



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Southern Nevada District
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

<http://www.blm.gov/nv/st/en/fo/lvfo.1.html>

In Reply Refer to:

N-88117

2912 (NVS0056)

DEC 27 2010

Dear Interested Party:

Enclosed for your review and comment is the Bureau of Land Management (BLM), Las Vegas Field Office, Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) for Clark County School District's application for a Recreation and Public Purpose Lease (R&PP) on public lands. The R&PP lease is for a bus transportation facility which will provide public school transportation needs for the northwest Las Vegas Valley.

The EA and draft FONSI can be accessed on the BLM ePlanning NEPA Register website: http://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.

Interested parties may submit comments to the above address. Comments concerning the EA and draft FONSI for the Clark County School District's R&PP lease for a northwest bus transportation facility will be accepted through February 10, 2011. Please submit your comments to Ms. Dorothy Jean Dickey, Realty Specialist, at the address shown above.

Please be aware, that your entire comment - including your personal identifying information - may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Any adverse comments will be reviewed by the BLM Nevada State Director. In the absence of any adverse comments, the decision will become effective on February 25, 2011. The lands will not be available for lease and/or subsequent conveyance until after the decision is signed. For more information regarding this action, please contact Ms. Dickey at (702) 515-5119.

Sincerely,

Vanessa L. Hice
Assistant Field Manager
Division of Lands

Enclosures

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

**Environmental Assessment
DOI-BLM-NV-S010-2010-0057-EA
October 2010**

R&PP Lease/Patent of N-88117 for a Northwest Transportation Facility

APPLICANT

Clark County School District

GENERAL LOCATION

The proposed action is located north of Washburn Road between the 215 Beltway and Puli Drive, in the northwest portion of the Las Vegas Valley.

BLM CASE FILE SERIAL NUMBER(S)

N-88117

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Las Vegas Field Office
Phone: (702) 515-5089
Fax: (702) 515-5010



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1.1. Identifying Information:

DOI-BLM-NV-S010-2010-0057-EA

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

Title: Recreation & Public Purposes Act (R&PP) Lease/Patent for a Northwest Transportation Facility.

EA Number: DOI-BLM-NV-S010-2010-0057-EA

Recreation and Public Purpose Lease/Patent for Clark County School District for a Northwest Transportation Facility

1.1.2. Location of Proposed Action:

The site is located on approximately 40 acres of land located north of Washburn Road, between the 1-215 Beltway and Puli Drive.

Mount Diablo Meridian, Nevada,

T. 19S. R. 59E., sec. 36, SE1/4NW1/4

1.1.3. Name and Location of Preparing Office:

Department of the Interior Bureau of Land Management Las Vegas Field Office 4701 N. Torrey Pines Las Vegas, Nevada 89130

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

Case file number N-88117.

1.1.5. Applicant Name:

Clark County School District

1.1.6. Existing NEPA Documentation:

The following documents are tiered to as appropriate for indirect site specific and cumulative analysis:

Las Vegas RMP Environmental Impact Statement, ROD signed October 5, 1998.

Las Vegas Valley Disposal Boundary EIS, ROD signed December 23, 2004, available at www.nv.blm.gov/lvdiseis.

1.2. Purpose and Need for Action:

The expansion of development in the Las Vegas Valley over the past 10 years has necessitated the need for buses to travel greater distances between their maintenance/storage sites and the schools they transport children to and from. Currently, there are 43 schools in the northwest portion of the Las Vegas Valley which are in need of closer transportation facilities to support the continued operation of Clark County School District (CCSD) buses and vehicles. The proposed transportation facility would correct this situation and it is estimated that approximately \$3 million dollars in cost savings per year would be realized due to decreased maintenance (lower mileage), labor, and fuel costs.

1.3. Description of proposed project

The CCSD has applied with the Bureau of Land Management (BLM for a Recreation and Public Purposes Lease (R&PP) for approximately forty (40.0) acres to be used for a bus transportation facility on federally managed lands. The lands were identified based on results from on the ground inspections and by reviewing current BLM, and municipality land use records. Currently, the proposed site is bordered by undeveloped federal land to the west and north, Interstate-215 beltway to the east, and a sand and gravel operation to the south.

Additional facilities/components, which have been identified to support the proposed transportation site, include roadways for access, utilities, and minerals management.

Transportation Facility

The proposed transportation facility would house and maintain CCSD school buses/transportation vehicles. The majority of the site will be paved and provide for parking of up to five hundred (500) buses/vehicles. The site will consist of an approximately 41,000 square foot building for bus/vehicle maintenance, on-site administration offices, and a fuel storage/re-fueling area. Along the perimeter of the site, a combination of walls and fencing will be used in conjunction with vegetation to provide a visual buffer and security barrier. Due to the presence of existing homes on the other side of the 215 beltway, and private lands to the north and east of the proposed site, particular attention will be paid to provide adequate screening of the site. CCSD proposes to utilize landscaping buffers in conjunction with tiered walls to help minimize the view of the proposed facility. The remaining south and west sides of the site will utilize landscaping in conjunction with fencing to provide screening and security for the site. Prior to construction, soil testing/boring will be necessary to assess soil stability and compaction rates and how they may affect the facilities to be constructed on the site.

It is anticipated that prior to importation and storage of any hazardous materials, the site will be patented out of Federal ownership. Therefore, upon completion of the R&PP process, CCSD may elect to apply directly for patent of the site.

Roadways

The City of Las Vegas has identified several segments of planned rights-of-ways to be utilized as access to and around the proposed R&PP lease site. These rights-of-way segments include portions of Cliff Shadows Parkway (aka Schaumber), Hammer Lane, Alpine Ridge Street, and

Washburn Road, generally located south of Ann Road and west of Interstate-215. These roadway segments will vary from sixty (60) to one-hundred and eighty (180) feet in width in order to accommodate anticipated traffic flows and allow for the installation of necessary traffic control and storm water protection/diversion measures. Initially, Cliff Shadows Parkway (aka Schaumber) will connect with the current Ann Road alignment. Future plans anticipate this alignment will connect with the Ann Road and 215 Beltway interchange once completed. These right-of-way segments encompass approximately 9.2 acres of additional federal land located outside the perimeter of the proposed 40 acre transportation facility.

Utilities

It is anticipated that all dry/wet utilities required to support development of the R&PP lease site and adjacent lands will be located within existing or planned right-of-way alignments. Once on site, the installation of all utilities necessary for the operation of the proposed project, and their maintenance, within the leased boundaries will be authorized by the terms of the lease/patent.

Minerals

Due to the slope of the existing topography in the area, it is anticipated that cut and fill activities will be required within and adjacent to the proposed transportation facility site, as well as for the supporting right-of-way segments. While it is not anticipated any excess material will be generated from development of the project, there will be approximately 45,000 cubic yards of excess material generated from installation of the right-of-way's. It is anticipated that excess mineral material could be used within the forty acre R&PP lease/patent area for fill.

1.4. Scoping, Public Involvement, and Issues:

The CCSD conducted several public meetings with various public interest groups, stakeholders and the City of Las Vegas. These meetings were held in the fall 2009 and early 2010. CCSD received final approval for the transportation facility from the City of Las Vegas Planning Commission on July 29, 2010.

This proposal has been reviewed by BLM resource team members. Their comments and evaluations are included in this Environmental Assessment (EA).

A summary of this EA is available for review by the public on the internet under NEPA number: DOI-BLM-NV-S010-2010-0057-EA.

A notice of realty action (NORA) indicating the availability of public lands for the projected use shall be published and sent to parties of interest, including adjoining land owners and current and past users (43 CFR 2920.4(a)). The NORA shall be published in the Federal Register, and in the newspaper for public comment and review.

Chapter 2. Proposed Action and Alternatives

2.1. Description of the Proposed Action:

The CCSD applied for a Recreation and Public Purposes Lease (R&PP) for approximately forty (40.0) acres to be used for a bus transportation facility on federally managed lands. The lands were identified based on results from on the ground inspections and by reviewing current BLM, and municipality land use records. Currently, the proposed site is bordered by undeveloped federal land to the west and north, Interstate-215 beltway to the east, and a sand and gravel operation to the south.

Additional facilities/components, which have been identified to support the proposed transportation site, include roadways for access, utilities, and minerals management.

Transportation Facility

The proposed transportation facility would house and maintain CCSD school buses/transportation vehicles. The majority of the site will be paved and provide for parking of up to five hundred (500) buses/vehicles. The site will consist of an approximately 41,000 square foot building for bus/vehicle maintenance, on-site administration offices, and a fuel storage/re-fueling area. Along the perimeter of the site, a combination of walls and fencing will be used in conjunction with vegetation to provide a visual buffer and security barrier. Due to the presence of existing homes on the other side of the 215 beltway, and private lands to the north and east of the proposed site, particular attention will be paid to provide adequate screening of the site. CCSD proposes to utilize landscaping buffers in conjunction with tiered walls to help minimize the view of the proposed facility. The remaining south and west sides of the site will utilize landscaping in conjunction with fencing to provide screening and security for the site. Prior construction, soil testing/boring will be necessary to assess soil stability and compaction rates and how they may affect the facilities to be constructed on the site.

