

Chapter 5

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

A commitment of resources is irreversible when its primary or secondary impacts limit the future option for a resource. An irretrievable commitment refers to the use or consumption of resources that is neither renewable nor recoverable for later use by future generations. The commitment of resources refers primarily to the use of nonrenewable resources such as fossil fuels, water, labor, and electricity. Expected changes resulting from alternative CTA boundaries could include the commitment of land, physical changes in the environment, effects on human populations, and fiscal changes.

The disposal of land from the CTA study area, under the alternatives, would result in direct impacts to the environment. Each alternative, with the exception of Alternative A, involves the transfer of title of BLM lands to public or private entities. As such, there would be no direct commitment of resources. However, once the transfer of title is complete, it is expected that the disposed lands would be developed. Construction and operation associated with private development would result in an irretrievable and irreversible commitment of natural, physical, and cultural resources.

Construction activities would require the use of fossil fuels for electricity and for the operation of vehicles and equipment. Use of raw building materials for construction would be an irretrievable commitment of resources from which these materials are produced. The use of water for dust abatement during construction activities would be irreversible. Development of lands would also require labor that would otherwise be available for other projects. Commitment of labor and fiscal resources to develop the land is considered irretrievable.

An irreversible and irretrievable loss of existing resources within the CTA study area would also occur as a result of Alternatives B–E and the No-Action Alternative. Resources lost would include permanent loss of varying amounts of soils, vegetation, cultural and Native American sites, fossils, and wildlife. The visual quality of the area would also diminish, as disposal alternatives would result in increased development on a natural landscape.

Irreversible loss of biological resources would occur under disposal alternatives. These losses would include individual plants, animals, and habitat. Specifically, the individuals of bearpoppy, buckwheat, and desert tortoise that inhabit the existing BLM lands would be destroyed or displaced as incrementally more development occurs and subsequent loss of habitat takes place.

Under the NHPA, cultural resources eligible for listing in the NRHP would be protected from development. Development of disposal lands would result in the irretrievable loss of unidentified cultural resources. In addition, Native American resources, once destroyed or altered, cannot be replaced. Any loss of TCPs would be considered irreversible and irretrievable.

Both known and unknown paleontological resources located within the disposal boundaries would be irretrievably lost during development of the lands. Although some protection has been afforded under the varying alternatives, this protection cannot be guaranteed once the BLM performs title transfers to public or private entities. As such, the scientific and educational information these resources may provide would be irreversibly lost.

5.1 UNAVOIDABLE ADVERSE IMPACTS

Certain adverse impacts cannot be avoided with the application of mitigation measures. Additionally, implementation of any land disposal action would have unavoidable direct, adverse impacts to the continued availability of BLM-managed lands within the LVV.

Unavoidable indirect impacts resulting from disposal alternatives include fugitive dust and exhaust emissions from construction activities, soil and wind erosion, water quality impacts from stormwater runoff, displacement of vegetation and wildlife species, disturbance of cultural and paleontological resources, loss of natural viewsheds, decreased opportunities for dispersed recreation, and increased dumping of household waste or debris in open lands as a result of encroaching development.

5.2 RELATIONSHIP BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

Pursuant to NEPA regulations [40 CFR 1502.16], an EIS must consider the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.

Management of BLM land is primarily for the long-term productivity of sensitive plant and animal species, paleontological resources, cultural resources, and certain dispersed recreation opportunities. For the purposes of this SEIS, short term is defined as the remainder of the planning period through 2018, and long term is defined as the disposal and full build-out of all remaining BLM lands within the disposal boundary, whenever that may be.

The process of land disposal under the alternatives would result in the short-term uses of physical, natural, and cultural resources. The short-term effects of land disposal under the alternatives would consist of a temporary loss of access to some recreational opportunities, potential loss of undocumented cultural and paleontological resources, and construction-related impacts consisting of increases in localized noise, dust, traffic, and vehicular emissions. Long-term environmental impacts include increased noise, air emissions, and loss of open space as population locates to disposal areas.

Short-term use of the labor force would result in long-term productivity of the economic environment, including employment, personal income, and tax revenue. Long-term benefits include the provision of new local housing and employment opportunities. Disposal may also serve as a catalyst for other economic growth in the area. The disposal alternatives would also provide short- and long-term employment opportunities. Short-term employment would be related to construction activities. Long-term employment would relate to the addition of commercial and economic development opportunities realized under varying disposal alternatives.

