

From: ngentis@att.net
Sent: Thursday, October 21, 2004 9:29 PM
To: lvblmeis@pbsj.com
Subject: BLM Disposal Boundary

8021 Kimwood Ave
Las Vegas, NV
89129
October 21, 2004

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

Dear Sirs;

I would like to comment on the Environmental Impact Statement Draft of September 2004. I have some concerns regarding the area of the Upper Las Vegas Wash and the land listed in the National Registry. The paleontological resources of the area are a gift and an asset to Nevada and North Las Vegas. Shadow Ridge High School and UNLV have developed programs of study for the area. The possibilities of making this area a "one of a kind" resource and study area are limitless. With development on this area, the lost of historic and scientific data is great. I support the "No Action Alternative" for the Upper Las Vegas Wash. I would like to see this area opened up for more research by Shadow Ridge High School, UNLV, or a museum. We have this wonderful asset in our valley. It would be a shame to build a tract house on top of it and forever lose potential data that may provide answers to questions in our history.

Sincerely,

Nancy Gentis
8021 Kimwood Ave.
Las Vegas, NV 89149
656-8132

Comment I-1

Response I-1 (Nancy Gentis)

1 Comment noted.

Terri Robertson
 6135 E. Carey Ave.
 LV NV 89156
 702 459-7613 hm
 702 799-7350 wk
 trober956@aol.com

Las Vegas Valley BLM Land Disposal EIS
 P8SaJ
 2270 Corporate Circle, Suite 100
 Henderson, NV 89074-6382
 lvblmeis@pbsj.com
 October 24, 2004

Comments on the Las Vegas Valley Disposal Boundary Draft Environmental Impact Statement (DEIS)

Dear Madam or Sir:

My comments will deal directly with the following:

Tule Springs Dig Site
 BLM land now leased to the State of Nevada Division of Parks
 Conservation Agreements

Twenty-seven years ago a group of local preservation activist, including myself, formed a group called Friends of Tule Springs. That group developed into the non-profit organization now called The Tule Springs Preservation Committee. The committee itself will submit comments on the DEIS, but as a founding member with a long time commitment to the area I wanted to comment as an individual.

The struggle to inform our community regarding the Tule Springs Dig Site has included meetings in which maps had to be developed showing the site boundaries, in order to educate local BLM officials regarding the site and that initially part of the site as it is registered was within the land disposal lines. Now the entire site is within the boundary lines.

BLM officials say they do not have the money or the manpower to care for this site. They have come up with what they have titled 'Conservation Agreements' that they feel will protect the land as it is transferred to a local entity. Never having seen a 'Conservation Agreement' I feel it is imperative that the public be notified of the wording of such an agreement. How can we make a decision on whether a 'Conservation Agreement' would be a viable alternative if we don't even know what it is? The 5000-acre, Conservation Transfer Alternative, does not include the entire Tule Springs Dig Site as it is registered. This alternative must have lines redrawn to include the entire area.

Thanks to a grant from the National Science Foundation, Shadow Ridge High School utilizes science data from studies conducted at the Tule Springs Dig Site in their curriculum. Soon they will have a hands-on laboratory with specimens donated by Bill and Ted Gilcrease from the Gilcrease Dig Site. Planning also includes the opportunity for students to participate in new field research studies at the site. Dr. Paul Buck-DRI, Dr. Steven Rowland-UNLV, and the Clark County School District are to be commended for their efforts on this project.

3 UNLV and State officials have discussed plans for a satellite campus on the section of the Tule Springs Dig Site owned by the State of Nevada Division of Parks. If BLM cannot live

1

Comment I-2

Response I-2 (Terri Robertson)

1. 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. See General Response 2 – Range of Alternatives.
2. As was stated in Section 3.5.2.2, there are 660 acres of the Tule Springs National Register Site on BLM land, with the remaining acres on land owned by the State of Nevada. Only the portion of the Site that is on BLM land may be subject to the land disposal process. As stated in Section 4.5.4, the BLM would prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer that would govern the identification and application of mitigation measures for the Site at such time any of the lands are nominated for sale or transfer.

3 up to their responsibilities for stewardship of the Tule Springs Dig Site it is imperative that any transfer must ensure that perpetual management include the protection, preservation, and opportunity for further scientific exploration. This is not an area to mitigate and pave over!

4 The approximately 1700-acre parcel leased to the State of Nevada Division of Parks is also within this Conservation Transfer Alternative, but is not discussed individually in the plan. The 2003 Nevada State Legislature passed legislation requiring that only passive recreation be considered for this particular R&PP along with Floyd R. Lamb State Park, if a transfer to another entity occurred. This property needs to be given special sanctions that will ensure that the concerns of the Nevada State Legislature are implemented.

Thank you for the opportunity to comment on this important issue.

