

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

**Environmental Assessment
Conveyance to the City of Las Vegas
for a Job Creation Zone**

DOI-BLM-NV-S010-2015-0078-EA



N-93802

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
Las Vegas, Nevada



Introduction

Identifying Information:

Title, EA number, and type of project:

Conveyance of Public Land to the City of Las Vegas for a Job Creation Zone

Location of Proposed Action:

Public lands located Northwest of Las Vegas, north of the Paiute Indian Reservation.

Legal Description:

Mount Diablo Meridian, Nevada, T. 18 S., R. 59 E, sec. 22.

Name and Location of Preparing Office:

Las Vegas Field Office, LLNVS01000

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

Casefile number N-93802

Applicant Name:

City of Las Vegas

Purpose and Need for Action:

The need for the action is BLM's responsibility to follow Public Law 113-291, bill H.R. 3979 (d) for conveyance of public land to the City of Las Vegas for use as a job creation zone. The purpose is to abide by the public law which requires the conveyance be in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), and the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et. seq.) which allows for the use of public lands for recreational and educational purposes.

Scoping, Public Involvement and Issues:

The BLM Southern Nevada District Office conducted internal scoping for this action. The conveyance proposal has been reviewed by BLM resource team members and other interested parties. 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, and other types of resource issues. Comments providing substantial information relevant to the analysis and mitigation measures to reduce impacts to natural resources were analyzed and included in this environmental assessment (EA).

Potential issues identified include:

- Location of the proposed parcel of land is adjacent to the Paiute Indian Reservation.
- State Highway 95 runs through the center of the parcel.
- An energy site (Valley Electric Association) is located in the southwest corner of the parcel area.

- Biological Opinion may need to be obtained.
- Threatened and Endangered Species in the area.

A summary of the proposed EA DOI-BLM-NV-S010-2015-0078-EA is available for review on the internet BLM NEPA Register website: https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

Proposed Action and Alternatives

Description of the Proposed Action, Alternative No. 1:

On December 19, 2014, bill H. R. 3979 was enacted as Public Law 113-291 (P. L. 113-291). Sec. 3092 of P. L. 113-291 (d) conveys approximately 640 acres of public land to the City of Las Vegas for use as a Job Creation Zone. The land is to be conveyed as soon as is practicable and the City is to pay all administrative costs for the processing of this action (budget number coming). The area is shown on the map below in green stripes.

The area to be conveyed is 640 acres (section 22), located just north of the Paiute Indian Reservation. The area is undeveloped and undisturbed, except for the Freeway 95 which cuts through the center of the parcel and an electrical facility in the southwest corner. According to the public law, the land is to be used for a job creation zone. The City will be allowed to sell the land after purchasing it from BLM as long as they sell it for nonresidential use (example: hospital, police station). If they keep the land, they need to use it for R&PP Act public purposes (park, fire station, school, city buildings, etc.).

Description of Alternatives Analyzed in Detail:

Alternative No. 2, the “No Action” Alternative

Under a “No Action” alternative, the BLM would not be abiding by the public law. An amendment to the public law to allow for the “No Action” would probably need to occur. A “No Action” would mean no conveyance of land would be issued to the City of Las Vegas. The land area would remain undisturbed and un-changed.

Alternatives Considered but not Analyzed in Detail:

Alternative No. 3

No other alternatives were considered for this area.

