

Chapter 1

PURPOSE AND NEED

1.1 BACKGROUND

Clark County, Nevada, which encompasses the greater Las Vegas metropolitan area, has been one of the fastest-growing regions in the United States. Between 1996 and 2006, the population increased by almost 800,000. This upward trend is anticipated to resume in the foreseeable future. According to the Nevada State Demographer (NSD 2006a), the population of Clark County is projected to increase from 1.89 million in 2006 to 2.79 million by 2016 (about 900,000 people over the 10-year period), and to 3.34 million by 2026 (an additional 550,000 people over the 10-year period).

To address issues associated with the need for developable lands and the management of public lands, Congress passed the Southern Nevada Public Land Management Act (SNPLMA) in 1998 [Public Law (PL) 105-263]. The SNPLMA authorized the United States (U.S.) Department of the Interior Bureau of Land Management (BLM) to dispose of federal lands in Clark County, Nevada, consistent with applicable law, population growth, and community land use plans and policies. In 2002, the Clark County Conservation of Public Land and Natural Resources Act (Clark County Act) [PL 107-282] amended the SNPLMA to expand the disposal boundary area to address the continuing increased growth rates in the Las Vegas region.

The disposal boundary established by the SNPLMA, as amended by the Clark County Act, encompasses much of the Las Vegas Valley (LVV) in southern Clark County, Nevada (Figure 1.1-1). The public lands that became available for auction were primarily located in the northern and southern portions of the disposal area. The northern area encompasses the Upper Las Vegas Wash (ULVW) and is bordered by Nellis Air Force Base to the east, the Desert National Wildlife Refuge (DNWR) to the north, and the Red Rock Canyon National Conservation Area (NCA) and the Las Vegas Paiute Indian Reservation (Paiute Reservation) to the west (Figure 1.1-2).

The BLM Las Vegas Field Office prepared the *Las Vegas Valley Disposal Boundary Final Environmental Impact Statement* (LVVDB FEIS) (BLM 2004a) to identify the environmental consequences that may result from the disposal and use of the remaining BLM-managed lands within the disposal boundary. During preparation of the LVVDB FEIS, sensitive biological, cultural, and paleontological resources were identified along the ULVW within the 5,000-acre Conservation Transfer Area (CTA) in the northern part of the LVV. The *Las Vegas Valley Disposal Boundary Final Environmental Impact Statement Record of Decision* (ROD) for the LVVDB FEIS (ROD No. FES 04-048) selected the Conservation Transfer Alternative, which was analyzed in the LVVDB FEIS as the agency's Preferred Alternative (BLM 2004b).

The Conservation Transfer Alternative allows the BLM to dispose of approximately 46,700 acres of lands in the LVV for future growth of the city and says that the BLM would conduct additional study, collaboration, and environmental analysis of approximately 5,000 acres that have been withheld from sale because of their high concentration of sensitive resources. The ROD indicates the CTA boundary should be adaptable. This Supplemental Environmental Impact Statement (SEIS) is a mandatory step in implementing the decision of the ROD for the LVVDB FEIS, which requires further study, collaboration, and analysis of the environmental effects of public land disposal within the CTA.