It is anticipated that prior to importation and storage of any hazardous materials, the site will be patented out of Federal ownership. Therefore, upon completion of the R&PP process, CCSD may elect to apply directly for patent of the site.

Roadways

The City of Las Vegas has identified several segments of planned rights-of-ways to be utilized as access to and around the proposed R&PP lease site. These rights-of-way segments include portions of Cliff Shadows Parkway (aka Schaumber), Hammer Lane, Alpine Ridge Street, and Washburn Road, generally located south of Ann Road and west of Interstate-215. These roadway segments will vary from sixty (60) to one-hundred and eighty (180) feet in width in order to accommodate anticipated traffic flows and allow for the installation of necessary traffic control and storm water protection/diversion measures. Initially, Cliff Shadows Parkway (aka Schaumber) will connect with the current Ann Road alignment. Future plans anticipate this alignment will connect with the Ann Road and 215 Beltway interchange once completed. These right-of-way segments encompass approximately 9.2 acres of additional federal land located outside the perimeter of the proposed 40 acre transportation facility.

Utilities

It is anticipated that all dry/wet utilities required to support development of the R&PP lease site and adjacent lands will be located within existing or planned right-of-way alignments. Once on

site, the installation of all utilities necessary for the operation of the proposed project, and their maintenance, within the leased boundaries will be authorized by the terms of the lease/patent.

Minerals

Due to the slope of the existing topography in the area, it is anticipated that cut and fill activities will be required within and adjacent to the proposed transportation facility site, as well as for the supporting right-of-way segments. While it is not anticipated any excess material will be generated from development of the project, there will be approximately 45,000 cubic yards of excess material generated from installation of the right-of-way's. It is anticipated that excess mineral material could be used within the forty acre R&PP lease/patent area for fill.

2.2. Description of Alternatives Analyzed in Detail:

Only one alternative, the No Action, has been identified for this project.

2.2.1 No Action Alternative

The No Action alternative would result in the BLM not completing the R&PP process and thereby preclude the installation of the proposed transportation facility and right-of-way improvements at this time. The potential cost savings for taxpayers and the loss of revenue for the district to be directed towards education would not be realized and continued inefficiencies will continue to hamper and erode the level of service for the forty-three (43) schools in the northwest portion of the Las Vegas Valley this transportation facility will serve.

2.3. Conformance

The proposed action is in conformance with the NV - Las Vegas RMP approved on October 12, 1998.

Specifically, objective LD-1 which states that, "Approximately 175,314 acres of public lands within the disposal areas identified on Map 2-3 are potentially available for disposal through sale, exchange or Recreation and Public Purpose patent to provide for the orderly expansion and development of southern Nevada."

Chapter 3. Affected Environment:

| Supplemental Authority | Not Present | Present/Not Affected | Present/May be Affected | Rational |
|---|-------------|----------------------|-------------------------|--|
| Air Quality | | X | | Ensure dust control permits are obtained during all construction activities of .25 acres or more and all 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 ACEC or any critical desert tortoise habitat. |
| Cultural/ Historical | X | | | To comply with Section 106 of the National Historic Preservation Act (NHPA), the BLM Archaeologist conducted an existing data review of the area of potential effect (APE) according to 36 CFR 800.4. The APE was previously evaluated in support of the Valley Disposal Boundary Environmental Impact Statement (EIS). Results are detailed in BLM Cultural Resource Report 5-2467. There are no historic properties within the APE; no further evaluation is required unless the scope of the undertaking changes. |
| Cultural/Historical (Cont'd) | | | | As proposed, the undertaking will have no effect to historic properties. |
| Paleontological Resources | X | | | No fossil-bearing geological strata will be adversely affected by the undertaking as proposed |
| Environmental Justice | X | | | No minority or low-income communities in the project area. |
| Farmlands Prime or Unique | X | | | There are no prime or unique farmland designations in the district. |

| Supplemental Authority | Not Present | Present/Not Affected | Present/May be Affected | Rational |
|--|-------------|----------------------|-------------------------|--|
| Noxious Weeds/Invasive Non-native Species | | X | | A weed plan to address the control and treatment of weeds will be sufficient to mitigate weed risks. |
| Native American Religious Concerns | X | | | An ethnographic assessment was conducted in support of the Valley Disposal Boundary EIS by the Chambers Group. The Nevada State Historic Preservation Office (SHPO) concurred on the adequacy of the report and consultation efforts. No Native American concerns were identified for this portion of the Las Vegas Valley; no further analysis is required. |
| Floodplains | X | | | Not Present. |
| Riparian/ Wetlands | X | | | Not Present. |
| Threatened, Endangered or Candidate Plant Species | X | | | Not Present. |
| Threatened, Endangered or Candidate Animal Species | | | X | Consultation for this project is covered under the Append to the Las Vegas Valley Biological Opinion (File No. 84320-2010-F-0488 and 1-5-96-F-23R.3.AFD23). Additional impacts to desert tortoise, minimization measures to reduce potential impacts to desert tortoise, and terms and conditions are included in the Append to the Las Vegas Valley Biological Opinion. A copy of the Biological Opinion is attached at the end of this document. |

| Supplemental Authority | Not Present | Present/Not Affected | Present/May be Affected | Rational |
|-------------------------|-------------|----------------------|-------------------------|--|
| Migratory Birds | | | X | Impacts addressed in EA. |
| Waste - Hazardous/Solid | | | X | Impacts addressed in EA. |
| Water Quality | | | X | May need a section 401 permit from NDER |
| Wild & Scenic Rivers | X | | | Not Present. |
| Wilderness (Study Area) | X | | | The proposed action is not located within or adjacent to any designated Wilderness or WSA's. |
| Woodlands/Forestry | | | X | Cactus and yucca present in the area. Addressed in EA |
| Human Health and Safety | | | X | Need to follow safety precautions during construction of ROW. |

Other resources of the human environment that have been considered for this environmental assessment (EA) are listed in the table below. Rationale for those elements that would not be affected by the proposed action and alternative are presented in this table. Elements that may be affected are further addressed in the EA.

| Supplemental Authority | Not Present | Present/Not Affected | Present/May be Affected | Rational |
|--|-------------|----------------------|-------------------------|---|
| Grazing Management | | X | | Site is not located in an authorized grazing allotment. |
| Green House Gas Emissions (Climate Change) | | X | | Currently there are no emission limits for potential Greenhouse Gas (GHG) emissions, and no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses. |

| Supplemental Authority | Not Present | Present/ Not Affected | Present/ May be Affected | Rational |
|----------------------------|-------------|-----------------------|--------------------------|--|
| Minerals | | | X | This project will produce approximately 45,000 cubic yards of mineral materials. Any mineral materials produced within either the ROW(s) or R&PP site must be used or stockpiled within the ROW(s) or R&PP site from which it was generated. Any mineral material which is stockpiled within the ROW(s) or R&PP site must be disposed of by the BLM in accordance with the regulations found at 43 CFR 3600 or may be available under a free use permit. No stockpiled or excess mineral material may be removed from the ROW(s) or R&PP site without an authorized contract or free use permit. |
| Lands/Access | | X | | No problems exist as long as ROW holders adjacent, near, and subject to the proposed project are notified, and proper R&PP regulations are followed, NORA completed, and public comments taken care of per regulations. Area lies in an old community pit. Ensure the area is approved by geologists and proper procedures followed. |
| BLM Natural Areas | | X | | Not a natural area per the Las Vegas Resource Management Plan. |
| Rangeland Health Standards | | X | | There is the potential for impacts to rangeland health. Actions should be taken to reduce potential erosion and runoff from site. |
| Socio-Economic values | | X | | This project will not adversely nor beneficially impact social or economic values. |

| Supplemental Authority | Not Present | Present/ Not Affected | Present/ May be Affected | Rational |
|--|-------------|-----------------------|--------------------------|--|
| Soils/Hydrology | | | X | May need a section 404 Permit from Army Corp. The proponent(s) should utilize Best Management Practices (BMP's) to minimize erosion. |
| Vegetation Excluding Federally Listed Species | X | | | BLM special status plants are not present within the proposed project site. A rare plant survey of the area was completed in 2006 by PBS&J for BLM as part of the Lone Mountain Community Pit project. The survey results for the community pit project indicate no BLM special status plants are present within the CCSD facility project area. |
| Visual Resources | | X | | The proposed action is located in Visual Resource Management Class III, which allows for moderate levels of change to the existing landscape. Due to the amount of development in the surrounding landscape, the proposed action is not expected to dominate the view of the casual observer. No Issues. |
| Recreation | X | | | Not Present. |
| Fuels/Fire Management | X | | | Not Present. |
| Fish and Wildlife Excluding Federally Listed Species | | | X | Several species of wildlife and one BLM sensitive species may be present within or adjacent to the proposed project area and are addressed in the EA. |
| Wild Horse and Burros | X | | | The site is not located in an active herd management area. |
| Areas with Wilderness Characteristics | X | | | The proposed action is located within an area which has not been inventoried and has not been identified otherwise as a potential area with wilderness characteristics. |

3.1 Threatened, Endangered 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 T&E species known to occur in the vicinity of the project area is the threatened desert
CCSD Northwest Transportation Facility
R&PP Lease/Patent N-88117
Chapter 3

tortoise (*Gopherus agassizii*). In the Mojave region, the desert tortoise occurs primarily on flats and bajadas with soils ranging from sand to sandy-gravel characterized by scattered shrubs and abundant inter-shrub space for herbaceous plant growth. They are also found on rocky terrain and slopes. This project lies within the Las Vegas Valley programmatic area and falls within or adjacent to low density tortoise habitat. Desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates there are tortoise burrows located within a half mile of the proposed project site.