Chapter 6

CONSULTATION AND COORDINATION

This chapter describes public participation opportunities made available by the BLM prior to and during preparation of the SEIS. Consultation and coordination help determine whether BLM actions are consistent with other agencies' land use and development plans. As part of the NEPA process, coordination with federal, state, and local agencies, Native American tribes, and the general public took place to ensure informed decision-making.

6.1 PUBLIC PARTICIPATION PROCESS

6.1.1 Pre-scoping

Between the publication of the ROD for the LVVDB EIS and the initiation of the scoping period for this SEIS, the BLM Las Vegas Field Office engaged in a pre-scoping process relating to the CTA.

The process included meetings from November 2004 through June 2007, each composed of varying stakeholders and interested members of the public. The meetings primarily dealt with concerns of stakeholder groups, including state, federal, and local government, non-profit organizations, and utility groups on how to manage the CTA and mitigate potential impacts to the area.

More than 160 individuals participated in the pre-scoping process. From this larger group, Task Groups were formed to provide input on behalf of 1) the City of Las Vegas; 2) the City of North Las Vegas; 3) Conservation; 4) Recreation; 5) Regional Entities (flood, water, transportation); 6) State of Nevada; 7) USFWS (both Ecological Services and Refuge); 8) Clark County; 9) Education/Research; 10) Utilities; 11) Builders/Developers; 12) Native American; and 13) BLM (*ex officio*). The monthly meetings were all open to the public.

Over a 10-month period in 2005, BLM received preliminary input on a variety of topics, including vision statements, goals and objectives, boundaries, infrastructure, recreation, education, and management options. After the final Task Group Meeting in August 2005, BLM used this input to develop an initial set of five alternatives for a NEPA document. These Draft Alternatives were sent out to the broader public for review in early October 2005. BLM received 21 responses, half of them from individuals. Two comments were out of state. Other than the cities, the overwhelming response was to save the largest area of the CTA. Originally, this document was planned as an Environmental Assessment. However, because of the high degree of complexity, level of controversy, levels of uncertainty, and the results of pre-scoping activities, the BLM decided to move forward with an SEIS process. The stakeholder and working group processes helped to provide a basis for discussions that lead to the draft SEIS process. The task group meetings continued until June 2007, when the BLM began plans for an official public scoping period for the SEIS. During this time, the BLM has continued to provide quarterly progress reports to task group members.

6.1.2 Scoping

The purpose of scoping is to provide an opportunity for members of the public to learn about the proposed project and to share any concerns or comments they may have. Input from the public scoping process is used to help the BLM identify a range of alternatives as well as to identify issues and concerns to be considered in the SEIS. In addition, the scoping process helps identify any issues that are not

considered significant and can therefore be eliminated from detailed analysis in the SEIS. The list of stakeholders and other interested parties is also updated and generally expanded during the scoping process.

The BLM Las Vegas Field Office hosted three scoping meetings throughout the LVV on August 14, 15, and 16, 2007, to provide the public an opportunity to learn about the project and provide comments. One meeting was held at the BLM offices on Torrey Pines Drive. The two other meetings were held in the West Charleston Library and North Las Vegas Library to ensure convenient access to interested parties. An open-house format was used to encourage two-way dialogue and to encourage discussions about issues to be addressed in the CTA SEIS; concerns with the process; and development of the range of alternatives to be analyzed in the draft CTA SEIS. Several informational posters were on display that described potential alternative boundaries and allowable uses for the CTA. A 45-day scoping comment period was provided to submit written comments related to CTA SEIS issues.

The scoping meetings were advertised in the *Federal Register* and the *Las Vegas Review Journal*, in an email to the BLM CTA stakeholder mailing list, and on the BLM Las Vegas Field Office website at <<http://www.nv.blm.gov>> two weeks prior to their scheduled dates. The BLM Las Vegas Field Office has maintained a link on the website for the CTA SEIS to provide information to the public regarding the NEPA process, CTA SEIS schedule, public scoping, and other information pertinent to the project.

Members of the public were afforded several methods for providing comments during the scoping period. Those included multiple comment stations with comment forms, flip charts for meeting personnel to write down comments submitted verbally as requested by meeting attendees, and emails or letters sent to BLM personnel. A total of 1,183 individuals submitted comments.

The scoping period for the SEIS was initially July 6, 2007, through August 20, 2007. An announcement was made at the August 14, 2007, scoping meeting that the comment period would be extended until September 4, 2007. The scoping process and public comments summary and analysis are documented in the *Upper Las Vegas Wash Conservation Transfer Area Supplemental Environmental Impact Statement Scoping Report*, dated November 2007 (SWCA 2007).

