



CLARK COUNTY REGIONAL FLOOD CONTROL DISTRICT
RECEIVED DISTRICT OF LAND MANAGEMENT
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LAS VEGAS, NEVADA
FIELD OFFICE
LAS VEGAS, NEVADA

November 16, 2004

Mr. Jeff Steinmetz
Planning and Environmental Coordinator
Las Vegas Field Office
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Dear Mr. Steinmetz:

This letter responds to your request for comments on the Draft Las Vegas Valley Disposal Boundary Environmental Impact Statement.

Page 2-8 states that the Southern Nevada Public Lands Management Act and the Clark County Act "direct BLM to dispose of public lands within the disposal boundary area...". I believe that it would be more accurate to say that these Acts "authorize" the disposal of public lands.

The Draft EIS does not include an assessment of the impacts that the proposed action or the alternatives would have on transportation in the study area. It would be expected that disposal and subsequent development of an additional 46,700 acres in the Las Vegas Valley would have transportation-related impacts in addition to those associated with Air Quality.

While the Draft EIS makes mention of the Clark County Regional Flood Control District's Master Plan and the need to provide drainage infrastructure to provide flood protection, the document does not include any reference to the recently completed Flood Control Master Plan Supplemental EIS (SEIS). The SEIS provides an analysis of the impacts anticipated to be associated with implementation of the Master Plan, and should be cited so that the public is aware that the impacts and appropriate mitigation measures have been identified.

Page 4-5 states that "Typical construction activity emissions for particulate matter less than 10 microns in diameter (PM₁₀) were estimated at 0.265 tons per acre per month of construction." This emission factor is significantly lower than the 0.42 tons per acre per month emission factor used in the PM₁₀ Attainment Demonstration Plan, Las Vegas Valley Non-attainment Area, Clark County Nevada. The 0.42 emission factor is the factor typically used for this region and the use of a different factor should be justified.

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Comment L-4

Response L-4 (Clark County Regional Flood Control District)

- 1 The text has been revised.
- 2 Transportation planning in the Las Vegas Valley is a collaborative effort led by the Regional Transportation Commission of Southern Nevada (RTC). The RTC coordinates long-range and short-range transportation planning activities with local governments and private citizens to develop the Regional Transportation Plan and the Transportation Improvement Program. These plans focus on the urbanized area which is coincident with the disposal boundary area and address growth, congestion, and air quality. As described in General Response 1, lands are disposed of consistent with local planning requirements, which includes transportation planning. Thus impacts on transportation are considered by the local governments during the nomination process for land disposal.
- 3 The Supplemental EIS for the Flood Control Master Plan has been referenced in Section 3.3.1.1 and Section 4.3.4.
- 4 The emission factor of 0.42 tons per acre per month if for heavy construction operations that include cut and fill and other significant earth-moving operations. General construction activities that do not include grading and cut and fill have an emission factor of 0.11 tons per acre per month. Based on an analysis of the typical development that has occurred on previously disposed BLM lands, Argonne National Laboratory determined an average value of 0.265 tons per acre per month was representative of development that may include both types of construction activities.

C L A R K C O U N T Y
REGIONAL FLOOD CONTROL DISTRICT

Mr. Jeff Steinmetz
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The Draft EIS includes a discussion of the impacts associated with a "Conservation Transfer Alternative" which is similar to the proposed action except that approximately 5,000 acres of land have been identified as a Conservation Transfer Area (CTA). The CTA was established based on unique paleontological resources, cultural resources, and special status plant species that are located within the disposal area. At a November 1, 2004 meeting associated with the Draft EIS, it was revealed that the CTA alternative has been identified as the preferred alternative. At the same time, the size and exact boundaries of the CTA have not been identified as yet, nor have the conditions and stipulations of the Conservation Agreement which would apply to the CTA been identified. It is difficult, at best, to evaluate what the impacts of the proposed CTA alternative are without full disclosure of these critical factors.

Thank you for opportunity to review and comment on the proposed action. If you have any questions, please don't hesitate to contact me.

Sincerely,



Timothy E. Shtko
Environmental Mitigation Manager

TES:jb

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Comment L-4

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The intent of the November 1, 2004 meeting was to provide a collaborative forum to discuss land disposal options and potential mitigation measures for sensitive resources within the area identified as the Conservation Transfer Area. The size and location of the Conservation Transfer Area has not been modified as was discussed during that meeting. As was described in Section 2.4, title to land identified as the CTA would not be transferred until a Conservation Agreement is developed on how the resources in this area would be protected and/or mitigated. The strategy committee would have input regarding the content and structure of the agreement.

Maver
Michael I. Montandon

Council Members
William E. Robinson
Stephanie S. Smith
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Our Community of Choice

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PBS&J

November 15, 2004

Las Vegas Valley BLM Land Disposal EIS
PBS&J
2270 Corporate Circle, Suite 100
Henderson, NV 89074-6382

Re: Comments to the Las Vegas Valley Disposal Boundary Draft Environmental Impact Statement

Dear Planning and Environmental Coordinator or Field Manager:

The City of North Las Vegas (North Las Vegas), appreciates the opportunity to comment on the Las Vegas Valley Disposal Boundary Draft Environmental Impact Statement (DEIS), which analyzes the potential environmental impacts of three alternatives for the disposal and use of lands managed by the Bureau of Land Management (BLM) within the Las Vegas Valley Disposal Boundary Area in Clark County, Nevada. The alternatives analyzed in the DEIS include the Proposed Action Alternative, the Conservation Transfer Alternative, and the No Action Alternative. North Las Vegas' greatest concern is with the Conservation Transfer Alternative, which, if selected, will have a significant impact on our community by fragmenting future development and conflicting with established community goals.