Sincerely,

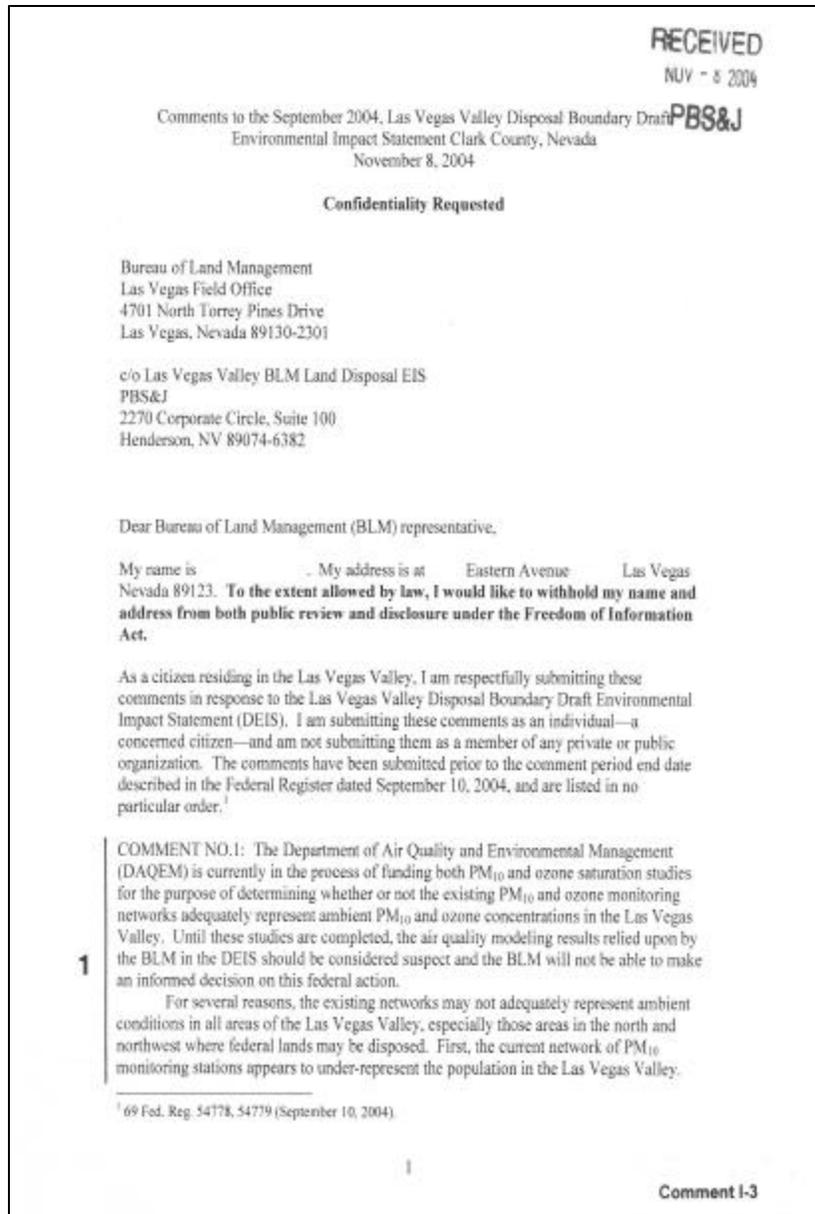
Terri Robertson

cc: Senator Harry Ried

2

Comment I-2

3. See Response 1 above.
4. Assembly Bill 131 addressing cultural resources was passed in 2003; however, there was no specific mention of Floyd Lamb State Park. As was described in Section 2.3, Recreation and Public Purposes leases would be transferred under SNPLMA to the leaseholder in accordance with applicable laws.



Response I-3 (Confidential)

1 Monitoring data collected by DAQEM is the only air quality data set for the Las Vegas Valley that provides substantial geographic coverage of the area, has monitoring locations that represent different locations in the Valley, and that has been collected using documented sampling techniques. While DAQEM conducts assessments of the monitoring network, additional data are not required to complete the impact analysis for this EIS. The air quality study completed by Argonne National Laboratory was based on the best available data (as allowed by 40 CFR §1502.22 and §1502.24) to analyze air quality conditions between monitoring stations and air quality impacts of the land disposal action. The analysis methodology of the air quality study was described in Section 4.1.

In 1994, the population of Clark County was approximately 978,274, and there were thirteen (13) PM₁₀ monitoring stations located in the Las Vegas Valley.² Today the population is estimated to have grown to approximately 1,686,765 and residential construction has continued to expand towards the outer edges of the Las Vegas Valley yet the number of PM₁₀ monitoring stations within the Valley remains the same—thirteen.³ If the same per capita ratio of monitoring stations in 1994 were applied to 2004, there would be 22 monitoring stations, or nearly double the number of monitoring stations that currently exist.⁴

1

Second, not only were there proportionally more PM₁₀ monitoring stations in 1994 than there are today, but the monitoring stations also appeared to have been located in residential areas close to the outer perimeter of development—where much of the construction activity was taking place. Today, most of the PM₁₀ monitoring stations appear to be located relatively far from where much of the construction activity is taking place. In particular, sections in the north, northwest and southwest parts of the Las Vegas Valley appear to be underrepresented.

The possibility that parts of the Las Vegas Valley are not sufficiently represented by PM₁₀ monitoring data is very high. To understand why, consider that the PM₁₀ State Implementation Plan (SIP) assumed that an emission inventory of a four kilometer-square area centered on a PM₁₀ monitoring station was sufficient to define the impact on that station. Since the distance between most monitoring stations is far more than two kilometers, it stands to reason that some portions of the Las Vegas Valley are likely to be underrepresented. Until the PM₁₀ saturation can be completed, it will not be known whether the federal lands contemplated for disposal have been adequately represented in modeling studies.

2

Third, contrary to the conclusions of the air quality modeling assessment performed for the BLM in preparation for the DEIS, there are indications that the ozone “hot spot” in the Las Vegas Valley may not be located in the northeast. Instead, the ozone “hotspot” may be located at the north or northwest side of the Las Vegas Valley—at or near the federal lands for which this DEIS has been written. So again, until the ozone saturation can be completed, it will not be known whether the federal lands contemplated for disposal have been adequately represented in modeling studies.

2

See Response 1 above. Although results of the air quality modeling study did indicate increases in ozone concentrations in areas north and west of the city center, these increases would not exceed the 8-hour standard.

² The 1995 population estimate was 1,040,688. If it is assumed that the same annual growth rate of 6.38 percent existed from 1994 to 1995, then the estimated population in 1994 was 978,274. Clark County Comprehensive Planning, *Advanced Planning Division Clark County Demographics Summary* <http://www.co.clark.nv.us/comprehensive_planning/AdvancedDemographics/HistoryData/Summary_95to00_Popest.HTM>. The number of PM₁₀ monitoring stations in the Las Vegas Valley is provided in the 1994 PM₁₀ SIP. Clark County Comprehensive Planning, *PM₁₀ State Implementation Plan for the Las Vegas Valley*, chap. 2, Fig. 2-1 (Dec. 4, 1994).

³ These PM₁₀ monitoring stations are located within the Las Vegas Valley: Craig Road, City Center, East Flamingo, Green Valley, J.D. Smith, Joe Neal, Lone Mountain, East Sahara, Microscale, Henderson, Paul Meyer Park, Palo Verde and Walter Johnson. These PM₁₀ monitoring stations are located outside the Las Vegas Valley: Apex, Boulder City, and Jean.

⁴ It is assumed that the ratio of Las Vegas Valley residents to Clark County residents remained roughly constant over the past decade.

3 COMMENT NO.2: For reasons that are not clear, the BLM has apparently worked at a frenzied pace to complete this DEIS.⁷ The BLM has previously stated that “[t]his is an *extremely compressed schedule* for the complexity of this undertaking.”⁸—and that “[w]e knew to meet the demands the community is putting on us we had to act and *act now*.”⁹ BLM’s intense desire to act with such haste is all the more confusing because there currently exists plenty of developable land within the disposal boundary.

Presentations made by Clark County staff at a Growth Management Task (task) force meeting indicated that “. . . there are approximately 131,000 - 132,000 acres of developable land left.”¹⁰ Given the existence of this land, one might question why—with this much land available for development—is there an immediate need to *act now*? Why was an *extremely compressed schedule* created at a time when the task force has not yet had an opportunity to present their recommendations about the merits of growth? Isn’t this the type of information that the BLM should know in order to arrive at an informed decision?

4 The work being performed by the task force is not simply redundant work already submitted as part of the DEIS. The recommendations of the task force—arguably a studied voice of the local community—seems to be exactly the type of information that the BLM needs in order to make an informed decision. Some of the task force participants have stressed the greater importance of infill development and revitalization of older neighborhoods.¹¹ Some members of the task force have questioned the need for expanding the size of the disposal boundary and would presumably question the need for disposing of federal land at a time when plenty of developable land already exists for infill development.¹² So long as federal land sales are permitted to continue, there will be little incentive for infill development and revitalization.

