

Decision Record - Memorandum

Right-of-Way Renewal and Amendment for Construction of an Access Road and Temporary Contact Station, Sloan Canyon National Conservation Area

DOI-BLM-NV-S020-2015-0008-EA

Compliance

The Proposed Action is allowable on BLM-administered lands according to Title V of the Federal Land Policy and Management Act of 1976, Sec. 501 and Sec. 507, and BLM regulations 43 CFR 2800, at the discretion of the Secretary of the Interior or his/her delegated officer.

The Proposed Action is in conformance with Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998, and the Record of Decision signed October 5, 1998.

The Proposed Action is in conformance with the 2006 Sloan Canyon NCA Resource Management Plan (RMP) and North McCullough Wilderness Management Plan (NMWMP). It is also in conformance with the 2009 Omnibus Public Lands Management ACT, BLM Manual 6100 and 6200 and Secretarial Order No. 3308.

In addition, the Proposed Action is in conformance with the following:

- Clean Air Act of 1970 (as amended in 1977 and 1990). 42 USC 7401 et seq. PL 91-604; 42 USC 1857h-7 et seq.
- Clean Water Act of 1977 (as amended). 33 USC 1251-1387. PL 92-500.
- Endangered Species Act of 1973 (as amended). 16 USC 1531 et seq. PL 93-205.
- Executive Order 13112. 1999. Invasive Species. February 3.
- Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701 et seq.).
- Migratory Bird Treaty Act of 1918, as amended (16 USC 703 et seq.).
- National Environmental Policy Act of 1969 as amended. Public Law 91-190, 42 USC 4321 4347, Public Law 94-52, July 3, 1975, Public Law 94-83, August 9, 1975, and Public Law 97 258, § 4(b), Sept. 13, 1982.
- National Historic Preservation Act of 1966 as amended. 16 USC 470a et seq. 80 Stat. 915; PL 89-665.
- Federal Noxious Weed Act of 1975. Public Law 93-629. 7 USC 2801 et seq.; 88 Stat. 2148. January 3.
- Wild Free-Roaming Horses and Burros Act of 1971. PL 92-195
- Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282).

Selected Action

It is my decision to approve the Right-of-Way Renewal and Amendment for Construction of an Access Road and Temporary Contact Station, Sloan Canyon National Conservation Area.

The selected action is the Proposed Action as described in Environmental Assessment (EA) DOI-BLM-NV-S020-2015-0008-EA, dated November 4, 2015, I have determined that the action will not result in significant

impacts based on the analysis in the EA and attached Finding of No Significant Impact (FONSI). This action was selected over no action as it will:

- Provide a gated roadway, parking, pedestrian pathway and visitor amenities to accommodate the projected levels of visitations.
- Enable implementation of management measures, visitation thresholds, and interpretive programs in conformance with the RMP and the NMWMP.

The Proposed Action includes the following elements:

- Construction of a 0.7 mile long, gated roadway, and pedestrian pathway that would intersect with Democracy Drive along an existing ridgeline.
- Placement of temporary visitor amenities including but not limited to a contact station, information kiosk, portable restrooms, potable water supply, bicycle racks, and trash receptacles.

The Proposed Action would be implemented along with all avoidance, minimization and mitigation measures described in the EA.

Compliance with the National Environmental Policy Act (NEPA):

The EA complies with the National Environmental Policy Act (40 CFR § 1500-1508), and all applicable regulations and laws passed subsequent to the passage of NEPA, and stipulations and format outlined in the BLM NEPA Handbook (H-1790-1).

The Proposed Action will not have any significant impact on the human environment and the action does not require the preparation of an Environmental Impact Statement.

Public Involvement:

Public involvement was conducted for the project. A draft EA was made available for public review from October 1, 2015 through October 12, 2015. Furthermore, a public meeting was held on October 1 from 6 to 8 p.m. at Levi Strauss & Co. located at 501 Executive Airport Drive, Henderson. There were 44 people in attendance excluding BLM staff. Fifteen written comments were received. The list of attendees, submitted comments, and responses to comments are found in Appendix C of the EA. The completed document will be posted to the NEPA register web page.

Rationale:

The Proposed Action would provide public access to the Petroglyph Management Area and visitor amenities to accommodate a projected increase in visitations. The roadway and temporary visitor amenities would improve visitor experience and facilitate implementation of management measures, visitation thresholds, and interpretive programs in conformance with the RMP and NMWMP.

The Proposed Action and its potential effects on the quality of the human environment are neither controversial nor do they involve unique or unknown results. The Proposed Action may affect but is not likely to adversely affect the federally threatened desert tortoise (*Gopherus agassizii*). Effects to other federally protected species or designated critical habitats are not anticipated. Section 7 consultation under the Endangered Species Act for the Proposed Action is covered under the current Programmatic Biological Opinion (84320-2010-F-0365.R003). The Proposed Action would implement terms and conditions of the Programmatic Biological Opinion. The decision to authorize the Proposed Action would not result in any undue or unnecessary environmental degradation.

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 at Title 43 of the code of Federal regulations (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 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the code of Federal Regulations, Part 4, Subpart E, 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 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 the appellant's success on the merits,
4. The likelihood of immediate and irreparable harm if the stay is not granted, and
5. Whether the public interest favors granting the stay.

Authorizing Official


 402 Catrina Williams
 Field Manager
 Red Rock/Sloan Field Office

11/4/15
 Date

Contact Person

For additional information concerning this Finding, contact:
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