

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

Environmental Assessment

DRAFT

**Conveyance to Clark County for a
Off-Highway Vehicle Recreation Park**

DOI-BLM-NV-S010-2015-0127-EA



N-93811

PREPARING OFFICE

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



Environmental Assessment
DRAFT
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Off-Highway Vehicle Recreation Park

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Las Vegas, Nevada

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Table of Contents

1. Introduction	1
1.1. Identifying Information:	1
1.1.1. Title, EA number, and type of project:	1
1.1.2. Location of Proposed Action:	1
1.1.3. Name and Location of Preparing Office:	1
1.1.4. Identify the subject function code, lease, serial, or case file number:	1
1.1.5. Applicant Name:	1
1.2. Purpose and Need for Action:	1
1.3. Scoping, Public Involvement and Issues:	1
2. Proposed Action and Alternatives	3
2.1. Description of the Proposed Action, Alternative No. 1:	5
2.2. Description of Alternatives Analyzed in Detail:	6
2.2.1. Alternative No. 2, the “No Action” Alternative	6
2.3. Alternatives Considered but not Analyzed in Detail:	7
2.3.1. Alternative No. 3	7
2.4. Conformance	7
3. Affected Environment (Comment Table):	9
4. Affected Environment — Analysis	17
4.1. Affected Environment — Analysis	19
4.1.1. Fish and Wildlife Excluding Federally Listed Species	19
4.1.2. Geology/Mineral Resources	19
4.1.3. Migratory Birds	19
4.1.4. Threatened, Endangered or Candidate Animal Species	20
4.1.5. Woodland/Forestry	20
4.1.6. Vegetation Excluding Federally Listed Species	20
5. Environmental Effects	23
5.1. Environmental Effects	25
5.1.1. Fish and Wildlife Excluding Federally Listed Species	25
5.1.2. Geology/Mineral Resources	25
5.1.3. Migratory Birds	25
5.1.4. Threatened, Endangered or Candidate Animal Species	26
5.1.5. Woodland/Forestry	26
5.1.6. Vegetation Excluding Federally Listed Species	26
6. Cumulative Impacts	27
6.1. Proposed Action: Public Law 113–291, sec. 3092 (j)	29

6.1.1. Cumulative Impacts in the General Area of the Proposed Action 29

7. Tribes, Individuals, Organizations, or Agencies Consulted 33

8. List of Preparers 37

List of Tables

Table 3.1. Affected Resources Comment Table	11
Table 7.1. List of Persons, Agencies and Organizations Consulted	35
Table 8.1. List of Preparers	39

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Chapter 1. Introduction

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1.1. Identifying Information:

1.1.1. Title, EA number, and type of project:

Conveyance of Public Land to Clark County for an Off-Highway Vehicle Recreation Park

1.1.2. Location of Proposed Action:

Public lands located northeast Las Vegas in the Nellis Dunes area.

Legal Description:

Mount Diablo Meridian, Nevada, T. 19 S., R. 63 E., sec. 10, SE¼; sec. 15; and sec 16, SE¼.

1.1.3. Name and Location of Preparing Office:

Las Vegas Field Office, LLNVS01000

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

Casefile number N-93811

1.1.5. Applicant Name:

Clark County

1.2. Purpose and Need for Action:

The need for the action is the Bureau of Land Management's (BLM) responsibility to follow Public Law 113-291, bill H.R. 3979 (j) for conveyance of public land to Clark County for an Off-Highway Vehicle Recreation Park. The purpose is to abide by the public law and the National Environmental Policy Act and Federal guidelines to convey the land to Clark County.

1.3. 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 outside of the Las Vegas disposal boundary.
- Parcel needs to be surveyed.
- Appended Biological Opinion may need to be obtained.
- Possible Threatened and Endangered Species in the area and/or plant species.

A summary of the proposed EA DOI-BLM-NV-S010-2015-0127-EA is available for review on the internet BLM NEPA Register website: https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

Chapter 2. Proposed Action and Alternatives

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2.1. 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). A portion of the public law, sec. 3092(j), conveys approximately 960 acres of public land to Clark County for an Off-Highway Vehicle Recreation Park. The parcel of public land is located in northeast Las Vegas in the Nellis Dunes area, in the apex area of Interstate 15 and Las Vegas Blvd.