5 COMMENT NO.3: It is not unreasonable to consider the possibility that the federal and local agency recipients benefiting either directly or indirectly from federal land sales may be influencing the schedule of this federal action. Considerable sums of money are involved in the sale of federal lands. The revenue generated from land auctions and

⁷ The timing of the presidential election may have been a factor. The possibility that an environmentally-friendly administration would be elected might have quashed the BLM’s current policy of selling federal lands prematurely.

⁸ BLM News, Phillip Guerrero BLM Public Affairs Officer, *BLM schedules public information meetings on Las Vegas Valley Disposal EIS* (September 10, 2003) (emphasis added).

⁹ Las Vegas Review Journal, Keith Rogers, *Public input sought on BLM land auctions* (September 30, 2003) (emphasis added).

¹⁰ Clark County Growth Management Task Force, Summary Minutes, p. 6 (October 12, 2004).

¹¹ It should be noted that construction activity at the outer edges of the Las Vegas Valley disposal boundary will only likely benefit those in middle or higher income brackets and necessitate the development of infrastructure where none currently exists, whereas, infill development and revitalization of older neighborhoods can also benefit those with lower incomes.

¹² Comments made by task force participants include: “I am increasingly leaning towards keeping the disposal boundary where it is”—and “I can’t see any rationale at this point to expand the disposal boundary. We have plenty to work with within there.” Clark County Growth Management Task Force, Summary Minutes, p. 13 (October 12, 2004).

3 The EIS process was scheduled to allow the continuation of land sales as authorized by SNPLMA as was described in Section 1.2.2.

4 See General Response 1.

5 This disbursement and use of land sale revenues are specified in SNPLMA. The rate of land sales is addressed in General Response 1.

direct sales conducted under SNPLMA as of September 30, 2004, is approximately 1.47 billion dollars.¹¹

6

Of that total, the Southern Nevada Water Authority (SNWA) has received approximately 76.3 million dollars.¹² The SNWA's recent investigation into the economic impacts of growth interruption seems to be an example of undue influence. The timing of the economic study coincided with the BLM's initial efforts to rush through the EIS.¹³ The study also seems to be an unusual undertaking for a water authority. Nowhere in SNWA's mission statement, or SNWA's stated responsibilities, is there an indication that SNWA's work also includes the investigation of economic impacts of growth interruption.¹⁴ Undertaking this sort of investigation would seem more appropriate for local governments or the Southern Nevada Regional Planning Coalition (SNRPC). So it is more than a little disturbing that the SNWA would fund, and then promote such a study on their website.¹⁵

7

Because of the huge monies the BLM stands to gain, the federal government appears to be imposing its considerable will to the detriment of the local community. Already there is evidence that local government's land use plans that were designed to assist low-income families and the development of sustainable communities with open spaces, have been compromised by outside pressure. Efforts by City of Henderson to mandate low-income housing within the 1,940-acre parcel recently sold in June 2004, ultimately failed.¹⁶ Efforts by officials from the City of Las Vegas to leave open significant portions of land near Kyle Canyon Road has also apparently failed.¹⁷

In a surprising admission, the BLM has unabashedly stated that the City of Las Vegas "may have an idea of *what ought to be built*, but developers know what needs to be done and what profit margin is needed to make it go."¹⁸ Well—the Las Vegas Valley community should not be beholden to the greed of developers and the willing assistance of the federal government. By controlling the minimum bid and the timing of federal

¹¹ Bureau of Land Management, Quick Facts Southern Nevada Public Lands Management Act as of September 30, 2004 <<http://www.blm.gov/snplma/Sale/salequick.asp>>.

¹² *Id.*

¹³ Las Vegas Review Journal, Keith Rogers, *Public input sought on BLM land auctions* (September 30, 2003) (emphasis added).

¹⁴ The stated mission of the SNWA is to "... manage the region's water resources and develop solutions that will ensure adequate future water supplies for the Las Vegas Valley." The stated responsibilities of the SNWA are to: (1) Managing all water supplies available to Southern Nevada through an approved water budget; (2) Addressing regional water resource management and conservation programs; (3) Insuring regional water quality as determined by EPA standards; (4) Allocating and distributing among water purveyors the remaining Colorado River water and any other water that becomes available; (5) Presenting a unified position on water issues facing Southern Nevada; and (6) Operating regional facilities to provide a reliable drinking water delivery system to all member agencies. Southern Nevada Water Authority, About SNWA <http://www.snwa.com/html/about_us.html>.

¹⁵ Southern Nevada Water Authority, *Impact of a Growth Interruption in Southern Nevada* (February 2004) <http://www.snwa.com/html/news_pubs_economic_impact.html>.

¹⁶ Las Vegas Sun, Kevin Rademacher, *Housing officials blame auction, permitting for affordability woes* (September 28, 2004).

¹⁷ Nevada Policy Research Institute, NPRI issue brief, Doug French, *Inclusionary Exclusion* (February 2, 2004) <http://www.npri.org/issues/issues04i_b020204b.htm>.

¹⁸ Las Vegas Review Journal, Michael Squires, *City has optimal vision of land Officials experiment with sustainable growth in the northside* (September 2, 2003) <http://www.reviewjournal.com/vrj_home/2003/Sep-02-Tue-2003/news/22051925.html> (emphasis added).

6 The BLM has no authority over studies conducted by other agencies.

7 The provision for affordable housing is specified in Section 7(b) of SNPLMA. State and local governments may nominate lands for affordable housing use and these lands are then offered for sale at less than fair market value, as was described in Section 3.13 and Section 4.13. Whether these lands are ultimately sold for affordable housing purposes is not controlled by the BLM.

land auctions, the BLM has in large part usurped local control of land management to the detriment of lower income families and sustainable open-space growth.

COMMENT NO.4: The DEIS provided scant information about the use of oxygenated fuels other than stating that measures to mitigate ozone emissions would "... likely include oxygenated fuels and reformulated gasoline. ..." ¹⁹ The ambivalence expressed in the DEIS about the use of oxygenated fuels as a control measure, was not similarly expressed in an earlier report. Modeling studies conducted for the BLM—in preparation of the DEIS—assumed that summertime oxygenated fuels would be implemented as a control measure. ²⁰ The report stated that "[t]he study assumes that the federally required use of lower-volatility RFG with a location-specific, ultra-low Reid vapor pressure (RVP) of 6.8 psi during the 'high-ozone season' (from June 1 to September 15 of each year) will be implemented as a part of the federally approved O₃ SIP in 2009."²¹

8

That summertime oxygenated fuels would be used as a control measure is not surprising because ozone emissions in the Las Vegas are primarily produced by mobile sources. What is surprising is the lack of details provided in the DEIS regarding the use of oxygenated fuels. For example, the DEIS does not elaborate about the type of oxygenate being contemplated. Will the oxygenate be ethanol, or is there a possibility that MTBE will be used? What is the projected availability of the fuel? How much will the fuel cost?

