

# **Decision Record**

## **Short-Term Right-of-Way (ROW) for a Construction Area and Installation of Underground Power Distribution Lines for the Red Rock Canyon Conservation Area (RRCNCA) Fire Station and Campgrounds**

NEPA Number: DOI-BLM-NV-S020-2014-0004-DNA

### **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 (43 U.S.C. 1701 et seq.). The proposed action conforms to the Bureau of Land Management (BLM) Red Rock Canyon National Conservation Area (RRCNCA) Resource Management Plan approved May 2005 and the Las Vegas Resource Management Plan and Final Environmental Impact Statement approved October 1998. The Proposed Action is in compliance with the Migratory Bird Treaty Act (16 U.S.C. 703–711), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531), the National Historic Preservation Act (NHPA) of 1966 (P.L. 89-665; 16 U.S.C. 470 et seq.), the Clean Air Act of 1970, as amended (42 U.S.C. 7401 et seq.), and the Noxious Weed Control Act of 2004 (P.L. 108-412).

### **Selected Action**

This is a short-term ROW for two (2) years for a construction area and installation of underground 15 kV power distribution lines on public lands. This short-term ROW will be assigned serial number N-82425-02. This short-term ROW will be a renewal/extension of temporary construction area N-82425-01, which is needed for the installation of underground electrical facilities on public lands. Installation of approximately two and one quarter (2 1/4 miles) of 15kV underground power distribution lines consisting of cable, conduits, transformers and related appurtenances in order to supply power to the RRCNCA Fire Station and RRCNCA Campground will be jointly done by NV Energy, BLM and U.S. Army Corps of Engineers (CORPS) and will be completed within 2 years. The majority of the power line and construction project areas will run on the south and north side of Charleston Blvd. and Highway 159, and along Moenkopi Road within the RRCNCA. However, a small portion of the project area is on Charleston Blvd., outside the RRCNCA, and within the jurisdiction of the BLM Las Vegas Field Office. NV Energy will maintain the underground power distribution line under their existing 30 year ROW (N-82425).

### **Compliance with NEPA:**

A DNA was prepared in compliance with the National Environmental Policy Act (NEPA) regulations H-1790-1, 5.1. A DNA is adequate for the proposal since the project was previously analyzed under the following:

The resource land area was analyzed in 2002 under NV-050-2002-84-EA, signed May 30, 2002, with Biological Opinion 1-5-97-F-251.

The project for installation of underground power lines was previously analyzed under NV-050-2005-451-EA, Decision and Fonsi signed and approved November 1, 2005. Biological Opinion 1-5-04-F-526.APD3, signed October 25, 2005.

To renew the construction project area for N-82425-01, it was analyzed under DOI-BLM-NV-S010-2009-0041-DNA, signed December 17, 2008, with Biological Opinion 1-5-04-F-526.APD6.

To renew the construction project area for N-82425-01, it was analyzed under DOI-BLM-NV-S010-2010-0019-DNA, signed December 15, 2009, with Biological Opinion 1-5-04-F-526.APD6.

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 when analyzed under EA NV-050-2002-84-EA and NV-050-2005-451-EA with Fish and Wildlife Service for Biological Opinion 1-5-04-F-526.APD6.

This project proposal and DNA was analyzed by resource specialists for air quality, cultural, floodplains, hydrology, minerals, noxious weeds, plant and animal species, wilderness, vegetation, visual, and other resource issues. Comments providing substantive information relevant to the analysis and mitigation measures supplied by the resource specialists are included in Exhibit A stipulations which will be attached to the ROW grant.

### **Rationale:**

1. The Proposed Action Alternative has been developed in accordance with the guidelines and policies identified in the approved land use plan for the Las Vegas area: Las Vegas Resource Management Plan and Final Environmental Impact Statement approved 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 Management Act (FLPMA)."

2. The Proposed Action Alternative has been developed in accordance with the guidelines and policies identified in the approved land use plan for the RRCNCA: RRCNCA Resource Management Plan approved May 2005.

The Proposed Action is in conformance with the RRCNCA RMP as it provides facility infrastructure, such as utilities, to the existing Red Rock Fire Station, an important component for RRCNCA as discussed on pages 6-7 of the 2005 RRCNCA Resource Management Plan and Record of Decision (ROD).

Additionally, the Proposed Action is in conformance with the RRCNCA RMP section regarding Management Emphasis Areas (MEAs). RRCNCA has been divided into five MEAs, each with a set of guidelines which both describes its current setting and provides a framework for future management. Any actions or improvements should be consistent with what is normally expected in that particular setting so the visitor is provided a positive experience consistent with expectations. The Proposed Action is located in the "Roaded Developed" MEA, as it would

support the moderate to high uses of human interaction and on site controls/facilities, and allows for noticeable on site controls and facilities. Additionally, the Proposed Action is located on 'Roaded Natural' MEA Zone, where facilities, including campground areas, are subtly visible and available for new improvements for resource protection (2005 RRCNCA ROD, p. 29-32).

3. The current proposal is the same or similar to the action analyzed in the existing NV-050-2002-84-EA, signed May 30, 2002, with Biological Opinion 1-5-97-F-251; and NV-050-2005-451-EA, the Decision and Fonsi signed and approved November 1, 2005. The current proposal is located within the same analysis area as was analyzed under NV-050-2002-84-EA, and NV-050-2005-451-EA.

4. The range of alternatives analyzed under NV-050-2002-84-EA and NV-050-2005-451-EA is appropriate with respect to the current proposed action and any new information or circumstances would not substantially change the analysis of the proposed action.

5. Direct, indirect, and cumulative effects that will result from implementation of the proposed action are similar (both quantitatively and qualitatively) to those analyzed under NEPA NV-050-2002-84-EA and NV-050-2005-451-EA; and public involvement and interagency reviews associated with the EAs is adequate for the current proposed action.

**Decision:**

I have reviewed the document DOI-BLM-NV-S020-2014-0004-DNA. The project area has been previously analyzed under EA NV-050-2002-84-EA and the above proposal for installation of power lines has been analyzed under NV-050-2005-451-EA, with a Decision and Fonsi signed and approved November 1, 2005, and two DNA's approved December 17, 2008 and December 15, 2009 thereafter. Since the area has been analyzed, and it has already been determined that the proposed action identified above will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required. Therefore, it is my decision to approve and implement the proposed action as described above and as evaluated under DOI-BLM-NV-S020-2014-0004-DNA.

**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.

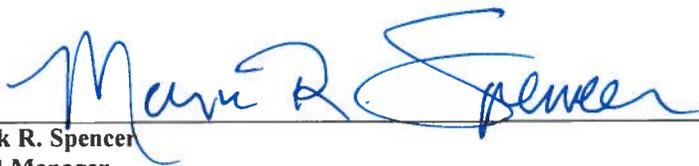
If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for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

   
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Mark R. Spencer  
Field Manager  
Red Rock/Sloan Field Office  
Date

**Contact Person:**

For additional information concerning this Finding, contact:

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