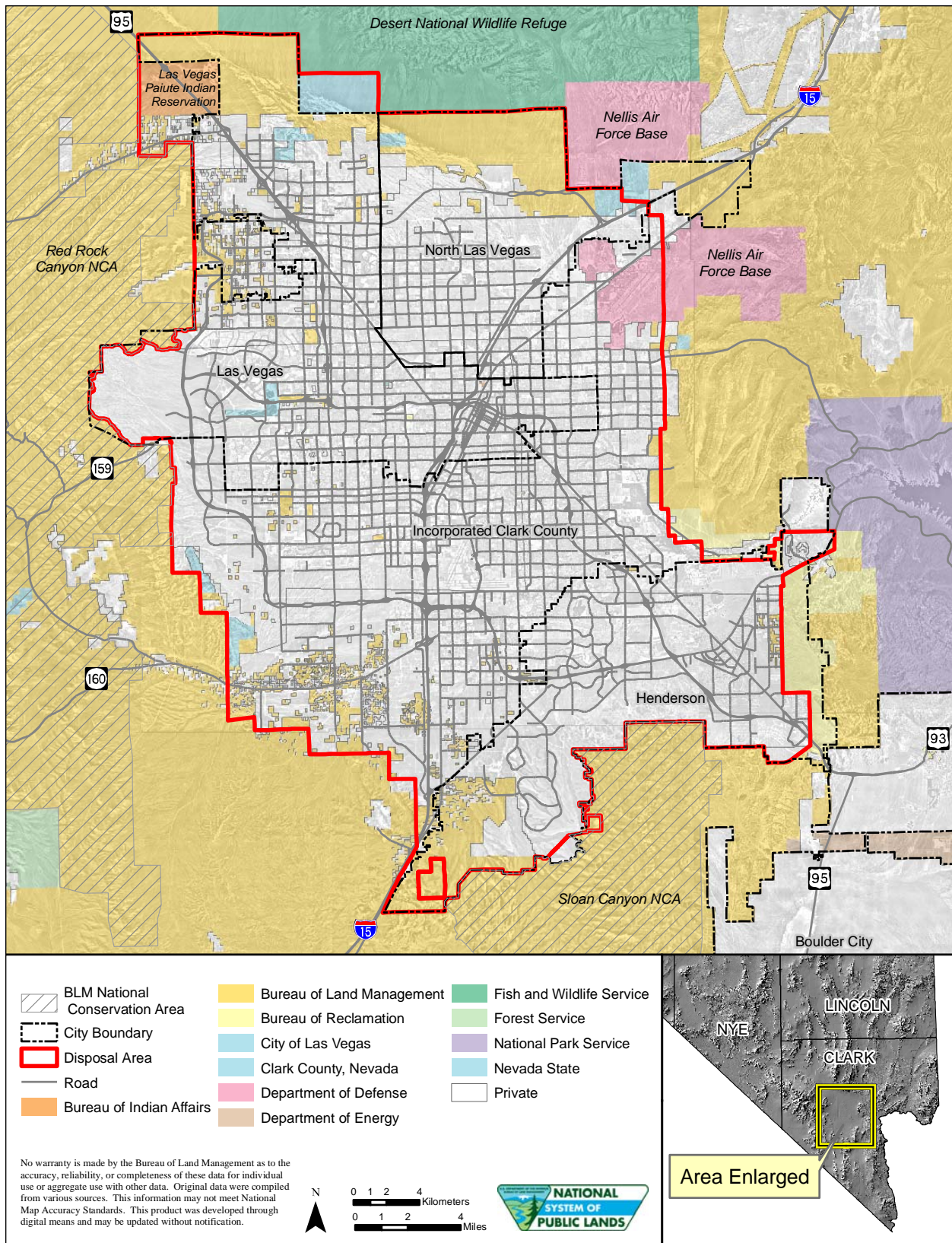


Figure 1.1-1. Bureau of Land Management Las Vegas Valley disposal boundary.