3.2 Migratory Birds

Under the Migratory Bird Treaty Act of 1918 (MBTA) and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. A list of the protected bird species can be 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 the BLM sensitive species the western burrowing owl (*Athene cunicularia*). Typically, the breeding season is when these species are most sensitive to disturbance, which generally occurs from March 15 through July 30.

3.3 Wildlife

The proposed project area supports wildlife characteristic of the Mojave Desert. Biological diversity varies according to topography, plant community, and proximity to water, soil type, and season.

Several common species of reptiles that may be present in the vicinity of the proposed project site may include the western whip-tail (*Cnemidophorus tigris*), desert iguana (*Dipsosaurus dorsalis*), side-blotched lizard (*Uta stansburiana*), zebra-tail lizard (*Callisaurus draconoides*), desert tortoise (*Gopherus agassizii*), western shovel-nosed snake (*Chionactis occipitalis*) and garter snake (*Thamnophis sp.*).

Common bird species that may be present in the vicinity of the proposed project site may include the rock wren (*Salpinctes obsoletus*), black-throated sparrow (*Amphispiza quinquestrata*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), phainopepla (*Phainopepla nitens*), red-tailed hawk (*Buteo jamaicensis*), and western burrowing owl (*Athene cunicularia hypugea*). Common mammal species include the black-tailed hare (*Lepus californicus*), the desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), badger (*Taxidea taxus*), kit fox (*Vulpes macrotis*) and many species of rodents.

3.3.1 BLM Sensitive Wildlife Species

According to the definition of a BLM sensitive species (see definition page 9-5 of the Disposal EIS) discussed in the Disposal EIS (pp. 3-26, 3-30 to 3-32), the following sensitive species are known to potentially occur within the parcel: western burrowing owl. The Western burrowing owl is a diurnal bird of prey specialized for grassland and shrubsteppe habitats in western North America. The owls are widely distributed throughout the Americas and can be found from central Alberta, Canada to Tierra del Fuego in South America. Burrowing owl habitat typically consists of open, dry, treeless areas on plains, prairies, and desert floors. Burrowing owls most frequently use mammal burrows created by other animals such as prairie dogs (*Cynomys spp.*), 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.

3.4 Vegetation/Woodland/Forestry

The proposed project is in an area that contains high density of cactus and yucca. High numbers of cactus and yucca are present within the proposed project area.

3.5 Air Quality:

The United States Environmental Protection Agency (USEPA) changed the standard for ozone from .084 ppb to .075 ppb, in March of 2008. This new standard will require implementation of Volatile Organic Compound (VOC) reduction strategies. There are a number VOC reduction strategies, including but not limited to reformulated fuel, vapor recovery, double walled under-ground storage tanks, increase mass transit and car pooling. It is not known at this time which of these reduction strategies would be implemented by Clark County Department of Air Quality and Environmental Management (CCDAQEM) as part of the State Implementation Plan (SIP) to show attainment for the ozone standard. BLM will work closely with Clark County to ensure BLM authorizations are included as part of the SIP for the affected area. It is anticipated that the USEPA will issue new non-attainment designations in 2010, so Clark County does not have any SIP or plan requirements under the revised NAAQS at this time.

3.6 Hazardous Materials

The public land recommended for transfer out of Federal ownership via the Recreation and Public Purposes Act in subject casefile has been physically inspected and existing records have been examined in accordance with Section 120(h) of SARA. No evidence was found to indicate that any hazardous substance was stored on the subject parcel for one year or more, or disposed of, or released on the property.

3.7 Minerals:

The proposed project is located within a community pit (N-43006) and is identified as having a high potential for saleable minerals (see map 3-13 of the RMP EIS).

3.8 Soils, Hydrology, and Water Quality:

The proposed project area is located in an area identified as having shallow soils with very shallow gravely coarse textured to moderately deep rocky-gravelly coarse textured (see map 3-1 of the RMP EIS). Surface water on the proposed project area follows several small shallow ephemeral washes in a southwest to northeast direction.

3.9 Human Health and Safety:

There are no known hazards to human health and safety on the lands within the proposed project

area, other than those which might be encountered by any casual user in the natural environment. Adjacent private and public uses are subject to the applicable federal, state, and local regulations as they pertain to human health and safety standards.

Chapter 4. Environmental Effects:

4.1 Threatened, Endangered Species

This project will disturb a total of 48.03 acres of tortoise habitat and is adjacent to undisturbed, contiguous habitat wherein potential corridors for tortoise entry exist. Since tortoise sign has been found in the vicinity and undisturbed habitat exists in the area, there is potential for tortoises to wander into the project area. If not noticed and avoided during construction, desert tortoises could be either injured or killed (by crushing) or harassed (by being moved out of harm's way).

The proposed action required formal consultation with the Fish and Wildlife Service (USFWS) and was appended to the Las Vegas Valley Programmatic biological opinion (File No. 1-5-96-F-23R3.APD23). The project proponent(s) will be required to follow/enact all of the Terms and Conditions identified in the appended biological opinion for the proposed action (see Appendix B).

4.2 Migratory Birds

Migratory birds, including the BLM sensitive species the western burrowing owl (*Athene cunicularia*), may be present on the project site. The proponent(s) will be required to adhere to the following mitigation measures:

- 1) To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th.
- 2) If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

4.3 Wildlife

Wildlife species in the general area include small mammals, rodents, birds and reptiles. These species would be displaced as lands are disturbed within the project area. The primary direct impact of the proposed action on wildlife would be killing or maiming of ground dwelling animals during construction and the loss of habitat. Additional impacts associated with the mortality from vehicular traffic may also be realized upon the completion of construction and subsequent use of the project area. Wildlife species in the general area are common and widely distributed throughout the area and the loss of some individuals and/or their habitat would have a negligible impact on populations of the species throughout the region.

4.3.1 BLM Sensitive Wildlife Species

The direct impacts of the proposed action on western burrowing owl would be loss of nesting habitat and forage, mortality and harassment of individual animals, and decrease in habitat value of adjacent remaining "wildland" areas due to increased human activity in the area. This species is protected by the Migratory Bird Treaty Act and the proponent will be required to

adhere to above mentioned mitigation measures.

4.4 BLM Sensitive Plant Species

High density of cactus and yucca are present within the 49.2 acre project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. The project proponent will need to work with the BLM botanist to salvage or hold a salvage sale within the proposed lease.

4.5 Air Quality (Ozone)

The Environmental Protection Agency (EPA) changed the standard for ozone from .084 ppb to .075 ppb, in March of 2008. This new standard will require implementation of Volatile Organic Compound (VOC) reduction strategies. There are a number VOC reduction strategies including but not limited to reformulated fuel, vapor recovery, double walled under-ground storage tanks, increase mass transit and car pooling. It is not know at this time which of these reduction strategies would be implemented by Clark county Department of Air Quality and Environmental Management (CCDAQEM) as part of the State Implementation Plan (SIP) to show attainment for the new ozone standard. BLM will work closely with Clark County to ensure BLM authorizations are included as part of the SIP for the affected area. Clark County is not required to submit a completed SIP to the EPA for signature until sometime in 2012.

All Construction projects equal to or larger than .25 acres requires a dust control permit obtained through the Clark County Department of Air Quality and Environmental Management (DAQEM). All dust control permit conditions and stipulations must be in compliance for the duration of the project(s).

4.6 Hazardous Materials

The proposed action includes the installation and use of a fuel storage/re-fueling site and repair facilities for CCSD buses/vehicles. It is anticipated that these facilities will necessitate the storage of hazardous materials, substance, or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 6901,et,seq.

Prior to any hazardous materials being stored onsite, lands must be transferred out of Federal ownership.

4.7 Minerals

This proposed project will produce approximately 45,000 cubic yards of mineral materials. Any mineral materials produced within either the ROW(s) or R&PP site must be used or stockpiled within the ROW(s) or R&PP site from which it was generated. Any mineral material which is stockpiled within the ROW or R&PP site must be disposed of by the BLM in accordance with the regulations found at 43 CFR 3600 or may be available under a free use permit. No stockpiled or excess mineral material may be removed from the ROW(s) or R&PP site without an authorized contract or free use permit.

