

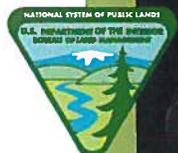
**U.S. Department of the Interior
Bureau of Land Management**

Categorical Exclusion

**Shaumber Road Construction
DOI-BLM-NV-S010-2015-0103-CX
N-90154-02**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
4701 N. Torrey Pines Dr.
Las Vegas, Nevada 89130
702-515-5000



Categorical Exclusion Documentation

BLM Office:	Las Vegas Field Office	Serial Number:	N-90154-02
	4701 N. Torrey Pines Dr Las Vegas, Nevada 89130	NEPA Number:	DOI-BLM-NV-S010-2015-0103-CX

Introduction

Title and Type of Project

Shaumber Road Construction Area Short Term Right-of-Way

Location of Proposed Action

Located on the west side of Shaumber Road and north of Washburn Road

T. 19 S., R. 59 E., section 25, and 36 (within)

Applicant Name

City of Las Vegas

Background

Description of Project

This short term right-of-way is to allow for drainage along Shaumber Road, which already exists and was granted under N-90154-01. N-90154-01 has expired and needs to be renewed for 3 more years. The new serial number for the renewal will be N-90154-02. The area is already disturbed, no new disturbance will occur, that varies from 1-244 feet in width, 1,379 feet in length and contains 3.21 acres. This short term right-of-way along the west side of Shaumber Road is necessary to maintain the proper grade and storm water flow protection for the roadway.

Land Use Conformance

Land Use Plan: Las Vegas Resource Management Plan	Date Approved: October 1998
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Land Use Conformance Summary

The proposed action is in conformance with the Las Vegas Resource Management Plan Land Use Plan, even though it is not specifically provided for because it is clearly consistent with the following LUP decision, objective, and management direction:

RMP Management Direction

Objective LD-2. All public lands within the planning area, unless otherwise classified, segregated or withdrawn, and with the exception of Areas of Critical Environmental Concern and Wilderness Study Areas, are available at the discretion of the agency, for land use leases and permits under Section 302 of Federal Land Policy and Management Act and for airport leases under the authority of the Act of May 24, 1928, as amended.

Management Direction LD-2-a. Land use lease or permit applications and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable.

Compliance with NEPA

NEPA Document: Las Vegas Valley Disposal Boundary EIS

Date Approved: December 2004

The proposed Land Use Authorization is in conformance with the Las Vegas Valley Disposal Boundary as approved by the Final Environmental Impact State and Record of Decision, December 2004 because:

“The analysis contained in the FEIS is site specific for all lands falling within a rights-of-way alignment based on 10 acre parcels of BLM land. The analysis assessed impacts to all resources 100 feet inside the boundary and 100 feet outside the boundary of all 10 acre parcels, contiguous or not. These impacts are quantified in the FEIS to allow BLM to approve future land use authorizations provided the entire action falls within the site specific areas analyzed in the FEIS. Documentation of actual resources impacts caused by each project would be documented in the project record.”

The BLM will require mitigation and monitoring measures to minimize the impacts to resources caused by BLM authorized activities, including issuance of ROW grants, R&PP leases, permits, and licenses. The following measures will be implemented:

- (1) Required holders of all ROW grants, R&PP leases, permits, and licenses that cause any surface disturbance to obtain and comply with dust control permits issued by the Clark County Department of Air Quality and Environmental Management.
- (2) Require holders of all ROW grants, R&PP leases, permits, and licenses that cause any surface disturbance to obtain and comply with storm water construction discharge permits and temporary discharge permits issued by the Nevada Department of Environmental Protection (NDEP). This will include implementing best management practices as defined by NDEP in the permit.
- (3) Implement the terms and conditions set forth in the Biological Opinion issued by the USFWS specific to the disposal actions. Lands transferred to private ownership will be subject to the terms and conditions of the Clark County Multiple Species Habitat Conservation Plan (MSHCP).
- (4) Bank the soil and collect the seed of the two-toned penstemon prior to land disposal.
- (5) Implement seed collection and salvage and relocation of bearpoppy and buckwheat, as deemed appropriate.
- (6) Prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer (SHPO) for the nine sites determined eligible for listing on the National Register of Historic Places and for lands within the boundaries of the Tule Springs National Register Site. Place deed restrictions on the title to lands with these sites, as necessary, to implement the Treatment Plan before or after the land is sold.
- (7) Implement specific measures to treat the paleontological resources, including:
 - (a) Field recovery of exposed resources and associated contextual data identified during the field survey;
 - (b) Implement data recovery program to identify and permanently preserve the resources including stabilization of large remains and screen washing of fossiliferous sediments to recover microfossil remains;

- (c) Conduct scientific analysis of recovered fossils, including interpretation of species abundance, diversity and age;
- (d) Preserve and curate recovered significant fossil resources, including all associated contextual data at the Nevada State Museum and/or at a federally recognized, accredited repository with long term retrievable storage; and,
- (e) Disseminate information on the resources including publication in professional journals, public presentations, classes, and other forms of outreach and education.

Categorical Exclusion

The action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with:

- 516 DM 11.9. E. Realty 9. Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
- 516 DM 11.9. E. Realty 19. Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

This categorical exclusion is appropriate for this action 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 (see Appendix A).

Conclusion

I considered this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan(s) and that no further environmental analysis is required.

<p><i>Philip Rinehart</i></p> <hr/> <p>Signature of Responsible Official Vanessa L. Hice, Assistant Field Manager Division of Lands</p>	<p>Date</p> <p><i>1-27-16</i></p>
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Review of Extraordinary Circumstances

The Department of the Interior Manual 516 2.3A (3) requires review of the following “extraordinary circumstances” (516 DM 2 Appendix 2) to determine if an otherwise categorically excluded action would require additional environmental analysis/documentation.

Table 1. Review of Extraordinary Circumstances

Does the proposed action:	Y- e- s	N- o	Rationale
Have significant impacts on public health or safety.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.
Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		X	This action is a renewal of a short-term right-of-way grant with no additional conveyances authorized.

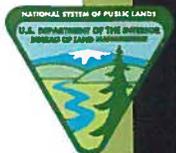
**U.S. Department of the Interior
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Decision Memorandum

**DOI-BLM-NV-S010-2015-0103-CX
N-90154-02**

PREPARING OFFICE

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Decision Memo

Introduction

Proposed Action

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Decision and Rationale

It is my decision to approve the proposed action as described in Categorical Exclusion (CX) number DOI-BLM-NV-S010-2015-0103-CX. I find this action conforms to BLM (516 DM 11.9 and 19) Categorical Exclusions with no exceptions. I further find this action in conformance with applicable land use plans, laws and regulations and that it will not cause unnecessary or undue degradation.

Compliance with Laws, Regulations, Policies, and Land Use Plans

The proposed action is in conformance with the Las Vegas Resource Management Plan Land Use Plan, even though it is not specifically provided for because it is clearly consistent with the following LUP decision, objective, and management direction:

RMP Management Direction

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Administrative Remedies

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 BLM Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) 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 regulation 43 CFR 2801.10 or 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 regulation, 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.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is signed by the authorizing official.

Authorizing Official:

Acting for


Vanessa L. Hice
Assistant Field Manager Division of Lands

1-27-16

Date