According to information contained in a Department of Energy report, it appears that the additional cost of the type of oxygenated fuel contemplated in modeling studies would be approximately nine cents per gallon. ²² Increases in the price of gasoline are highly regressive—affecting those that can least afford to be affected. The cumulative impact of this regressive measure and other regressive measures—that are a consequence of the continued expansion of the Las Vegas Valley disposal boundary—was not discussed in the DEIS. ²³

9

COMMENT NO.5: The BLM has provided insufficient detail in the DEIS about environmental impacts associated with the SNWA's efforts to obtain future water supplies. The BLM has not adequately demonstrated how—in the face of a continued drought—the SNWA will be able to provide sufficient water for the foreseeable future to meet the needs of an expanding population. A population induced to settle in the Las Vegas Valley, in part, because of the BLM's willingness to proceed with this federal action.

¹⁹ Bureau of Land Management, *Las Vegas Valley Disposal Boundary Draft Environmental Impact Statement* Clark County, Nevada, p. 4-14, September 2004 (emphasis added).

²⁰ Argonne National Laboratory, *Consultative Las Vegas Valley Air Quality Modeling Assessment of Ongoing Bureau of Land Management (BLM) Federal Land Disposition Actions within the BLM Disposal Boundary*, September 2004.

²¹ *Id.* at p. S-2 (emphasis added). It should also be noted that during the years 1996-2003, a total of 23 ozone exceedances occurred in the month of May. Therefore, it is difficult to understand why the modeling studies presumed that the 'high-ozone season' began instead on June 1st.

²² Motor Gasoline Outlook and State MTBE Bans, Table 6

²³ <http://www.eia.doe.gov/emeu/sio/pub/special/mtbeban.html#Gasoline%20Prices>

²⁴ E.g., increases in sales tax to, in part, fund infrastructure development to accommodate residential housing construction on land disposed post-SNPLMA; increases in the cost of utilities (especially water) to fund the same infrastructure development, etc.

8 Control measures to achieve attainment would be developed, implemented, and enforced by DAQEM as part of the development of a State Implementation Plan for ozone. The modeling study completed for the land disposal actions made specific assumptions about fuel specifications because these fuel characteristics affect the emissions factors used in the model. The assumptions were made to meet the input requirements of the model, based on the best available information. The economic impacts of ozone precursor control measures cannot be estimated because the specific controls have not been selected. These control measures will be selected by DAQEM as part of the SIP development process.

9 As was described in Section 3.3.3, the SNWA forecasts water supply and demand as part of their resource planning process and that data were used in the EIS as the best available information. The indirect impacts of increased water consumption were described in Section 4.3. It is not within the scope of this EIS to demonstrate the adequacy of SNWA's resource planning, nor to determine potential impacts of developing water resources. Development of water resources that would be considered a federal action would be subject to NEPA analysis at the time a specific proposal is made.

From: Terri Robertson [tgr217@interact.ccsd.net]
 Sent: Monday, November 08, 2004 10:33 AM
 To: LVBLMEIS@PBSJ.COM
 Subject: COMMENTS TO LAND DISPOSAL LINE DEIS

PBS&J
 2270 Corporate Circle Suite 100
 Henderson, NV 89075-6382
 [mailto:lvblmeis@pbsj.com] [lvblmeis@pbsj.com]

November 8, 2004

ADDITIONAL COMMENTS

Dear Sir or Madam,

Specifically for the past eight years the Tule Springs Preservation Committee has struggled to inform our community about the importance of two areas, the Tule Springs Dig Site and the approximately 1,700 acre R&PP lease to the Nevada Division of State Parks. Our committee was concerned because urban growth and development were greatly impacting these areas.

The struggle to inform our community regarding the Tule Springs Dig Site has included meetings in which maps had to be developed showing the site boundaries, in order to educate local BLM officials regarding the site and that initially part of the site as it is registered was within the land disposal lines. Now the entire site is within the boundary lines.

BLM officials say they do not have the money or the manpower to care for this site. The new land disposal line plan calls for this area to be sold to an entity, in all probability, North Las Vegas. The Tule Springs Dig Site is an area of approximately 980 acres that is registered on the National Register of Historic Places. The State of Nevada owns an area of about 314 acres that lie near the southwest corner of the site. It is an "Early Man" site, important in the field of science for its paleontology and archaeology importance. Man has been dated at the site back to between 10,000 and 11,000 years. Columbian mammoths, ancient horses, ancient bison, and extinct North American lions have all been discovered there.

Thanks to a grant from the National Science Foundation, Shadow Ridge High School utilizes science data from studies conducted at the Tule Springs Dig Site in their curriculum. Soon they will have a hands-on laboratory with specimens donated by Bill and Ted Gilcrease from the Gilcrease Dig Site. Planning also includes the opportunity for students to participate in new field research studies at the Tule Springs site. Dr. Paul Buck-DRI, Dr. Steven Rowland-UNLV, and the Clark County School District are to be commended for their efforts on this project.

1

Comment I-4

Response I-4 (Terri Robertson)

1 UNLV and State officials have discussed plans for a satellite campus on the section of the Tule Springs Dig Site owned by the State of Nevada Division of Parks. It is imperative that any transfer must ensure that perpetual management include the protection, preservation, and opportunity for further scientific exploration. This is not an area to build houses on and pave over! It is a community treasure that must be given the respect it deserves!

2 The land disposal line plan has three options. One of them is a Conservation Transfer. This includes 5,500 acres. The Tule Springs Dig Site and the R&PP lease are within this conservation transfer area. The 2003 Nevada State Legislature passed legislation requiring that only passive recreation be considered for this particular R&PP along with Floyd R. Lamb State Park, if a transfer to another entity occurred. The R&PP property needs to be given special sanctions that will ensure that the concerns of the Nevada State Legislature are implemented. It will also preserve a large part of the Las Vegas Wash and areas that include over 400 new paleo sites recently found.

Consideration for preservation is not a "Bomb Dropped!" It is a rational alternative that must be addressed. The citizens of our valley today, must stand up and fight for preserving areas such as these for future generations. No tax dollar amount to increase entity budgets or the lining of developer pockets is worth the destruction and loss of these areas.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Terri Robertson

Terri Robertson, Office Manager
Mountain View YR Elementary School
799-7350 fax: 799-7398

2

Comment I-4

- 1 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. See General Response 2 – Range of Alternatives.
- 2 As was stated in Section 3.5.2.2, there are 660 acres of the Tule Springs National Register Site on BLM land, with the remaining acres on land owned by the State of Nevada. Only the portion of the Site that is on BLM land may be subject to the land disposal process. As stated in Section 4.5.4, the BLM would prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer that would govern the identification and application of mitigation measures for the Site at such time any of the lands are nominated for sale or transfer.