North Las Vegas has and continues to take an active role in supporting conservation measures within Clark County, as evidenced by the City's participation in the development of the Multiple Species Habitat Conservation Plan (MSHCP), and continued membership on the Implementation and Monitoring Committee (IMC) for the MSHCP. While respecting conservation and natural resource preservation, North Las Vegas is also a growth-oriented community dedicated toward improving our citizens' quality of life through creating employment opportunities, increasing housing selections, and providing recreational alternatives. The City encourages formulation of a balance that recognizes the need to reasonably preserve important environmental resources, while ensuring continued master planned growth and incorporation of a variety of land use categories. The City of North Las Vegas recommends that the BLM adhere to the Proposed Action as identified in the DEIS. Additionally, should the Conservation Transfer Alternative be ultimately selected as the Preferred Alternative, North Las Vegas requests that this alternative be modified to address the City's concerns as identified in these comments. Support for the recommended modification to the DEIS is provided below.

Comment L-5

Response L-5 (City of North Las Vegas)

1 Comment noted.

CHAPTER 1: PURPOSE AND NEED

No comments

CHAPTER 2: DESCRIPTION OF ALTERNATIVES

SECTION 2.5 - CONSERVATION TRANSFER ALTERNATIVE

2 Additional information for establishing the size of the Conservation Transfer Area is not provided, nor is the legal basis for establishing the Conservation Transfer Area articulated in the DEIS. The level of development that could occur within the Conservation Transfer Area is also unclear. For example, 5,000 fewer acres of land would be disposed under this alternative; however, only 2,500 acres of land would be developed under this alternative (20,000 versus 17,500 acres). The City is uncertain whether the 2,500 acres of development would occur within the Conservation Transfer Area or not. The City also believes there are a number of significant mitigation measures, described herein, that would appropriately reduce the size requirement of the conservation transfer area. The City of North Las Vegas requests that the BLM consider incorporating such mitigation measures into the description of this alternative in an effort to reduce the size of the area for the Final Environmental Impact Statement (FEIS).

SECTION 2.5 - NO ACTION ALTERNATIVE

3 The rapid growth of Southern Nevada and the consequent demand for a variety of housing renders the No Action Alternative impracticable. There appears to be little or no support for the rationale that says restricting land availability within the Las Vegas Valley could diminish the desire for people to relocate to the region. Local and nationally elected officials recognized a demand for immigration, largely based on climate and accessibility, when modifications were made to the Southern Nevada Public Lands Management Act. As stated in section 1.2.1.2 of the DEIS, "the adjustment to the disposal boundary was made to address the continuing rapid increase in the growth of Las Vegas and the demand for land for development." Under the No Action Alternative, more environmentally pristine areas within a 90-minute commute of the Las Vegas Valley would be the targets of market demand. In turn, that area would experience a rapid growth rate and result in a significantly greater detrimental impact to the environment than that which would occur within the Las Vegas urbanized area. When the environment is viewed as a whole, the best action may be to provide the mechanisms whereby growth would be primarily contained within the previously urbanized Las Vegas Valley.

SECTION 2.7 - SUMMARY OF ENVIRONMENTAL IMPACTS

4 The socioeconomic impacts outlined in table 2.7-1 appear underestimated based upon currently available information. The impacts should, in all probability, be estimated in billions of dollars rather than in millions, as is currently stated in the DEIS.

2 The size and location of the Conservation Transfer Area (CTA) was based on the resources located during field surveys, as was stated in Section 2.4. The buffer areas around the sensitive resources were selected based on the best professional judgment of resource specialists regarding the requirements that would provide for effective protection of sensitive resources. Because fossil occurrences may extend along an individual bed of strata beyond an outcrop exposure into the subsurface, recovery of these materials may extend well beyond any surface exposure location. The use of existing aliquot boundaries was considered the only practicable method for developing a legal boundary description for the CTA.

The amount of acres remaining to be disposed and the anticipated amount of land that would be developed was described in Section 2.3. The impact analysis assumes that approximately half of the land disposed would be developed during the period of analysis (through 2018) based on recent development rates. Assuming that the 5,000 acres of the CTA was not available for development, the projected development rate would be 2,500 acres less than under the Proposed Action. This does not mean that these 2,500 acres would be in the CTA. The development rate is described further in Section 2.3.

3 As was stated in Section 2.1, the No Action Alternative is required by NEPA to provide a baseline for comparison of impacts. The No Action Alternative can be eliminated as a practicable alternative if it does not meet the stated purpose and need of the federal action.

4 Specific information, including data sources, on the economic analysis was described in Appendix E.

CHAPTER 3: AFFECTED ENVIRONMENT

SECTION 3.4 - BIOLOGICAL RESOURCES

5 * Section 3.4.1.2 of the DEIS states that the buckwheat is currently being evaluated for listing as a State of Nevada Critically Endangered Species. It is the City's understanding that a final determination has not been rendered and that additional surveys or evaluations may be required. A statement by BLM representatives during the Public Hearings indicates that perhaps thousands of additional buckwheats are being discovered. This information was not presented in the DEIS. The City request's that any data and/or information relevant to the above statement be made available for public review before any final determinations are made as to the inclusion of buckwheat on the State Critically Endangered Species list.

SECTION 3.6 - CULTURAL RESOURCES

Information presented within this section describes an area that is of great traditional importance to a number of tribes, noting that ethnographic records place numerous villages within the disposal area (first paragraph Section 3.6.2). Several specific sites are noted in the second paragraph of that section, however it is not clear if they are outside or inside the disposal area. In addition, Section 3.6.3 states that none of the 15 tribes "contacted" by BLM provided any comments on significance of the villages, garden sites or other culturally significant places that had been identified. Finally, the DEIS indicates that the exact locations of these resources could not be determined; therefore their potential National Register of Historic Places (NRHP) eligibility and significance could not be determined. There is not, however, an independent assessment of their significance provided.