P. L. 113-291, sec. 3092(j) Nellis Dunes Off-Highway Vehicle Recreation Area

Definitions: — in this subsection:

- (A) City — The term “City” means the city of North Las Vegas, Nevada
- (B) Clark County Off-Highway Vehicle recreation Park — The term “Clark County Off-Highway Vehicle Recreation Park” means the approximately 960 acres of land identified on the Map as “Clark County Off-Highway Vehicle Recreation Park”.
- (C) County — The term “County” means Clark County, Nevada.
- (D) Map — The term “Map” means the map entitled “Nellis Dunes OHV Recreation Area” and dated December 17, 2013.
- (E) Nellis Dunes Off-Highway Recreation Area — The term “Nellis Dunes Off-Highway Recreation Area” means the approximately 10,035 acres of land identified on the Map as “Nellis Dunes OHV recreation Area”.
- (F) Secretary — The term “Secretary” means the Secretary of the Interior.
- (G) State — the term “State” means the State of Nevada.

(A) In General — As soon as practicable after the date of enactment of this section, the Secretary shall convey to the County, subject to valid existing rights and subparagraph (B), without consideration, all right, title, and interest of the United States in and to the Clark County for an Off-Highway Vehicle Recreation Park.

(B) Reservation of mineral estate — In conveying the parcels of Federal land under subparagraph (A), the Secretary shall reserve the mineral estate, except for purposes related to flood mitigation (including removal from aggregate flood events).

(C) Use of conveyed Land —

(i) In General — The parcels of land conveyed under subparagraph (A) may be used by the County for any public purposes described in clause (II), consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et. seq.).

(ii) Authorized Uses — The land conveyed under subparagraph (A) — (I) Shall be used by the County — (aa) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park in the County’ (bb) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial service that directly support a centralized off-road vehicle recreation area and County park; (cc) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, State government, or County government, as containing environmentally sensitive land; and (II) shall not be disposed of by the County.

(iii) Reversion — If the County ceases to use any parcel of land conveyed under subparagraph (A) for the purposes described in clause (ii) — (1) title to the parcel shall revert to the Secretary, at the option of the Secretary; and (II) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(iv) Management Plan — The Secretary of the Air Force and the County, may develop a special management plan for the land conveyed under subparagraph (A) —

(I) to enhance public safety and safe off-highway vehicle recreation use in the Nellis Dunes Recreation Area;

(II) to ensure compatible development with the mission requirements of the Nellis Air Force Base; and

(III) to avoid and mitigate known public health risks associated with off-highway vehicle use in the Nellis Dunes Recreation Area.

(D) Agreement with Nellis Air Force Base — (i) In General — Before the Federal land may be conveyed to the County under subparagraph (A), the Clark County Board of Commissioners and Nellis Air Force Base shall enter into an interlocal agreement for the Federal land and the Nellis Dunes Recreation Area —

(I) to enhance safe off-highway recreation use; and

(II) to ensure that development of the Federal land is consistent with the long-term mission requirements of Nellis Air Force Base. (ii) Limitation — The use of the Federal land conveyed under subparagraph (A) shall not compromise the national security mission of Nellis Air Force Base.

(E) Additional Terms and Conditions — With respect to the conveyance of Federal land under subparagraph (A), the Secretary may require such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(3) Designation of Nellis Dunes Off-Highway Vehicle Recreation Area —

(A) In General — The approximately 10,035 acres of land identified on the Map as the “Nellis Dunes OHV Recreation Area” shall be known and designated as the “Nellis Dunes Off-Highway Vehicle Recreation Area”.

(B) Management Plan — The Secretary may develop a special management plan for the Nellis Dunes Off-Highway Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.

2.2. Description of Alternatives Analyzed in Detail:

2.2.1. 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 Clark County, therefore, they could not administer an Off-Highway Vehicle Recreation Park. The land area would remain undisturbed and un-changed.