4.8 Soils, Hydrology, and Water Quality:

The proposed action would result in the disturbance of soil on approximately 49.2 acres of land in the Las Vegas Valley. The majority of this area would be covered by asphalt, and structures associated with the CCSD transportation facility and roadways. Surface water flows would be directed through, under, or around the proposed improvements as necessary. Project proponent(s) will be subject to all applicable federal, state, and local rules and regulations.

4.9 Human Health and Safety:

During construction, the use of heavy equipment, vehicles, and mechanical tools will likely contribute to the potential for injuries. The project proponent(s) will be subject to all applicable federal, state, and local rules and regulations during all construction related activities.

Chapter 5, Tribes, Individuals, Organizations, or Agencies Consulted:

Table 5.1. List of Persons, Agencies and Organizations Consulted

| Name | Purpose & Authorities for Consultation or Coordination | Findings & Conclusions |
|---|--|------------------------|
| Christina Price, Realty Specialist, Clark County School District | Applicant | |
| Linda Perri, Director, Clark County School District Real Property Management. | Applicant | |
| Bill Garrett, Ventajas LLC | Consultant | |
| Vernon Harkins, P.E., LR Nelson | Engineering | |
| City of Las Vegas | Municipality with jurisdiction | |
| Clark County | Ann Road and 215 Beltway Interchange | |

Chapter 6. List of Preparers:

Table 6.1. List of Preparers:

| Name | Title | Responsible for the Following Section(s) of this Document |
|-------------------|-------------------------------------|--|
| Christina Price | Volunteer Realty Specialist | Introduction, Purpose and Need, Scoping, Land/Access |
| Lisa Christianson | Environmental Protection Specialist | Air Quality and Greenhouse Gas Emissions. |
| Fred Edwards | Botanist | Botanist, Woodlands/Forestry (Cactus/Yucca), Threatened, Endangered or Candidate (Plant Species), and Vegetation Excluding Listed Species. |
| Mike Moran | Environmental Protection | HazMat Specialist |
| Susanne Rowe | Archaeologist | Cultural Resources, Native American Religious Concerns, and Paleontology, |
| Jayson Barangan | Natural Resource Specialist | Fish & Wildlife, Migratory Birds, and Threatened, Endangered or Candidate (Animal Species), |
| Marilyn Peterson | Recreation Specialist | Wild and Scenic Rivers, and Recreation |
| Sarah Peterson | Hydrologist | Floodplains, Hydrologic Conditions, Riparian/ Wetlands, Soils, Water Resources/Quality (Drinking/Surface/Ground), and Wetlands/Riparian Zones. |
| Jessica Stegmeier | Wildlife Biologist | Fish & Wildlife, Migratory Birds, and Threatened, Endangered or Candidate (Animal Species). |
| George Varhalmi | Geologist | Geology/Mineral and Resources/Energy Production. |
| Nora Caplette | Natural Resource Specialist | Invasive Species/ Noxious Weeds |
| Kirsten Cannon | Public Affairs Specialist | Public Affairs. |
| Lauren Brown | NRS Restoration Ecologist | Visual Resources. |
| Dorothy J. Dickey | Realty Specialist | Lands/Access, and BLM Natural Areas. |
| Sendi Kalcic | Wilderness Planner | Wilderness, WSAs, Areas with Wilderness Characteristics, and Visual. |
| Greg Marfil | | Fuels/Fire Management. |

| | | |
|-----------------|-----------|--|
| John Evans | | Environmental Justice, and Socio-Economic. |
| Krystal Johnson | | Farm Lands Prime and Unique, Livestock Grazing, Rangeland Health Standards, and Wild Horse and Burros. |
| Evan Allen | Geologist | Geology / Mineral Resources/Energy Production. |

Appendix A. - EXHIBIT A —STIPULATIONS

Stipulations

The following Stipulations shall be attached to R&PP Lease/Conveyance N-88117

2.0 Special Stipulations

2.1. The Holder shall, prior to construction activities, provide the Authorized Officer of the Bureau of Land Management (BLM) with proof of payment of required desert tortoise mitigation fees and a final site plan that has been approved by the City of Las Vegas. Prior to construction, upon receipt of proof of payment of desert tortoise mitigation fees and a final site plan approved by the City of Las Vegas, and following a decision on any additional environmental analysis that may need to be completed as a result of the revised site plan, a notice to proceed may be issued.

2.2. High density of cactus and yucca are present within the 40 acre project impact area. Cactus and yucca are considered government property and are regulated under the Nevada BLM forestry program. The project proponent will need to work with the BLM botanist to salvage or hold a salvage sale within the proposed lease.

3.0 General Stipulations

3.1. The lease is issued subject to all valid existing rights.

3.2. The lease shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.

3.3. Lessee shall mark the exterior boundaries of the lease with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Lessee. Lessee shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.

3.4. Lessee shall conduct all activities associated with construction, operation, maintenance and termination of this lease within its authorized limits.

3.5. Lessee shall maintain the lease in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.

3.6. Lessee shall, during construction of the facility, provide a prominent sign stating: This facility is being constructed on public land provided in support of the community by the Department of the Interior, Bureau of Land Management, Las Vegas Field Office. Logos can be provided.

3.7. Lessee shall, upon completion of construction of the facility, either immediately within or immediately adjacent to the main entrance, provide a prominent permanent plaque stating: This

facility is located on public land provided in support of the community by the Department of the Interior, Bureau of Land Management, Las Vegas Field Office. Logos can be provided.

3.8. Lessee shall maintain copy of the authorization along with stipulations on construction site at all times.

3.9. Mineral material generated, and not needed for the development of the proposed action within the lease site, requires a specific BLM use authorization in accordance with regulations at 43 CFR 3600 prior to the removal of any excess mineral material.

3.10. Within 90 days of construction completion, the Lessee shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the lease: Acceptable data formats are: Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11; ARCGIS export files on a CD ROM, shapefile, geodatabase. Data may be submitted in any of the following formats: ARCGIS interchange, shapefile or geodatabase format. CD ROM in compressed or uncompressed format. All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

4.0 Air Quality

4.1. The Lessee shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Lessee shall be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Lessee shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the lease. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Lessee will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Lessee. Prior to relinquishment, abandonment, or termination of this lease, the Lessee shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

4.2. All Construction projects equal to or larger than .25 acres requires a dust control permit obtained through the Clark County Department of Air Quality and Environmental Management (DAQEM). All dust control permit conditions and stipulations must be in compliance for the duration of the project(s).

4.3. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

5.0 Cultural

5.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Lessee, or any person working on his behalf on public or Federal lands shall be immediately

reported to the Authorized Officer. Lessee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Lessee will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Lessee. Lessee shall be responsible for the resultant mitigation costs.

6.0 Hazardous Material/Pesticides/Liability

6.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq., or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Lessee. The Lessee shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Lessee or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

6.2. The Lessee shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the lease potentially affecting the lease of which the Lessee is aware.

6.3. As required by law, Lessee shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the lease.

6.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Lessee shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Pesticides shall not be permanently stored on public lands authorized for use under this lease.

6.5. The Lessee shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Lessee agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Lessee's use or occupancy of the lease, regardless of whether the Lessee has actually developed or caused development to occur on the lease, from the time of the issuance of this lease to the Lessee, and during the term of this lease. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Lessee, its agents, contractors, or third parties. If the liability is caused by third parties, the Lessee will pursue legal remedies against such third parties as if the Lessee were the fee owner of the lease.

6.6. Notwithstanding any limits to the Lessee's ability to indemnify and hold harmless the United States which may exist under state law, the Lessee agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Lessee's use or occupancy of the lease regardless of whether the Lessee has actually developed or caused development to occur on the lease from the time of the issuance of this lease to the Lessee and during the term of this lease.

6.7. Prior to any hazardous materials being stored onsite, lands must be transferred out of Federal ownership.

7.0 Survey Monuments

7.1. Lessee shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the lessee shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The lessee shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the lessee shall be responsible for the survey cost.

8.0 Vegetation/Noxious Weeds/Land surface Treatment/Soil/Water/Riparian

8.1. BLM special status plants are not present within the proposed project site. A rare plant survey of the area was completed in 2006 by PBS for BLM as part of the Lone Mountain Community Pit project. The survey results for the community pit project indicate no BLM special status plants are present within the CCSD facility project area.

8.2. The Lessee shall be responsible for weed control on disturbed areas within the limits of the lease. A weed plan to address the control and treatment of weeds will be sufficient to mitigate weed risks. The Lessee is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the lease stipulations.

8.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.

8.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the lease. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.

8.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army

Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, lessee needs to follow Nevada Administrative Code (NAC) protocols for drilling.