6 There is no indication in the DEIS on what attempts BLM (or others) made to identify these resources. Apparently, the Bengston 2004 report, referenced throughout this section, would need to be reviewed to ascertain appropriate status. In addition, several listed or eligible traditional cultural properties (TCPs) were noted on page 3-38, however there is no impact analysis for these contained in Chapter 4.

Most of the sites are eligible under Criterion D (some with some additional criteria noted) and, as such, are archaeological resources. The BLM received concurrence from the Nevada State Historic Preservation Officer (SHPO) on nine sites. However, there is no information in the DEIS on how or why the eligibility recommendations were made by BLM.

The DEIS contains no table showing the eligible sites. While the DEIS does contain a discussion of the four criteria, there is no link between the criteria and the historic properties. A table should be included listing the eligible sites and their eligibility criterion. The DEIS here refers to Appendix F, but a separate, short table of the sites and their corresponding criteria would be helpful.

SECTION 3.7 - PALEONTOLOGICAL RESOURCES

7 * Paleontologic resources were also identified as a major contributor to the creation of the Conservation Transfer Area. The DEIS lacks information describing how paleontological resources were used to determine that

5 The data in the Draft EIS were based on numbers from the November/December 2003 field effort. Additional comprehensive field surveys were conducted in the August/September 2004 timeframe. The surveys conducted in the August/September 2004 timeframe were used to determine mitigation measures for lands proposed in the 2005 land sale. Section 3.4 and Section 4.4 have been revised to reflect the additional acreage and estimated number of plants that were recorded during these comprehensive surveys. In October 2004, the Nevada Division of Forestry proposed to include the Las Vegas buckwheat on the State Critically Endangered Species list.

6 The footnotes to Table 3.6-2 provide information regarding the location of the sites noted in the 2nd paragraph of Section 3.6.2. Consideration of places of significance for Native American resources is based on the expressed interests of Native American tribes. As was stated in Section 3.6, an Ethnographic Assessment was completed and the results of this assessment were summarized in Section 3.6.3 and Section 4.6. The Ethnographic Assessment was completed in accordance with applicable regulations and executive orders. Responses to letters, results of meetings, and documentation of telephone conversations are all included in the Ethnographic Assessment.

Due to the sensitivity of information, specific requests to further review documents should be addressed to the BLM under separate letter. As was stated in Section 4.6.2, the TCPs are outside the disposal boundary area and no direct or indirect adverse impacts from the land disposal actions would occur.

7 a 5,000 acre conservation transfer area was required. Without this information, it is difficult to determine whether or not a Conservation Transfer Area of 5,000 acres can be justified. Also, Section 3.7.2 of the DEIS states "Fossils identified from these localities consisted of non-diagnostic bone fragments which are generally considered to have little potential to be paleontologically significant." And though some localities contained "large, well-preserved bone portions, these resources could be addressed through mitigation measures, not the prohibition of development." Thus, it appears that mitigation measures could offset any potential impact on these resources, thereby eliminating the need to reduce development opportunities. This information is not provided in the DEIS.

8 **SECTION 4.0: CHAPTER INTRODUCTION**

- Page 4-3 of the DEIS states, "Impacts may be reduced to less than significant levels if mitigation guidelines and standard practices are implemented."

North Las Vegas adheres to this statement through the City's actions and participation in the MSHCP. The City feels the MSHCP is the logical choice as the mechanism to accomplish the conservation efforts discussed in the DEIS.

SECTION 4.4 - BIOLOGICAL RESOURCES

- Section 4.4.3 of the DEIS states that for the purposes of seed dispersal, and to provide a suitable surrounding habitat for the special-status species inhabiting the area, a 50-foot and a 100-foot buffer was placed around each bearpoppy and buckwheat plant, respectively.

Under the Conservation Transfer Alternative, there is some confusion as to the size, location and application of the lands contained within this alternative. In conversations with BLM representatives during the Public Hearing process, the City understood that the conservation transfer area, where special-status plant species were affected, was determined by placing a 500-foot and 250-foot buffer around each plant and then utilizing the aliquot parcel method to draw the boundary. The City questions the criteria used to establish the size of the Conservation Transfer Area.

9 From information provided in the DEIS, it appears confusion on buffer size results in part from the use of the term "buffer" in two different contexts. The DEIS estimated acreage of habitat likely to be occupied by the species based on: (a) acreage where the plants were visibly present, and (b) a surrounding area that is suitable habitat and was considered likely to contain seeds from those plants. This surrounding area was termed a "buffer". Another use for the term "buffer" defines an area to be protected around a population to prevent accidental impacts to the population. For example, if a housing development is sited so that the boundary of a lot is directly adjacent to the edge of an existing bearpoppy population, there is a high probability that construction activities on the lot could accidentally impact the population. In addition, herbicides and fertilizers used on residential plantings could run off into the area occupied by the bearpoppy population. Both types of chemicals may have a negative impact on populations of native species, because fertilizers may increase the growth of competitive, weedy species. If the aliquot method blocks out subsections that contain part of a population polygon, this method will result in a larger identified conservation area than would be derived using irregular population boundaries. However, because BLM land disposal units are aliquot units, this method identifies all potential disposal units proposed for conservation restrictions. The extent to which the approach may overestimate

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6(cont) The State Historic Preservation Officer (SHPO) reviewed the results of the Class III inventory (see Appendix F) and as was stated in Section 3.5.2.1 and Section 4.5, the SHPO concurred with the determinations made by the BLM regarding eligibility of sites for the National Register of Historic Places. Due to the sensitivity of information, specific requests to further review documents should be addressed to the BLM under separate letter.