2.3. Alternatives Considered but not Analyzed in Detail:

2.3.1. Alternative No. 3

No other alternatives were considered for this area.

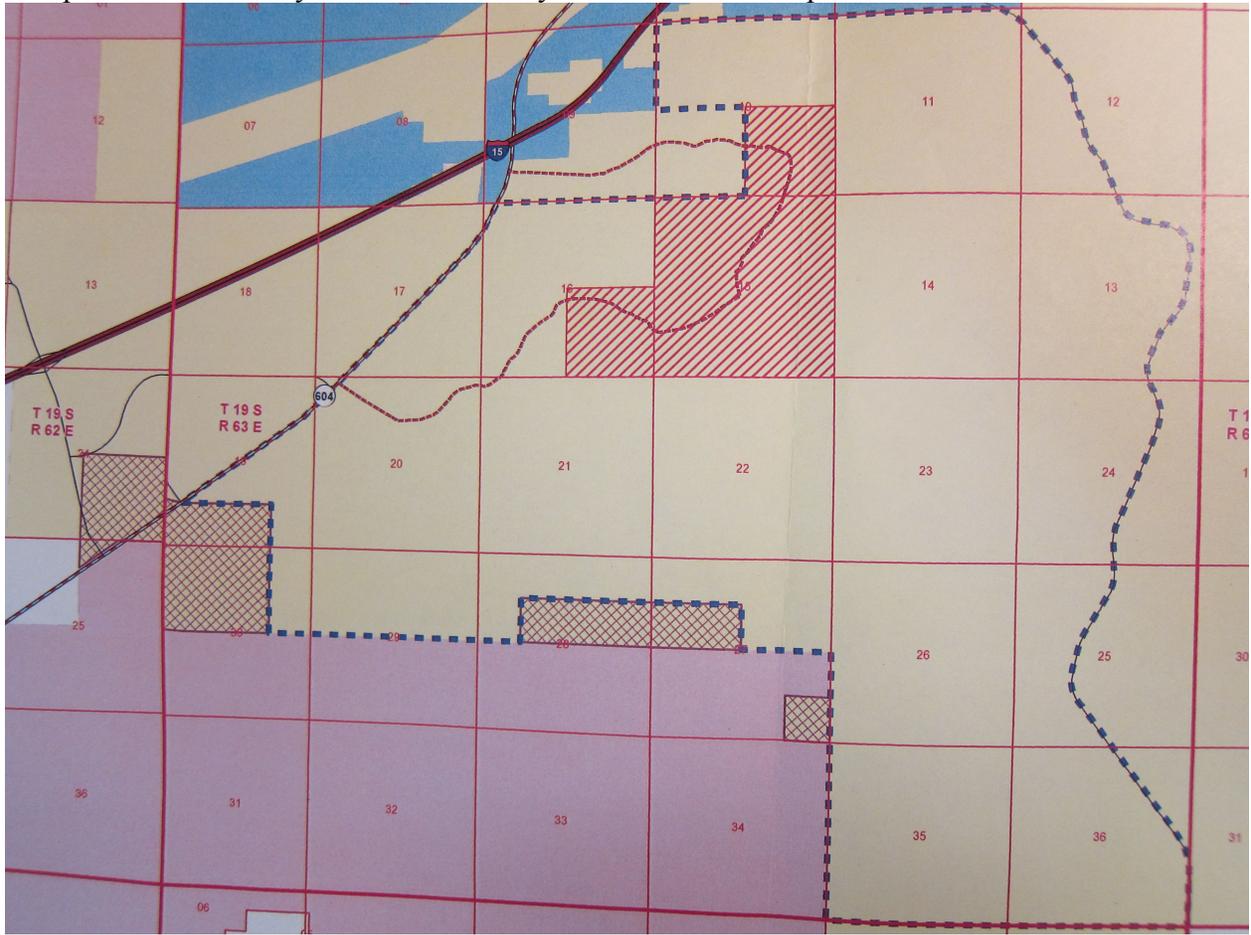
2.4. Conformance

The Proposed Action is in conformance with the National Environmental Policy Act (NEPA).

The proposal is 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: disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development.

The action is in conformance with P.L. 113–291, sec. 3092(j).

