

Attachment 1
Consolidation of Clark County Shooting Park EA Comments
EA # DOI-BLM-NV-S010-2009-0293-EA
Decision Record

Comment 1: Many people commented that P.L. #107-350 did not provide BLM with exemption from NEPA, APA and the 14th Amendment of the United States Constitution for “due process.” BLM failed to complete the NEPA process prior to conveying the land to Clark County, Nevada, including not providing a public notice that BLM would be completing an EA for the Clark County Shooting Park.

Response 1: BLM admitted during federal court proceedings in April, 2009, that we should have completed a NEPA document for the 2,880 acres conveyance to Clark County, Nevada.

The BLM committed to the U.S District Court that we would prepare a NEPA document and make it available for public review and comment by August 3, 2009. This is evidenced in Judge Lloyd D. George’s Court Order for U.S. District Court Case No. 2:08-cv-1131-LDG (RJJ) issued May 8, 2009. BLM prepared EA # DOI-BLM-NV-S010-2009-293-EA and made it available for public comment for 30 days, starting August 3, 2009 and ending September 2, 2009. Based on BLM’s analysis of the comments and internal review, it was determined that a new EA was needed to consider a wider range of alternatives. A revised EA was prepared and also made available for a 45-day public comment period, which began December 16, 2009 and ended January 29, 2010. During both review and comment periods, each document was made available on BLM’s website and was linked on Clark County Nevada’s shooting park website. Interested parties received written or email notification with each release of the EA from BLM that the document was available for review and comments. Along with each release of the EA, BLM also provided an unsigned FONSI for public review.

Comment 2: A number of people commented that the conveyance would result in significant impacts because of the project size, the federal funding involved, and the reversionary interest, as well as the other impacts to citizens and domesticated animals, and the psychological impacts of the shooting park. Therefore, BLM must prepare an Environmental Impact Statement.

Response 2: BLM respectfully disagrees with your assessment. The size, funding and the ownership interests involved in the proposed action do not alone or combined cause significant impacts. Rather, those factors can determine the applicability of NEPA. Here, BLM has already admitted that it should have applied NEPA prior to conveying the land to the County in 2003, and is now making reparations for its failure. The impact of the action on the human environment, and whether or not the action can be modified or mitigated to avoid the impact determines the “significance” of an action. BLM’s EA did not reveal any impacts from the proposed action which would result in a significant impact, or which was not already adequately modified, mitigated, or regulated by state or local governments.

Comment 3: A number of people commented that the references cited in Chapter 6 of BLM's EA were "stale and not current for a lawful NEPA purpose."

Response 3: The BLM prepared the EA using best available information. We did not initiate any new scientific studies. During the two public comment periods on the EA, no new or updated scientific data or analyses were brought to the attention of the BLM that were not previously known. While public comments mentioned a paleontological study of the Upper Las Vegas Wash, the paleontological resources had been taken into consideration with the shooting park Plan of Development. This plan of Development does not show new surface disturbing activities beyond the planned archery target area within the Upper Las Vegas Wash.

Comment 4: The BLM received a number of comments saying that the shooting park is located in the wrong place and that BLM should have considered an alternate, safer location.

Response 4: The revised EA published December 16, 2009, did look for an alternate site for the shooting park. This is documented in the Alternative Considered but Eliminated from Detail Study on page 3. It should be noted that Congress did not grant BLM any discretion regarding the location of the shooting park. Rather, Public Law 107-350 mandated that specific acres be granted to the County.

Comment 5: BLM failed to analyze site specific impacts. The Disposal Boundary EIS did not address the shooting park lands and was used as a reference document in the EA for many of the resources, i.e., air, water and floodplain. BLM's analysis of Environmental Justice impacts was inadequate. The Paleontological issues are "significant" in the Upper Las Vegas Wash and located on the conveyed land. "We assume that the BLM is familiar with 2007 Utah State University, Upper Las Vegas Was Conservtion Transfer Area study, that was not included in the original or new EA exhibits." The noise study needs to be site specific.

Response 5: Please see our response to Issue 3 related to the paleontolical study. In accordance with 40 CFR 1502.1 and the BLM NEPA Handbook (H-1790-1), the federal government must demonstrate that the BLM took a "hard look" at the impacts of the proposed action. We are directed to use the best available science to support NEPA analyses. The Council on Environmental Quality regulations at 40 CFR 1502.21 further directs that agencies "shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described." *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)* was authored following completion and signature of the *Las Vegas Valley Disposal Environmental Impact Statement (EIS)*. This EIS contains the best available science and analysis of the effects of BLM disposing/conveying land from federal management in the Las Vegas Valley for many resources on and resource uses of the public land. Where appropriate, this EIS was referenced in *Environmental Assessment DOI-BLM-NV-S010-2009-293-EA* to reduce bulk and to support impact analysis determinations in the EA.

