

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

Environmental Assessment

DOI-BLM-NV-S010-2011-0171-EA

N-89934

Right-of-Way

For a Pedestrian/Bicycle Trail on Public Lands

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APPLICANT

Clark County Department of Public Works, Nevada

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LOCATION

Located in Bunkerville, Nevada, on the north side of State Route 170.

PREPARING OFFICE

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

Right-of-Way for a Pedestrian/Bicycle Trail on Public Lands

Identifying Information:

DOI-BLM-NV-S010-2011-0171-EA

Title, EA Number, and Type of project:

Title: Right-of-Way for a Pedestrian/Bicycle Trail on Public Lands

EA Number: DOI-BLM-NV-S010-2011-0171-EA

Type: Right-of-Way

Location of Proposed Action:

Located in Bunkerville, Nevada, on the north side of State Route 170.

LEGAL DESCRIPTION:

Mount Diablo Meridian, Nevada, T. 13 S., R. 71 E., section 19, Lot 7.

Name and Location of Preparing Office:

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

Office Number: LLNVS00560

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

Casefile Number: N-89934

Applicant Name:

Clark County Department of Public Works

Purpose and Need for Action:

Description: The Clark County Department of Public Works plans to establish a pedestrian/bicycle trail (trail) which is to be placed on the north side of State Route 170 in Bunkerville, Nevada. The City of Mesquite and Bunkerville are growing retirement and residential communities. An elaborate trail is already established in the City of Mesquite. There is a public need for establishing a trail in Bunkerville which would attach to the Mesquite trail system and provide additional recreation and public enjoyment for local residents in Bunkerville and Mesquite.

Scoping, Public Involvement and Issues:

The application is for a right-of-way for a small portion of a trail which is to be placed on the north side of State Route 170.

Most of the trail travels through State selected lands and private lands. This application is for a right-of-way for a small portion of the trail (approximately .04 acres) which will travel through Bureau of Land Management (BLM) lands.

The trail will be placed on the north side of State Route 170, within the Nevada Department of Transportation (NDOT) road boundary.

The proposed trail is contiguous to the majority of its user populations. Bunkerville residents have expressed a desire (for safety reasons) to have the trail situated within sight of highway traffic. This trail alignment is supported by the Bunkerville Town Advisory Board.

The investment in costly infrastructure, both in the trail itself and the drainage handling treatments, is considered to be protected from significant disruption by future highway projects.

Clark County has determined that there is both a public need and an opportunity to develop and construct the proposed trail which will provide continuity between the proposed Bunkerville trail and the City of Mesquite trail system.

The trail will be physically separated from nearby State Route 170 travel lanes.

The trail system is a Southern Nevada Public Land Management (SNPLMA) project for Clark County which is planned to be established in 2011.

Stipulations will be attached to the right-of-way grant which will include conservation and protection of the natural resources, cultural resources, Threatened and Endangered (T&E) Species, and the environment.

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

A summary of this EA is available for review by the public on the internet on the DOI.GOV website under NEPA number: DOI-BLM-NV-S010-2011-0171-EA.

Proposed Action and Alternatives

Description of the Proposed Action — Alternative Number 1:

Description: Clark County Department of Public Works, Nevada, is planning to develop a trail alignment to be placed on the north side of State Route 170 in Bunkerville, Nevada. The planned trail will extend all the way from the Virgin River Bridge at the City of Mesquite boundary to Sarah Shannon Drive, in Bunkerville, a distance of approximately three miles. Only a small portion of the trail, approximately .04 acres, will travel through BLM public lands. Clark County Department of Public Works has applied for a right-of-way for that portion of land (.04 acres), which will travel through the BLM land. The right-of-way area is approximately 18 feet in width, a distance of 95 feet, and is located within Government lot 7 of section 19, Township 13 South, Range 71 East, MDM. The rest of the trail travels through State Selected lands and private lands in the Bunkerville City area. The trail will be located on the north side of State Route 170, within the NDOT road boundary. The trail will be a hard-surfaced non-motorized, non-equestrian, recreational pedestrian/bicycle trail, and will be physically separated from State Route 170 travel lanes. Additional structures include drainage improvements, appropriate directional and safety signage which will be installed wherever necessary along the trail alignment. The trail itself will be approximately 12 feet in width. The right-of-way is needed for perpetuity. Use of the right-of-way will be year-round.

CONSTRUCTION:

All construction activities will take place within the granted right-of-way limits. No temporary work areas are needed. The work force will include an estimated 5 to 50 people, including survey crews, inspectors, contractors, laborers and equipment operators. However, it is unlikely all 50 people will be on site at one time. Some use of heavy machinery may be needed for construction and continued operation, including grading and excavation equipment. The area is 100% disturbed as a result of past roadway maintenance activities. Appropriate dust abatement and control measures will be implemented during construction. Clark County will maintain the trail right-of-way in accordance with Clark County standards for trail and drainage improvements, and in accordance with BLM stipulations.

DISTURBANCE:

The area is already disturbed from road maintenance activities on State Route 170. The right-of-way area is located within the boundaries of rights-of-way N-46666, CC-020948, N-04352, which are aerial transmission lines for the Overton Power District. It is also located within the boundary of N-48890 for Jensen Construction and NEV-0007490 for State Route 170 for NDOT. Most of the Bunkerville trail will be located within private, or State selected lands. This right-of-way request is for that small portion (approximately .04 acres) of the trail which travels through BLM lands.

Description of Other Alternatives Analyzed in Detail:

NO ACTION ALTERNATIVE NUMBER 2:

Under a “no action” alternative, BLM land would not be made available for issuance of the right-of-way. No action would result in no pedestrian/bicycle trail available for public enjoyment and recreation in the residential neighborhood.

Alternatives Considered but not Analyzed in Detail:

ALTERNATE NUMBER 3:

No other alternatives were considered.

Conformance

The proposed action is in conformance with the Las Vegas Resource Management Plan (RMP) decisions RW-1, and RW-1-h, approved October 5, 1998.

- RW-1 — “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.”
- RW-1-h— “All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.”

Rights-of-ways are allowable on BLM-administered lands per Title V of the Federal Land Policy and Management Act of 1976 and the BLM regulations (43 CFR 2800), at the discretion of the Secretary of the Interior or his/her delegated officer.

Affected Environment:

SUPPLEMENTAL AUTHORITIES

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Quality		X		Ensure dust control permit is obtained through DAQEM for all soil disturbing activity of .25 acres or greater, in the aggregate and permit stipulations are in compliance for the duration of the activity.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an ACEC or any critical desert tortoise habitat.
Cultural/Historical	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) has never been evaluated for cultural resources; however, the area is previously disturbed from road maintenance activities on State Route 170. All activities will be confined to existing disturbed areas and no new surface disturbance is proposed; therefore, the undertaking is determined exempt from Section 106 review as set forth in Appendix C.10 of the 2009 State Protocol Agreement with the Nevada State Historic Preservation Office (SHPO): "Issuing permits and rights-of-way where no additional surface disturbance is authorized."
Paleontological Resources	X			No fossil-bearing strata will be impacted by the undertaking as proposed.
Environmental Justice		X		No minority or low income group would be disproportionately impacted by health or environmental effects.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Farmlands Prime or Unique	X			There are no prime or unique farmland designations in the District.
Noxious Weeds/Invasive Non-native Species		X		Construction equipment should be clean and free of vegetation and soil prior to working on the site. Standard stipulations and mitigation measures for weed control are adequate.
Native American Religious Concerns	X			The area has been previously disturbed from road construction and other activities. Any audible or visual impacts would be short term.
Floodplains		X		The proposed action does not occur in a floodplain and will not impact downstream flooding.
Riparian/Wetlands	X			Proposed action does not occur in a wetland/riparian zone.
Threatened, Endangered or Candidate Plant Species	X			Not present.
Threatened, Endangered or Candidate Animal Species.			X	See EA language below.
Migratory Birds		X		As there will be no new surface disturbance associated with the proposed action, there will be no impact on migratory birds.
Waste - Hazardous/Solid	X			Not present.
Water Quality		X		Even though the proposed action will cause some disturbance, these disturbances should not cause significant negative impacts to water resources. Further, the proposed trail is located next to a main highway in an existing ROW.