Las Vegas Valley BLM Land Disposal EIS
 PBS&J
 2270 Corporate Circle, Suite 100
 Henderson, NV 89074
 Email: [HYPERLINK "mailto:lvblmeis@pbsj.com" lvblmeis@pbsj.com](mailto:HYPERLINKmailto:lvblmeis@pbsj.com)

Dear Sirs:

Thank you for the opportunity to comment on the Las Vegas Valley Bureau of Land Management Land Disposal Environmental Impact Statement. Below please find several specific deficiencies:

- 1 Chapter 1.4.3. Purpose and Need... Biological Resources (pg. 1-8). This chapter identifies the laws, regulations and policies that apply to this action. The section on biological resources mentions the Endangered Species Act and the Migratory Bird Treaty Act. Missing from this section is mention of the Clark County Desert Conservation Program (DCP) and the Clark County Multiple Species Habitat Conservation Plan (CCMSHCP). BLM has significant contractual (CCMSHCP Implementing Agreement) obligations relevant to conservation of species and management of its lands including the requirement that there be no unmitigated net loss or fragmentation of habitat or habitat values. The importance of this issue was identified in the scoping comments (contained in this EIS) of Mr. Alan S. Pinkerton, Clark County. Without the USFWS incidental take permit that is supported by the CCMSHCP, it would not be possible to develop any of the land identified for disposal. This issue has not been discussed in this document.
- 2 Chapter 2.4 (pgs. 2-5 and 2-66). The identified participants in the Steering Committee do not include the Clark County Desert Conservation Program (DCP). The BLM has a contractual obligation to participate in the DCP to insure the conservation of species in southern Nevada. The failure to recognize this existing obligation and to identify this program as an entity with a direct interest in the disposition and management of these lands is a significant deficiency in this section.
- 3 Chapter 3.4.1.2 Special Status Plant Species (pgs. 3-25 to 3-29). This section identifies the distribution of special status plant species Las Vegas bearpoppy (*Arctomecon californica*), Las Vegas buckwheat (*Eriogonum corymbosum*) and the two-tone penstemon (*Penstemon bicolor*) in the disposal area. The distribution map presented (Figure 3.4-1) showed the distribution of these species to be narrow and patchy and was based on field surveys conducted by contractors associated with the preparation of the Environmental Impact Report. However, the BLM has conducted quality control surveys in the disposal area and have found far more individual plants of the above species were found than were reported by the contractor. The current map (Figure 3.4-1) does not reflect the best and most current available information. The description of the affected environment with respect to special status plants in this EIS is deficient and inaccurate.
- 4 Chapter 4.4.2. Environmental Consequences..... of the Proposed Action (pgs. 4-25 to 4-

Comment I-5

Response I-5 (Ronald W. Marlow)

- 1 The Clark County Multiple Species Habitat Conservation Plan was described in Section 3.4.1.2.
- 2 The establishment of a strategy committee to address development and management options within the Conservation Transfer Area is entirely separate from the Desert Conservation Program. As was stated in Section 2.4, the strategy committee would consist of representatives including, but not limited to those listed. The list has been expanded since publication of the Draft EIS to include additional representatives, which are listed in Section 5.2.6.
- 3 The data in the Draft EIS were based on results from surveys conducted during November - December 2003. Additional comprehensive field surveys were conducted during August - September 2004 to determine mitigation measures for lands nominated for the February 2005 land sale. Section 3.4 and Figure 3.4-1 have been revised to reflect the additional acreage of habitat.
- 4 As was stated in Section 4.4.2, disturbance to these plants would result in long-term loss of plants and permanent reduction in habitat, which would be considered a significant impact. Reduction of habitat and plant losses may require the USFWS consider an emergency listing under the Endangered Species Act. These conclusions do not change.

4 27) This section discusses the impact of the proposed action on biological resources. In particular it discusses the impact of the proposed action on special status plant species Las Vegas bearpoppy (*Arctomecon californica*), Las Vegas buckwheat (*Eriogonum corymbosum*) and the two-tone penstemon (*Penstemon bicolor*) in the disposal area. This analysis is based on field surveys conducted by contractors associated with the preparation of the Environmental Impact Report. However, the BLM has conducted quality control surveys in the disposal area and have found far more individual plants of the above species were found than were reported by the contractor. The current map (Figure 3.4-1) does not reflect the best and most current available information. This analysis of the consequences or impact of the proposed on special status plants in this EIS is deficient and inaccurate.

5 Chapter 4.4.3. Environmental Consequences..... of the Conservation Transfer Alternative (pgs. 4-27 to 4-28) This section discusses the impact of the conservation transfer alternative on biological resources. In particular it discusses the impact of the proposed action on special status plant species Las Vegas bearpoppy (*Arctomecon californica*), Las Vegas buckwheat (*Eriogonum corymbosum*) and the two-tone penstemon (*Penstemon bicolor*) in the disposal area. This analysis is based on field surveys conducted by contractors associated with the preparation of the Environmental Impact Report. However, the BLM has conducted quality control surveys in the disposal area and have found far more individual plants of the above species were found than were reported by the contractor. The current map (Figure 3.4-1) does not reflect the best and most current available information. This analysis of the consequences or impact of the proposed action and the conservation transfer alternative on special status plants in this EIS is deficient and inaccurate.

6 Chapter 4.4.4. Environmental Consequences..... Mitigation Measures (pgs. 4-28 to 4-29) This section discusses measures to mitigate the impact of the conservation transfer alternative and the proposed action on biological resources. In particular it discusses mitigation for special status plant species Las Vegas bearpoppy (*Arctomecon californica*), Las Vegas buckwheat (*Eriogonum corymbosum*) and the two-tone penstemon (*Penstemon bicolor*) in the disposal area. This analysis is based on field surveys conducted by contractors associated with the preparation of the Environmental Impact Report and includes habitat estimates for these species (Table 4.4-3) that are based on these contractor conducted surveys. However, the BLM has conducted quality control surveys in the disposal area and have found far more individual plants of the above species were found than were reported by the contractor. The current map (Figure 3.4-1) and the habitat estimates (Table 4.4-3) do not reflect the best and most current available information. The proposed salvage of special status plants as a mitigation is inadequate and misrepresents the state of this art. Salvage of these species has yet to be demonstrated to be generally successful, especially on the scale proposed. To offer this as a mitigation without experimental evidence of success is deficient. This analysis of the proposed action and the conservation transfer alternative required mitigation for special status plants in this EIS is deficient and inaccurate.

