

RECORD OF DECISION

1.0 RECORD OF DECISION

The decision is hereby made to approve the proposed Resource Management Plan (RMP) for the Sloan Canyon National Conservation Area (NCA) and select Alternative C as presented in the Final Environmental Impact Statement. The decision is also made to approve the North McCullough Wilderness Plan, attached, and as presented in Appendix C of the Proposed RMP. Both management plans were prepared under the regulations implementing the Federal Land Policy and Management Act of 1976 (43 CFR 1600), the Clark County Conservation of Public Land and Natural Resources Act of 2002, and other regulations, as appropriate (Appendix A). An environmental impact statement (EIS) was prepared for both plans in compliance with the National Environmental Policy Act (NEPA) of 1969. The plans are nearly identical to the ones set forth in the *Sloan Canyon National Conservation Area Proposed RMP and Final Environmental Impact Statement* published in October 2005. Both general and specific management decisions for the Sloan Canyon NCA are included in this Record of Decision (ROD).

1.1 ALTERNATIVES CONSIDERED

Four alternatives were analyzed in the Draft RMP/EIS. Public input received throughout the planning process drove development of the alternatives. The goal was to construct a range of management actions and tools to balance the predicted increase in use of the NCA with protection of the NCA's outstanding characteristics, such as its primitive character and cultural resources. Alternatives had to meet the purpose and need of the NCA management plan, be viable and reasonable, provide a mix of resource protections, management use, and development, be responsive to issues identified during scoping, and meet the established planning criteria, federal laws, regulations, and BLM planning policy.

The No Action Alternative would have continued existing management conditions under the Proposed *Las Vegas Resource Management Plan and Final Environmental Impact Statement*, the Sloan Canyon NCA Act and Clark County Act, Title II ("Wilderness Areas"), all existing laws, regulations, and policy, and the Wilderness Act of 1964. Alternative B was the environmentally preferred alternative and emphasized the natural character of the NCA and represented the most restrictive management approach while being the most resource-protective. Alternative C (the Preferred Alternative) focused on a moderate increase in development while maintaining the natural characteristics of the NCA. Alternative D presented the most active management approach, allowing maximum use while maintaining and enhancing resource conditions.

1.2 MANAGEMENT CONSIDERATION FOR SELECTION OF THE RMP

Both the Approved RMP and the Wilderness Management Plan were selected because they best serve the purpose of the NCA as described by the enacting legislation and the NCA vision as developed by the interagency planning team. On the basis of public comments received on the Draft RMP/EIS and discussions with the cooperating agencies, some elements of Alternatives B and D were integrated into Alternative C before publishing the Proposed RMP/FEIS. Thus, the approval of the proposed RMP Alternative C represents carefully selected elements from all of the action alternatives developed through a dynamic public process. The Approved RMP provides for moderate levels of developed recreation, facilities, and transportation with management actions to ensure that neither resources nor visitor experiences are unacceptably degraded. Alternative B of the Final EIS is the environmentally preferred alternative.

The Sloan Canyon NCA Act directs BLM to grant the City of Henderson a right-of-way (ROW) for the North McCullough Road (N-65874), which is envisioned as a scenic roadway that would be constructed to provide access to the NCA, trailheads, and overlook points. The Act requires BLM to recommend a location for the North McCullough Road as part of the planning process. Based on ground surveys, field visits, impact assessments, and extensive dialogue with City of Henderson planners and engineers, as well as cooperating agencies, BLM recommends the proposed Northern Corridor as the location for North McCullough Road. Any future development related to this scenic roadway or associated trail will require additional environmental review.

1.3 MITIGATION MEASURES

Mitigation measures are incorporated into the approved RMP and Wilderness decisions. Sensitive resources are protected through resource allocations, recreation use management, and limitations and restrictions on developments and other activities. All practicable means to avoid or minimize environmental harm are carried forth in the Approved RMP. During implementation and, in some cases, the next tier of planning, additional measures may be taken, as necessary, to mitigate potential impacts on the environment. Monitoring will determine how effective these measures are in minimizing environmental impacts.