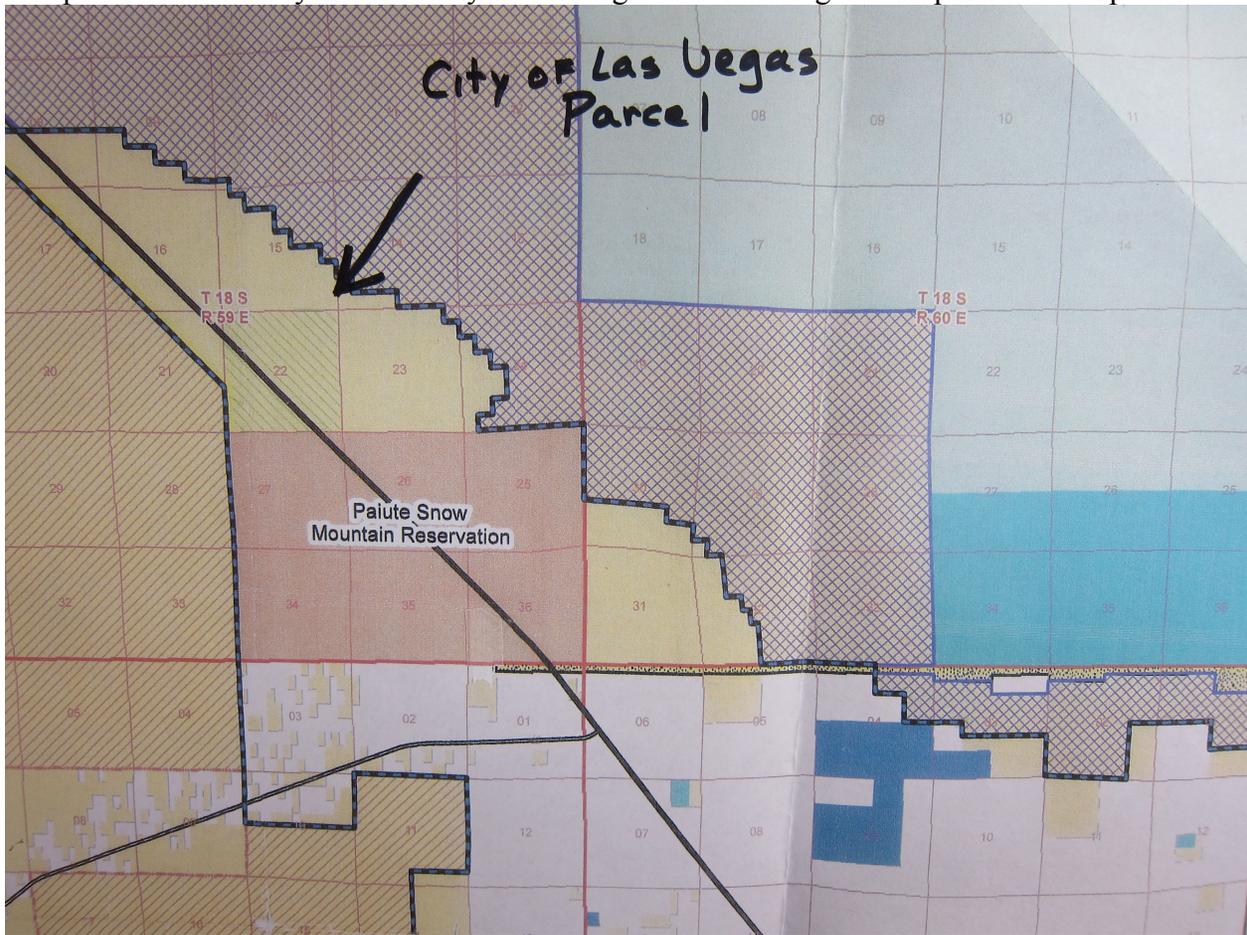
Conformance

The Proposed Action is in conformance with the National Environmental Policy Act (NEPA) and is allowable on BLM-administered lands according to and the Recreation and Public Purposes Act (R&PP Act) of June 14, 1926, as amended (43 U.S.C. 869 et. seq.)

The Proposed Action is in conformance with section 202 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1712; and in conformance with the Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998, and the Record of Decision (ROD) signed October 5, 1998. It is in conformance with LD-1 and LD-2 of the ROD (pages 16-18), which allows for land disposal through sale, exchange or R&PP patent. The land described in this proposal is within a designated disposal boundary area.

The proposal is also in conformance with Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1712; whereas the Secretary determines that the sale of the parcel meets the following disposal criteria: (3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development.

The parcel to be conveyed to the City of Las Vegas is shown in green stripes on the map below.



The parcel to be conveyed to the City of Las Vegas is shown as 09922 on the map below.



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 table below 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 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.

Table 1. Affected Resources

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Resources		X		All soil disturbing activities of .25 acres or greater, in the aggregate, require a dust control permit. Ensure a dust control permit is obtained through the Dept of Air Quality, Clark County and ensure all stipulations are in compliance for the duration of the activities.
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an Area of Critical Environmental Concern.
BLM Natural Areas	X			Resource is not present.
Cultural Resources	X			A cultural survey of the area was conducted in support of the 2004 Valley Disposal Boundary EIS. No historical properties were found. The Nevada State Historic Preservation Office (SHPO) concurred on the adequacy of the report. In the event of an inadvertent discovery, BLM cultural staff will be notified immediately
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 change contributions from GHG emissions during construction of the proposed action. However, there are, and would continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses in future planning documents.