Chapter 4.15.4. Environmental Consequences..... Cumulative Impacts (pgs. 4-59 to 4-60)

Comment I-5

5 As was stated in Section 4.4.3, plant species within the Conservation Transfer Area would benefit from this alternative. This conclusion does not change. See Response 3.

6 As was stated in 4.4.1, there has been limited success in transplanting and reestablishing these plant species. The Nevada Division of Forestry (NDF) offers suggestions for mitigation upon issuance of a permit to disturb the bearpoppy as was described in Section 4.4.4. The BLM, USFWS, and NDF are reviewing acceptable and successful methods of mitigation of these species.

7 This section discusses the cumulative impacts of the conservation transfer alternative and the proposed action on biological resources. In particular it discusses cumulative impacts to special status plant species Las Vegas bearpoppy (*Arcomecon californica*), Las Vegas buckwheat (*Eriogonum corymbosum*) and the two-tone penstemon (*Penstemon bicolor*) in the disposal area. This analysis is based on field surveys conducted by contractors associated with the preparation of the Environmental Impact Report and includes habitat estimates for these species (Table 4.4-3) that are based on these contractor conducted surveys. However, the BLM has conducted quality control surveys in the disposal area and have found far more individual plants of the above species were found than were reported by the contractor. The current map (Figure 3.4-1) and the habitat estimates (Table 4.4-3) do not reflect the best and most current available information. This analysis of the cumulative impacts of the proposed action and the conservation transfer alternative on special status plants in this EIS is deficient and inaccurate.

8 Chapter 4.15.4. Environmental Consequences..... Cumulative Impacts (pgs. 4-59 to 4-60) This section discusses the cumulative impacts of the conservation transfer alternative and the proposed action on biological resources. In particular it discusses cumulative impacts to the desert tortoise (*Gopherus agassizii*). The cumulative impact analysis considers only the direct loss of habitat or potential habitat and does not address the impact of an increased human population growth and the concomitant pressure of increased recreation, vandalism, and urban edge effects on BLM land being managed for the desert tortoise. The analysis does not describe the impact on the proper management of the remaining public lands that will result from the proposed disposal such as the need for additional resource protection, rehabilitation and education and the need for additional infrastructure. This analysis of the cumulative impacts of the proposed action and the conservation transfer alternative on the desert tortoise in this EIS is deficient and inaccurate.

9 Chapter 3.4.2.1 Affected Environment... Protected Wildlife Species (pg.3-33) This section discusses animal species of special concern (listed in Table 3.4-2) including the Gila monster (*Heloderma suspectum*) but there no discussion of this species. The disposal area contains encompasses lands that has been ranked high in habitat suitability (MS. Thesis, C. M Gienger, May 2003. The natural history of the Gila monster in Nevada. University of Nevada, Reno). This thesis also documents the occurrence of this species in the disposal area. The failure to adequately address this species or to reference this thesis is a significant deficiency in the EIS.

In general, the EIS appears to have been hastily assembled without due regard for including the most recent and best available information. The recent controversy over the inadequacy of the data contained in this document and the questionable methods used to obtain that information makes it imperative that the document be withdrawn and an adequate analysis of the alternatives be produced.

Again, thank you for the opportunity to comment on this document.

Comment I-5

- 7 As was stated in Section 4.15.4, cumulative impacts would be significantly adverse for these plant species. This conclusion does not change.
- 8 The impacts from increased recreation, vandalism, and urban edge effects on BLM land was addressed in Section 4.10 and Section 4.15.10.
- 9 The gila monster was listed in Table 3.4-2 as a species known to occur within the disposal boundary area. The text was revised to include a reference used in the analysis and a discussion on gila monster habitat. Although field surveys were not conducted specifically for the gila monster, habitat that is likely to support the species was observed in the disposal boundary area.

Sincerely yours,

Ronald W. Marlow
3245 El Camino Rd.
Las Vegas, NV 89146
HYPERLINK "mailto:marlowhoff@aol.com" marlowhoff@aol.com

Comment I-5

From: Jack/Elaine Holmes [mailto:jokope113@cox.net]
Sent: Monday, November 08, 2004 9:33 PM
To: hvblmeis@pbsj.com
Subject: draft EIS

1 Please exclude all 1000 acres of the Tule Springs site from the land sale.
Jack and Elaine Holmes

Comment I-6

Response I-6 (Jack and Elaine Holmes)

- 1 As was stated in Section 3.5.2.2, there are 660 acres of the Tule Springs National Register Site on BLM land, with the remaining acres on land owned by the State of Nevada. Only the portion of the Site that is on BLM land may be subject to the land disposal process. As stated in Section 4.5.4, the BLM would prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer that would govern the identification and application of mitigation measures for the Site at such time any of the lands are nominated for sale or transfer.

Comment received via www.nv.blm.gov/diseis.com

Firstname: Mark Lastname: Beauchamp
Address: 514 Chelsea Dr. Address:
City: Henderson State: NV Zip: 89014

Affiliation:
Topic: BiologicalRes, Development

Comments:

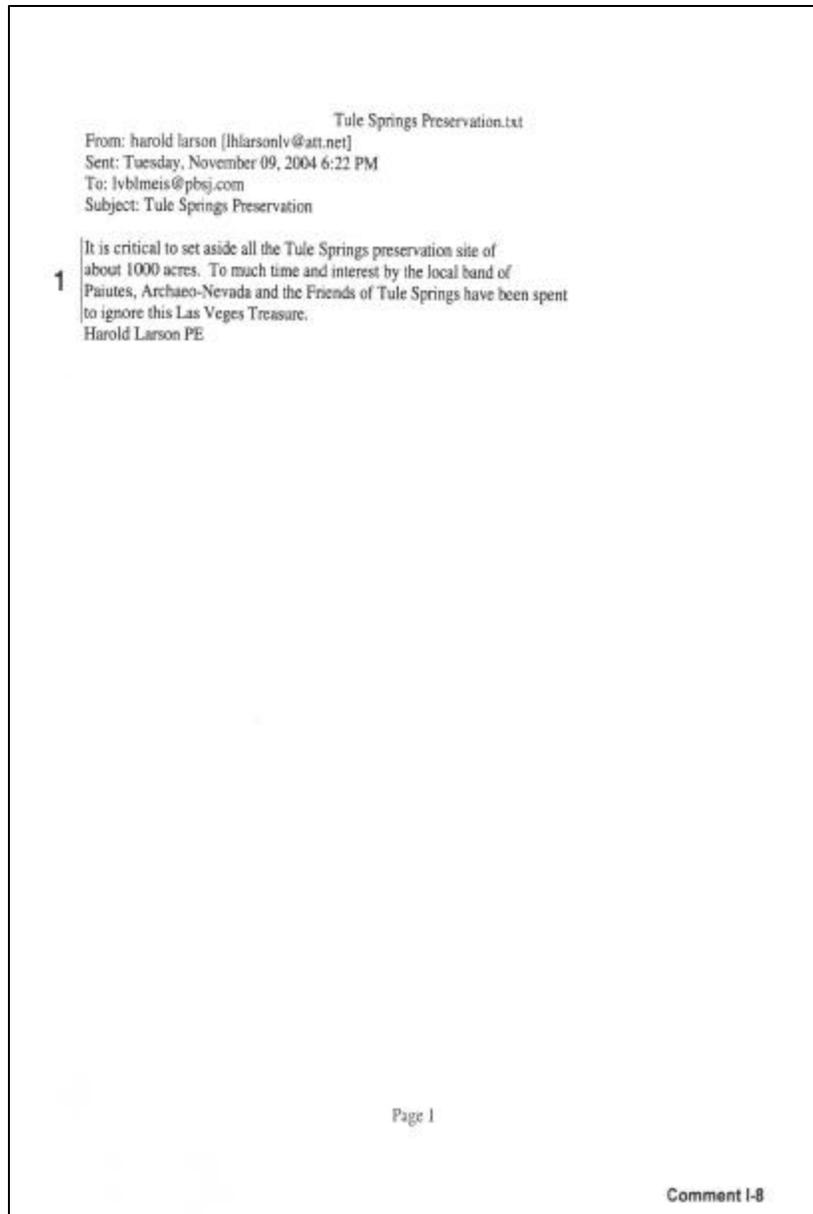
Dear Sirs,
Having read the DEIS I am in favor of the conservation transfer alternative for several reasons.
The upper Las Vegas wash is representative of what much of the Las Vegas Valley was once like. It is home to a variety of plant and animal communities several of which are rare or occur only in the Las Vegas Valley - (Chap. 4.4.3) The Las Vegas Bear Poppy, Las Vegas Bushwheat, The Burrowing Owl is steadily losing habitat in the Las Vegas Valley and their numbers are decreasing. The Phalaropsis is dependant on Mosquito and this habitat is also dwindling.
The foresight to provide habitat for these plant and animal communities and for the many migratory birds that use the Las Vegas Valley can not be prated to highly.
There will be an economic cost to preserving this portion of the upper Las Vegas Wash (Table 2.7-1) and apparently a conflict with the proposed land use in the area (Chap 4.9.3). The benefits of the Conservation Alternative to the community on the whole I feel will out weigh the economic and land use issues.
Maintaining habitat in the way may help to maintain populations of the above mentioned plants and animals to possibly avoid listing as endangered. Also the Conservation Alternative will create an area in the Las Vegas Valley where these creatures can be seen and enjoyed by residents. This type of open space will create an opportunity to educate our children and ourselves about the natural history of the Las Vegas Valley.
Thank you,
Mark Beauchamp

1

Comment I-7

Response I-7 (Mark Beauchamp)

1 Comment noted.



Response I-8 (Harold Larson)

- 1 As was stated in Section 3.5.2.2, there are 660 acres of the Tule Springs National Register Site on BLM land, with the remaining acres on land owned by the State of Nevada. Only the portion of the Site that is on BLM land may be subject to the land disposal process. As stated in Section 4.5.4, the BLM would prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer that would govern the identification and application of mitigation measures for the Site at such time any of the lands are nominated for sale or transfer.

Las Vegas Valley BLM Land Disposal EIS
 PBS & J
 2270 Corporate Circle, Suite 100
 Henderson, NV 89074-6832

November 15, 2004

RE: NV 050 1792

Dear Sir/Madam:

1 I have reviewed the draft EIS and as a former EIS reviewer for the U.S. Environmental Protection Agency consider it to be deficient in many respects. The draft should be revised based on comments received and a second draft prepared before a final EIS is prepared. The rush to get the EIS out is apparently so that BLM can keep to its schedule of land sales.

2 1. Appropriate alternatives to the current disposal process have not been proposed while the limited ones that have been proposed have not been completely presented or adequately evaluated. The EIS should be able to stand on its own and not require a supplemental Environmental Assessment as suggested by Jeff Steinmetz at the November 7, 2004 meeting. Why come out with an incomplete document with numerous unanswered questions that then has to be supplemented by a second document that may also be incomplete?

3 2. While the conservation alternative might be made into an acceptable alternative it appears to have been tossed out as an alternative only so that BLM would not have to do its mandated job of managing the cultural and environmental resources contained on the property in question. If BLM is unable to do its job with respect to managing the cultural, paleontological, and biological resources contained in the Tule Springs area because of a lack of funds and manpower, why is that any different than all of the other areas it "manages"? Some funding should be available through SNPLMA cultural initiative funds or the regular budget process. While it may be possible to find some other agency or organization which can manage the property through a Conservation Agreement of some sort, that group will also need funds on an ongoing basis to manage the property. City, county, and state governments have enough financial problems trying to manage what they already have. After all, BLM is supposed to use the SNPLMA monies to, in part, acquire culturally and environmentally sensitive properties which presumably it will then have to manage. Carrying it to the absurd, will in some future year will BLM then try to reacquire the Tule Springs property using SNPLMA monies in order to preserve it? To be a meaningful alternative, it should spell out who how would manage the property and how it would be funded. Conservation agreements and easements are only as good as the capabilities and track records of the involved parties. The alternative as it stands is completely lacking in details.

4 3. As other parties have commented it may make more sense to add the property containing the Tule Springs paleological and cultural features as well as the property containing the bear paw poppy and buckwheat to the Desert Game Refuge along with that landlocked property lying in between.

5 4. There seems to be a rush by BLM to appease the developers by releasing as much land as

Comment I-9

Response I-9 (Donald W. Hendricks)

- 1 The comments received on the Draft EIS have been responded to in accordance with 40 CFR §1503.4.
- 2 Potential impacts of implementing the Conservation Transfer Alternative were described in Chapter 4. Potential impacts to sensitive resources outside the Conservation Transfer Area (CTA) were described in Chapter 4 under the Proposed Action. Specific mitigation to minimize impacts to sensitive resources outside the CTA is being addressed collaboratively by the BLM, USFWS, and the City of North Las Vegas. The need for supplemental analysis has not been determined. Also, see General Response 2 – Range of Alternatives.
- 3 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. See General Response 2 – Range of Alternatives.
- 4 As was described in Section 2.6.3, the transfer of land to other federal ownership, such as the Desert Wildlife Refuge, was considered but eliminated as a feasible alternative.
- 5 See General Response 1 – Parcel Nomination and Sale Rate.

5 possible as fast as possible. BLM has more latitude to control this process than it seems to be willing to exercise. More consideration should be given to promoting infill development, addressing availability of water supplies, and evaluating the attainment of air quality standards under continued high density growth with associated high volume automobile traffic problems.

6 5. Despite promises made by BLM personnel at past public meetings there seems to be no commitment in the document to set aside and pull from the sale the entire areas associated with the Tule Springs site and its cultural and paleontological features. Based on these promises various educational and preservation groups have made plans and commitments to work with the Shadow Ridge High School and other parts of the educational system to develop educational programs and learning opportunities for both high school and college students. It is imperative that the entire area of the site be pulled out, set aside, retained intact and not considered for sale. Enough additional land should be set aside to include the endangered species of the bear paw poppy and buckwheat.

7 6. Appendix F. It is interesting to note that while the contract archaeologist considered several sites to be National Register eligible, BLM chose not to accept some of the recommendations. Of particular note, rock ring sites were considered non-eligible. Since we know nothing about the purpose of these sites, even though we have a few hundred in Southern Nevada, it is unfortunate that we would consider mitigating any of them out of existence until some evidence is obtained on their purpose. While several theories have been proposed, there is little or no evidence of their function or age.

Sincerely,

Donald W. Hendricks
609 N. Crestline Drive
Las Vegas, NV 89107

Comment I-9

- 6 As was stated in Section 3.5.2.2, there are 660 acres of the Tule Springs National Register Site on BLM land, with the remaining acres on land owned by the State of Nevada. Only the portion of the Site that is on BLM land may be subject to the land disposal process. Also, as stated in Section 4.5.4, the BLM would prepare a Historic Properties Treatment Plan in consultation with the State Historic Preservation Officer that would govern the identification and application of mitigation measures for the Site at such time any of the lands are nominated for disposal.
- 7 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.

Comment received via www.nv.dem.gov/ds/eis/

Firstname: Rob Lastname: Mrowka

Address: 4261 Lily Glen Dr Address:

City: N. Las Vegas State: NV Zip: 89032

Affiliation: Self

Topics: Alternatives, BiologicalRes, Development, LandUse

Comments

- 1 I support the selection of the Conservation Transfer Alternative (CTA). However, the alternative identified in the draft EIS should be expanded to include the major concentrations of Lee Vegas buckwheat and bearpaw that were not included in the DEIS. I also support the CTA being expanded to the north to provide a movement corridor for desert tortoise as well as to protect ephemeral washes that are important tortoise burrowing sites.
- 2 I believe that the best land use for the CTA area would be as protected open space, free from residential or commercial development. Such open space could be used for passive recreation and carefully located trails. It could also serve as an extraordinary public education opportunity to teach about paleontological and cultural resources as well as desert ecology.
- 3 The FEIS should be strengthened to include a discussion of the impacts of surrounding urbanization on runoff, water quality and wash channel stability. Appropriate buffers of development should be considered.
- 4 A further consideration should be the "movement" of the Clark County Shooting Range to the lands NW of its current location and the addition of the current proposed location to the CTA.
- 5 Management of the CTA should rest with the Desert Wildlife Range who should establish an advisory council of local governments.

Comment I-10

Response I-10 (Rob Mrowka)

- 1 Comment noted.
- 2 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. See General Response 2 – Range of Alternatives.
- 3 Potential impacts from increased runoff were described in Section 4.3.2.1 and Section 4.3.3.1.
- 4 The land for the Clark County Shooting Range was designated by Public Law 107-350. The Department of Parks and Community Services is responsible for the specific development of facilities on that land.
- 5 As was stated in Section 2.4, the land would be transferred to entities that would protect and manage the resources as determined by the strategy committee. Transfer of title to other federal ownership was considered but eliminated as an alternative as was described in Section 2.6.3.

1

I would like to support the Conservation Transfer to buy more time. The investigation of sensitive flora and fauna and fossils is incomplete. New information to change the boundaries was evident at the Nov. 01, 2004 meeting. This is a prominent area where herds of Colombian Mammoths roamed. Ice age camels, horses and bison were spread throughout the Las Vegas Wash with early man. Did early man hunt them? Scientists all over the world are re-investigating these Ice-Age sites with up to date technology. We have a huge world class palontological site here and it is recognized by National Geographic Magazine Dec. 2000 issue; Nevada State Museum Publication #13 "Pleistocene Studies in Southern Nevada" and "Tule Springs" Southwestern Museum paper #12. Shadow Ridge High School, located across Decatur is a prominent part of this huge site. It's students are immersed in a National Science Foundation Grant to study earth science. UNLV has stated interest in it's master plan to have a presence in this area. Nevada State has a 314 acre parcel patented that could be focal point for a research facility and or museum within this area and close to the high school.

Helen Mortenson

Comment I-11

Response I-11 (Helen Mortenson)

1 Comment noted.

Comment received via www.nv.blm.gov/bisrc

Firstname: Steve Lastname: Rowland
Address: 1821 Wellington Springs Ave Address
City: Henderson State: NV Zip: 89052
Affiliate: UNLV Department of Geosciences

Topics: PaleontologicRes

Comments:

I am a paleontologist at UNLV, and I am very concerned about protecting the paleontological resources of the upper Las Vegas Wash area, specifically those within the Tule Springs paleontological site that is a nationally registered historic site. I am currently working with teachers and administrators at Shadow Ridge High School on a National Science Foundation-funded project to use this site to improve the quality of earth science education. This is a world-class Pleistocene fossil site that has tremendous potential for development as a scientific and cultural resource for the entire Las Vegas community.

- 1 I strongly promote the conservation transfer alternative, so that these paleontological resources can be protected and used to help residents and visitors develop an understanding and appreciation for the fascinating history of Las Vegas Valley.

Comment I-12

Response I-12 (Steve Rowland)

- 1 Comment noted.




COMMENT FORM
U.S. Department of Interior
Bureau of Land Management
Las Vegas Field Office

**Las Vegas Valley Disposal Boundary
Draft Environmental Impact Statement**

Copies of comments will be available for public review at the local BLM office during regular business hours. Individuals requesting their personal information be withheld from public review or from disclosure under the Freedom of Information Act must check "YES" in the appropriate box. Such requests will be honored to the extent allowed by law.

PLEASE PRINT

Name: John E. Holman		Organization:	
Address: 230 W. Kimberly		City: Henderson	
State: NV.	Zip: 89015	Withhold Personal Information: <input type="radio"/> No <input type="radio"/> Yes	
Add to Mailing List: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Send Copy of EIS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> CD <input type="checkbox"/> Print		

Comments:

1 *I prefer Conservation Transfer Alternative. These Critical areas need to be saved + used as a resource for our future generations.*

**Trail corridors and linkages through lands to Federal lands outside disposal area ~~must~~ be planned and allowed for.*

John E. Holman

SEND COMMENTS TO:

Mailing Address: LV Valley BLM Land Disposal EIS
PBS&J
2270 Corporate Circle, Suite 100
Henderson, NV 89074-6382

Email Address: lvbmeis@pbsj.com
Comment I-13

Response I-13 (John Holman)

1 Comment noted.