1.4 PLAN MONITORING

BLM will monitor the plan at a minimum of five-year intervals to ensure that decisions are effectively implemented, and to evaluate indicators of change identified in the various natural resource and program decisions. During the life of the approved plan, BLM expects that new information gathered from field inventories and assessments, research, other agency studies, and other sources will update baseline data or support new management techniques and scientific principles. To the extent that such new information or actions address issues covered in the Approved RMP, BLM will integrate the data through a process called plan maintenance or updating. As part of this process, BLM will periodically review management actions and the Approved RMP to determine whether the objectives in this and other applicable planning documents are being met. Where they are not being met, BLM will consider adjustments of appropriate scope. Where BLM considers taking or approving actions that would alter or not conform to the overall direction of the Approved RMP, BLM will prepare a plan amendment and an environmental analysis of appropriate scope, and seek additional public comment.

1.5 PUBLIC INVOLVEMENT

1.5.1 SCOPING

Four public scoping meetings and three tribal information meetings were held in November and early December 2003 (Table 1.1). A total of 125 individuals attended the public scoping meetings that took place in an “open house” format, which provided attendees the opportunity to interact with and direct comments and concerns to BLM resource specialists.

Table 1.1 Public Scoping and Tribal Information Meetings

Date	Location	Meeting Type
November 13, 2003	Las Vegas, Nevada	Tribal Information
November 17, 2003	Henderson, Nevada	Public Scoping
November 18, 2003	North Las Vegas, Nevada	Public Scoping
November 19, 2003	Boulder City, Nevada	Public Scoping
November 20, 2003	Las Vegas (Summerlin), Nevada	Public Scoping
December 11, 2003	Parker, Arizona	Tribal Information
December 15, 2003	Sloan Canyon NCA	Tribal Information

A total of 512 comments were received during the scoping comment period. The comments confirmed that the public, tribes, and agencies understood and embraced the concept of making recommendations for management of the NCA. The comments provided many well-considered ideas, along with identifying related issues, concerns, and potential impacts. A majority of the comments addressed recreation, access and transportation, and cultural resources, with widespread agreement that the Sloan Canyon Petroglyph Site should be protected. Cultural resources comments and issues advocated protection of such resources from impact of visitation, vandalism, and theft. Some Native Americans requested permission to conduct tribal ceremonies at the NCA. Recreation comments and issues ranged from hiking trails and mountain biking to camping and recreational target shooting. All issues and concerns submitted during the scoping period have been considered in the development of the Approved RMP.

1.5.2 DRAFT RMP/EIS

A 90-day comment period on the Draft RMP/EIS was initiated with the publication of the Notice of Availability in the *Federal Register* on March 25, 2005 (*Federal Register*, Volume 70, Number 57, March 25, 2005, Page 15347-15348). Copies of the Draft RMP/EIS were mailed to interested agencies, tribes, individuals, and organizations. The document was also posted on the BLM webpage (<http://www.blm.gov>). Two public meetings were held during the 90-day public comment period on the Draft RMP/EIS. A total of 131 comment letters containing roughly 549 comments were received from federal and State agencies, tribal and local governments, conservation or environmental organizations, commercial interests groups, and other interested members of the public. The comments, commenters' names, and BLM responses can be found in Appendix J of the Proposed RMP/FEIS.

1.5.3 PROPOSED RMP/FINAL EIS

A 30-day protest period, which began on October 14, 2005 and ended on November 13, 2005, was provided on the land use plan decisions contained in the Proposed RMP/FEIS in accordance with 43 CFR 1610.5-2 (*Federal Register*, Volume 70, Number 198, October 14, 2005, Page 60103-60105). BLM received four protest letters. After careful consideration of all points raised in those protests, the BLM Director concluded that the responsible planning team and decisionmakers followed all applicable laws, regulations, policies, and pertinent resource considerations in developing the proposed plan.

1.5.4 Cooperating Agencies

Below is a list of agencies, tribes, and organizations that participated in the development of the Approved RMP as cooperating agencies. Cooperating agencies joined BLM early in the planning process and actively participated in the planning meetings.