Environmental Justice		X		No minority or low income group would be disproportionately impacted by health or environmental factors.
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 the potential to impact wildlife species in the area. See wildlife analysis below in EA.
Floodplains	X			Located outside of FEMA designated floodplain. Parcel is located within Clark County and CCRFCD responsible for flood control.
Fuels/Fire Management		X		
Geology / Mineral Resources / Energy Production		X		No mining claims or mining operations present. If excavation that produces mineral materials within the ROW is necessary, the mineral materials must be used within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are to be stockpiled on site for a future disposal, specific BLM use authorization in the form of a contract, free use permit or material site right-of-way will be necessary before the stockpiled mineral materials can be removed from the ROW.
Hydrologic Conditions			X	Development of the land to be conveyed would potentially alter the hydrologic regime of Jurisdictional Waters of the USA. See analysis below in EA.
Invasive Species / Noxious Weeds		X		
Lands/Access		X		Existing ROW holders will be notified of the action. The Paiute Tribe was consulted. No issues since this is per public law.
Livestock Grazing	X			The proposed action area is not located in any authorized grazing allotments.
Migratory Birds			X	The project has the potential to impact migratory birds in the area. See analysis below in EA.
Native American Religious Concerns	X			In a meeting with the Las Vegas Paiute Tribal Council on 5/11/2015 to discuss the land sale, the Tribe had no concerns.

Paleontology	X			The proposed action is within the Las Vegas Valley Disposal Boundary and was analyzed under the associated EIS. All portions of the proposed project were evaluated previously for paleontological resources. No further evaluation is required unless the project is modified to include areas that have not been previously evaluated. In the event of an inadvertent discovery, the BLM Paleontology lead will be contacted and work stopped
Rangeland Health Standards	X			The proposed action is outside of an active grazing allotment. Four fundamentals of rangeland health are listed in Title 43 CFR § 4180.1. These include watersheds, ecological processes, water quality, and habitats. Potential impacts to these values are analyzed as part of the vegetation, hydrology, wildlife and federally listed species sections and are not analyzed in this section.
Recreation		X		The proposed project may displace some casual recreationists, however, not to a level that needs further analysis.
Socio-Economics		X		This project will not disproportionately impact social or economic values.
Soils			X	Local soils, including areas with desert pavement and or biological soil crust, may be significantly altered, potentially leading to increases in local erosion. These impacts are evaluated below in EA.
Threatened, Endangered or Candidate Plant Species	X			Based on known locations and habitat requirements, Threatened, Endangered or Candidate plant species are not present.

Threatened, Endangered or Candidate Animal Species.			X	<p>The project has a may affect, likely to adversely affect determination for the threatened desert tortoise and no effect for its designated critical habitat, as it is outside the range. Carry forward for analysis. The project will have no effect on any other federally listed species or critical habitat.</p> <p>Initial comment:</p> <p>As this project plans to disturb 640 acres of tortoise habitat for a congressional land conveyance, it exceeds the acreage of disturbance the Southern Nevada District Office's Programmatic Biological Opinion (PBO) (File No. 84320-2010-F-0365.R003); therefore, part A of the Request to Append Action Form will be completed. The BLM biologist will submit part A of the Request to Append Action Form to the USFWS to initiate formal consultation, which can take up to 135 days to complete depending on the complexity of the project. Once consultation is complete, BLM Wildlife Biologist will provide final comments on the project.</p>
Wastes (Hazardous or Solid)	X			Not present, however do include standard stipulations into the grant document(s).
Water Resources/Quality (Drinking/Surface/ Ground)			X	Several of the ephemeral streams running through Sec. 22 maybe considered Jurisdictional Water of the USA. Analysis below in EA.
Wetlands/ Riparian Zones	X			No permanent surface waters or wetlands exist in or near the project area.
Wild & Scenic Rivers	X			Resource not present.
Wilderness /Wilderness Study Areas (WSAs)	X			Resources are not present
Woodland / Forestry			X	The project has the potential to impact vegetation in the project area. Analysis below in EA.
Vegetation (excluding Federally Listed Species)			X	The project has the potential to impact vegetation in the project area. See analysis below in EA.