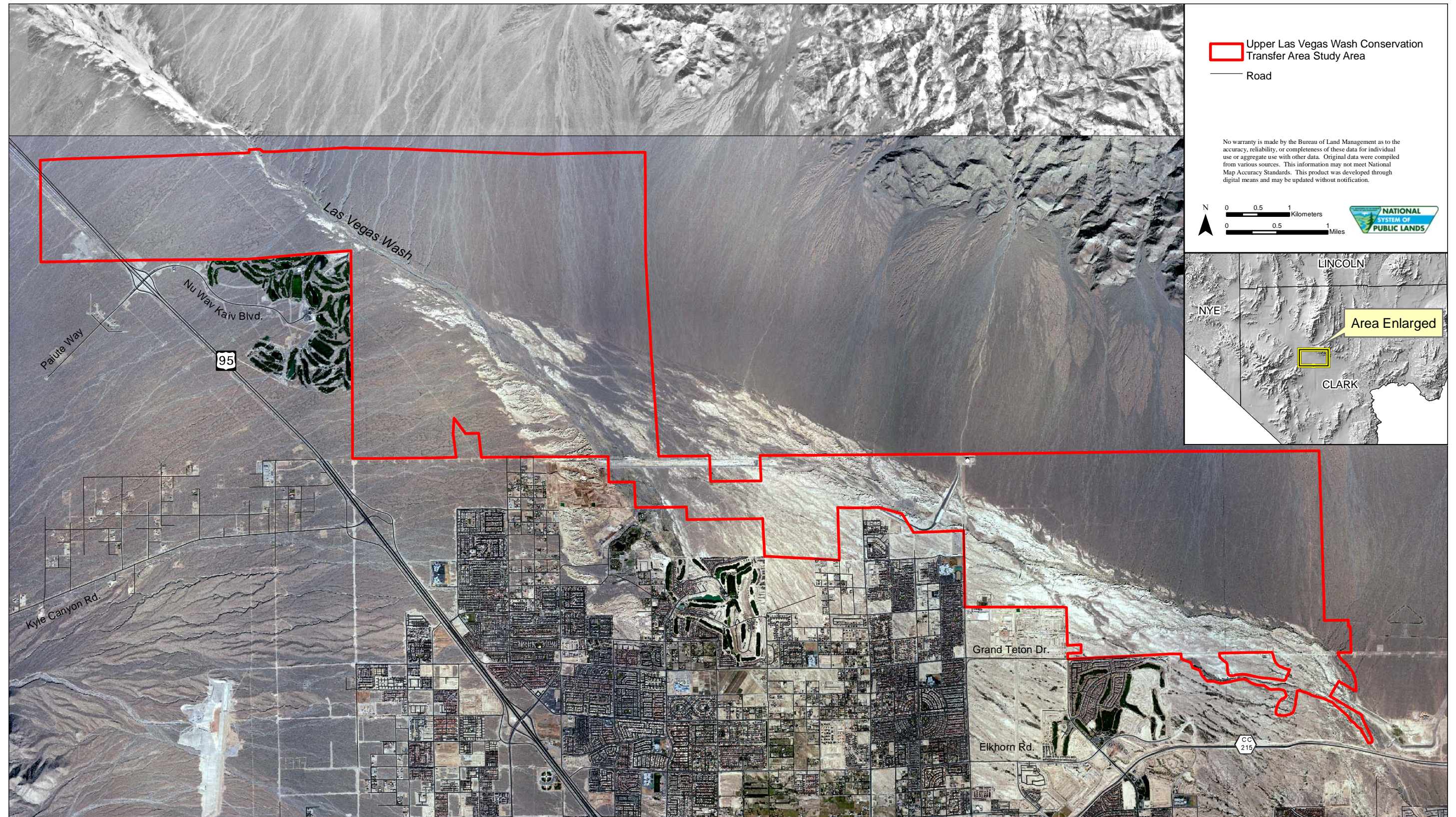


Figure 1.1-2. Upper Las Vegas Wash Conservation Transfer Area study area boundary.

Since issuing the ROD in December 2004, the BLM has hosted numerous meetings with stakeholders to gain input regarding the size of the CTA and potential allowable land uses within this area. Additionally, the BLM, with technical assistance from Utah State University (USU), has been conducting numerous studies that, among other things, are designed to specifically identify the locations within the CTA study area that possess the most sensitive resources. Based on preliminary study results, USU personnel prepared a report titled *Upper Las Vegas Wash Conservation Transfer Area: A System to Develop Alternative Scenarios* (USU Report) (USU 2007a).

This CTA SEIS supplements the analysis contained in the LVVDB FEIS. As a result of stakeholder input and internal BLM discussions, the CTA study area to be analyzed in this SEIS has been increased from approximately 5,000 to 13,622 acres.

This SEIS is being prepared by the BLM pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA) [42 United States Code (USC) 4321 *et seq.*], which requires federal agencies to consider environmental consequences in their decision-making process. BLM uses the NEPA process to ensure that its decisions are based on an understanding of potential environmental consequences and alternative courses of action.

To implement NEPA, the Council on Environmental Quality (CEQ) issued regulations [40 Code of Federal Regulations (CFR) 1500–1508] guiding the NEPA process and content of NEPA documents. BLM Handbook H-1790-1, *National Environmental Policy Act Handbook* (BLM NEPA Handbook) (BLM 1988), provides further instructions for compliance with the CEQ regulations, as well as U.S. Department of the Interior guidance (516 DM 1–7) on NEPA. This SEIS has been prepared in a manner that is consistent with the requirements of the CEQ NEPA regulations and the BLM NEPA Handbook.

The goals of this SEIS are to

- Assist BLM officials in making decisions that are based on an understanding of environmental consequences and in taking actions that protect, restore, and enhance the environment;
- Identify ways in which environmental effects can be avoided or reduced;
- Prevent significant avoidable effects on the environment by implementing alternatives or mitigation measures if feasible;
- Disclose to the public the environmental information and analyses on which the decisions will be based;
- Augment and update existing analyses in the LVVDB FEIS (BLM 2004b);
- Complete site-specific analysis of up to 13,622 acres to allow determination of a final boundary;
- As appropriate, ensure consistency between the SEIS and current and proposed municipal planning documents (e.g., Master Plans) for the area surrounding the CTA; and
- Obtain sufficient data to define a boundary that ensures that the natural functioning of the ULVW, including adjacent alluvial fans, is maintained while allowing for compatible development or uses. Natural functioning is defined as the ability of a system to function and support habitat with little to no anthropogenic alteration or change to that system. In the case of the ULVW, the natural functioning of the wash would include natural flows (both discharge and velocity), natural flood control, sediment transport, erosional processes (deposition and aggradation), and naturally occurring vegetation and habitat.

This SEIS identifies the environmental consequences that may result from the disposal and use of lands within the proposed CTA boundary under each alternative and also identifies methods to avoid, minimize, or mitigate potential impacts, as appropriate. In addition, this document presents a record of consultation, coordination, and cooperation with other interested parties during SEIS preparation.

While the BLM is authorized to dispose of lands within Clark County consistent with applicable laws, population growth, and community land use plans, the conditions of the ROD stipulate that the BLM carefully evaluate the resources within the CTA study area and collaborate with stakeholders to determine an appropriate CTA boundary that is adaptable to the needs and concerns of interested parties.

