegetation before entering site.
Lands/Access		X		No issues. Existing ROW holders were notified of the action in accordance with 43 CFR 2807.14(a).
Livestock Grazing	X			The proposed action area is not located in any authorized grazing allotments.
Migratory Birds			X	The project has a potential to impact migratory bird species in the area. See analysis below in EA.
Native American Religious Concerns	X			There are no Native American cultural sites within the area of potential effect (APE); no further analysis is required.
Paleontology	X			No fossil-bearing strata will be impacted by the undertaking as proposed.
Rangeland Health Standards		X		The proposed action includes only minimal surface disturbance; therefore there will be no impacts to rangeland health.
Recreation		X		No issues.
Socio-Economics		X		This project will not disproportionately impact social or economic values.
Soils		X		Even though the proposed action will cause some disturbance, these disturbances should not cause new significant impacts to the soils, due to the previous disturbances.
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	The project has a may affect, likely to adversely affect determination for the desert tortoise. See analysis below in EA.

Wastes (Hazardous or Solid)	X			Not present, however, standard stipulations will be included in the grant document(s).
Water Resources/Quality (Drinking/Surface/ Ground)		X		Even though the proposed action will cause some disturbance, these disturbances should not cause new significant negative impacts to water resources, due to the previous disturbances.
Wetlands/ Riparian Zones		X		The proposed road upgrades are mostly out off the riparian zone. The area of the riparian zone where the road improvements will be made is already disturbed and the proposed action should not cause new significant negative impacts
Wild & Scenic Rivers		X		No change is expected to upstream eligible stretch of Meadow Valley Wash.
Wilderness /Wilderness Study Areas (WSAs)	X			The proposed action is not located within or adjacent to designated Wilderness, WSAs, or ISAs.
Woodland / Forestry		X		Cactus and yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.

Vegetation (excluding Federally Listed Species)		X		There is potential habitat nearby for the BLM sensitive species threecorner milkvetch *(Astragalus geyeri* var. *triquetrus)* and sticky buckwheat (*Eriogonum viscidulum*), but no known occurrences of these or other BLM sensitive species in the general area. If there are unknown occurrences of these or other BLM sensitive species within the project site, due to the small amount of disturbance, potential impacts would be negligible.
Visual Resources		X		The proposed action is in VRM Class III. Since the project is surrounded by similar development, it is not expected to dominate the view of the casual observer.
Wild Horses and Burros	X			The proposed project is not located in an active herd management area, there will be no impacts to wild horses or burros.
Lands with Wilderness Characteristics	X			The area in which the project is located clearly does not meet any of the size criteria due to extensive roads and other developments. Therefore, the proposed action does not meet wilderness area characteristics.

Fish and Wildlife Excluding Federally Listed Species:

The proposed project area supports and is adjacent to lands that support wildlife characteristic of the Mojave Desert. Biological diversity varies according to topography, plant community, and proximity to water, soil type, and season. For a comprehensive discussion of potential wildlife species that may be present, refer to the most recent Resource Management Plan for the BLM Southern Nevada District.

BLM Sensitive Wildlife Species:

BLM sensitive species are species that require special management consideration to avoid potential future listing under ESA and that have been identified in accordance with procedures set forth in BLM Manual 6840 – Special Status Species. A complete list of BLM sensitive species within the area can be found in the Resource Management Plan. Many of these species as well as other wildlife species of concern are also discussed in the Nevada State Wildlife Action Plan (NDOW 2012) and the Clark County Multiple Species Habitat Conservation Plan. Sensitive bird species are also provided protection by the Migratory Bird Treaty Act and thus are discussed in the Migratory Bird Section

Migratory Birds:

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et. seq*.) protects migratory birds and their nests. A list of MBTA protected birds are found in 50 C.F.R. 10.13. The list of birds protected under this regulation is extensive and the project site has potential to support many of these species, including BLM sensitive species, and their nests. Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from February 15th through August 31st. The following sensitive bird species could potentially be impacted by the proposed action:

Western burrowing owl (*Athene cunicularia hypugaea*)

The Western burrowing owl is a diurnal bird of prey specialized for shrub-steppe habitats. Burrowing owl habitat in the Mojave Desert typically consists of open, dry, treeless areas on the desert floor. Burrowing owls most frequently use mammal burrows created by other animals such as ground squirrels (*Spermophilus* spp.), coyotes (*Canis latrans*), or desert tortoises (*Gopherus agassizii*). The burrows are used for nesting, roosting, cover, and caching prey. In recent decades, the range and species count have been declining primarily due to agricultural, industrial, and urban development that reduce burrow availability.

