

Exhibit A
To Attachment 1
EA # DOI-BLM-NV-S010-2009-0293-EA

BLM Response to Clark County Desert Conservation Program (DCP) Comments on the Environmental Assessment P.L. 107-350, Enacted December 12, 2002 for the Conveyance of Property to Clark County, Nevada for a Shooting Park (DOI-BLM-NV-S010-2009-293-EA)

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3.0, Page 5, Section C:

“Surveys conducted in support of the Disposal EIS adjacent to the indentified parcel indicate very low density tortoise habitat (0-10 tortoises per square mile) in the area. The survey indicates that 2 live tortoises, 24 carcasses, and 189 tortoise burrows were observed within 1 mile of the sale/conveyance parcel.”

The DCP requested a citation for this statement. The data is contained in the *Las Vegas Valley Disposal Boundary Biological Assessment*, 2004 and associated data sheets. The method for determining density classification is included in an appendix to that document.

“A desert tortoise survey conducted for the Clark County Department of Parks and Recreation in May 2001 found 4 desert tortoises and 40 desert tortoise burrows on the 5 randomly selected 40 acre sample plots on the sale/conveyance parcel.”

The DCP requests clarification regarding the status of the “4 desert tortoises,” wondering if these were observations of live tortoises. The survey does not specify “live” but standard tortoise survey methodology uses the term carcass when describing tortoise remains, therefore, BLM assumes that these are 4 live tortoise observations.

The DCP requested clarification as to whether the Clark County Department of Parks and Recreation survey classifies this parcel as low density. This survey does not extrapolate to tortoise density. The survey data is used describe what is known about the affected environment. That is why it is included in a separate paragraph.

The DCP identifies the US Geological Survey Tortoise Model as a source of information regarding tortoise densities for the Shooting Park sale/conveyance parcel. This model provides output of the statistical probability of habitat potential that can be used to map potential areas of desert tortoise habitat. BLM based the analysis in the EA on local historical observational data, not on a model of habitat potential.

3.0, Page 6, Section C:

“Phainopepla occur within the cat-claw acacia and mesquite habitat”

The DCP responded that “cat-claw” acacia is not the standard. The BLM may have not maintained consistency within the document regarding the spelling of *Acacia greggii*.

The use of a hyphen and common names to describe the species does not change the analysis or affect the BLM's determination of effects.

The DCP responds that the use of Mojave Desert scrub uplands is not clear. This is a standard way to describe Mojave Desert scrub vegetation community found in the stretches of bajadas outside washes. We do not believe that this statement was unclear.

4.0, Page 12, Section C:

“Consultation with the U.S. Fish and Wildlife Service for the Las Vegas Valley Disposal Boundary EIS (1-5-96-F-023R.3) indicates that activities occurring within the sale/conveyance parcel may affect the desert tortoise or its habitat. The disposal of BLM lands and that transfer of title would not have a direct impact on threatened, endangered or special status species. Subsequent development and change in land use would result in indirect impacts through loss of thermal cover, vegetation and forage, mortality and harassment of individual animals, decrease genetic flow, and decrease in habitat value of adjacent remaining ‘wildland’ areas due to increased human activity in the area... The activities following disposal of the proposed parcel are anticipated to result in the eventual loss of 2,880 acres of desert tortoise habitat and an estimated 45 tortoises.”

The DCP requests clarification regarding BLM's estimate of loss of 45 tortoises. The estimate of 45 tortoises was a simple calculation based on tortoise density estimates for the area. As very low density habitat, there are an estimated 0-10 tortoises per square mile. To determine effect, BLM took the conservative approach to describe what the agency believes to be the higher impact. The sale/conveyance parcel is 4.5 Sections in size. With 10 tortoises per section, the BLM estimated 45 tortoises would be affected.

4.0, Page 13, paragraph 2

“Land containing cat-claw acacia habitat occupied by phainopepla would be lost once the native vegetation is cleared, reducing the winter and nesting habitat for the species in Clark County. The relative importance of the habitat to the phainopepla is unknown at this time. However, there are adequate acres of un-fragmented habitat outside the Las Vegas Valley for the phainopepla.”

The DCP states that the information regarding adequate acres of habitat for the phainopepla is unnecessary and should have a citation. The BLM believes that this statement is necessary for the purposes of disclosing the impact of the sale/conveyance to the public. This statement does not have a citation as it is analysis conducted by the BLM for this EA. The BLM does not publish separate analysis reports for EAs for unlisted species.

“These species are both protected by the Migratory Bird Treaty Act.”

The DCP states that this sentence is unclear. BLM feels that the sentence is clear and should not be modified. The statement pertains to both species discussed in the paragraph, the burrowing owl and the phainopepla.

4.0, Page 14, Section E:

“Subsequent development and change in land use would be indirect impacts, including loss of nesting and foraging sites; loss of nest and young during clearing and ground disturbing activities; avoidance or displacement as birds avoid construction and development.”

The DCP states that this sentence is unclear. This sentence could be clarified to read, “Subsequent development and change in land use would result in indirect impacts, including loss of nesting and foraging sites; loss of nest and young during clearing and ground disturbing activities; and avoidance or displacement as birds avoid construction and development.”