The LVVDB FEIS provided site-specific analysis for the indirect impacts of the community development scenarios and direct impacts of ROW alignments based on 10-acre parcels of BLM land. These impacts were quantified in the LVVDB FEIS to allow BLM to approve future land use authorizations. Within the final CTA boundary, a conservation strategy agreement will be developed to protect sensitive resources after the ROD is signed. For that reason, no further consideration of specific uses and projects within or adjacent to the CTA study area (e.g., roads, bridges, trails, utility lines, etc.) is being included in this SEIS.

1.2 DESCRIPTION OF THE UPPER LAS VEGAS WASH CONSERVATION TRANSFER AREA

The CTA study area, encompassing 13,622 acres, stretches east from U.S. Route 95 near the Paiute Reservation to approximately 4 miles west of Interstate 15. The DNWR is directly north of the CTA, and the southern boundary roughly approximates the southern edge of the ULVW. The maximum elevation within the CTA is 3,040 feet above mean sea level (amsl), and the minimum elevation is 2,113 feet amsl.

The CTA study area is located within a broad, northwest-southeast-trending alluvial basin characterized by interbedded alluvial fans originating in the Las Vegas and Sheep ranges and the Spring Mountains. Within the Las Vegas Wash Hydrologic Unit, the Las Vegas Wash (LVW) is a heavily incised natural flood channel that carries stormwater and runoff from Las Vegas to Lake Mead. The LVW not only provides an important floodway in the valley, it also contains unique riparian habitat that supports a large number of plant and animal species. Although sections of the ULVW have been modified through flood control structures (e.g., detention basins), a large portion of the wash provides for natural flood control. Approximately 13 linear miles of the ULVW traverse the CTA study area from the northwest to the southeast.

Three rare plant species occur within the CTA study area: golden bearclaw-poppy (*Arctomecon californica* Torrey and Frémont), commonly referred to as Las Vegas bearpoppy; Merriam's bearpoppy (*Arctomecon merriamii* Coville), also called white bearpoppy; and Nile's wild buckwheat (*Eriogonum corymbosum* Benth var. *nilesii* Reveal), commonly referred to as Las Vegas buckwheat. All three plant species are listed as special-status species by the BLM. Las Vegas bearpoppy is classified as critically endangered by the State of Nevada, and Las Vegas buckwheat is a candidate for listing on the State of Nevada's critically endangered plant species list.

A number of wildlife species listed as sensitive by BLM, including western burrowing owl (*Athene cunicularia hypugea*) and phainopepla (*Phainopepla nitens*), are known to occur within or in the vicinity of the ULVW. Certain of these species are also protected by the State of Nevada. Of critical concern is the threatened Mojave Desert tortoise (*Gopherus agassizii*). Although the LVVDB FEIS indicates that there is no designated critical habitat within the disposal boundary, the habitat of the desert tortoise encompasses Mojave Desert creosote bush scrub, thorn scrub, and cacti, specifically in sandy or gravelly locations. Washes, canyon bottoms, and oases also serve as habitat for the desert tortoise (MacMahon 1985).

The CTA study area and adjacent lands have long been known to contain large numbers of paleontological sites. A 2003 review (conducted in preparation for the LVVDB FEIS) of the Regional

Paleontological Locality Inventory revealed 44 known paleontological resource localities. Field surveys of approximately 24,900 acres conducted specifically for the LVVDB FEIS located 438 previously unrecorded paleontological resources within the disposal boundary; the majority of these are located in specific horizons of fossiliferous Quaternary spring deposits in the ULVW (BLM 2004a).

The Tule Springs National Register of Historic Places (NRHP) archaeological site (Tule Springs), is a 1,125-acre designated archeological site¹ that has produced substantial important data relevant to the environmental history of the Great Basin. Approximately 660 acres of the site are located within the CTA study area.

The CTA study area also includes Eglington Preserve, a 300-acre protected area south of Grand Teton Drive between Clayton Street and North 5th Street within the city limits of North Las Vegas. Surrounded by private lands to the south, east, and west, Eglington Preserve is protected through the *Conservation Agreement for the Management of Special Resources on Bureau of Land Management Parcels Nominated for Disposal by the City of North Las Vegas* (Conservation Agreement) (BLM 2005), which obligates BLM, City of North Las Vegas, U.S. Fish and Wildlife Service (USFWS), and Nevada Division of Forestry (NDF). In addition to fossil and special-status plant resources, Eglington Preserve contains the active portion of the ULVW, which terminates into the North Las Vegas detention basin.

While the CTA study area contains ample reserves of potentially salable sand and gravel, under the Clark County Act all lands within the LVVDB have been withdrawn from mineral entry. In addition, no valid existing claims have been identified within the CTA study area boundary.

1.3 PURPOSE AND NEED

BLM's Proposed Action is to establish a final CTA boundary that is compatible with protecting natural, cultural, and biological resources and to facilitate orderly growth within the LVV that is consistent with the LVVDB ROD. The Proposed Action is intended to implement the Las Vegas RMP (BLM 1998a) decisions and management directions, as well as to preserve the intent of the SNPLMA and Clark County Act.