The parcel to be conveyed to Clark County is shown on the map below in hatched red lines.



Chapter 3. Affected Environment (Comment Table):

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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 3.1. Affected Resources Comment Table

Supplemental Authority	Not Present	Present/Not Affected	Present/May be Affected	Rationale
Air Resources		X		Ensure dust control permit is obtained from DAQ for all soil disturbing activities of .25 acres or greater, in the aggregate and all permit stipulations are in compliance for the duration of the project(s).
Area of Critical Environmental Concern (ACEC)	X			The proposed project area is not within an Area of Critical Environmental Concern.
BLM Natural Areas	X			There are no BLM Natural Areas in or adjacent to the conveyance parcels.
Cultural Resources	X			This conveyance is exempt from inventory per the 2014 BLM Nevada Protocol Agreement Appendix A.7: Continuing Recreation and Public Purpose Act lands, small tracts or other land disposal classifications where the continuation conveys no additional rights.
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		The Proposed Action will not adversely or disproportionately impact minority populations, low-income communities, or Tribes (see Section 3.19 and EO 12898, Environmental Justice). No group of people, including racial, ethnic, or socioeconomic group would bear a disproportionate share of the negative environmental consequences resulting from the proposed action.
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 analysis below in EA.
Floodplains	X			Located outside of FEMA designated floodplain.
Fuels/Fire Management		X		OHV use is a common cause of human caused fires in Southern Nevada and the proposed action could result in increased human caused wildfires. However, the land will be conveyed to Clark County and the BLM will no longer have jurisdictional control or responsibility for wildfire response and hazardous fuels management. Upon conveyance fire and fuel management including wildfire response will become the responsibility of the receiving jurisdiction and therefore impacts to BLM Fuels/Fire Management are minimized. Clark County will manage wildfire hazards in accordance with their local, county, and state regulations or policies. Any future BLM wildfire response would be through mutual aid, agreement or upon request of the responsible jurisdiction.
Geology / Mineral Resources / Energy Production		X		There are no mining operations in the proposed area. However, there are active mining claims in sections 10 and 16. Mining claims establish a possessory right to the claimant to develop and extract minerals from the lands contained within their mining claims boundary. Although this primarily an administrative action, if excavation that produces mineral materials

				<p>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.</p> <p>Affected Environment, Environmental Effects and Mitigation sections are provided below.</p>
Hydrologic Conditions		X		As this project is an administrative action for the transfer of responsibility of existing OHV area only, there are no new impacts.
Invasive Species / Noxious Weeds		X		OHV use is a common vector of spread of Invasive species/noxious weeds in Southern Nevada and the proposed action could increase weed spread. Upon conveyance weed infestations that are introduced or spread within the project site or to adjacent lands as a result of project related activities will be the responsibility of the proponent to treat in coordination with the BLM.
Lands/Access		X		Existing ROW holders within the parcel area will be notified. No issues since this is a public law order.
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		Las Vegas and Moapa Bands will be notified of the action.
Paleontology	X			No paleontological strata will be impacted.

Rangeland Health Standards	X			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		This is an administrative action no new impacts to recreation are anticipated.
Socio-Economics		X		The Proposed Action would not have a disproportionately high or adverse effect that would place socioeconomic burdens on the citizens of Clark County and nearby cities due to the limited context and intensity of the proposal.
Soils		X		As this project is an administrative action for the transfer of responsibility of existing OHV area only, there are no new impacts.
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>As this project plans to remove 960 acres of land from BLM management for a congressional land conveyance, it exceeds the acreage of disturbance (although this is area is previously disturbed) 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 submitted part A of the Request to Append Action Form to the USFWS to initiate formal consultation on June 30, 2015, which can take up to 135 days</p>