6.2 AGENCY CONSULTATION AND COORDINATION

Early and frequent coordination with affected agencies is emphasized in CEQ regulations and is directed by BLM guidance. The BLM is also required by law and regulation to consult with specific agencies and entities because of jurisdictional responsibilities.

6.2.1 Cooperating Agencies

As defined by CEQ regulations, a cooperating agency is one that has special expertise with respect to an environmental issue and/or has jurisdiction by law. The BLM invited 10 federal, state, and local governments to be cooperating agencies for the preparation of the CTA SEIS. The following agencies have accepted the invitation and signed a Memorandum of Understanding with the BLM:

- U.S. Fish and Wildlife Service
- Federal Highway Administration
- Las Vegas Paiute Tribe
- Clark County

- City of Las Vegas
- City of North Las Vegas

The BLM met with each of the cooperating agencies on an individual basis between October and December 2008. The purpose of these meetings was to present the alternatives analyzed in the draft SEIS, including the BLM Preferred Alternative, and describe the approach to the environmental impacts analysis. Throughout the process, the BLM has also had regular meetings with the Cities of Las Vegas and North Las Vegas that included updates on the CTA SEIS.

6.2.2 State Historic Preservation Office

BLM consults with the SHPO in accordance with Section 106 of the NHPA when BLM actions may affect cultural properties. The entire area of the CTA SEIS has been inventoried for cultural resources, and BLM has completed consultation with the Nevada SHPO on determinations of eligibilities for cultural resources located within the CTA SEIS project area. BLM has prepared an HPTP for those eligible cultural sites for review by the SHPO. Since this consultation process involves sensitive data, such as the location of sites, this process is not generally open to the public.

6.2.3 Native American Tribes

BLM consults with Native American Tribes to identify cultural values, religious beliefs, and cultural values that may be affected by BLM actions. The NHPA is the basis for tribal consultation provisions. BLM used a two-phased approach to fulfill the objective of consultation with Native American tribes and identification of any TCPs within the project area. First, BLM completed an intensive review of ethnographic literature relevant to the geographic region that encompasses the project area to identify previously documented TCPs and Native American tribes with traditional concerns in the area. Second, consultation letters were submitted to the Southern Paiute. Follow-up calls were made to discuss initial reactions and concerns. BLM met with representatives of the Las Vegas Paiute tribe on May 6, 2008, to get their views on the alternatives being analyzed in the SEIS. Tribal consultation has occurred throughout the CTA SEIS process. Additionally, tribal members and the general public had the opportunity to comment during the public meetings held during the scoping period.

6.2.4 U.S. Fish and Wildlife Service

The ESA requires all federal agencies to participate in the conservation of endangered species. Specifically, Section 7 of the ESA charges federal agencies to aid in the conservation of listed species and ensure that their activities are not likely to jeopardize the continued existence of listed species or adversely modify designated Critical Habitats. In addition, BLM cannot undertake actions that will lead to the listing of a species under the ESA.

Formal Section 7 Consultation with USFWS was initiated in October 2003 for potential effects from expansion of the disposal boundary, including the Conservation Transfer Alternative, on the desert tortoise. USFWS issued a programmatic Biological Opinion in December 2004. At the request of BLM, USFWS included recommendations for conservation of the Las Vegas buckwheat as well. The development of trails in the CTA study area was not specifically addressed in the 2004 Biological Opinion. To supplement the 2004 Biological Opinion, the BLM has prepared a Biological Evaluation for the future development of trails that could potentially be developed under the CTA SEIS Preferred Alternative.

6.3 DISTRIBUTION LIST

U.S. Congress

Federal Agencies

Nevada State Agencies

6.3.1 Local Governments

Clark County

City of Las Vegas

City of North Las Vegas

6.3.2 Native American Tribes

Las Vegas Paiute Tribe

Chapter 7

LIST OF PREPARERS

This document was prepared and reviewed by a team from the BLM Las Vegas District Office and a team associated with SWCA. Team members are identified with their titles, roles, experience, and education in Table 7-1.