The data in Appendix F are incorporated by reference, as allowed under with 40 CFR §1502.21.

- 7 See response 2 above. As was stated in Section 4.7.4, mitigation measures of any subsurface resources would be dependent upon the extent of the resource and ultimate land use.
- 8 Comment noted.
- 9 The section has been revised to reflect that the best science available was used for determining acreage of habitat. GPS data collected during the 2003 and 2004 surveys was used to estimate acreage of buckwheat and bearpoppy habitat. The area between the GPS points collected in the field was included in the acreage estimate to account for seed dispersal and suitable habitat that has the potential to support the species. The outer boundary of the polygon presented in Figure 3.4-1 indicates the limit of the habitat recorded. The CTA includes a portion of the recorded buckwheat and bearpoppy habitat. Figure 3.4-1 was revised to show recorded habitat inside and outside the established CTA. The CTA was not determined solely on the presence of buckwheat and bearpoppy habitat. The CTA was determined on the basis of all sensitive environmental resources (i.e. cultural, paleontological and other biological resources) identified in preparation of the EIS.

9 conservation needs depends upon the size of the aliquot parcels. However, if the parcel size used is the smallest parcel that BLM will auction or restrict, then the size has not been overestimated. The City requests additional information of this type to facilitate a thorough analysis of the basis for the 5,000-acre conservation transfer area determination.

Section 4.4.4 describes mitigation measures to reduce and/or avoid potential impacts to the special-status species inhabiting the area. For the Las Vegas bearpoppy, mitigation measures are described in the DEIS. For the "No Action" Alternative, BLM would retain permitting authority for Right of Way (ROW) development and Recreation and Public Purposes Act (R&PP) leases, and would stipulate various mitigation measures in conjunction with those activities. Standard mitigation measures are described in this paragraph. For the Proposed Action and Conservation Transfer Alternative, mitigation would be required by the Nevada Division of Forestry (NDF) under the MSHCP. The measures mentioned as "appropriate" in this paragraph include "stockpiling of the soil, seed collection, etc."; however, NDF could impose other mitigation measures, or even none at all, depending on the circumstances.

Relevant Clark County mitigation requirements of the MSHCP include:

- Imposition of \$550-per-acre development fee and implementation of an endowment fund,
- Purchase of grazing allotments and interest in real property and water,
- Maintenance and management of allotments, land, and water rights which have been acquired, and
- Construction, monitoring, and maintenance of barriers along linear features.

10 In addition, "Clark County will cooperate and work with USAF, Las Vegas Valley Water District, BLM, NPS, USFWS, NDF, NDOT, and TNC to manage populations of the Las Vegas bearpoppy in key areas of its distribution. Also, Clark County will agree to fund for two years a position with NDF to assist in implementation of the measures set forth in the Memorandum of Agreement (refer to Appendix F in the DEIS). Finally, if required, Clark County has agreed to expend up to \$90,000 to protect a critical population at Nellis Air Force Base."

The only key area under the jurisdiction of Clark County appears to be the population at North Las Vegas Airport. Because the Las Vegas bearpoppy has not successfully been grown from seed or transplanted, the only additional viable alternatives to conserving the entirety of an existing population may be: 1) acquire and set aside part of an area occupied by this species within the ultimate NLV city limits as undeveloped open space (protected from off-road vehicle use), while permitting development on the remainder; 2) adopt fees for development of lands with state-listed species to provide support to management funds for protected sites; and 3) adopt fees for development of lands with state-listed species to provide support to projects developing workable transplantation/seeding methods. These fees would be in addition to the required \$550 MSHCP fee.

However, it appears under the Proposed Action that it is possible that all the bearpoppy land within the disposal boundary could be developed without any requirements other than the \$550 fee required under the MSHCP. It also appears that Nevada Division of Forestry (NDF) does not have to stipulate any permit requirements, although that might be an unlikely scenario.

11 The Conservation Transfer Alternative would limit development in certain areas and would require mitigation for any development permitted in the conservation transfer area. The mitigation measures suggested above are reasonable to propose for development in the conservation area. However, the other mitigation measures described in the DEIS (e.g., pre-construction surveys, soil banking, and construction monitoring) are reasonable for situations where the land may not be directly or permanently disturbed. At

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- 10 The Las Vegas bearpoppy is currently listed as State Critically Endangered (NRS 527.270). There currently is not an acceptable and successful methodology for mitigation of the species. However, existing and previous projects have implemented various mitigation measures that may prove beneficial to the existence of the population. The best available science would be identified in the master permit prior to ground disturbing activities. The specific mitigation measures identified in the permit would be implemented in addition to the fees required for impacts to desert tortoise habitat.
- 11 The mitigation measures described in the Draft EIS (i.e. pre-construction surveys, soil banking, and construction monitoring) would be required for any parcel that contains sensitive environmental resources identified in the EIS. The specific type of mitigation measure would be identified during the permitting process.