In regard to the noise study, the "Noise Assessment Report For Clark County Shooting Park," dated February 16, 2009, was prepared by Parsons of Pasadena, California. The assessment was conducted on November 5, 2008 on lands identified for the shooting park. A map detailing the locations of the actual modeling sites is shown on page 8 as Figure 4 – Firearms Sound Testing Stations. The measuing procedures are also detailed beginning on page 5. The firearms noise modeling used is the U.S. Army

Small Arms Range Noise Assessment Model (SARNAM). This is the same standard used by the U.S. Government. The report states how the measurements were obtained and where and how the measuring devices were located during the testing phase of the analysis. Tables 1 and 2, on pages 9 and 10 detail the type of weapon used, the station it was fired from, time of firing and the measured noise level. All of the modeling activities and techniques used in the above report are well documented and are “site specific” to the shooting range and the adjacent private lands. Measuring equipment was placed on “two selected noise sensitive locations at private boundary lines to evaluate the existing noise level and firing noise of the various test firearms.” (See page 5 of the report.) The analysis concludes that “most individual discharges of firearms would be much below ambient noise levels and likely would not be discernable. In any case, all firearms would be much below the Clark County’s 56 dBA noise limit. Consequently, no noise impact on the community is expected.”

Comment 6: A number of people commented that BLM should have consulted with federal agencies that have jurisdiction on the lands

Response 6: The federal regulations located at 40 CFR 1501.4(b) state that a federal agency must involve other federal environmental resources agencies, project applicants and the public whenever possible. The discussion of using the identified lands as a shooting park had been ongoing within Clark County for many years prior to the enactment of P.L. #107-350. Clark County has been working with local governmental entities, federal and state governments, and special interest groups since the year 2000. This is evidenced by correspondence listed in Appendix 2 of both EAs. Additionally, the County has been working with both Nellis AFB and USFWS since early in the process for siting and locating the shooting park and its facilities to accommodate needs such as set-backs and access.

The County worked with USFWS to close off the upper portions of Decatur Blvd. which ultimately limits the unauthorized access to the DNWR along its southern boundary. This closure also discourages the continued potential for trespass situations, unauthorized use of the area by target shooters and OHV and dumping.

Nellis AFB, 99th Air Base Wing, provided BLM with comments during each announced comment period. Those comments are summarized and responded to below.

Comment 7: Nellis AFB stated that the lands for the shooting park are located under the western high and low level routes for jet and helicopter aircraft operating from Nellis AFB and may be subjected to aircraft operating from 100 feet above ground level. Nellis AFB, 99th Air Base Wing requested signage at the shooting park advising users about the low level flying aircraft and that firing at the shooting park cease when aircraft are in the area.

Response 7: Thank you for your comment. Please work with Clark County on issues regarding signage and use of the park during aircraft overflights.

Comment 8: A commenter stated that wildlife on Sheep Mountain will be negatively affected by the shooting park and that Nevada Board of Wildlife should be protecting wildlife, but instead provided grant monies for programs at the shooting park. This commenter also observed water draining onto open land and not into a storage tank. The water is believed to contain “lead,” according to the commenter. Clark

County should be required to clean up any hazardous contamination prior to reversion of any lands to the United States.

Response 8: Thank you for your comment. We encourage you to work with the Nevada Board of Wildlife Commissioners and Clark County. Regarding the “clean up,” P.L. #107-350, Section 1(e)(2) states, “Clark County, Nevada shall be responsible for any reclamation necessary to revert the parcel to the United States.” The BLM defines “reclamation” as bringing the land back to, as close as possible, its natural state, as it was prior to the initial conveyance. If reversion happens, Clark County will need to comply with that standard.

Comment 9: The Desert Conservation Program submitted various comments pertaining to the EA. Comments varied from descriptions of inconsistencies in terms used to describe the “shooting park” and “CTA” and comments pertaining to Chapters 3 & 4 for biology and botany.

Response 9: Thank you for your comments. The term “shooting park” is understood within the EA as the 2,880 acres subject to sale to Clark County for a centralized shooting facility. The “CTA” is the Conservation Transfer Area, located at the north end of the Las Vegas Valley within the Upper Las Vegas Wash.

We have responded to your remaining comments on Chapters 3 & 4 in Exhibit A to Attachment 1.