Visual Resources		X		The proposed action is in VRM Class III, which aims to partially retain the existing character of the landscape. Levels of change to the landscape can be moderate, but should not dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic elements of form, line, color, and texture found in the natural landscape to the extent practical. No issues.
Wild Horses and Burros		X		The proposed land conveyance is located near the Wheeler Pass HMA, but due to the size and location of this land there will be no impacts to wild horses or burros.
Lands with Wilderness Characteristics	X			The area does not meet the size criteria for lands with wilderness characteristics.

Affected Environment

Affected Environment

This section provides a brief description of the affected environment for those resources that were identified as “present and may be affected”.

Hydrologic Conditions/Water Resources

Watershed maps produced by the United States Geologic Survey (USGS) place the City Job Creation Zone within the Las Vegas Wash hydrologic unit (Hydrologic Unit Catalog (HUC) #15010015). The Las Vegas Wash hydrologic unit is 1,860 square miles, and the Las Vegas Wash is the principal tributary draining the watershed. Las Vegas Wash drains to Las Vegas Bay on Lake Mead, which is the portion of the Colorado River that is impounded by Hoover Dam. Several of the ephemeral drainages running west to east through the parcel are Waters of the U.S. as defined by 33 Code of Federal Regulation (CFR) 328.3(a).

A USACE guidance document (2001) specifically addressed delineating jurisdictional features on an alluvial fan. The guidance document acknowledges that not all channel features on an alluvial fan would be jurisdictional. ".....alluvial fans in arid areas will include some channels subject to Section 404 of the Clean Water Act. However, due to channel migration, alluvial fans will also support numerous historic channels, which only convey flow during extremely large storm events. Based on the above, USACE's jurisdiction over channels occurring on alluvial fans will usually be confined to the feeder channel, the current main distributary channels for the alluvial fan and their direct tributaries." The same reference states, "When conducting jurisdictional determinations in arid areas, regulators and environmental consultants should be cognizant of the above physical characteristics of dryland fluvial systems and insure that the horizontal extent of our jurisdiction includes small to moderate storm events, but is not so expansive that it incorporates field evidence from the 25-year, 50-year or 100-year storm event."

Soils

Soils within Section 22 were mapped by the Natural Resources Conservation Service (NRCS) (NRCS 2012) and are classified at the Weiser-Wechech Association. The the Weiser-Wechech Association (70/30) fall into Hydrologic Soil Group B, which is classified as extremely gravelly fine sandy loam. The parent material is alluvium derived from limestone and dolomite. The top soil layer ranges from 0–7 inches. The slope is about 6%.

Wildlife

Fish and Wildlife Excluding USFWS Designated 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. The following sensitive species could potentially be impacted by the proposed action:

Chuckwalla (*Sauromalus obesus*)

Chuckwalla occur in rocky desert, lava flows, hillsides, talus slopes, and rock outcrops mostly below 5000 feet, where creosote bush is typically the dominant plant species. Chuckwalla will seek shelter in rock crevices and bask on rocks during the day. They are herbivorous, preferring annuals, but they will also eat perennial vegetation. Chuckwallas are relatively common throughout their Nevada range and likely occur within the project area, but would be localized on rock outcroppings.

Banded Gila monster (*Heloderma suspectum*)

Gila monsters occur in desert washes and rocky upland desert scrub at elevations below 5,000 feet. Banded Gila monsters frequently utilize lower slopes of mountains and nearby plains. They will use and are occasionally encountered out in gentler terrain of alluvial fans. Hence, Gila monster habitat overlaps habitats of both the desert tortoise and chuckwalla. Threats to this reptile include illegal collection, traffic fatalities, and habitat destruction from urban and agricultural development.

Mojave shovel-nosed snake (*Chionactis occipitalis occipitalis*)

The Mojave shovel-nosed snake is a burrowing, nocturnal snake frequenting washes, dunes, sandy flats, loose soil, and rocky hillsides in sandy gullies or pockets among the rocks throughout the Mojave Desert.

Desert glossy snake (*Arizona elegans*)

The desert glossy snake is a burrowing, nocturnal snake that occurs in a variety of habitat throughout the Mojave Desert including light shrubby to barren desert, grasslands and woodlands. The desert glossy snake generally prefers open areas where the ground is sandy to loamy.