4.1, Page 19, Section B (under the No Action Alternative)

“Those activities following the disposal of the 2,880 acres are anticipated to result in the eventual loss of 2,093 acres of desert tortoise, banded Gila monster and western burrowing owl habitat.”

The DCP requests clarification regarding the source of the 2,093 acres in this statement. This acreage was based on the results of the Clark County Department of Parks and Recreation survey and describes the amount of Mojave Desert scrub upland on the sale/conveyance parcel. Tortoises utilize dry washes, so in reality, the subsequent development of the entire 2,880 parcel would affect the desert tortoise species. Therefore, we agree that the loss of habitat would be 2,880 acres.

“The MSHCP does not establish requirements concerning the Gila monster, as it is an evaluation species. As for burrowing owls, when title is transferred and the land is developed under the MSHCP, no inventory is required by the private land owner. Burrowing owls can be taken as part of an overall permit to develop. The BLM has agreed to maintain habitat outside the Las Vegas Valley for these species so that development can continue in the Las Vegas Valley...However, there are adequate acres of good un-fragmentated habitat outside the Las Vegas Valley for the phainopepla.”

Thank you for your comment. Compared to the original statement in the EA, the following would be more accurate: “An unknown number of banded Gila monsters and western burrowing owls would be impacted by activities occurring after disposal of the parcel. Very little is known about the actual distribution of both these species in the Las Vegas Valley. The Gila monster is protected under Nevada State law. The burrowing owl is protected under the Migratory Bird Treaty Act. Permits for collection and relocation of these species would be the responsibility of the future land owner. These permits may require additional minimization of impacts to the species and/or mitigation.

While BLM does not have any agreement specifically saying that we manage habitat outside the Valley so that development can continue, we would like to clarify BLM’s position on this issue. The Las Vegas Resource Management Plan (1998) contains the following management direction for conservation of this habitat:

- Objective FW-3. Support viable and diverse native wildlife populations by providing and maintain sufficient quality and quantity of food, water, cover, and space to satisfy needs of wildlife species using habitats on public lands.
- Management Direction FW-3-a. Manage mesquite and acacia woodlands for their value as wildlife habitat in the following areas; Amargosa Valley, Meadow Valley Wash, Moapa Valley, Pahrump Valley, Stewart Valley, Piute Wash, Crystal and Stump springs, or any other areas identified as being of significant wildlife value.

In addition, in 2006 BLM produced the *Conservation Management Strategy for Mesquite and Acacia Woodlands in Clark County, Nevada* for the DCP. This document outlines conservation goals and objectives for BLM regarding conservation of acacia habitat throughout southern Nevada. This particular report was completed as a permit requirement for the Clark County Section 10(a)(1)(a) incidental take permit.

4.1.1, Page 20, Section A:

“In 2001, a rare plant survey was completed for the on the 2,880 acres. No rare plants were found within the Project Area.”

The DCP requests clarification regarding the species included in the survey. The species included in the survey were all federally listed, state listed and BLM sensitive species. This sentence could be reworded as it is awkward. “In 2001, a rare plant survey was completed for the Clark County Department of Parks and Recreation on the 2,880 acres. No rare plants were found within the Project Area.”

4.1.1, Page 20, Section C:

“Disposal of the remaining land available for disposal in the Las Vegas Valley would not jeopardize the existence of the threatened desert tortoise. Most other species are common and widely distributed throughout the area and the loss of some individuals and their habitat would not affect the species’ populations throughout their range.”

The DCP states that this paragraph is confusing and may not be necessary. The BLM agrees that the first sentence is not necessary, as the desert tortoise in discussed in the previous section of the document. The remainder of the paragraph is necessary for the purposes of disclosing to the public the impact of any future land disposals within the parcel. If modified for clarity, the paragraph could state, “Disposal of the remaining land available for disposal in the Las Vegas Valley would not jeopardize the existence of common wildlife species. Most species are widely distributed throughout the area and the loss of some individuals and their habitat would not affect the species’ populations throughout their range.”

4.2.1, Page 19, Section B:

The DCP states that it is confusing to have common wildlife referred to in the “Threatened & Endangered Species/Special Status Species” section.

Thank you for pointing out the confusing heading. This section describes the cumulative effects on common wildlife as well as “Threatened & Endangered Species/Special Status Species.”

4.2.2 Page 26, Section A

The DCP states that the No Action Alternative should state no impacts as there is no action.

Under the No Action Alternative, the lands would remain available for community development. Therefore, the analysis in this section is accurate.

The BLM should correct the typo in the paragraph to read, “There would be no impact to rare plants as none were found on the site.”

Thank you for the correction.

4.2.2, Page 27, Section C:

“The Las Vegas Valley is not likely to contain the majority of any migratory bird species’ population.”

The DCP requests a citation for this statement. The BLM does not have a third party citation for this statement. The Las Vegas Valley does not contain any bird species that rely solely on the Las Vegas Valley for their habitat and survival.