11	sites where disturbance is temporary, soil banking will salvage the seed bank of the population, and the soil can be redistributed at the site. At sites where a population can be avoided, but may be accidentally impacted during construction, construction monitoring will help protect the species.
SECTION 4.5 - CULTURAL RESOURCES	
<ul style="list-style-type: none"> The Tule Springs National Register Site (26CK244-248) is listed on the NRHP and is within the disposal boundaries and the City of North Las Vegas. The 960-acre site encompasses state lands, with the remaining 660 acres located on BLM lands (refer to Section 3.5 under 'Affected Environment'). 	
<p>The site was nominated in 1972, during a period when the City of North Las Vegas was experiencing little growth and had a population of 40,535. By 1990, the population had increased to 47,500. Currently, the City's population is 168,000. Since the 1970's, the City and Valley have experienced phenomenal population growth, especially over the past 10 years. North Las Vegas has become one of the five fastest growing cities in the United States, with a population increase of between 7 to 8 percent a year. The City has also expanded its boundaries, growing from 31 square miles in 1970 to 81 square miles in response to the population growth. Included in this expansion was the Tule Springs site. No one could have foreseen the need for additional lands to accommodate the City's growth in the 1970s, when this 960 acres was originally nominated. Today, however, it is necessary to reexamine this nomination and determine whether the entire 960 acres is still needed to protect artifacts and significant archaeological sites within this area.</p>	
12	<p>The DEIS states "It (Tule Springs National Register Site) was nominated to the NRHP in 1972 for its significant role in the history of American archaeology and its role in American science because of its association with Willard F. Libby...". This statement along with the number of artifacts found during the survey for the DEIS make it unclear whether the 960 acres was established because of its association with Mr. Libby or because the acreage contained significant artifacts and sites. It should be noted this survey found four isolated artifacts and one site, the Tule Springs Expedition Base Camp (refer to section 3.5 under 'Affected Environment'). Given these findings, a number of questions should be addressed regarding the size of the site. Specifically: 1) What criteria were used to establish the site's boundaries for the NRHP; 2) Was a cadastral survey, establishing the boundaries of the 960-acre site completed; and 3) Does a legal description of the site exist. Given the limited number of artifacts found during this survey, does the 960 acres also incorporate "buffer" acreage created around critical areas of concern? If so, how large are these protected areas? The City also would like to know whether the entire 960 acres is truly the amount of acreage needed to preserve significant artifacts and sites on this property or could a portion of the 960 acres be released for development? The sensitive nature of this site has precluded the City from obtaining the necessary data to determine whether the entire 960 acres should be maintained as NRHP, or whether some acreage may be removed from this designation for a future BLM auction.</p>
13	<p>There are also some confusing statements within this section of the DEIS. For example, under the No Action Alternative (section 4.5.1), "Known cultural resources would be avoided or mitigated; thus any direct adverse impacts associated with construction and operation of the facility requiring the lease would be insignificant." The only mitigation evident in the DEIS was the Historic Properties Treatment Plan. It is the City's understanding that the Plan would not be completed under the No Action Alternative. In that case, what mitigation is being referred to in this section?</p>
14	<p>Section 4.5.4: The Mitigation Measures section should briefly explain what a Historic Properties Treatment Plan is, and how it could mitigate for impacts to cultural resources.</p>
15	<p>Section 4.5.4: The Mitigation Measures section should briefly explain what a Historic Properties Treatment Plan is, and how it could mitigate for impacts to cultural resources.</p>
<p style="text-align: right;">Page 6 of 8 Comment L-8</p>	

- 12 As was stated in Section 3.5.2.2, Tule Springs was nominated to the NRHP for its significant role in the history of American archaeology (Criterion A) and its role in American science because of its association with Libby. The site was established under Criteria A and B. Further specific information concerning establishment of the site boundaries in 1972 and a legal description needs to be researched by CLV personnel (or their assigned archaeological contractor) through the same avenues listed in Section 3.5.2 of the Draft EIS. Regardless of what was found during the EIS survey, the designation of the NRHP was completed in 1972 during a different time frame. The comparison of artifacts found in the Class III survey conducted for the disposal boundary area has no bearing on the current boundary of the NRHP.
- 13 Due to the sensitivity of information, specific requests to review further documents should be provided under a separate letter.
- 14 The statement in section 4.5.1 regarding mitigation refers to mitigation that would be required for issuance and use of rights-of-way or R&PP leases that would be implemented under the No Action Alternative. Also, as was stated in Section 4.5.1, management directions in the RMP would continue to address the data recovery and conservation of cultural resource sites.
- 15 The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for the National Register of Historic Places. The Standards, revised in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* (Vol. 60, No. 133). As was stated in Section 4.5.4, because of the uncertain timing of when or if lands containing cultural resources sites may be nominated for sale, mitigation cannot be fully determined at this time. The BLM would prepare a Historic Properties

16	<p>SECTION 4.6 - NATIVE AMERICAN RESOURCES</p> <ul style="list-style-type: none"> Section 4.6.3 of the DEIS states, "the Las Vegas Wash is located in the conservation transfer area; however, it is not known whether the entire wash itself is culturally significant or whether only portions of it are, thus protection of the wash could potentially be an indirect, yet beneficial impact." <p>Before becoming aware of these resources, the City of North Las Vegas had set a policy to protect the natural waterway with significant setback standards. While these standards were established to protect the natural landscape and possible erosion of the wash's banks, they will also protect these resources.</p>
17	<p>SECTION 4.9 - LAND USE</p> <ul style="list-style-type: none"> Section 4.9.3 of the DEIS states, "Although the amount of land proposed for conservation (5,000 acres) is not significant compared to the remaining amount of land to be disposed (46,700 acres), the location and orientation of the conservation transfer area could potentially fragment the future development of communities." <p>It is North Las Vegas' view that over 10% of the disposal area is significant when considering the overwhelming demand for land in the Las Vegas Valley. With 90% of Clark County's 5.12 million acres of land under federal control, perhaps these environmental concerns could be better addressed on federal lands outside the Las Vegas Valley.</p>
18	<p>The Conservation Transfer Alternative will create an undesirable situation with respect to the ROW for roadways and infrastructure. The established boundaries of the conservation transfer area result in a barrier that may preclude road and utility construction through it to service developable land on the northern side. This obstacle will create significant engineering challenges resulting in increased development costs. The inability to establish ROW corridors across this area also will negatively impact public safety and contribute more vehicle emissions as a result of indirect routes around this area. It is essential to include in the preferred alternative provisions to establish North/South and East/West ROW corridors across the conservation transfer area at a minimum spacing of one-half (1/2) mile.</p>
19	<p>The second paragraph of Section 4.9.3 of the DEIS singles out the City of North Las Vegas and its desire to develop the property within the disposal boundary. As stated in Section 3.9.4, all of the areas within the disposal boundary are slated for development, regardless of the political jurisdiction in which they are located. The second paragraph of Section 4.9.3 should be eliminated from the DEIS.</p>
20	<p>SECTION 4.15 - CUMULATIVE IMPACTS</p> <ul style="list-style-type: none"> Subsection 4.15.4 (Biological Resources) of the DEIS states, "The Proposed Action would include the North Las Vegas Valley sale and an additional 5 percent of the known habitat for the buckwheat would be lost, making the total habitat loss 85 percent." <p>North Las Vegas requests that the BLM include the potential effect of mitigation measures in their analysis of cumulative impacts on the buckwheat. The City believes that the potential impacts can be significantly reduced through implementation of mitigation measures.</p>