Nevada shovel-nosed snake (*Chionactis occipitalis talpina*)

The Nevada shovel-nosed snake is a nocturnal burrowing snake that typically stays underground in the daytime and occurs in washes, dunes, sandy flats, loose soil and rocky hillsides with sandy gullies or pockets of sand. Their habitat consists of sparse vegetation including creosote bush, desert grasses, cactus and mesquite.

Mojave Desert Sidewinder (*Crotalus cerastes cerastes*)

The Mojave Desert sidewinder is a nocturnal snake hiding in the day in animal burrows or coiled camouflaged in a shallow self-made pit at the base of a shrub. This species is most common where there are sand hummocks topped with creosote bushes, mesquite, or other desert plants but may also occur on flats, barren dunes, hardpan, and rocky hillsides.

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 Wildlife Species and Critical Habitat

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 contains moderate density tortoise habitat. Desert tortoise survey data show multiple tortoise burrows, carcasses and live tortoises within the project parcel. If not noticed and avoided during operation and maintenance activities, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

Vegetation

BLM uses vegetation mapping and community classifications developed by the U.S. Geological Survey for the Southwest Regional Gap Analysis Project (SWReGAP) (Lowry et. al. 2005). SWReGAP mapping and vegetation communities are based on ecological systems which are defined as a group of plant community types (associations) that tend to co-occur within landscapes with similar ecological processes, substrates, and/or environmental gradients. The proposed action is within the Sonora-Mojave Creosote bush-White Bursage Desert Scrub SWReGAP land cover classification. This vegetation community is the most abundant vegetation type in the Las Vegas and Pahrump Field Offices, occupying roughly 70 percent of the vegetation cover. In this vegetation community creosote bush (*Larrea tridentata*) and bursage (*Ambrosia dumosa*) are generally the most conspicuous plant species present. This vegetation community generally occurs below 4,000 feet and is the primary habitat for the desert tortoise.

There have been declines of this vegetation type since 1998 because of BLM realty actions and congressionally mandated land transfers (land sales, patents, and rights-of-way authorizations). This decrease has predominantly been on multiple-use lands within designated disposal boundaries and utility corridors. Important threats to this ecosystem include direct and indirect impacts resulting from anthropogenic activity, invasion by non-native annual grasses and increased fire frequency. Anthropogenic activities include grazing; development; highway and road construction; utility corridor construction; and recreational activity (casual OHV, concentrated OHV activities, and competitive races). Disturbances associated with these activities have fragmented habitat, increased edge effects, and created conditions that facilitate establishment on non-native annual grasses.

Since 1998, a significant portion of creosote bursage scrub in the planning area has burned due to colonization by non-native grasses. Compared to historic conditions, the quality of creosote bursage scrub in the planning area has also decreased because of non-native grasses. Due to the presence of non-native annual grasses, currently most of this vegetation category is classified as condition Class 2 at a moderate risk of losing key ecosystem components (see Wildland Fire Ecology and Management section). Higher densities of non-native annual grasses and increased fire frequency lead to decreased ecosystem functioning, a higher risk of wildfire, and result in lower quality habitats for wildlife. Historically, the Sonora-Mojave creosote bush-white bursage desert scrub ecosystem burned infrequently and contained substantial bare interspaces between shrubs with only low densities of annual grasses present. Currently, non-native annual grasses, including red brome (*Bromus madritensis* ssp *rubens*), cheat grass (*Bromus tectorum*), and

Mediterranean grass (*Schismus* sp.), grow in significant densities under and between shrubs and create standing dead material that carries fire between shrubs and increases fire return intervals.

Temporary impacts to vegetation in this category can take decades to centuries to recover depending on the impact. Scott Abella (2010) estimates that without active restoration, it takes the Mojave Desert 76 years for re-establishment of perennial plant cover and 215 years for re-establishment of perennial and annual species cover. If disturbance is too frequent, recovery may be delayed or prevented entirely as soils become eroded or severely compacted. Slow recovery from disturbance means most impacts to this vegetation community will accumulate over time. The BLM restoration program is designed to facilitate natural recovery and reduce cumulative impacts to this vegetation type. Because this vegetation category does not recover quickly from disturbance, conservation actions may conflict with some multiple use management objectives.