1.3.1 Need

BLM proposes to determine a final boundary for the CTA that meets the scientific requirements to protect sensitive resources. The final boundary for the CTA was not determined in the LVVDB ROD. BLM's Proposed Action is needed to comply with the LVVDB ROD, which provides for an adaptable final CTA boundary based on sound science.

Record of Decision and Adaptable Boundary

The ROD requires further study, collaboration, and analysis of the environmental effects of public land disposal within the CTA study area. Specifically, the ROD states,

[A]pproximately 5,000 acres will be subject to a process of more study, collaboration, further NEPA analysis, as needed, and approval of a conservation agreement, if signed, prior to any transfer of title. Lands would be nominated under SNPLMA; however, any lands in the CTA would be disposed based on restrictions or mitigation measures determined necessary through the conservation agreement

¹ The NRHP lists the site as 980 acres. There has been no change to the boundary; rather, modern technology has allowed the acreage to be calculated with greater accuracy.

process. It is intended that the boundary of the CTA be adaptable to the needs and concerns of interested parties that participate in the development of the conservation agreement, including community land use planning.

1.3.2 Purpose

The purposes of BLM's proposed CTA action are to

- Protect the natural functioning of the ULVW; and
- Protect sensitive botanical, cultural, and paleontological resources in the CTA.

Natural Functioning of Las Vegas Wash

The ultimate boundary of the CTA is critically important to local municipalities that must manage for the growth of their communities. However, because the ULVW is an incised valley floor, it intercepts runoff from adjacent lands that can alter its natural hydrology and water quality. As a result, the ULVW and the resources it contains are subject to impacts caused by land uses both inside and outside its immediate ordinary high-water mark (OHWM). Establishing the CTA boundary is intended to preserve the ULVW's natural hydrologic functioning and water quality.

Botanical, Cultural, and Paleontological Resources

As part of the LVVDB FEIS, field surveys were conducted to identify the presence of sensitive botanical, cultural, and paleontological resources on BLM lands within the disposal boundary area. The survey results indicated that special-status species (including Las Vegas bearpoppy, Merriam's bearpoppy, and Las Vegas buckwheat), cultural resources, and unique paleontological resources within the disposal boundary are predominantly located near the ULVW. BLM's CTA actions are intended to implement BLM's resource protection mandates, derived from the LVVDB FEIS Conservation Transfer Alternative, Las Vegas RMP policies, SNPLMA, Clark County Act, and related federal environmental laws.

Resource Protection Mandate

BLM's mandate to protect sensitive resources in the CTA derives from several sources:

- The LVVDB FEIS Conservation Transfer Alternative, which was the alternative selected in the ROD. Under this alternative, land disposal can occur only with protection of sensitive environmental resources and mitigation of significant impacts to those resources.
- The Las Vegas RMP, which sets forth numerous policies to protect natural, cultural, and paleontological resources. The Las Vegas RMP requires BLM to protect habitat of Las Vegas bearpoppy (SS-2); protect cultural and paleontological resources in conformance with applicable legislation (CR-1); and limit future impacts to the visual and aesthetic character of public lands in the planning area (VS-1).
- The SNPLMA, which requires BLM to comply with other laws, including, but not limited to, the Federal Land Policy and Management Act of 1976 (FLPMA), as amended [PL 94-579, 43 USC 1701]; Endangered Species Act of 1973 (ESA), as amended [16 USC 1531–1543]; and National Historic Preservation Act of 1966 (NHPA), as amended [PL 89-665, 16 USC 470 *et seq.*], before any disposal action is approved.

1.3.3 Decision to Be Made

In accordance with the LVVDB ROD, the BLM will make a decision regarding the final boundary of the CTA. Additionally, recommendations regarding best management practices (BMPs) (Appendix A) and mitigations are provided to guide future management within the final CTA boundary.

Selection of the final CTA boundary is the first step in a process for protection of sensitive resources in the CTA. Stakeholders have had a key role in determining the alternative boundaries for analysis and in defining goals and objectives for the CTA (Appendix B). Stakeholders have also provided input on a variety of planning and management actions that go beyond defining a final CTA boundary. BLM is not making a decision on those planning and management actions through this SEIS. However, the information provided by stakeholders is still necessary to support future BLM decisions on specific management of the area. The public input will be used to develop a Conservation Strategy Agreement and associated planning documents, in particular revisions to the *Proposed Las Vegas Resource Management Plan and Final Environmental Impact Statement* (Las Vegas RMP) (BLM 1998a) that were initiated in October 2009. In the RMP revision, the BLM can examine resource allocation for rights-of-way (ROWs), trails, other infrastructure, and protection.

1.4 PRELIMINARY ISSUES, CONCERNS, AND OPPORTUNITIES

The following presents a list of public issues, agency management concerns, and opportunities that were identified prior to and during the public scoping process for this SEIS. Scoping meetings were held from August 14 through 16, 2007, at three different locations near the CTA. A comprehensive discussion of public involvement and the interagency consultation process for this SEIS is presented in Chapter 5, “Consultation and Coordination.”