15(cont.) Treatment Plan in consultation with the SHPO to address appropriate treatment measures. An explanation of the Historic Properties Treatment Plan has been added to paragraph 2 of this section.

16 Comment noted. The discussion of the resources protected under the Conservation Transfer Alternative are based on the protections that would be implemented as part of the action undertaken by BLM for the land disposal process, and does not include actions or controls by other parties that may affect impacts to sensitive resources.

17 The statement regarding the significance of excluding the CTA from development is based on consideration of the amount of land that would be transferred for development under this alternative, as well as privately held vacant land that is available for development in the Las Vegas Valley

18 Upon development of mitigation requirements, as needed, the infrastructure and rights-of-way access described in this comment could be placed in the CTA. Also, as described in Section 1.2, the purpose and need for land disposal is to address the federal parcels interspersed among private lands and thus it is not the intent of the Conservation Transfer Alternative to further barriers to development.

19 The land use plans and responsibilities of several jurisdictions are mentioned in section 4.9.3 related to community land use plans for the CTA.

20 The section in the EIS has been revised to include a more accurate estimate of habitat lost and mitigation measures implemented.

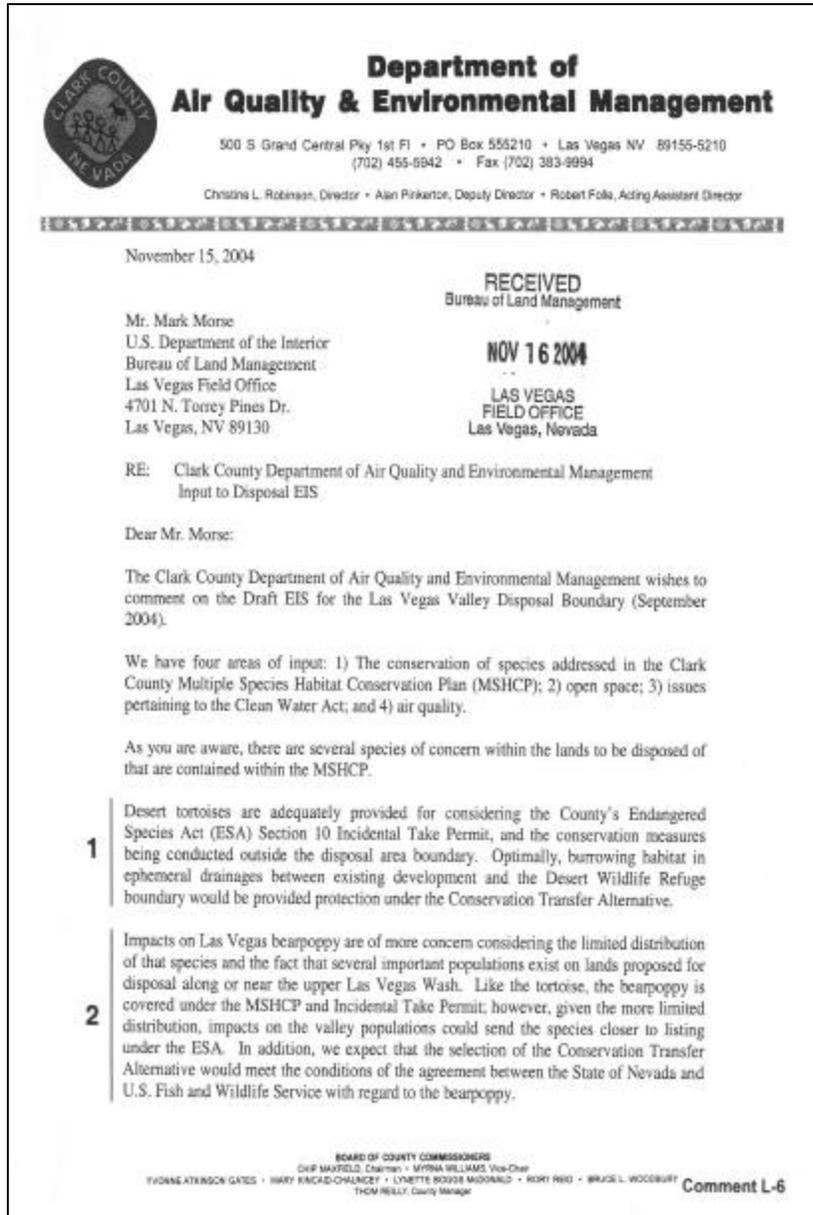
Should you have any questions regarding these comments, please don't hesitate to call Michael Majewski, of my staff at 633-1528. Once again, thank you for the opportunity to comment on the Las Vegas Valley Disposal Boundary DEIS.