Woodland/Forestry

BLM administers the sale of forest products and other vegetative resources under 43 CFR 5400. In Nevada IM-NV-2010-055 and draft IM-NV-2014-013 clarify and provide guidance to the disposal, sale and pricing of forest products on BLM lands in the state. Cactus and yucca plants are considered government property and are regulated under the Nevada BLM forestry program. The parcel to be conveyed contains high density yucca and cactus. A botanical inventory of this area is not available. Based on similar inventories of similar areas, the following species are expected to be present cottontop (*Echinocactus polycephalus*), hedgehog (*Echinocereus engelmannii*), beavertail (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), Mojave yucca (*Yucca schidigera*). Based on similar projects BLM estimates the density of cactus and yucca to be approximately 38 plants per acre.

Environmental Effects

Environmental Effects

Hydrologic Conditions/Water Resources

Surface water runoff patterns will be affected by the proposed action. The potential disturbance associated with development of the site may increase erosion on and off-site, thereby increasing sediment loads in surface runoff, altering the discharge and retention rates of water and change the velocity of water moving through the system. This could result in the degradation of surface water quality. However, any construction excavations are not expected to intercept groundwater. Future actions within the parcel may involve dredging or filling of Waters of the U.S., which would require the cooperation of the U.S. Army Corps of Engineers.

Mitigation Measures: Utilizing BMPs should be used to reduce impacts to water quality. Compliance with the Clean Water Act will be necessary by obtaining any required permits from CCRFCD, NDWR, NDEP and USACE (i.e. 401 and 404).

Soils

The Proposed Action includes removal of up to 616 acres of vegetative cover and soil material through earth-moving activities such as grading and excavation. Vegetation removal and ground disturbance would leave soils exposed to wind and water, two key components of erosion. However, the disturbed areas would either be developed or landscaped. Impacts to soils related to erosion would occur under the Proposed Action. Erosion would be reduced through the use of BMPs and other mitigation measures.

Mitigation Measures: BMPs and erosion control techniques or other forms of mitigation should be required during any development and construction. Reduced erosion results in less impact on surface waters and less burial of biological soil crusts and reduces loss of growth material.

Wildlife

Wildlife species would be displaced 640 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, and increased potential for harassment of wildlife. Indirect impacts could include increased noise, 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. Any impacts to sensitive species would be avoided and/or minimized through the special stipulations provided below.

BLM Sensitive Wildlife Species

Chuckwalla, Mojave shovel-nosed snake, desert glossy snake, Nevada shovel-nosed snake, and desert Sidewinder

Potential impacts to these species from the proposed action would be similar to those discussed above for general wildlife.

Migratory Birds

Migratory birds in the project area may be disturbed and/or displaced 640 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 should comply with the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et. seq.*), as it is federal law, and avoid potential impacts to protected birds within the project area.

Threatened, Endangered, or Candidate Wildlife Species and Critical Habitat

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.

The congressional land conveyance, processed as a disposal, is in accordance with Public Law 113-291. Conveyance of the parcel will change land ownership, causing no direct physical change to the land or to the existing land use. However, once the proponent acquires the land, they will likely be developed. Therefore, it is the eventual development after the transfer of land ownership that would cause physical impacts to the land and in turn to the species associated with them both directly and indirectly on the sale parcel. Potential impacts to tortoise from the proposed action would be the loss of 640 acres of habitat, including active burrows. Known tortoises onsite would need to be relocated to adjacent lands.

NOTE: FINAL COMMENTS WILL BE ENTERED ONCE CONSULTATION IS COMPLETE

Vegetation

The proposed action would directly affect approximately 640 acres of creosote bursage scrub vegetation. Of the impact 640 acres are expected to be permanent and 0 acres are expected to be temporary, the result of trampling during construction and drive and crush associated with parking vehicles and staging supplies. Creosote bursage scrub vegetation is widespread in the Las Vegas and Pahrump field offices; however, it is a limited and finite resource. When combined with other reasonably foreseeable actions in the Las Vegas and Pahrump field offices, and impacts from fire, non-native, competition with non-native annual grasses, BLM reclamation and minerals actions and casual recreation, the proposed action would result in an incremental addition to current declines in the quality and quantity of creosote bursage scrub in the Las Vegas field office.

Woodland/Forestry

The project would directly impact cactus and yucca regulated under the BLM forestry program. Public Law 113-291 (P. L. 113-291). Sec. 3092 of P. L. 113-291 (d) conveys approximately 640 acres of public land to the City of Las Vegas for a Las Vegas Job Creation Zone. This conveyance includes cactus and yucca that are regulated under the forestry program. Based on the estimated density of cactus and yucca plants, the proposed action would affect an estimated 24,320 cactus and yucca plants with an estimated salvage value of \$141,055.00 Under the forestry program, prior to ground disturbing activities, BLM typically

conducts a salvage sale of all cactus and yucca present with the proceeds going to the general treasury. However, because this action is the result of a congressional conveyance and the land is being conveyed without consideration, all right, title, and interest of the United States to the City of Las Vegas, a salvage sale will not occur. The proponent would be encouraged to salvage the cactus and yucca present and incorporate them into landscaping for the proposed college. Additionally, BLM may be to assist in salvage and use of plants on BLM lands.

Cumulative Impacts

Cumulative Impacts on the General Area

The past, present and reasonably foreseeable future activities are analyzed below.

The general area was 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 future land disposal through sales. The conveyance (sale) proposal is in conformance with LD-1 and LD-2 of the Record of Decision for the EIS (pages 16-18), which allows for land disposal through sale, exchange or R&PP patent. The land described in this proposal is within a designated disposal boundary area in Pahrump as approved in the EIS.

The parcel area lies adjacent, and in close proximity to the Paiute Indian Reservation. The land consists of undisturbed desert fauna flat lands and small rolling hills with a view of Mount Charleston in the distance to the west. Also, a large corridor area encompasses approximately 5280 feet in width, running north to south on the west side of Interstate Highway 95 in the parcel and is reserved to the United States.

Rights-of-way: Several rights-of-way exist within the corridor area. Valley Electric Association has an electric transmission center located in the southwest area of the sale parcel. There will be no cumulative impact to these rights-of-way or corridor as the proponent will be “subject to” these rights-of-way in the patent and the corridor will be reserved to the United States.

Cumulative Impacts on Hydrologic Conditions/Water Resources: Future development within the vicinity of the economic development area would continue to alter storm flow patterns and hydrologic conditions. Construction of flood control facilities to safely convey stormwater runoff and protect private and public infrastructure and property investments have had a cumulative effect on the historic hydrology throughout the watershed. **Cumulative Impacts on Soils:** Impacts to soils related to erosion would occur under the Proposed Action. Erosion would be reduced through the use of BMPs and other mitigation measures.

There are positive cumulative impacts which could occur from this conveyance action. Construction in the area would benefit the Moapa Indian Tribe and North Las Vegas, and surrounding communities by allowing more job and economic opportunities in the area. It would also benefit larger cities such as Las Vegas, Henderson and Summerlin with job opportunities.

An influx of construction in the area would provide a “boost” to the local economy. The increase in development in the area would benefit the local stores, shops and restaurants and increase economic development for the City of North Las Vegas and the Moapa Band of Paiutes.

Tribes, Individuals, Organizations, or Agencies Consulted

Table 2. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Board of Regents of the Nevada System of Higher Education	Conveyance applicant.	Applied for this public law.
Fish and Wildlife Service	Biological Opinion for the Desert Tortoise	Append Biological Opinion.
Paiute Indian Tribes	Consultation.	Consultation.

List of Preparers

Table 3. List of Preparers

Name	Title	Responsible for the Following Section(s) of this Document
Dorothy J. Dickey	Realty Specialist	Project lead for Environmental Assessment and NEPA documents, Edit EA
Christopher Linehan	Recreation Specialist	Recreation, Wild and Scenic Rivers
Stanley Plum	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology
Lisa Christianson	Environmental Protection Specialist & Hazmat	Air Quality, Greenhouse Gas Emissions, Hazardous Waste
Fred Edwards	Botanist	Botanist, Forest Initiative, Healthy (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), Vegetation Excluding Listed Species
Gayle-Marrs Smith	Manager, Botanist	Socio-Economics/Environmental Justice
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands (Prime or Unique), Wild Horse and Burro
Ashley Holcomb	Natural Resource Specialist	Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Sean McElderly	Fire Management Specialist	Fire Management Specialist Species
Mathew Hamilton	Fish and Wildlife Biologist	Fish & Wildlife, ACEC, Migratory Birds, T&E
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones,
Lori Dee Dukes	Geologist	Geology/Mineral Resources/Energy Production

EXHIBIT A— Copy of the Biological Opinion

BO

EXHIBIT B— Maps

Maps