Bendire's thrasher (*Toxostoma bendirei*)

In Southern Nevada, Bendire's thrashers occur mostly in Joshua tree woodlands with dense grass, but they can also occur in desert scrub habitats with cholla or mesquite or in sagebrush with scattered junipers. They normally avoid dense woodlands and areas with very sparse vegetation. They typically nest in mesquite, cholla, juniper, Joshua trees, and other yucca species. Their population trend in Southern Nevada is unknown, but they are declining in other parts of their range.

LeConte's thrasher (*Toxostoma lecontei*)

LeConte's thrasher is a year-round resident in the Mojave Desert of Southern Nevada. In Nevada, they are associated with saltbush flats and wash systems and nest in cholla cactus, sagebrush, small trees, or shrubs. This thrasher prefers open habitats for foraging with sparse vegetation for cover and is a good indicator of habitat quality. Their population trend in Southern Nevada is unknown.

Loggerhead shrike (*Lanius ludovicianus*)

This species prefers open country with nesting habitat preference toward scattered trees and shrubs. They are commonly found in shrub habitat types comprising savanna, desert scrub, and occasionally, open woodland. Perches are an important habitat component used for hunting. If natural perches are unavailable, they will perch on poles, wires or fence posts. Population trend data in Nevada has shown an unexplained 5 percent decline per year since 1966.

Threatened, Endangered, or Candidate Animal Species:

Threatened and endangered species are placed on a federal list by the U. S. Fish and Wildlife Service (USFWS) and receive protection under the Endangered Species Act of 1973, as amended. The only federally protected species known to occur in the vicinity of the project area is the threatened Mojave Desert tortoise (*Gopherus agassizii*). The proposed project is not within desert tortoise critical habitat

The Mojave Desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel. They are also found on rocky terrain and slopes. Tortoises occur in saltbush

scrub, creosote scrub, and blackbrush scrub habitat types. Within these vegetation types, desert tortoises can potentially survive and reproduce provided their basic habitat requirements are met. These requirements include a sufficient amount and quality of forage species; shelter sites for protection from predators and environmental extremes; suitable substrates for burrowing, nesting, and overwintering; various plants for shelter; and adequate area for movement, dispersal, and gene flow

Historical survey data indicate that the area surrounding the project site is low density tortoise habitat.

Environmental Effects:

Fish and Wildlife Excluding Federally Listed Species:

Wildlife species would be displaced as 3.5 acres of habitat are disturbed within the project area. The primary direct impacts of the proposed action on wildlife would be killing or maiming of ground dwelling animals, displacement of individuals, the permanent loss and fragmentation of habitat, increased potential for harassment of wildlife, and increased noise during construction. Indirect impacts could include the introduction and spread of weeds and increased erosion potential. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat should have a negligible impact on populations of the species throughout the region. Impacts to BLM sensitive species are not anticipated to lead to further decline of the species range-wide. Many impacts to sensitive species would be avoided and/or minimized through the desert tortoise stipulations provided below.

Migratory Birds:

Migratory birds in the project area may be disturbed and/or displaced 3.5 acres of habitat removal and/or noise on the project site. Depending on the time of year for construction, operation, or maintenance, there is the potential to disturb nesting birds within or immediately adjacent to the proposed action. The proponent must comply with the MBTA and avoid potential impacts to protected birds within the project area.

Special Stipulations:

Habitat-altering projects or portions of projects should be scheduled outside of the bird breeding season which generally occurs between February 15th and August 31st. If a project has to occur during the breeding season, then a qualified biologist must survey the area for nests immediately prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests are found, an appropriately-sized buffer area must be established and maintained until the young birds fledge. The buffer area must connect to suitable, undisturbed habitat. As the above dates are a general guideline, if active nest are observed outside this range they are to be avoided as described above.