Sincerely,



Gregory E. Rose
City Manager

GER/mc
Enclosure



Response L-6 (Clark County Department of Air Quality & Environmental Management)

1 Comment noted.

2 Comment noted.

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3 Of larger concern are potential impacts to the Las Vegas Valley buckwheat, a BLM sensitive species and a species currently being considered by the State for categorization as being "critically endangered". This buckwheat, as an evaluation species, does not enjoy coverage under the MSHCP nor the Incidental Permit. The majority of the range of this species is confined to the area of the upper Las Vegas Wash. Actions resulting from the disposal of lands containing the buckwheat for development would critically imperil this species and would likely result in a listing under the ESA, which in turn would curtail future development on lands deemed current or potential habitat.

4 Our concerns regarding species conservation would be satisfied through the selection of the Conservation Transfer Alternative, with boundaries that encompass all or the majority of the habitat for the two plant species of concern. Additionally, we encourage an expanded study of the size, health and density of the Las Vegas bearpoppy and the Las Vegas Valley buckwheat within Clark County, as this study may result in lands being available for disposal as originally proposed.

5 The Clark County Board of County Commissioners in January of this year, accepted and endorsed a citizens advisory board report on environmentally sensitive lands. A copy of this report was delivered to you. In that report was a recommendation that recognized the importance of open space and retaining connectivity between the urban areas and federal wild lands. Further, the Clark County Growth Management Task Force has recently considered the topic of an open space system as part of their deliberations and have deemed it worthy of further consideration as a potential recommendation to the Board. Given the unique paleontological and biological resources of the upper Las Vegas Wash, it would seem that the Conservation Transfer Alternative would provide an outstanding opportunity to join the Las Vegas Wetlands Park in being a key component of an open space system. Such an arrangement would provide a vital link of the inner Valley with the federal lands on the perimeter. The County is also potentially interested in pursuing Recreation and Public Purpose leases on other yet undeveloped BLM parcels to be managed as open space.

6 While addressing some aspects of the Clean Water Act (CWA), the DEIS fails to include any reference to the Las Vegas Valley water quality management plan ("208 plan") and the indirect impacts from the proposed action on the actions and recommendations found in this plan. Impacts from the increased hardening of surfaces on runoff and the stability of the Las Vegas Wash are one such concern. Likewise, there is no mention of the indirect impacts of the proposed action with respect to Section 404 requirements pertaining to the Wash and its ephemeral tributaries.

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3 Comment noted.

4 Comment noted.

5 Comment noted.

6 Indirect impacts considered in the EIS include consideration of changes in runoff and water quality related to development. Existing hydrologic information on the Las Vegas Valley indicates that most precipitation in the Valley is returned to the atmosphere through evapotranspiration or discharges to surface drainages through overland flow or from stream bank storage. Water quality plans (such as the 208 plan) provide the framework for determining Best Management Practices and water quality goals for the planning areas. These planning requirements would impact development activities that may occur on disposed lands. However, disposal and subsequent development are not expected to impact the water quality planning process because the plans already anticipate regional population growth and development in the Las Vegas Valley.

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The Air Quality Division reviewed the Draft EIS for the Las Vegas Valley Disposal Boundary (September 2004) and provides the following comments:

- 7 1. **2002 Southern Nevada Public Lands Management Act Boundary.** The net additional land area included in the 2002 SNPLMA is 26,440 acres instead of 22,000 acres used in the EIS according to the following table provided by the Clark County Assessor.

Book Number	Deleted from Disposal Boundary	Added to Disposal Boundary	Total Net Loss/Gain
99		5,971.77	
100		8,748.91	
123		1,415.38	
124		6,819.79	
125		336.29	
137	(296.58)	573.53	
160	(70.00)	162.87	
164	(45.11)	181.16	
189	(36.67)	296.56	
190	(738.85)		
191		3,005.82	
192		105.33	
	(1,177.21)	27,617.41	26,440.20

- 8 2. **Ozone Modeling – Assumptions and Fuels specifications.** DAQEM cannot substantiate or deny the assumptions used in the Ozone attainment demonstration. Several studies are underway to determine the emission inventories of ozone precursors and the contributions of locally generated and regionally transported ozone. The assumption that Clark County will adopt a 6.8 RVP fuels specification is valid for the modeling effort in the EIS, however, premature for Clark County to determine.
- 9 3. **CO Modeling.** The CO modeling utilized a summertime episode day. Since CO is a wintertime pollutant of concern, modeling a wintertime episode day would more accurately reflect CO impacts.

Comment L-6

6(cont) The requirements for determining waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers and the need for a Section 404 permit under the Clean Water Act if waters of the U.S. are filled are described in Section 3.3 and Section 4.3. Permitting under the Clean Water Act would be completed by the appropriate proponents as necessary for activities resulting in fill to waters of the U.S.

7 The acreages used in the Draft EIS included federal lands managed by the BLM available for disposal. The property inventory within the disposal boundary area was determined from Master Title Plats and associated realty records. Other federal lands, such as Tribal Lands, were not included in the acreage totals.

8 Comment noted. As stated in Section 4.1, the specific control measures to be implemented to address ozone non-attainment have not yet been specified, and a variety of approaches may be adopted. The use of the projected decrease in ozone precursor compounds achieved by use of low volatility fuels is considered representative of the types of control measures that would be implemented under an approved SIP for ozone.