State of Nevada

Nevada Department of Wildlife (NDOW)
Nevada State Historic Preservation Office (SHPO)

County

Clark County Department of Comprehensive Planning

Local

City of Henderson
Boulder City

Native American Tribes

Las Vegas Paiute Tribe
Paiute Indian Tribe of Utah
Fort Mojave Indian Tribe

Initially, cooperating agencies were asked by BLM to provide existing data and other relevant information within the scope of their responsibilities, goals, and mandates, and were encouraged to work with BLM as interdisciplinary team members to develop and assess alternatives and impacts. The BLM Las Vegas Field Office and the cooperating agencies conducted a series of meetings from January through August 2004 to develop and review management alternatives and impacts. The cooperating agencies then reviewed and commented on the Draft RMP/EIS before its publication, and afterward during the 90-day public comment period. They participated in the development of the Proposed RMP by attending meetings and reviewing the document before its publication.

Many of the cooperating agencies became integral members of the interdisciplinary team for the RMP/EIS and attended extensive meetings to share their expertise with BLM and contractor staff, making the RMP/EIS truly a cooperative effort. The City of Henderson, which shares a border with roughly the north half of the NCA, made major contributions in providing its expertise to the planning effort. The City of Henderson is also taking the NCA and its resources into account in its own city planning of streets, libraries, and other infrastructure in the rapidly developing lands bordering the NCA.

1.5.5 CONSULTATION WITH U.S. FISH AND WILDLIFE SERVICE

Early in the planning process, BLM initiated consultation with the U.S. Fish and Wildlife Service (USFWS) regarding the potential impacts of actions proposed in the RMP on federally listed species or species proposed for listing. This consultation was consistent with the procedures included in the memorandum of agreement between BLM and the USFWS completed in September 2000. USFWS provided BLM with lists of federally listed species, species that are candidates for listing, and other species of concern that could occur in the planning area. Species that are known to occur in the planning area were addressed in the planning process. Formal consultation with the Las Vegas office of USFWS concerning the potential impacts of implementing the Proposed RMP on one species, desert tortoise, was initiated on September 20, 2005. USFWS provided its Biological Opinion on the proposed plan on April 20, 2006 (Appendix I). The Biological Opinion concluded that implementation of the RMP will not jeopardize the continued existence of any affected species.

1.5.6 Consultation with Nevada State Historic Preservation Office

The BLM cultural resource management program operates in accordance with 36 CFR, Part 60, which outlines specific procedures for consultation between BLM and the Nevada SHPO. A National Programmatic Agreement among the Nevada SHPO, the Advisory Council on Historic Preservation, and BLM, which became effective in 1997, incorporates statewide protocol between BLM and Nevada SHPO, established reporting standards, and defined undertakings and activities that require consultation. The Nevada SHPO was a cooperating agency and worked with BLM throughout the planning process to ensure that historic properties were appropriately considered in the Approved RMP. Consultation with the Nevada SHPO under the Nevada State Protocol and subsequent agreements will continue.

1.5.7 NATIVE AMERICAN TRIBES

The Sloan Canyon NCA is known to contain one site of major interest to Native American tribes—the Sloan Canyon Petroglyph Site; however, when the RMP was initiated, it was unknown if other sites might exist. An intensive program to identify interested tribes and include them in the identification and evaluation of cultural resources was an integral part of the planning process. Along with the provisions of NEPA and FLPMA, which are routinely implemented through tribal consultations in federal planning, the American Indian Religious Freedom Act (AIRFA) plays a special role when BLM is planning policies, which could directly or indirectly affect the management of a Traditional Cultural Property such as the Sloan Canyon Petroglyph Site. AIRFA's core mandate is to ensure that federal agencies do not inadvertently infringe upon the practice of traditional Native American religion.