Table 7-1. List of Preparers

Organization	Name	Project Role	Years of Experience	Education
BLM	Gayle Marrs-Smith	Project Manager, Botany	15	MS Botany
BLM	Sarah Peterson	Hydrology	10	MS Hydrology
BLM	Jeff Steinmetz	Lead Planning and Environmental Coordinator	31	BS Range Management
BLM	Susanne Rowe	Archaeology, Paleontology	9	MA Anthropology
BLM	George Varhalmi	Minerals	10	MS Geology
BLM	Mark Slaughter	Biological Resources	6	BS Biology
BLM	Cheryl Cote	Realty Specialist	17	BLM Lands Academy
BLM	Lew Brownfield	GIS Specialist	10	BS Geography
SWCA	Charles Coyle	Project Manager	10	BA English, MA English
SWCA	Al Herson	NEPA Quality Assurance Review	30	JD, MA Urban Planning
SWCA	Jeff Connell	Principal in Charge, Public Involvement, Socioeconomics	30	AICP, MA
SWCA	David Brown	Planning Coordinator, Public Involvement	7	MLA
SWCA	Eric Koster	Assistant Project Manager, Biological Resources	8	BA Biology
SWCA	Steve Leslie	Assistant Project Manager, Transportation and Noise	11	BS Natural Resource Management
SWCA	Justin Streit	Biological Resources	6	BS Natural Resources
SWCA	Matt Villaneva	Botany, Biological Resources	5	BS Environmental Biology, Minor in Botany
SWCA	Heather Stettler	Cultural Resources	15	BA, MA, and PhD Anthropology
SWCA	Elizabeth Perry	Tribal Coordination	13	BA, MA, and PhD Anthropology
SWCA	Steve Knox	Visual Resources, Land Use	34	BS Watershed Management
SWCA	David Reinhart	Lead GIS Specialist	9	BS Anthropology, GIS certificate
SWCA	Barbara Stone	GIS	3	BS Fisheries and Wildlife
SWCA	Allen Stutz	GIS Specialist, Geospatial Analysis	1 year	BS Conservation, Ecology and Evolution, BS Zoology, Certificate of Advanced Study in GIS

Table 7-1. List of Preparers (Continued)

Organization	Name	Project Role	Years of Experience	Education
SWCA	Paul Murphy	Principal Investigator, Paleontology	26	BS Anthropology/Biology, MS and PhD Geological Sciences (Paleontology Emphasis)
SWCA	Jessica DeBusk	Paleontology	6	BS Geology (Emphasis in Paleobiology)
SWCA	Camille Ensle	Publication Specialist		
SWCA	Heidi Orcutt-Gachiri	Editor	8	PhD Linguistics and Anthropology, MA Linguistics, MA Philosophy
SWCA	Benjamin Gaddis	Public Scoping and Comment Analysis Scoping report primary author	8	BS Environmental Science, MEM Water Resources
SWCA	Elisha Hornung	Public Scoping and Comment Analysis	8	BS Environmental Studies
SWCA	Megan Nelson	Public Scoping and Comment Analysis, Comment Analyst	2	BA English
SWCA	Janet Guinn	Public Scoping and Comment Analysis, Scoping Report	9	BS Psychology and Anthropology
SWCA	Lesley Hanson	Biological Resources	4	BS Biology
SWCA	Harmony Hall	Recreation	8	BS Natural Resources
SWCA	Claire Bingaman	Recreation, Socioeconomics, Environmental Justice	2	BS Environmental Science, MA Urban and Environmental Planning
SWCA	Cara Bellavia	Socioeconomics	8	MUEP
SWCA	Kelli Nagamine	Administrative Record	5	BA
Zeus Environmental, LLC	Carrie Stewart	NEPA Quality Assurance	20	BS Geology, MA Computer and Information Systems, MA Human Resources and Development
Kleinfelder	Darcy Anderson	Project Manager, Air Quality QA/QC	25	MS Meteorology, MS Hydrology
Kleinfelder	Michael Langley	Senior NEPA Specialist	25	BS Meteorology
Kleinfelder	Charles Larson	Hydrology/Erosion	25	MS Engineering
Kleinfelder	Travis Kluthe	Surface Water Modeling	2	BS Geological Engineering
Kleinfelder	Dan Burns	Hazardous Materials	23	BS Geology, BS Civil Engineering
Kleinfelder	Doug Davis	Geology and Soils	18	MS Geology
Kleinfelder	Karin Hagan	Earth Resources	10	MS Geology, MS GIS
Kleinfelder	Ryan Eberle	Air Quality	10	BS Environmental Engineering
Kleinfelder	Sarah Walters	Air Quality	5	MS Hydrology
Kleinfelder	Jodi Strohmayer	Environmental Planner, Archaeologist	6	MS GIS, Archaeology