1.4.1 Public Issues

This section summarizes the public issues that were identified through the public scoping process. For a detailed description of all the comments made during the public scoping process, please refer to the *Upper Las Vegas Wash Conservation Transfer Area Supplemental Environmental Impact Statement Scoping Report* (SWCA Environmental Consultants [SWCA] 2007). The issues identified during scoping largely focused on the NEPA process; the purpose of and need for the project; the proposed range of alternatives; specific natural and cultural resources within the CTA study area; and cumulative impacts. Some of the issues brought up during public scoping include the following:

- Protection of paleontological resources in the CTA study area;
- Providing open space and recreational trail connections through the CTA study area;
- Protection of endangered and rare plants, specifically, Las Vegas bearpoppy, Merriam’s bearpoppy, and Las Vegas buckwheat;
- Relationship between future development and infrastructure and the final CTA boundary; and
- Relationship between flood control associated with future development and infrastructure in the CTA study area and protection of the natural functioning of the wash.

1.4.2 Agency Management Concerns

The LVVDB FEIS analyzed all BLM-managed lands within the LVV for the resources described in Table 1.4-1. Agency management concerns that were sufficiently analyzed in the LVVDB FEIS and will not be further analyzed in this SEIS include air quality, minerals, wildlife, migratory birds, desert tortoise, environmental justice, public health and safety, water demand, and groundwater resources.

Table 1.4-1. Supplemental Analysis Required

Resource	Supplemental Analysis Required		Rationale
	Yes	No	
Air Quality		x	Adequate analysis was completed in the LVVDB FEIS.
Geology and Soil	x		The results of the USU Report are needed to provide necessary scientific information to contribute to the analysis and decision on the final CTA boundary.
Mineral Resources		x	Adequate analysis was completed in the LVVDB FEIS.
Surface Water/Hydrology	x		The results of a site-specific hydrology model are required to contribute to a decision on the final CTA boundary.
Groundwater Resources and Water Demand		x	Adequate analysis was completed in the LVVDB FEIS.
Vegetation	x		The results of the USU study are needed to provide necessary scientific information to contribute to the analysis and decision on the final CTA boundary.
Special-Status Plant Species	x		The results of the USU study are needed to consider the effects of different alternative CTA boundaries on populations and habitat of special-status plants, including Las Vegas bearpoppy, Merriam's bearpoppy, and Las Vegas buckwheat.
Wildlife		x	Adequate analysis was completed in the LVVDB FEIS.
Migratory Birds		x	Adequate analysis was completed in the LVVDB FEIS.
Threatened and Endangered Species, Desert Tortoise		x	Adequate analysis was completed in the LVVDB FEIS.
Cultural Resources	x		Additional studies of the cultural resources in the area are necessary in order to contribute to a decision on the final CTA boundary.
Native American Religious Concerns	x		Additional tribal coordination related specifically to the ULVW is necessary to complete adequate analysis before making a decision on the final CTA boundary.
Paleontology	x		The Las Vegas Formation within the CTA study area is considered to be the most significant assemblage of late Pleistocene invertebrate and vertebrate fossil remains known from the Mojave Desert and from the entire Great Basin. The results of the USU Report are needed to provide necessary scientific information to contribute to the analysis and decision on the final CTA boundary.
Visual Resources	x		Site-specific evaluation of the visual resources in the CTA study area is necessary to consider how each alternative CTA boundary would affect viewsheds within the CTA.
Land Uses	x		Site-specific analysis of how each alternative CTA boundary would affect future land uses in the CTA study area is necessary.
Recreation	x		Local communities have expressed a desire for open space and passive recreation access within the CTA study area. Site-specific consideration of existing recreation resources within and adjacent to the CTA study area is necessary.
Transportation	x		No analysis of transportation issues was completed in the LVVDB FEIS.

Table 1.4-1. Supplemental Analysis Required (Continued)

Resource	Supplemental Analysis Required		Rationale
	Yes	No	
Noise	x		No analysis of noise impacts was completed in the LVVDB FEIS.
Wastes, Hazardous or Solid	x		Site-specific analysis of hazardous and solid wastes within the CTA study area is necessary before determining the final CTA boundary.
Socioeconomics	x		Site-specific analysis of socioeconomic issues is necessary to contribute to a decision on the final CTA boundary.
Environmental Justice		x	Adequate analysis was completed in the LVVDB FEIS.
Public Health and Safety		x	Adequate analysis was completed in the LVVDB FEIS.