				to complete depending on the complexity of the project. Once consultation is complete, BLM Wildlife Biologist will provide final comments on the project.
Wastes (Hazardous or Solid)	X			Not present, however do include standard stipulations into the final grant document(s).
Water Resources/Quality (Drinking/Surface/Ground)		X		As this project is an administrative action for the transfer of responsibility of existing OHV area only, there are no new impacts.
Wetlands/ Riparian Zones	X			There are no wetlands/riparian zones present in the project area.
Wild & Scenic Rivers	X			Resource Not Present.
Wilderness /Wilderness Study Areas (WSAs)	X			There are no Wilderness or WSAs in or adjacent to the conveyance parcels.
Woodland / Forestry			X	The project has the potential to impact vegetation in the project area. See 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		Nellis Dunes is not located in an active herd management area, there will be no impacts to wild horses or burros.
Lands with Wilderness Characteristics	X			There are no lands managed to protect Wilderness Characteristics in or adjacent to the conveyance parcels.

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Chapter 4. Affected Environment — Analysis

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4.1. Affected Environment — Analysis

This section provides a detailed analysis of the affects the proposed action may have on our public land resources. It describes the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the proposed action or alternative.

4.1.1. Fish and Wildlife Excluding Federally Listed 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:

4.1.2. Geology/Mineral Resources

Mineral materials within the project area are public property and administered by the BLM under the regulations at 43 CFR 3600 (Mineral Materials Disposal) and the Federal Aid to Highway Act. Mineral materials are authorized for disposal by the Las Vegas Resource Management Plan (RMP) and Final Environmental Impact Statement (October, 1998). The regulations at 43 CFR 3600 establish procedures for the exploration, development, and disposal of mineral material resources on the public lands, and for the protection of the resources and the environment. The regulations apply to free use permits and contracts for sale of mineral materials. The sale, free use or issuance of a material site right-of-way for mineral materials must be in conformance with the RMP, Minerals Management Section (Code MN), the Federal Aid to Highway Act and the regulations found at 43 CFR 3600. Any mineral materials extracted, severed or removed from public lands without a contract, free use permit or material site right-of-way constitutes unauthorized use. Unauthorized users are liable for damages to the United States, and are subject to prosecution for such unlawful acts.

4.1.3. 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.

4.1.4. Threatened, Endangered or Candidate Animal Species

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 low density tortoise habitat. Desert tortoises have been observed within proximity to the parcel.

4.1.5. 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 low 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: beavertail (*Opuntia basilaris*) and Mojave yucca (*Yucca schidigera*).

4.1.6. Vegetation Excluding Federally Listed Species

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 primarily 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 Field Office, 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.

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Chapter 5. Environmental Effects

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5.1. Environmental Effects

This section provides a detailed analysis of the impacts the proposed action may have on our public lands. It analyzes and describes the direct effects and indirect effects of the proposed action and alternatives on the quality of the human environment and its resources.

5.1.1. Fish and Wildlife Excluding Federally Listed Species

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

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

5.1.2. Geology/Mineral Resources

The proposed action has potential to produce excess mineral materials. These mineral materials will need to be used within the sale parcel or stockpiled within the parcel for future use at this or another location. If mineral materials are to be stockpiled within the parcel for future use, they must be obtained in accordance with the regulations found at 43 CFR 3600 or under the Federal Aid to Highways Act in the form of a contract, free use permit or material site right-of-way before they can be removed from the parcel.

If a contract, free use permit or material site right-of-way is necessary for the export of excess mineral materials, the BLM will issue the required contract, free use permit or material site right-of-way so long as it falls within the analyzed area.

5.1.3. Migratory Birds

Migratory birds in the project area may be disturbed and/or displaced by 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.

5.1.4. Threatened, Endangered or Candidate Animal Species

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 960 acres of mostly disturbed habitat out of federal ownership.

5.1.5. 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 960 acres of public land to Clark County for an Off-Highway Vehicle Recreation Park. This conveyance includes cactus and yucca that are regulated under the forestry program. 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 Clark County, a salvage sale will not occur. The proponent would be encouraged to salvage the cactus and yucca present and incorporate them into the landscaping of any future development projects. Additionally, BLM may be to assist in salvage and use of plants on BLM lands.

5.1.6. Vegetation Excluding Federally Listed Species

The proposed action would directly affect approximately 960 acres of creosote bursage scrub vegetation. Of the impact 960 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 area; however, it is a limited and finite resource. When combined with other reasonably foreseeable actions in the future; and impacts from fire, non-native, and native annual grasses, 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 area.