9.0 Lease/Conveyance

9.1. The Lessee may request patent after development in accordance with the approved Plan of Development has been completed, or substantial development has occurred indicating that the project will be completed in its entirety. A minimum of ninety (90) days shall be required from the date a patent request is submitted to the Authorized Officer to allow notification of lessees of lands authorizations.

9.2. The Lease is issued subject to all valid existing rights. Patent to the Federal Lands within the lease area, if issued, shall be subject to all valid existing rights at the time of patent, including authorizations leased by the United States, under the terms and conditions in existence at the time of patent. Subject to limitations prescribed by law and regulation, prior to patent issuance, a Lessee of any lease within the Federal Lands may be given the opportunity to amend the lease for conversion to a new term, including perpetuity, if applicable, or to an easement.

10 Migratory Birds

10.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 15th - July 30th. If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

10.2. The direct impacts of the proposed action on western burrowing owl would be loss of nesting habitat and forage, mortality and harassment of individual animals, and decrease in habitat value of adjacent remaining "wildland" areas due to increased human activity in the area. This species is protected by the Migratory Bird Treaty Act and the proponent will be required to adhere to above mentioned mitigation measures.

Appendix B. — BIOLOGICAL OPINION



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nevada Fish and Wildlife Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
Ph: (702) 515-5230 ~ Fax: (702) 515-5231

October 7, 2010
File Nos. 84320-2010-F-0488 and
1-5-96-F-023R3.APD23

Memorandum

To: Assistant Field Manager, Division of Renewable Resources, Las Vegas Field Office, Bureau of Land Management, Las Vegas, Nevada

From: State Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada

Subject: Request to Append Recreation and Public Purpose Lease Application for a Bus Transportation Facility in the Las Vegas Valley, to the Programmatic Biological and Conference Opinion for Proposed Actions within the Las Vegas Valley, Clark County, Nevada

This responds to your memorandum dated September 20, 2010, requesting the subject action be appended to the Programmatic Biological and Conference Opinion (PBCO) for the Las Vegas Valley (File No. 1-5-96-F-023R3) issued on December 20, 2004. The PBCO addressed potential effects to the desert tortoise (*Gopherus agassizii*) (Mojave population), a species listed as threatened in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) and 50 CFR § 402 of our interagency regulations governing section 7 of the Act. A PBCO on the Las Vegas buckwheat (*Eriogonum corymbosum* var. *nilesii*) also was provided. While the Fish and Wildlife Service has not proposed the Las Vegas buckwheat as endangered or threatened under the Act, we did elevate the taxon to candidate status on December 6, 2007.

Our response to your request is attached. If we can be of any further assistance, please contact Brian A. Novosak in the Nevada Fish and Wildlife Office in Las Vegas at (702) 515-5230.

Robert D. Williams

Attachments



ATTACHMENT

APPENDED ACTION UNDER THE LAS VEGAS VALLEY PROGRAMMATIC BIOLOGICAL AND CONFERENCE OPINION (PBCO)

Date of Request: September 20, 2010 **File Nos. of Action:** 84320-2010-F-0460 and
1-5-96-F-023R3.APD23

Date Received: September 20, 2010

Date of Response: October 1, 2010

Species Affected: Desert tortoise (*Gopherus agassizii*) (Mojave population)

Proposed Action: Recreation and Public Purpose Lease (R&PP) Application for a Bus
Transportation Facility in the Las Vegas Valley, Nevada

INTRODUCTION

The Clark County School District has submitted an R&PP lease application for a bus transportation facility and access roads in the northwest part of Las Vegas south of Ann Road and west of Clark County 215. The total amount of land applied for is 49.2 acres, of which 48.03 acres are undisturbed.

Desert tortoise densities for the project site listed above is low (10 to 45 per square mile) based upon the tortoise surveys conducted in 2003-04. No known Las Vegas buckwheat (*Eriogonum corymbosum* var. *nilesii*) or its habitat occur within the project boundary; therefore, the Fish and Wildlife Service (Service) agrees with the Bureau of Land Management's (BLM) determination that no adverse effects to the species are anticipated to occur. The species will not be discussed further in this document.

CONSULTATION HISTORY

On April 11, 1996, the Service issued the 1996 biological opinion (File No. 1-5-96-F-023R) to BLM's Las Vegas District for implementation of portions of their Management Framework Plan, and proposed Las Vegas District Resource Management Plan pertaining to land sales, exchanges, leases, and rights-of-way (ROW) within the Las Vegas Valley.

On October 31, 2001, the Service issued the 2001 biological opinion (File No. 1-5-96-F-023R.2) to BLM which (1) extended the term of the PBCO that expired April 11, 2001, to an indefinite period of time, (2) incorporated the previous correction and amendments into this modified opinion, (3) eliminated the numeric cap, by project, on the number of acres that may be

disturbed, and (4) deleted the discretionary clause addressing possible non-waiver of fees for actions within the urbanized exclusionary zone identified in the 1996 biological opinion. The 2001 biological opinion is superseded by the subject biological opinion.

On December 20, 2004, the Service issued the 2004 biological opinion (File No. 1-5-96-F-023R.3) to BLM which continues implementing actions described in the 1996 and 2001 biological opinions, as amended, within the programmatic boundary. It also allows BLM to proceed without further consultation under this PBCO for activities that involve disturbance or disposal of 40 acres or less, unless BLM lands have been identified to contain or are adjacent to occupied Las Vegas buckwheat habitat. For actions that would involve disturbance or disposal of more than 40 acres, or have been identified to contain or are adjacent to occupied Las Vegas buckwheat habitat, BLM shall submit a request to append the action to the PBCO. Within 30 days, the Service will respond to BLM's request and append the action to this PBCO, as appropriate. Once the proposed action is appended, BLM may proceed with the action.

On September 20, 2010, BLM requested to append the action to the PBCO (File No. 1-5-96-F-023R.3) thereby initiating formal consultation for the project. The Service received the request on that same day and initiated formal consultation at that time. The proposed action is the 23rd appended action under the PBCO. The previously-appended actions in desert tortoise habitat are identified in Table 1.

SUMMARY OF PROPOSED ACTION

The Clark County School District has submitted an R&PP lease and ROW application for a bus transportation facility and access roads in the Las Vegas Valley. The need for an additional transportation facility to service students in the northwest has become critical. The site first would be leased and upon development, patents would be issued upon request. The site is located in the northwest part of the Las Vegas Valley south of Ann Road and west of the Clark County 215. The total amount of land applied for is 49.2 acres, of which 48.03 acres are undisturbed.

The bus transportation facility will house and maintain up to 500 school buses/transportation vehicles for the Clark County School District along with an on-site Administration Building. Busses/transportation vehicles actively will be entering and exiting the facility daily during the school year. Following construction, the facility will be fenced for security purposes. The type of fencing is not yet determined.

Recent discussions with the City of Las Vegas, Clark County, and the Clark County School District have identified the need for a public roadway, with drainage and sewer in the vicinity of the requested bus transportation facility. The requested roads will provide paved access to the requested bus transportation facility site as well as other current and planned development in the area.

A completed description of BLM's proposed action can be found in their September 20, 2010, request (BLM 2010) and is hereby incorporated by reference.

Proposed Minimization Measures

In their September 20, 2010, request to append the action to the PBCO, BLM proposed numerous measures from the PBCO to minimize potential effects to the desert tortoise as a result of the proposed action. These measures have been incorporated into the Incidental Take Statement of this appended biological opinion, as appropriate.

STATUS OF THE SPECIES/ENVIRONMENTAL BASELINE

The range-wide status of the desert tortoise consists of information on its listing history, species account, recovery plan, recovery units, distribution, reproduction, and population. This information is dated September 23, 2010, and provided on the Service's website at: http://www.fws.gov/nevada/desert_tortoise/dt_life.html. If unavailable on this web site, contact the Nevada Fish and Wildlife Office in Las Vegas at (702) 515-5230, and provide File No. 84320-2010-F-0488.

Status of the Species in the Action Area

Desert tortoise densities in the project area are considered low (10-45 desert tortoises per square mile). Surveys conducted in the fall and winter of 2003-2004 located 2 live tortoises, 7 carcasses, and 84 burrows on and within a mile of this area (BLM 2010). Surveys conducted in 2007 on 44.8 acres of the project area as part of a competitive sale of sand, gravel, and bedrock at the Lone Mountain Community Pit (File No. 84320-2009-0106 and 1-5-96-F-023R3.APD 18) located 2 live tortoises and 36 burrows (BLM 2010).

The parcel is surrounded by active mining within the Lone Mountain Community Pit to the south and east; however, there are large amounts of undisturbed, contiguous habitat to the north-northwest wherein a potential corridor for tortoise entry exists. The vegetation community for the area is a transition zone between creosote/bursage and a salt desert shrub plant community.

EFFECTS ANALYSIS

The effects of the proposed action are within the scope of overall effects described in the *Effects of the Proposed Action on the Listed Species* section of the PBCO. Approximately 49.2 acres of land would be required for the proposed project, of which 48.03 acres are undisturbed. The Service estimates that up to four desert tortoises could occur within the area to be disturbed.