1.4.3 Opportunities

Certain issues raised by the public and agencies prior to and during the scoping process for this SEIS also present management opportunities that would assist BLM in defining alternative boundaries for the CTA. These opportunities include

- Increased scientific study and inventory of sensitive resources and other resources of interest in and around the CTA;
- Planning for recreational amenities in and around the CTA to serve a large nearby urban population (for example, Floyd Lamb Park and Recreation and Public Purposes Act [R&PP Act] leased lands); and
- Master plans from the cities that represent their vision for lands within the CTA study area.

1.5 RELEVANT STATUTES, REGULATIONS, AND GUIDELINES

The following subsections provide a brief description of the laws, regulations, executive orders (EOs), and other guidance that may apply to the establishment of the CTA.

1.5.1 Environmental Policy

NEPA establishes national environmental policy, provides an interdisciplinary framework for federal agency environmental assessment, and contains action-forcing procedures to ensure that federal agency decision-makers take environmental factors into account. NEPA requires preparation of an Environmental Impact Statement (EIS) for major federal actions that significantly affect environmental quality. The EIS discloses to decision-makers and the public the impacts of the Proposed Action and the alternatives to the Proposed Action.

The Executive Order on Protection and Enhancement of Environmental Quality [EO 11514, as amended by EO 11991] establishes the policy for federal agencies to provide leadership in environmental protection and enhancement, in particular implementing NEPA under the guidance of the CEQ.

1.5.2 Land Use and Natural Resources Management

Congress enacted the Southern Nevada Public Land Management Act of 1998, as amended [PL 105-263] to assist BLM management of lands in the rapidly urbanizing Las Vegas region. Specifically, the SNPLMA was intended to resolve issues related to numerous BLM landholdings interspersed among private properties in the Las Vegas metropolitan area, which were thus difficult for BLM to manage, and to allow BLM to dispose of lands for development consistent with community land use plans. The SNPLMA authorizes the BLM to dispose of approximately 52,000 acres of public land located within a specific boundary in the LVV.

Title IV of the Clark County Act [PL 107-282] amended the SNPLMA to increase the disposal boundary area and to include local and regional government entities in the process for receiving funds for the development of parks, trails, and natural areas in Clark County. The changes to the disposal boundary area increased the amount of land available for disposal by approximately 22,000 acres, including the lands in the CTA study area. Subject to valid existing rights, all land designated for disposal was withdrawn from entry and appropriation under the public land laws, location and entry under the mining laws, and operation under the mineral leasing and geothermal leasing laws.

The declaration policy for FLPMA, as amended [43 USC 1701 *et seq.*], requires the BLM to manage public lands to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values that, where appropriate, will preserve and protect certain public lands in their natural condition, provide food and habitat for fish and wildlife and domestic animals, and provide for outdoor recreation and human occupancy and use.

1.5.3 Biological Resources

BLM Manual 6840, *Special Status Species Management* (BLM 2008), requires that actions authorized by the BLM further the conservation of federally listed and other special-status species and that the actions do not contribute to the listing of any special-status species.

1.5.4 Water Quality

The Clean Water Act (CWA) of 1972, as amended [33 USC 1251 *et seq.*], establishes a process for states to set water quality standards and develop plans for their achievement. National Pollutant Discharge Elimination System (NPDES) permits set limits on point source discharges to meet state water quality standards. Section 404 of the CWA regulates discharge of dredged or fill materials into waters of the United States (WUS) and adjacent wetlands.

Nevada Water Quality Regulations implement permitting and monitoring requirements for NPDES permits, operation of injection wells, groundwater protection requirements, prevention and response requirements for spills, and salinity standards and criteria for the Colorado River Basin.

The Executive Order on Floodplain Management [EO 11988] requires federal agencies to evaluate the potential effects of actions on floodplains and to consider alternatives to avoid adverse effects and incompatible development wherever possible.

1.5.5 Cultural Resources

The National Historic Preservation Act of 1966, as amended [16 USC 470 *et seq.*], requires federal agencies to determine the effects of their actions on cultural resources and to take certain steps to ensure these resources are located, identified, evaluated, and protected. Section 106 of the Act requires federal agencies to identify historic or archaeological properties near proposed project sites, including properties listed or eligible for listing in the NRHP. If the Proposed Action has an adverse effect on listed or eligible properties, the agency must consult with the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation to develop alternatives or mitigation measures. This legislation protects Tule Springs, an archaeological site that has produced substantial important data relevant to the environmental history of the Great Basin.

The Archaeological Resources Protection Act of 1979, as amended [16 USC 470aa–mm], provides for protection of archaeological resources on federal lands. The Act requires permits for the excavation or removal of federally administered archaeological resources and encourages cooperation between federal agencies and private individuals in identifying and protecting important resources. In addition, the Act invokes penalties for excavating, removing, damaging, or defacing any archaeological resources that are more than 100 years old on public or Indian lands.

The American Antiquities Act of 1906 [16 USC 431–433] seeks to protect historic and prehistoric ruins, monuments, and objects of antiquity and scientific interest on lands owned or controlled by the federal government by imposing misdemeanor-level criminal penalties.