9 The modeling effort used summer event conditions for the meteorological factors in the model, as these conditions typically accompany higher concentrations of PM₁₀ and ozone. While CO is typically a greater concern during winter events, such as inversions, CO exceedances have not been observed since 1998 and the non-attainment area is in maintenance status, and thus the goal of returning to attainment status has been established. Based on these considerations, modeling results for summer conditions can be used to compare the relative impacts on CO concentrations. Additional simulations were not determined to be warranted because of the compliance status of CO and the effort required for additional modeling under different meteorological conditions.

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- 10 4. **Ozone SIP.** The ozone SIP submittal date is 2007 not 2009 as indicated in the EIS. Clark County must reach attainment of the 8-hour ozone standard by 2009.
- 11 5. **Ozone nonattainment boundary.** The EIS must use the nonattainment boundary approved by the U.S. EPA in October of 2004. The EIS should contain an accurate depiction of the ozone nonattainment boundary approved by the U.S.EPA.
- 12 6. **Emissions Inventories.** The BLM should refer to Clark County's 2002 Consolidated Emissions Reporting Rule (CERR) emissions inventory for construction of the 2000 baseline year emission inventory. This inventory is the most complete and accurate data available for the criteria pollutants. The DAQEM will provide the complete inventories upon request by the Bureau of Land Management or its authorized agent.
- 13 7. **Maps.** The maps in the EIS must clearly identify the BLM disposal boundary depicted in the included maps as the 2002 SNPLMA boundary, the referenced SIP maps contain the 1998 SNPLMA boundary.

Thank you for this opportunity to provide comments. As a cooperating agency we remain a committed partner for the success of this NEPA analysis. Please let us know if you need any further assistance or information.

Sincerely,



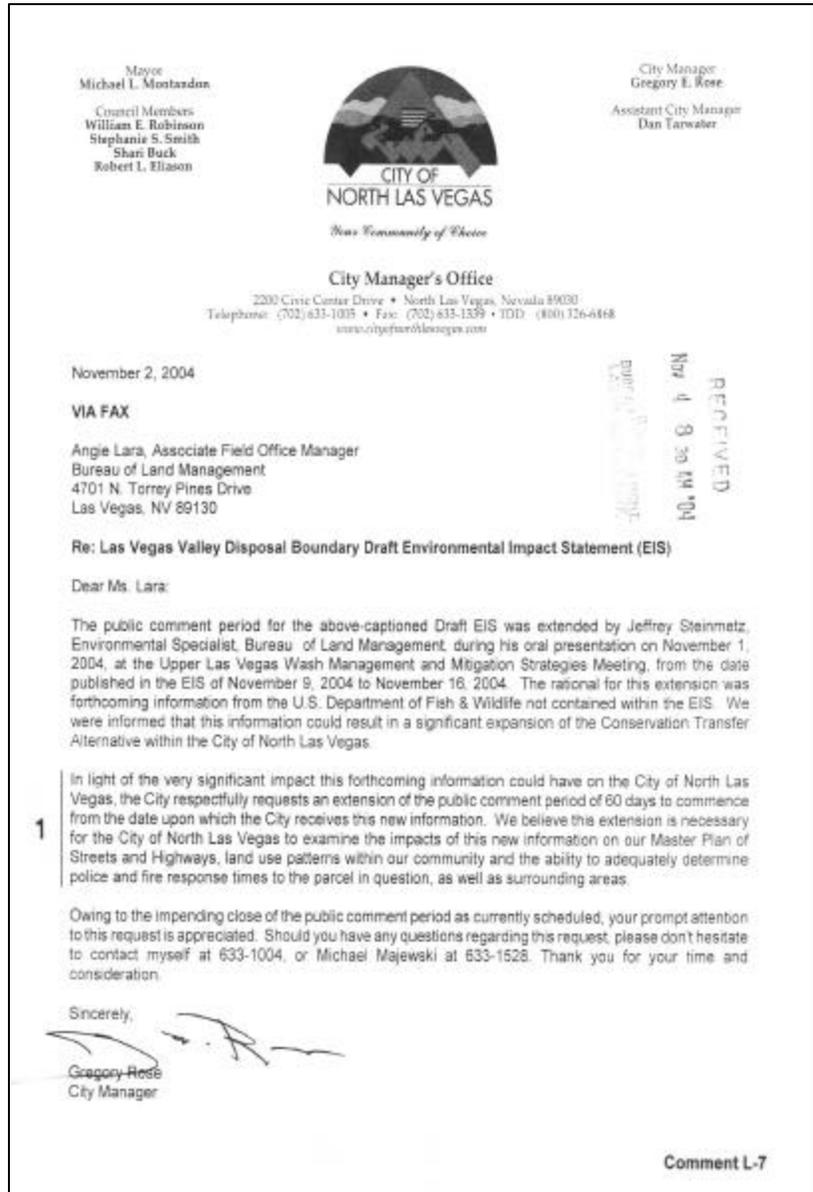
Christine L. Robinson
 Director

- cc: Rick Holmes, Assistant County Manager
 Alan Pinkerton, Deputy Director, DAQEM
 Lewis Wallenmeyer, Assistant Director, DAQEM
 Rob Mrowka, Planning Manager, DAQEM
 Dennis Ransel, Planning Manager, DAQEM

CLR/md

Comment L-6

- 10 The text has been revised.
- 11 The Draft EIS was published prior to the adoption of the final ozone non-attainment area boundary for Clark County. Figure 3.1.1 and text have since been revised.
- 12 The air quality modeling effort was carried out in consultation with the Clark County DAQEM, and data provided by the DAQEM were used in the modeling effort.
- 13 Comment noted.



Response L-7 (City of North Las Vegas)

- 1 The Conservation Transfer Alternative in the Final EIS has not been changed and thus the reason for extending the comment period is not applicable.