The direct effects of the proposed action include injury or mortality of individual desert tortoises if clearance surveys are not conducted; collapse or destruction of desert tortoise burrows possibly

occupied by desert tortoises; and if a damaged burrow is occupied, the occupant may become entombed and die. If desert tortoises onsite are captured and moved off the land to be developed, the displaced tortoises may wander back into the footprint or out into adjacent areas leading to increased incidences of predation or human encounters, including vehicles.

The indirect effects of the proposed action are those effects caused by, or resulting from the proposed action, are later in time, and are reasonably certain to occur. Indirect effects of this action are the consequences associated with the construction and operation of the bus transportation facility site and access roads. Indirect effects from noise and vibration from construction equipment in close proximity to burrows could cause some tortoises to abandon their burrows and seek other existing shelters. As displaced tortoises from the construction area move into areas with other tortoises, the competition for forage increases, and during drought years, this competition can have lasting effects on the vegetation communities as well as the desert tortoise population. Increased tortoise densities may lead to increased spread of disease, thus reducing overall population health. Increased tortoise densities would lead to increased competition for shelter potentially increased predation as they learn new surroundings and find shelter. Human activities on the surrounding lands also will increase with the presence of new roads. Increase in human activities in the project area would increase the potential for take of desert tortoise through intentional or unintentional killing, degradation of habitat, spread of weeds, and increase in the risks of wildfires, vandalism, and trash dumping, and poaching.

As the development of Las Vegas Valley continues, so does the direct permanent loss of desert tortoise habitat. Continued infrastructure construction creates physical barriers to tortoise movement and gene dispersal. Desert tortoise habitat could continue to be fragmented, and reduced in quality and quantity. Local desert tortoise populations could become extirpated resulting in the loss of important genetically-distinct populations from the rangewide tortoise population and larger scale extirpations.

CONCLUSION

After reviewing the current status of the desert tortoise, the environmental baseline for the action area, and the effects of the proposed action, it is the Service's biological opinion that the proposed action is within the scope of the Las Vegas Valley PBCO issued to BLM's Las Vegas Field Office on December 20, 2004, and therefore, is not likely to jeopardize the continued existence of the threatened Mojave population of the desert tortoise.

INCIDENTAL TAKE STATEMENT FOR PROPOSED ACTION

The Terms and Conditions may include: (1) restating measures proposed by BLM; (2) modifying the measures proposed by BLM; or (3) specifying additional measures considered necessary by the Service. Where these Terms and Conditions vary from or contradict the minimization

measures proposed under the Description of the Proposed Action, specifications in these Terms and Conditions shall apply. The measures described below are nondiscretionary and must be implemented by BLM, or other jurisdictional Federal agencies, so that they become binding conditions of any project, contract, grant, or permit issued by BLM as appropriate, in order for the exemption in section 7(o)(2) to apply.

Amount of Take

Based on the effects analysis previously described, the Service anticipates that all Mojave desert tortoises that occur on the 48.03-acre project disturbance area may be taken by capture as a result of the proposed action. Based on the survey data and known occurrence records in the action area, the Service estimates that up to four desert tortoises may be taken by capture and relocation as a result of the proposed action; no tortoises are anticipated to be killed or injured.

REASONABLE AND PRUDENT MEASURES (RPMs)

The Service believes that the following RPMs with Terms and Conditions are necessary and appropriate to minimize take of desert tortoise.

RPM 1: *The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of measures to minimize injury or mortality of desert tortoises due to surface-disturbing activities, operation of project vehicles or equipment, and project operations:*

Terms and Conditions:

- 1.a. Because there is no barrier to prevent translocated desert tortoises from reentering the site, BLM does not require clearance surveys; therefore, a clearance survey is voluntary. If a clearance survey is conducted, any tortoises found must be relocated following Term and Condition 1.b and 1.c.
- 1.b. Applicants or project proponents will search for and remove tortoises from project areas within the programmatic area if (1) survey data indicate that tortoises are present based on observation of live tortoises, recent sign, or active burrows, (2) tortoises may be relocated to secure habitat within 2 miles from the point of capture and barriers will exist to prevent tortoises from re-entering project areas and appear in harm's way, and (3) the tortoises appear to be healthy, unless the Service determines that survey and removal will not contribute toward recovery.

All burrows found during clearance surveys within areas proposed for disturbance, whether occupied or vacant, will be excavated by an authorized biologist (authorized biologist) and collapsed or blocked to prevent desert tortoise

re-entry. All burrows will be excavated with hand tools to allow removal of desert tortoises or desert tortoise eggs. All desert tortoise handling and excavations, including nests, will be conducted by an authorized biologist in accordance with Service-approved protocol (Service 2010).

Tortoises shall not be placed on private lands or lands under management by an agency other than BLM without written permission of the landowner or agency. If unforeseen circumstances occur that would question the survival of tortoises potentially relocated from project areas, BLM shall coordinate with the Service on the disposition of such tortoises.

- 1.c. The proponent will be required to have an authorized biologist on call to relocate any desert tortoises that enter the work area. If tortoises are encountered that must be moved out of harm's way, the authorized biologist will contact the BLM wildlife staff at (702) 515-5000 to identify the relocation site or whether the animal will be transferred to the Clark County Tortoise Pick-up Service.

All located desert tortoises and desert tortoise eggs will be relocated offsite 300 feet to 2 miles into adjacent undisturbed habitat. Tortoises found aboveground will be placed under a bush in the shade. A tortoise located in a burrow will be placed in an existing unoccupied burrow of the same size and orientation as the one from which it was removed. If a suitable natural burrow is unavailable or the occupancy status of the burrow is in question, an authorized biologist will construct one of the same size and orientation as the one from which it was removed using the protocol for burrow construction (Service 2010).

RPM 2: *The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of the following measures to minimize loss and long-term degradation and fragmentation of desert tortoise habitat, such as soil compaction, erosion, crushed vegetation, and introduction of weeds or contaminants as a result of construction activities:*

Terms and Conditions:

- 2.a. The BLM shall ensure that a fee is paid at the current rate of \$774 per acre of disturbance, as indexed for inflation, prior to surface disturbance as described below. The fee rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31st of each year. The next adjustment shall occur on January 31, 2011, and will become effective March 1, 2011. Fees assessed or collected for projects covered under this biological opinion after March 1st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found at: <http://stats.bls.gov/news.release/cpi.nr0.htm>

This fee will be paid directly to the BLM State Office in Reno, Nevada. These funds are independent of any other fees collected by BLM for desert tortoise conservation planning.

R&PP leases would be issued prior to payment of remuneration fees. Payment of fees on R&PP leases shall be deferred until immediately prior to surface disturbance. If the R&PP project consists of phased development of the lease area, fees shall be paid for each phase immediately prior to surface disturbance. Likewise, road ROW issued to local governments (e.g., Clark County, cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City) may be issued before payment of fees. If payment of remuneration fees is postponed for any project, the applicant must submit a request for a Notice to Proceed before surface disturbance. The applicant shall provide BLM with proof of payment of the, required remuneration fees, before BLM issues the Notice to Proceed. Both of these actions shall occur prior to surface disturbance. A Notice to Proceed shall be issued for each segment of a ROW as payment is made.

The payment shall be accompanied by the Section 7 Fee Payment Form, (Appendix A) and completed by the payee. Payment shall be by certified check or money order payable to BLM. Checks may be delivered in person to the BLM Information Access Center (IAC). For private parcel services, such as Fedex or UPS, use the physical address. For US Postal Service, use the Post Office Box. Note that the zip codes are different for physical vs. Post Office Box.

Physical Address: Bureau of Land Management
Attn: Information Access Ctr
1340 Financial Blvd.
Reno, NV 89502

Post Office Box: Bureau of Land Management
Attn: Information Access Ctr
PO Box 1200
Reno, NV 89520-0006

The new surface disturbance for this project on BLM lands is 48.03 acres. The total fee for these lands is \$37,175.22 (\$774.00 x 48.03).

- 2.b. The boundaries of project areas shall be flagged or marked and all equipment, vehicles, and construction materials will remain within the project site or authorized areas. Staging areas will be located in previously-disturbed areas whenever possible. Cross-country travel and travel outside authorized areas will be prohibited.

RPM 3: *The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of the following measures to ensure that tortoises are not injured as a result of capture and handling:*

Terms and Conditions:

- 3.a. Only individuals trained to handle desert tortoises in accordance with Service-approved guidelines (Service 2010) shall be authorized to handle desert tortoises, unless they are in imminent danger.

Potential desert tortoise biologists shall complete and submit the Statement of Qualifications Form (Service 2010) to the Service for review and approval; allow 30 days for a Service response. The authorized biologist must have thorough and current knowledge of desert tortoise behavior, natural history, ecology, and physiology, and demonstrate substantial field experience and training to safely and successfully conduct their required duties. Authorized biologists are approved to monitor project activities within desert tortoise habitat and are responsible for locating desert tortoises and their sign (i.e., conduct clearance surveys).

- 3.b. Desert tortoises shall be treated in a manner to ensure that they do not overheat, exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F (35°C). Ambient air temperature shall be measured in the shade, protected from wind, at a height of 2 inches (5 centimeters) above the ground surface. No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95°F (35°C) before handling and relocation can be completed. If the ambient air temperature exceeds 95°F (35°C) during handling or processing, desert tortoises shall be kept shaded in an environment that does not exceed 95°F (35°C), and the animals shall not be released until ambient air temperature declines to below 95°F (35°C).
- 3.c. Any tortoise found within one hour before nightfall will be placed in a separate clean cardboard box and held in a cool, predator-free location. The box will be covered and kept upright at all times to minimize stress to the tortoise. Each box will be used once and then disposed of properly. The tortoise will be released the next day following Service-approved protocols. Each tortoise will be handled with new disposable latex gloves. After use, the gloves will be properly discarded and a fresh set used for each subsequent tortoise handling.
- 3.d. Project activities that may endanger a tortoise will cease if a tortoise is found on a project site. Project activities will resume after an authorized biologist removes the tortoise from danger or after the tortoise has moved to a safe area on its own volition.

- 3.e. A desert tortoise education program may be required on an action-specific basis if a BLM biologist or the Service believe that project personnel will encounter desert tortoises. The program would be presented to all personnel onsite during construction activities. This program would contain information concerning the biology and distribution of the desert tortoise, desert tortoise activity patterns, its legal status and occurrence in the proposed project area, the definition of "take" and associated penalties, measures designed to minimize the effects of construction activities, the means by which employees can facilitate this process, and reporting requirements to be implemented when tortoises are encountered.

RPM 4: *The BLM, and other jurisdictional Federal agencies as appropriate, shall implement measures to ensure compliance with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in this biological opinion:*

Term and Condition:

The BLM shall keep an up-to-date log of all actions taken under this consultation including acreage affected; number of desert tortoises injured, killed, or removed from project areas; and fees paid for each action. BLM will continue to provide the log information to the Service's Nevada Fish and Wildlife Office in Las Vegas on an annual basis. Information will be cumulative throughout the term of this consultation.

RPM 5: *The BLM, and other jurisdictional Federal agencies as appropriate, shall ensure implementation of the following measure to minimize predation on desert tortoises by predators drawn to the project area:*

Term and Condition

Trash and food items shall be disposed properly in predator-proof containers with resealing lids. During construction activities, trash containers will be emptied and waste will be removed from the project area daily. Trash removal reduces the attractiveness of the area to opportunistic predators such as desert kit fox, coyotes, and common ravens.

This concludes formal consultation on the action outlined in your September 20, 2010, request. This consultation document is hereby appended to the PBCO issued to BLM's Las Vegas Field Office to fulfill their consultation requirements pursuant to section 7(a)(2) of the Act.

LITERATURE CITED

BLM (Bureau of Land Management). 2010. Request to Append an Action to the Programmatic Biological Conference Opinion for Las Vegas, Valley, Clark County, Nevada. Las Vegas

Field Office, Las Vegas, Nevada. September 20, 2010. 9 pp.

Service (Fish and Wildlife Service). 2010. Desert Tortoise Field Manual. Desert Tortoise Recovery Office, Reno, Nevada. Available at: http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/

Table 1. Prior Actions Submitted to be Appended under the PBCO

| No. | Date | Action Name | No. Acres Affected | | Take Exempted | | Take Reported | |
|--------|------------|--|--------------------|---------|-------------------------|-------------|---------------|------------|
| | | | BLM | Private | Lethal | Non-lethal | Lethal | Non-lethal |
| 1 | 1/31/2005 | Winter 2005 Land Sale | 0 | 0 | MSHCP | MSHCP | NR | NR |
| 2 | 2/23/2005 | State Route 160 Improvement Project | 70 | 249 | 2 BLM MSHCP | 2 BLM MSHCP | NR | NR |
| 3 | 6/09/2005 | Clark County School District High School | 60 | 0 | MSHCP | MSHCP | NR | NR |
| 4 | 8/9/2005 | I-15 Interchange at Silverado Ranch | 33.2 | 83.7 | 1 BLM MSHCP | 2 BLM MSHCP | NR | NR |
| 5 | 8/29/2005 | Clark County School District Elementary School | 40 | 0 | MSHCP | MSHCP | NR | NR |
| 6 | 9/01/2005 | November 2005 Land Sale* | 2981.88 | 0 | MSHCP | MSHCP | NR | NR |
| 7 | 12/1/2005 | Duck Creek Detention Basin | 152 | 0 | 4 lethal or non-lethal | | NR | NR |
| 8 | 4/25/2006 | National Guard Armory Patent | 956.3 | 0 | 30 lethal or non-lethal | | NR | NR |
| 9 | 3/22/2006 | Patent for 8 Clark County Schools | 207.15 | 0 | 0 | 20 | NR | NR |
| 10 | 3/23/2006 | Lease for 5 Clark County Parks | 123.27 | 0 | 23 lethal or non-lethal | | NR | NR |
| 11 | 5/11/2006 | Mineral Sale- Lone Mtn. Comm. Pit | 120 | 0 | 7 lethal or non-lethal | | NR | NR |
| 12 | 5/12/2006 | June 2006 Land Sale* | 22.5 | 0 | MSHCP | MSHCP | NR | NR |
| 13 | 12/13/2006 | Winter 2006/2007 Land Sale* | 30 | 0 | MSHCP | MSHCP | NR | NR |
| 14 | 10/28/06 | North Las Vegas Park | 41.48 | 0 | 2 lethal or non-lethal | | NR | NR |
| 15 | 4/2/2007 | City of Henderson Park | 160 | 0 | 6 lethal or non-lethal | | NR | NR |
| 16 | 6/26/2007 | June 2007 Land Sale | 16.25 | 0 | MSHCP | MSHCP | NR | NR |
| 17 | 2/25/2008 | June 2008 Land Sale | 28.75 | 0 | MSHCP | MSHCP | NR | NR |
| 18 | 3/27/2009 | Mineral Materials Sale- Lone Mtn. Comm. Pit | 1157 | 0 | 23 lethal or non-lethal | | NR | NR |
| 19 | 1/23/2009 | Spring 2009 Land Sale* | 115 | 0 | MSHCP | MSHCP | NR | NR |
| 20 | 03/27/2009 | Army Nat. Guard Facility | 46.57 | 0 | 5 lethal or non-lethal | | NR | NR |
| 21 | 11/30/2009 | Widening of I-15 from Tropicana to Sloan | 17.3 | 67.7 | 0 | 5 | NR | NR |
| 22 | 09/10/2010 | R&PP Lease for Lone Mtn Park | 303.66 | 0 | 0 | 4 | NR | NR |
| TOTALS | | | 6378.65 | 400.4 | | | | |

MSHCP = Clark County Multiple Species Habitat Conservation Plan incidental take permit;

NR = None Reported

*Reflects actual number of acres sold **SECTION 7 LAND DISTURBANCE FEE PAYMENT FORM**

Biological Opinion File Number: 84320-2010-F-0488 and 1-5-96-F-023R.3 APD23

Biological Opinion Issued By: Nevada Fish and Wildlife Office, Las Vegas, Nevada

Species: Desert Tortoise (*Gopherus agassizii*) (Mojave population)

Project Name: Bus Transportation Facility

Project Proponent: Clark County School District

Phone Number: _____

| Payment Calculations: | Clark County | | _____ County | | _____ County | |
|---|--------------------|----------------------|------------------|----------------------|------------------|----------------------|
| | Critical habitat | Non-critical habitat | Critical habitat | Non-critical habitat | Critical habitat | Non-critical habitat |
| # acres anticipated to be disturbed on federal land | 0 | 48.03 | | | | |
| Fee rate (per acre) | n/a | \$774.00 | | | | |
| Total cost/habitat type (per county) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Total cost per county | \$37,175.22 | | \$ - | \$ - | \$ - | \$ - |

Total payment required (all counties): \$ -

Amount paid: _____ **Date:** _____ **Check/Money Order #:** _____

Authorizing agencies: Bureau of Land Management, Las Vegas Nevada

Make check payable to: Bureau of Land Management

Deliver check to:

Physical Address
Bureau of Land Management
Attn: Information Access Ctr
1340 Financial Blvd.
Reno, NV 89502

PO Box
Bureau of Land Management
Attn: Information Access Ctr
PO Box 12000
Reno, NV 89520-0006

For BLM Public Room

Process check to:

Contributed Funds-All Other
WBS: LVTF1000800
7122 FLPMA
All other Res. Dev. Project and Management
Remarks: LLNV9300000 L71220000.JP0000 LVTF1000800 Desert
Tortoise Conservation Program

Please provide a copy of this completed payment form and the payment receipt to NV-930, Attn: T&E Program Lead
****T&E Program Lead will provide a copy to the appropriate District Office(s)**