The American Indian Religious Freedom Act of 1978, as amended [42 USC 1996], protects and preserves the inherent right of Native Americans to believe, express, and exercise their traditional religions, including their unhindered access to religious sites.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) [25 USC 3001 *et seq.*] establishes the right of Indian tribes to claim ownership of certain cultural items, including human remains and funerary, sacred, and cultural patrimony objects and artifacts.

The Executive Order on Protection and Enhancement of the Cultural Environment [EO 11593] directs federal agencies to locate, inventory, nominate, and protect federally owned cultural resources eligible for the NRHP and to ensure that their plans and programs contribute to preservation and enhancement of non–federally owned resources.

The Executive Order on Indian Sacred Sites [EO 13007] directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites and avoid adversely affecting the physical integrity of sacred sites.

The Executive Order on Consultation and Coordination with Indian Tribal Governments [EO 13175] directs federal agencies to establish regular and meaningful consultation and collaboration with tribal officials on federal actions that have tribal implications.

1.5.6 Hazardous Materials

The American Society for Testing and Materials (ASTM) Standard E 1527-05 and Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 USC 9601 *et seq.*] provide guidelines for conducting investigations and providing notice regarding the presence of hazardous substances on federal lands prior to the sale or transfer of such federal lands.

1.6 RELATIONSHIP TO BUREAU OF LAND MANAGEMENT POLICIES, PLANS, AND PROGRAMS

The Proposed Action in this SEIS is consistent with decisions in the LVVDB FEIS and the Conservation Transfer Alternative, which was identified as the Preferred Alternative in the ROD (BLM 2004b). In addition, the Proposed Action is in conformance with management objectives and directions of the Las Vegas RMP (BLM 1998a), SNPLMA, and the Clark County Act for land disposal, ROW management, and recreation management. Public lands within the disposal boundary area are available for disposal or authorized use through sale, exchange, R&PP Act lease, or permit in accordance with the FLPMA, as specified in the Las Vegas RMP under management objective Land Disposal-1 (LD). The Proposed Action will also conform to management direction LD-2-a: “Land use lease or permit applications, and airport lease applications will be addressed on a case-by-case basis, where consistent with other resource management objectives and local land uses. Special terms and conditions regarding use of the public lands involved will be developed as applicable” (BLM 1998a).

The Proposed Action will be consistent with the following Las Vegas RMP requirements. As specified in SS-2, BLM will manage habitat to sustain populations of federally listed species so that they no longer need protection under the ESA and will manage habitats to support non-listed species so that future listing is not necessary. As specified in SS-2-a, BLM will protect the habitat of Las Vegas bearpoppy. BLM will protect cultural and paleontological resources consistent with applicable legislation and policy as specified in objective CR-1.

BLM policy and the *Clark County Multiple Species Habitat Conservation Plan* (MSHCP) (Clark County Department of Comprehensive Planning [CCDCP] and USFWS 2000) require that BLM ensure no unmitigated net loss of Las Vegas bearpoppy habitat. BLM cannot undertake actions that will lead to the listing of a species under the ESA. In addition, the *Biological and Conference Opinions for Reinitiation of Consultation on the Las Vegas Valley Programmatic Biological Opinion (File No. 1-5-96-F-023R, as amended) and Previously Reinitiated (File No. 1-5-96-F-023R.2), to Expand the Disposal Boundary (File No. 1-5-96-F-023R3)* (Biological Opinion) (USFWS 2004) states that BLM must ensure that Las Vegas buckwheat within the LVV is managed in order to preclude protection under the ESA. The final CTA boundary will be consistent with these requirements by ensuring sustainable Las Vegas bearpoppy and buckwheat populations and habitat.

1.7 RELATIONSHIP TO NON-BLM POLICIES, PLANS, AND PROGRAMS

The proposed actions in this SEIS will be consistent with other officially approved federal, state, and local plans, policies, and programs to the extent that they are consistent with the goals and objectives of the SEIS and with applicable federal regulations, policies, and laws. The following documents as they relate to the CTA have been reviewed and considered as the SEIS has been developed.

- USFWS. 2008. *Draft Comprehensive Conservation Plan: Desert National Wildlife Refuge Complex*. USFWS Southern Nevada Field Office.
- City of Las Vegas. 2007. *Floyd Lamb Park Master Plan*.
- CCDCP and USFWS. 2000. *Clark County Multiple Species Habitat Conservation Plan*.
- Nevada Senate Bill 40. 1983. Nevada Statewide Policy Plan for Public Lands.

- Clark County Regional Flood Control District (CCRFCD). 2004. *Clark County Regional Flood Control District 2002 Master Plan Update*.
- City of Las Vegas. 2006. *City of Las Vegas Master Plan 2020*.
- City of North Las Vegas. 2006. *City of North Las Vegas Comprehensive Master Plan*.
- Clark County. 2001. *Clark County Comprehensive Master Plan*.