Chapter 6. Cumulative Impacts

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This section describes the cumulative effects on the environment which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. The analysis considers reasonably foreseeable future actions that would or could affect the environment and its resources, should implementation of the proposed action occur.

6.1. Proposed Action: Public Law 113–291, sec. 3092 (j)

In General — As soon as practicable after the date of enactment of this section, the Secretary shall convey to the County, subject to valid existing rights and subparagraph (B), without consideration, all right, title, and interest of the United States in and to the Clark County approximately 960 acres of public land for an Off-Highway Vehicle Recreation Park. The parcels of land conveyed may be used by the County for public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et. seq.).

The general purpose of the Public Law is for the establishment of a centralized off-road vehicle recreation park; to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area; to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles; to enhance public safety and safe off-highway vehicle recreation use in the Nellis Dunes Recreation Area; to ensure compatible development with the mission requirements of the Nellis Air Force Base; and to avoid and mitigate known public health risks associated with off-highway vehicle use in the recreation area.

6.1.1. Cumulative Impacts in the General Area of the Proposed Action

Impacts to Natural Resources

The parcel is located northeast of the Las Vegas valley, east of Interstate 15, and east of North Las Vegas Blvd. in an area known as the Apex. The land parcel consists mostly of sand dunes mixed with light desert scrub bushes with gently sloping hills and low valley wash areas. As mentioned earlier, 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 within the sand dune area. Temporary impacts to vegetation in this category can take decades to centuries to recover depending on the impact. The proposed action would also directly affect creosote bursage scrub vegetation in the area. The construction of new facilities, and increased OHV use would result in trampling and drive and crush to the creosote bursage scrub vegetation. The proposal for an OHV off-highway vehicle recreation area which could include increased OHV use, and possibly the construction of restrooms, parking lots, roads, and other recreation facilities would lead to a decline in the existing annual grasses and shrubs in the area. As mentioned earlier, impacts to vegetation in this area can take decades to centuries to recover. 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 to recover. However, since the area is already an OHV off-highway vehicle recreation area, and has been used by the local public for recreational activities for at least the last 20 to 30 years; already a decline in these annual grasses and plant species has occurred. Many of the existing plants have already been destroyed and damaged by OHV recreational use. How much more damage would

occur to the plants with the establishment of an OHV recreational park would depend on the amount of increase in visitor use and the establishment of recreational facilities in the area.

As mentioned earlier, 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.

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. Therefore, it is the eventual development of the land and the OHV use that would cause physical impacts to the desert tortoise both directly and indirectly in the sale parcel area. Potential impacts to tortoise from the proposed action would be the loss of 960 acres of mostly disturbed habitat. Due to the disturbance, known tortoises onsite would need to be relocated to adjacent lands.

The increased OHV off-highway vehicle use and possible construction of facilities in the area would directly impact the existing cactus and yucca plants. The proponent would be encouraged to salvage the cactus and yucca present and incorporate them into the landscaping of any future development projects. Additionally, BLM may be able to assist in the salvage and use of plants on BLM lands. This would greatly reduce the impacts to the existing cactus and yucca and preserve them for future generations to enjoy.

Rights-of-Way (ROW)

The parcel area contains no rights-of-way actions. At present, the North Las Vegas Blvd. runs north to south, just west of the parcel area. Rights-of-way grants for a fiber optic regenerator site, fiber optic lines, power lines, and underground natural gas pipelines, run along the southeast side of the North Las Vegas Blvd., and which is located west of the parcel area, but does not touch the parcel. Should future development occur on the site, such as the construction of a restroom facility, or lighting; new rights-of-way could be developed within the parcel area. The implementation of rights-of-way in the future in the parcel area will depend on the type of developments and activities that are planned for the park area.