Consultation with the tribes therefore occurred and continues on several different levels. Government-to-government consultations invited interested tribes to become cooperating agencies at the level of involvement of their choice, public information meetings were held at tribal locations, and an intensive ethnographic study was undertaken with the cooperation of tribal officials and individual members to identify and evaluate the cultural resources of the NCA. BLM is committed to continuing long-term consultation and cooperation with the tribes regarding the management of cultural aspects of the NCA. A Native American Coordinator has been assigned to the NCA staff to carry forward the relationships developed during the planning process. The BLM Native American Coordinator facilitated meetings with the tribes to provide updates on the Draft RMP/EIS and to develop a comprehensive Interpretive Plan.

The following Native American tribes were invited to participate in the planning process as cooperating agencies and to regularly receive planning updates:

Native American Tribes

- Chemehuevi Indian Tribes
- Colorado River Indians
- Fort Mojave Indian Tribe
- Hopi Tribal Council
- Hualapai Tribal Council
- Kaibab Paiute Tribe
- Las Vegas Paiute Tribe
- Moapa Paiute Tribe
- Pahrump Paiute Tribe

- Paiute Indian Tribe of Utah:
 - Indian Peaks Band
 - Kanosh Band
 - Koosharem Band
 - Shivwits Band
- Twenty-Nine Palms Band of Mission Indians.

1.5.8 CONSISTENCY REVIEW

This plan is consistent with plans and policies of DOI and BLM, other federal agencies, tribal governments, State government, and local governments to the extent that the guidance and local plans are also consistent with the purposes, policies, and programs of federal law and regulation applicable to public lands. No formal comments were received from federal or tribal governments indicating the proposed plan was inconsistent with other existing plans or policies. The Governor of the State of Nevada in his letter dated February 10, 2006, identified no potential inconsistencies from with the Proposed RMP.

1.6 PUBLIC INVOLVEMENT OPPORTUNITIES IN PLAN IMPLEMENTATION

Public involvement with the management of the Sloan Canyon NCA does not end with the approval of the RMP. Beginning immediately and in the coming years, additional plans to implement the decisions of the RMP, such as a rails plan and interpretive plan, will be prepared and public involvement in that planning will be welcomed.

1.7 MANAGEMENT PLAN IMPLEMENTATION

The Sloan Canyon NCA will develop an implementation strategy and business plan that will schedule and prioritize the implementation of decisions of the Approved RMP.

Native American tribes, the Nevada SHPO and USFWS will continue to be consulted during plan implementation for all actions that may affect, respectively, interests of Native Americans, cultural resources, or Special Status Species. Cultural resource surveys, sensitive species surveys, and other resource considerations such as Desert Bighorn Sheep lambing areas and seasons stipulated in decisions throughout the Approved RMP will be conducted prior to any surface-disturbing activity.

1.8 PLAN EVOLUTION

As part of the planning process, resource-specific plans and strategies were developed. These plans, some of which are required by regulations or the Sloan Canyon NCA Act, contain additional management guidance for on-the-ground activities, as well as timeframe and priorities for implementing the management decisions. For example, the North McCullough Wilderness Management Plan provides direction for the management of various resources and activities within the North McCullough Wilderness to ensure the preservation of the area's wilderness character.

Recreation Monitoring Plan (Appendix B)—Contains the monitoring approach that will be used in the NCA to ensure that management actions meet the recreation management goals and objectives described in the Approved RMP.

Cultural Resources Management Plan (Appendix C)—Provides key elements for the management of cultural resources during the first stage of NCA implementation.

Interpretive Strategy and Environmental Education Strategy (Appendix D)—Clarifies and sets direction for the Interpretive and Environmental Education Program at the NCA.

Litter Cleanup Plan and Public Lands Awareness Campaign (Appendix E)—Provides cleanup actions and management priorities to help ensure that an effective anti-litter message is delivered and to eventually result in a litter-free NCA.

Vegetation Restoration Strategy (Appendix F)—Developed to improve vegetation community conditions in the NCA through the restoration of existing disturbances and the management and control of future disturbances.

Biological Management Strategy (Appendix G)—Contains a general management strategy to help maintain the ecological integrity and biodiversity of the NCA.