Threatened, Endangered, or Candidate Animal Species:

The proposed project must comply with Section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 et seq.) for consultation with the USFWS on effects to federally listed species. The proposed action has a may affect, likely to adversely affect determination for the federally threatened desert tortoise (*Gopherus agassizii*) and no effect for its designated critical habitat, as the project is outside of this range. The proposed project will have no effect on any other federally protected species or designated critical habitat due to absence of the species and/or habitat.

Potential impacts to tortoise from the proposed action would be similar to those described in the Fish and Wildlife section including loss of 3.5 acres of habitat. If not noticed and avoided during construction, operation, or maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

Special Stipulations:

Section 7 Consultation for this project is covered under the Programmatic Biological Opinion (84320-2010-F-0365.R003) contingent on **compliance with the terms and conditions**. The proponent will be required to pay remuneration fees of $2950.50 based on the current year's rate of $843/acre of disturbance. Terms and conditions and minimization measures in the above Biological Opinion contain measures to avoid and minimize potential impacts, including take, to desert tortoise (NV-052-11-148).

Cumulative Impacts

Cumulative impacts for the general area were analyzed in the Las Vegas Resource Management Plan and Environmental Impact Statement (EIS), approved October 5, 1998. The area was analyzed for its resources, and compatibility for road ROWs.

The proposed action is improvements and widening of an already existing road known as Henrie Road. Henrie Road begins at State Highway 168, and runs north through a private parcel owned by the Clark County School District for Perkins Elementary School. The road continues north through public lands eventually ending at several private driveway accesses to housing units. Residential housing units, a soccer park and an elementary school exist on Henrie Road. The cumulative impacts for improving the road, with asphalt, sidewalks, and bike trails would benefit the local community of Moapa and residents by providing them with a safe traveling experience to and from their destinations. Improvements to the road with bike lanes and trails would enable local residents and the community exercise lanes for biking, hiking and walking opportunities. In 2014, flooding occurred in this area. Improvements to the road and drainage would provide for better flood and rainstorm protection and reduce the potential for flooding in the park and nearby residential areas. Asphalting the road would reduce the PM10 emissions and dust accumulation that occur from driving on a dirt road. It would also reduce potholes and sinkholes, and make for a safer more pleasurable driving experience.

There are only positive cumulative impacts which could occur from this road improvement action. Upgrading the road would benefit the local town of Moapa and surrounding community by allowing for more recreational opportunities, provide for a safer driving experience, and improve the aesthetic beauty and wellbeing of the area.

Tribes, Individuals, Organizations, or Agencies Consulted:

Table 2. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Lorraine St. Pierre, Right-of-Way Agent II	Clark County Department of Public Works	Applicant

List of Preparers

Table 3. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Dorothy J. Dickey	Realty Specialist	Create Document, Edit, Combine, and Finalize Document
Boris Poff	Hydrologist	Hydrology, Water Resources
Lisa Christianson	Environmental Protection Specialist	Air Quality, Greenhouse Gas Emissions
Fred Edwards	Botanist	Botanist, Forest Initiative, Healthy (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Susanne Rowe	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology,
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/Wetlands, Soils,Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
Mark Slaughter	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
George Varhalmi	Geologist	Geology/Mineral Resources/Energy Production,
Nora Caplette	Weeds Specialist	Invasive Species/Noxious Weeds
John Evans	Environmental Specialist	Socio-Economics/Environmental Justice
Amelia Savage	Wildlife Biologist	ACEC
Kystal Johnson	Wild Horse and Burro Specialist	Farmlands, Livestock Grazing
Marilyn Peterson	Recreation Specialist	Recreation
Greg Marfill	Fire Management Spec.	Fuels/Fire Management
Katie Kleinick	Wildlife Biologist	Threatened, endangered animal species
Lauren Brown	NRS Restoration Ecologist	Visual Resources
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics