Decision Record
Right-of-Way for an Odor Control Facility

NEPA Number: DOI-BLM-NV-S010-2013-0131-EA

Compliance

The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all Bureau of Land Management (BLM) land uses in Southern Nevada, the Las Vegas Resource Management Plan (RMP), the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

Selected Action

The selected action is Alternative No. 1, as mentioned in environmental analysis DOI-BLM-NV-S010-20134-0131-EA. The selected action is right-of-way (ROW) and short-term ROW (STR), to the Clark County Water Reclamation District (CCWRD) for the installation of an odor control facility.

Description: CCWRD proposes to install an odor control facility under ROW N-92169, and a temporary construction area under STR N-92169–01. The proposed action is part of the Paradise Whitney Interceptor (PWI) project to convey raw wastewater from the southwest part of the Las Vegas Valley. The odor control facility is needed to control odor emissions from the pipeline. It is anticipated that activities associated with the odor control facility, construction, and incorporation to the existing infrastructure will be conducted over several years. All of the proposed construction, installment and operation of the facility activities will occur within the boundaries of the requested ROW.

Compliance with NEPA:

An environmental analysis was carried out in compliance with the National Environmental Policy Act (NEPA) to evaluate the proposal for installation of underground water pipelines on public lands.

Effects the proposed action may have on our resources were addressed for air quality, invasive species/noxious weeds, hydrologic conditions, paleontology, threatened, endangered or candidate animal and plant species, water resources, wilderness, wetlands, mineral and other types of resource issues.

This environmental analysis is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Public Involvement:

Consultation and internal scoping and coordination was carried out with federal, state, and local agencies and interested parties.

Effects the proposed action may have on our resources were evaluated by resource specialists. Comments providing substantive information relevant to the analysis and mitigation measures were included in Exhibit A stipulations which will be attached to the grant.

A draft environmental analysis is available for review by the public on the internet on the DOI.GOV website under NEPA number: DOI-BLM-NV-S010-2013-0131-EA.

Rationale:

The proposed action is in conformance with the approved land use plan: Las Vegas Resource Management Plan and Final Environmental Impact Statement, and Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998.

The action meets ROW Management. Objective: 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."

The action meets Management Direction. 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 ROWs under the authority of the Federal Land Policy and Management Act."

Decision:

It is my decision to implement the above proposed action known as Alternative No. 1, with the mitigation measures and relevant information identified in the environmental assessment and incorporated into stipulations known as Exhibit A.

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the information provided in BLM Form 1842–1.

If an appeal is taken, your notice of appeal must be filed in the Las Vegas Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A

petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals ant to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Authorizing Official:

Philip Rhinehart 11-20-14

Vanessa L. Hice **Date**
Acting for
Assistant Field Manager
Division of Lands

Contact Person:

For additional information concerning this Finding, contact:

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