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Wild & Scenic Rivers	X			During the 2010 Wild and Scenic Eligibility Review, the Virgin River was found eligible and tentatively classified as recreational. The proposed action will not change the eligibility status or tentative classification of the Virgin River.
Wilderness (Study Area)	X			The proposed action is not located within or adjacent to designated Wilderness, WSAs, or ISAs.
Forests and Rangelands (HFRA only) Woodlands		X		Cactus and yucca are considered government property and regulated under the BLM Nevada forestry program. Because the proposed action is limited to existing roads and disturbed areas, no new impacts to cactus and yucca, acacia trees and other forestry products are expected.
Human Health and Safety		X		Proponent should follow safety precautions during construction of the project.

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Elements that may be affected are further described in the EA. Rationale for those elements that would not be affected by the proposed action and alternative is listed in the table below.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Grazing Management	X			The proposed action area is not located in any authorized grazing allotments.
Green House Gas Emissions (Climate Change)		X		Currently there are no emission limits for suspected Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses.

Other Resources	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Minerals		X		The excess mineral materials generated during this project must stay on site or be disposed of in accordance with 43 CFR 3600 regulations. There are no active mining claims on the proposed area.
Socio-Economic Values		X		This project will not disproportionately impact social or economic values.
Soils/Hydrology		X		Even though the proposed action will cause some disturbance, these disturbances should not cause significant negative impacts to local soils or hydrologic condition. Further, the proposed trail is located next to a main highway in an existing ROW.
Vegetation		X		Because the proposed action is restricted to existing roads and disturbed areas, no new impacts to BLM special status plants are expected.
Visual Resources			X	The proposed action is in VRM Class II, which allows for low levels of change to the natural landscape. Addition of a colored hardened surface is expected to add contrast to the existing environment. This can be mitigated by color treating the path with a color that minimizes contrast.
Recreation		X		This project will benefit non-motorized recreation users in this area.
Fish and Wildlife excluding Federally Listed Species		X		Addressed in EA below.

Affected Environment Cont.

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 T&E species known to occur in the vicinity of the project area is the threatened desert tortoise (*Gopherus agassizii*).

In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes.

Historical survey data indicates that the area surrounding the project site is low density desert tortoise habitat, Area C.

Fish and Wildlife Excluding Federally Listed Species:

Wildlife species in the general area include small mammals, rodents, birds and reptiles. Additionally, the BLM sensitive species western burrowing owl may be present in the general area.

Environmental Effects:

Threatened, Endangered, or Candidate Animal Species:

Historical survey data indicates that the area within and surrounding the project sites are in very low density tortoise habitat. Although this project will not create new surface disturbance, it is adjacent to undisturbed, contiguous habitat so there is potential for tortoises to wander into the project area. If not noticed and avoided during maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way). As no new habitat disturbance would occur during this action, desert tortoise clearance surveys are not required. Since tortoises have been found in the vicinity and undisturbed habitat exists on the project sites, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction activities, desert tortoises could be either injured or killed (by crushing) or they may be harassed (being moved out of harm's way).

The above action has a may affect determination for the threatened desert tortoise (*Gopherus agassizii*). This project will have no affect on any other federally listed species or designated critical habitat. Section 7 Consultation for this project is covered under the Programmatic Biological Opinion for Multiple Use Activities (1-5-97-F-251) contingent on compliance with the attached terms and conditions for Area C.

Minimization measures in the above mentioned Biological Opinion contain measures to reduce potential impacts to desert tortoise.

Fish and Wildlife Excluding Federally Listed Species:

Although there is no new surface disturbance associated with this project, these species may be found on the adjacent undisturbed lands and could wander into the proposed project area. The primary direct impact of the proposed action on wildlife would be mortality resulting from construction activities and mortality from subsequent use of the project area. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region.

CUMULATIVE IMPACTS:

Clark County Department of Public Works, Nevada, is planning to develop a trail alignment to be placed on the north side of State Route 170 in Bunkerville, Nevada. The planned trail will extend all the way from the Virgin River Bridge at the City of Mesquite boundary to Sarah Shannon Drive, in Bunkerville, a distance of approximately three miles. Only a small portion of the trail, approximately .04 acres, will travel through BLM public lands. Clark County Department of Public Works has applied for a right-of-way for that portion of land (.04 acres), which will travel through the BLM land.

PAST, PRESENT, AND FUTURE ACTIONS CONSIDERED:

The right-of-way area is located within the boundary of rights-of-way N-46666, CC-020948, and N-04352, which are aerial transmission lines for the Overton Power District. It is also located within the boundary of N-48890 for Jensen Construction and NEV-0007490 for State Route 170 for NDOT. Notification letters will be sent to these right-of-way holders informing them of the proposed trail alignment. Construction of the hard-surfaced trail should not conflict with the existing aerial transmission lines, and will be physically separated from State Route 170 travel lanes.

The proposed right-of-way area is already disturbed from highway construction activities and the aerial transmission lines. The area is located inland approximately 1/2 mile from the Virgin River, in an area that is not inundated by annual flooding. Most of the trail is located within private lands in a residential neighborhood. For construction, appropriate dust abatement and control measures will be implemented. Once construction of the hard-surfaced trail is complete, travel from pedestrian and bicycle use should not cause severe dust or ozone issues.

The plan for the rest of the trail, which will travel through private and State selected lands, is located within a residential area, on the north boundary of State Route 170. Since it is in private land, no issues or problems to BLM lands should occur.

The effects the proposed action may have on our resources were addressed for air quality, invasive species, noxious weeds, hydrologic conditions, paleontology, threatened and endangered animal and plant species, vegetation, water resources, wilderness, wetlands, and other types of resource issues. Their comments are noted above under “Affected Environment” and “Environmental Effects”.

The City of Mesquite and Bunkerville are growing retirement and residential communities. An elaborate trail is already established in the City of Mesquite. The proposed trail will attach to the Mesquite trail system and provide additional recreation and public enjoyment for local residents in Bunkerville and Mesquite. The public has requested the trail and the trail alignment is supported by the Bunkerville Town Advisory Board.

Future impacts associated with this action should be minor, since the project is for an aboveground hard-surfaced trail system which will include stabilization measures and be located next to an existing highway. No new or unusual effects to the surrounding landscape should occur. Upon completion of construction, appropriate stabilization and rehabilitation measures will be completed in conformance with the requirements of BLM, the State of Nevada Division of Environmental Protection, and Clark County Department of Air Quality and Environmental Management.

Tribes, Individuals, Organizations, or Agencies Consulted:

Table 1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Pamela Wyatt, Right-of-Way Agent II, Clark County Department of Public Works	Applicant	Offer the right-of-way to applicant.
Halana Salazar, Nevada Department of Transportation (NDOT)	Located within State Highway 170 boundary.	Will send a notification letter to NDOT.
Overton Power District	Proposal is located within boundary of aerial transmission lines for Overton Power District.	Will send a notification letter to Overton Power District.

List of Preparers

Table 2. List of Preparers:

Name	Title	Responsible for the Following Section(s) of this Document
Dorothy J. Dickey	Realty Specialist	Introduction, Purpose and Need, Scoping, Land/Access
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,
Katie Kleinick	Natural Resource Specialist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species),
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Riparian/Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones, Wild & Scenic Rivers
Jayson Barangan	Wildlife Biologist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Lori Dee Dukes	Geologist	Geology/Mineral Resources/Energy Production,
Marilyn Peterson	Recreation Specialist	Recreation
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands, Prime or Unique
Jill Craig	Natural Resource Specialist	Invasive Species/ Noxious Weeds
John Evans	Planning and Environmental Coordinator	Environmental Justice
Greg Marfil	Fire Management Specialist	Fire Management
Sendi Kalcic	Wilderness Planner	Areas with Wilderness Characteristics
Mike Moran	Hazardous Waste Coordinator	Hazardous Waste

EXHIBIT A — STIPULATIONS

EXHIBIT B — ARCGIS MAP

EXHIBIT C — MASTER TITLE PLAT (MTP) MAP