Visual Changes

At present, the parcel to be conveyed consists of a layer of sand dunes, with sparse plants and shrubs, which is already largely disturbed by local recreationists, and OHV off-highway vehicle use. Jeeps, SUVs, trucks, 4 wheelers, ATVs as well as other types of vehicles utilize the area on a continuous basis. The parcel is littered with small pieces of trash, and damaged plants mixed in with sand from the dunes. The transfer of jurisdiction and management of the parcel to a Clark County park will hopefully benefit the area. The Public Law mentions the park area be used for races, competitive events, training and other commercial services. The Public Law mentions for the County and Nellis AFB to enter into an interlocal agreement to enhance the off-highway recreational use area. If the plan for the area consists of hiring park personnel to keep the area clean and clear of debris, and if they construct parking lots, road entrances/exits, restroom facilities, and/or other recreational facilities for races and competitive events; this may

possibly enhance the beauty of the area, and be a positive visual change. Or possibly, if the area is left undeveloped in the future, but has an increase in the OHV off-highway vehicle use and recreationists, the parcel area could become visually impaired with more trash, more crushed plants and shrubs, debris, messy tire tracks, and increased disturbance to the dunes. The public law's intent is to enhance safe off-highway recreation use, to enhance public safety, and to avoid and mitigate known public health risks for the area. The future visual changes to the area as a result of the proposed conveyance action would depend on the amount of new construction and what type of developments and activities are planned for the parcel area. The visual changes will be determined by the proposed planned developments for the park area, the amount of increased recreational activities which would take place, and the type of upkeep and maintenance which would occur on the parcel area over a span of time.

Positive Impacts

The conveyance of the parcel over to Clark County may hopefully be a positive change for the area. As mentioned above, the parcel of land consists of a layer of sand dunes, with sparse plants and shrubs, and damaged plants mixed in with the sand dunes. Should the plan for the area consist of keeping the area clean and clear of debris, and possibly include construction of recreation facilities such as road entrances, parking lots, restroom facilities, race areas, public stands, or other recreational plans or opportunities; the implementation of these items could possibly enhance the beauty of the area, and be a positive visual change. Providing recreational opportunities for races, and competitive events, off-highway recreational use and enhancing the aesthetic beauty with safety and maintenance measures seems to be the purpose and intent of the Public Law. If more types of opportunities are provided for recreation and off-highway use, and if plans are in place for general maintenance and upkeep of the park; this then would enhance the beauty of the park area, and be a positive influence which would be a beneficial impact not only to the park, but to the surrounding Nellis Dunes Recreational area as well.

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Chapter 7. Tribes, Individuals, Organizations, or Agencies Consulted

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Table 7.1. List of Persons, Agencies and Organizations Consulted

Name	Purpose & Authorities for Consultation or Coordination	Findings & Conclusions
Clark County	Conveyance applicant.	Applied for this public law.
Fish and Wildlife Service	Biological Opinion for the Desert Tortoise	Append Biological Opinion.
Local Senators/Congressmen Representatives	Notification	Notification
Indian Tribes in the Southern Nevada area	Consultation	Consultation

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Chapter 8. List of Preparers

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Table 8.1. 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
Steve Leslie	Wilderness Planner	BLM Natural Areas, Wilderness, WSAs
Aleta Nafus	Weed Specialist	Invasive Species, Noxious Weeds
Lisa Christianson	Environmental Protection Specialist & Hazmat	Air Quality, Greenhouse Gas Emissions, Hazardous Waste
Ashley Holcomb	Biologist	Rangeland Health, Woodland Forestry, Vegetation Excluding Listed Species, Livestock Grazing
Nicolle Gaddis	Environmental Specialist	Socio-Economics/Environmental Justice
Krystal Johnson	Wild Horse and Burro Specialist	Farmlands (Prime or Unique), Wild Horse and Burro
Melanie Cota	Wildlife Biologist	ACEC, Fish & Wildlife, Migratory Birds, Threatened, Endangered or Candidate (Animal Species)
Sean McElderly	Fire Management Specialist	Fire Management Specialist Species
Mark Slaughter	Supervisory Wildlife Biologist	T&E Plant Species
Boris Poff	Hydrologist	Floodplains, Hydrologic Conditions, Soils, Water Resources/Quality (Drinking/Surface/Ground), Wetlands/Riparian Zones,
James Wilkinson	Geologist	Geology/Mineral Resources/Energy Production