Appendix C. - EXHIBIT B —MAPS



Exhibit B

LEGEND

 Permanent Right of Way

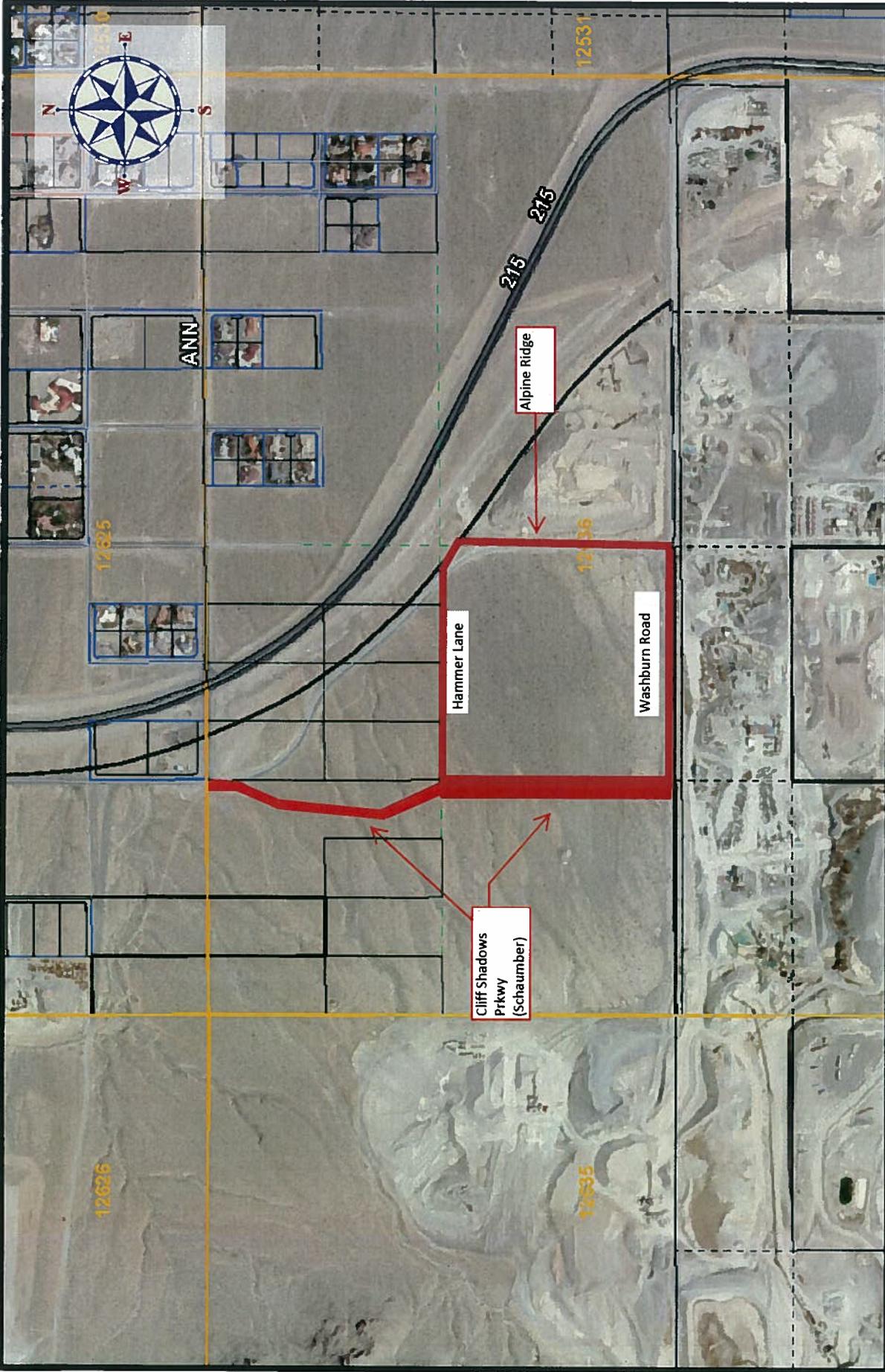




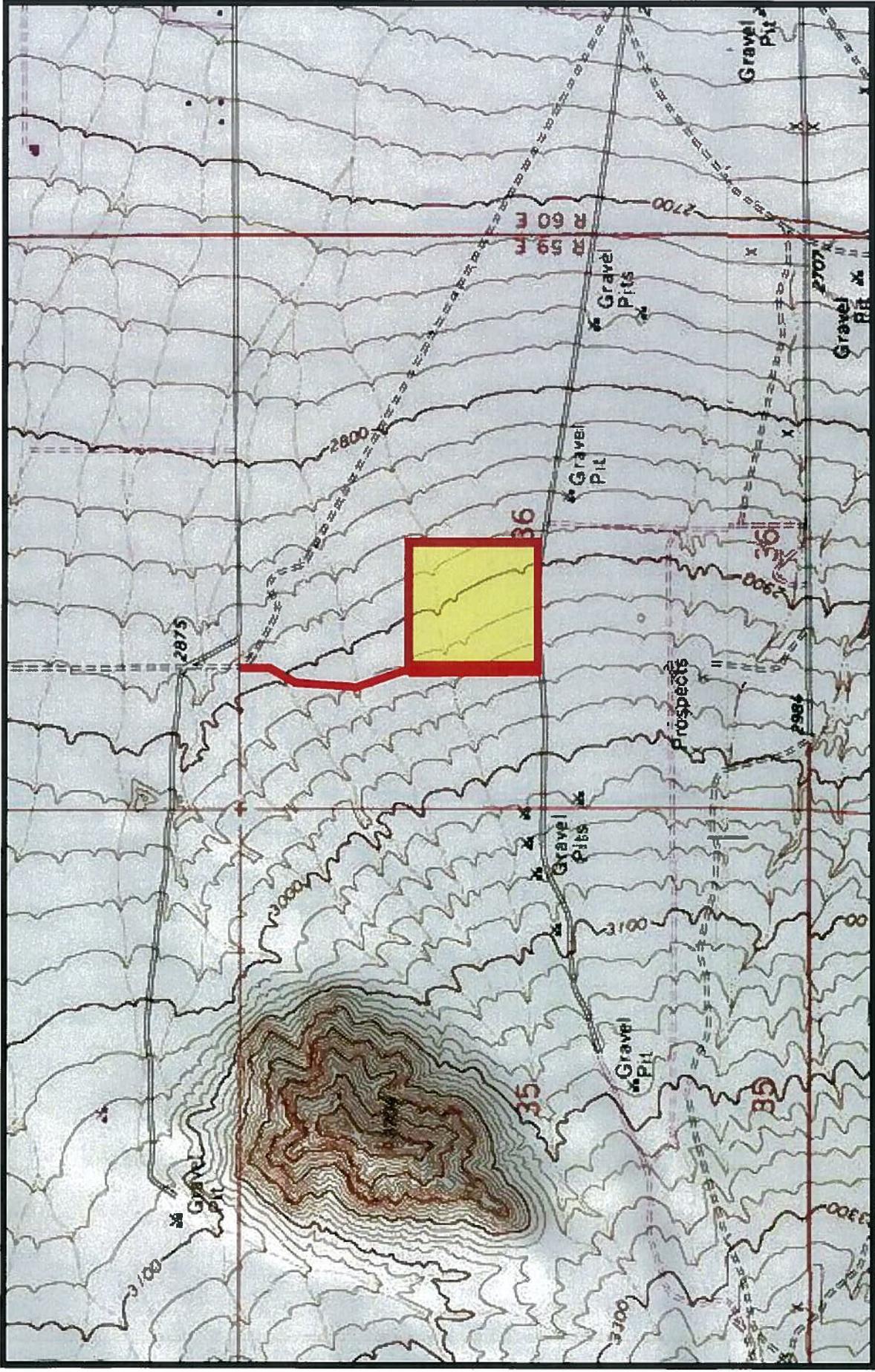
Exhibit B

Township 19S Range 59E Section 36

LEGEND

Permanent Right of Way

R&PP Lease/Sale Site



Appendix D. - EXHIBIT C — MASTER TITLE PLAT (MTP) MAP

Finding of No Significant Impact

Environmental Assessment (EA) DOI-BLM-NV-S010-2010-0057-EA, R&PP Lease/Patent for a Northwest Bus Transportation Facility

DOI-BLM-NV-S010-2010-0057-EA

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-S010-2010-0057-EA. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

I have determined the proposed action is in conformance with the approved Nevada Las Vegas Resource Management Plan, and is consistent with applicable plans and policies of county, state, tribal and Federal agencies. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Mitigation Measures:

Mitigation measures identified for the proposed action are described in the EA and have been formulated into stipulations. These stipulations shall be incorporated into the grant.

Signatures:

Recommended by:

Project Lead: Dorothy Jean Dickey, Realty Specialist

Approved by:

Vanessa L. Hice, Assistant Field Manager, Division of Lands

Date