

Appendix H

Comments and Responses

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX H

COMMENT LETTERS AND RESPONSES

This appendix contains copies of the comments received on the Draft Environmental Impact Statement and the associated responses of the Bureau of Land Management (BLM). The comment letters were received during the 60-day comment period from September 10, 2004 through November 9, 2004. The comment period was extended one week for the Environmental Protection Agency (EPA), as well as other interested parties that needed additional time to comment. Comment letters were separated based on recipient and assigned a number. The chronology of the comment letter was random. Each numbered comment letter is subdivided into specific comments and these comments are numbered sequentially. Table H-1 lists the letters in the order in which they have been presented in this appendix and the number assigned to each letter.

TABLE H-1
COMMENT LETTERS

Number*	Commentor	Representing
F-1	Grady McNure	U.S. Army Corps of Engineers
F-2	Lisa B. Hanf	U.S. Environmental Protection Agency – Region 9
F-3	Amy Lavoie	U.S. Fish & Wildlife Service
F-4	Robert D. Williams	U.S. Fish & Wildlife Service
T-1	Leigh J. Kuwanwisiwma	The Hopi Tribe
S-1	Don D. Canfield III	Division of State Lands
S-2	Roddy Shepard	NV Department of Wildlife, Southern Region
S-3	John Jones	NV Division of Forestry
S-4	Paul Buck	Desert Research Institute
S-5	Kent Cooper	NV Dept. of Transportation
S-6	James Morefield	NV Natural Heritage Program
S-7	Robert Martinez	Water Resources
S-8	Amy Roulu	Bureau of Health Protection Services
L-1	Brenda Pohlmann	City of Henderson
L-2	Lawrence S. Bazel	City of Las Vegas, Law Firm of Stoel Rives
L-3	Douglas A. Selby	City of Las Vegas
L-4	Timothy E. Sutko	Clark County Regional Flood Control District
L-5	Gregory Rose	City of North Las Vegas
L-6	Christine L. Robinson	Department of Air Quality & Environmental Management
L-7	Gregory Rose	City of North Las Vegas
O-1	Charles S. Watson, Jr.	NV Outdoor Recreation Association
O-2	Cheryl Martin	Archeo-Nevada Society
O-3	Mark Rosenzweig	Tule Springs Preservation Committee
O-4	Jane Feldman	Sierra Club
O-5	Micki Jay	Northwest LV Equestrian Safety Coalition
O-6	Terri Robertson	Tule Springs Preservation Committee
O-7	Janet Bair	Nature Conservancy
O-8	Hermi D. Hiatt	Red Rock Audubon Society
O-9	Robert W. Hall	Nevada Environmental Coalition Inc.

**TABLE H-1
COMMENT LETTERS**

Number*	Commentor	Representing
B-1	Paul B. Aguirre	Nevada Power Company
I-1	Nancy Gentis	Self
I-2	Terri Robertson	Self
I-3	Confidentially requested	Self
I-4	Terri Robertson	Self
I-5	Ronald W. Marlow	Self
I-6	Jack/Elaine Holmes	Self
I-7	Mark Beauchamp	Self
I-8	Harold Larson	Self
I-9	Donald W. Hendricks	Self
I-10	Rob Mrowka	Self
I-11	Helen Mortenson	Self
I-12	Steve Rowland	Self
I-13	John E. Holman	Self

*Receipients

F – Federal Agency

T – Tribe

S – State Agency

L – Local Agency (City or County)

O – Organization

B – Business

I – Individuals

A number of comments received had common concerns. The two dominant concerns were: (1) questions on the procedures used to nominate parcels for sale and the rate of lands sales, and (2) suggestions that BLM analyze a broader range of alternatives with additional planning objectives. Because these two issues were reoccurring, a general response to each has been prepared. These general responses are presented in the following pages and are referred to by name in the responses to individual comments.

General Response 1 – Parcel Nomination and Sale Rate

Comment: Certain comments questioned the procedures used for the nomination of parcels to be sold under the alternatives evaluated in the Draft EIS. These comments proposed that the parcels included in each sale should be selected based on land uses and with consideration of development patterns (i.e., promote disposal of in-fill parcels) to decrease environmental and socioeconomic impacts by controlling the rate and distribution of land development. Commentors suggested that deferred costs for large-scale extensions of infrastructure into currently undeveloped areas, decreased near-term air quality impacts because of slower increases in vehicle traffic, and preservation of open space in outer portions of the Las Vegas metropolitan area could result from this approach.

Response: The land disposal actions are conducted pursuant to SNPLMA, which authorizes the BLM to transfer or sell land within the disposal boundary area, as amended by the Clark County Act. Section 4(d)(1) of SNPLMA specifies a land disposal process based on joint selection of parcels for transfer or sale by local governments and the BLM. The joint selection process provides local governments with a direct role in the selection of lands for disposal and ensures that the land disposal actions are consistent with local planning requirements and policies. The BLM relies on a nomination process by local governments to identify parcels for sale. Local governments consider the planning and zoning requirements in the nomination of sale parcels. Once the land has been sold at auction, enforcement of these planning and zoning requirements is the responsibility of the local governmental entities.

Regarding BLM's role in the joint selection process, SNPLMA states that BLM is authorized to make land available for disposal as specified in section 4(a). This section of the law authorizes BLM to make land available within the disposal boundary, and specifies that the disposal process is excluded from certain federal land use requirements in FLPMA. The law also requires that the disposal actions be conducted in accordance with the procedural requirements of FLPMA for land transfers, in accordance with other applicable law and subject to valid existing rights. Because the land use planning requirements of FLPMA are not applicable to disposals authorized by SNPLMA, the BLM has only limited discretion to exclude parcels from auction that have been nominated by a local government. One purpose of SNPLMA is to privatize the lands so that local land use can be regulated and guided by local governments, not the federal government.

Nominations for sale by local governments are based on demand for land to support development and community land use plans and zoning requirements. The amount of land offered at auction and the timing of the sales are also based on the procedural requirements to prepare for sales. These requirements include appraisals needed to determine fair market value and preparation of legal documents for transfers to successful bidders at each auction.

Also, as explained in the impact analysis performed in the EIS, development of disposed land does not always occur immediately after the sale has been completed. The development of auctioned properties is undertaken by private parties and these activities may take place over a number of years, especially for large-scale developments such as master-planned communities. The approvals necessary for construction are entirely within the purview of state and local governments.

Projected rates of sale and subsequent development have been estimated for each of the alternatives. These projections provide the basis for evaluating indirect impacts related to development and subsequent land use activities. The rate of development for disposed land, and the types of construction and post-development activities were compiled for lands that have been disposed by BLM in the Las Vegas Valley since 1998. The rates of disposal and development for this period are considered representative of continued land disposal and development in the disposal boundary area.

General Response 2 – Range of Alternatives

Comment: Certain comments suggested that BLM analyze a broader range of alternatives with additional planning objectives. The comments noted that other alternatives could be developed that avoid, mitigate, or reduce impacts of the land disposal action. Example alternatives that were suggested for analysis included selection of parcels for sale by the BLM and the sale of land at a reduced rate to control impacts.

Response: The process of developing alternatives was described in Section 2.2. The three alternatives analyzed (Proposed Action, Conservation Transfer Alternative, and No Action) and those considered but eliminated from further analysis were developed to meet the intent of SNPLMA, as amended by the Clark County Act. Because SNPLMA states that local governments are to be included in the joint selection of lands for sale and excludes these disposal actions from certain land use planning requirements of FLPMA, the BLM is authorized to dispose of land based on requests by local governments. Therefore, the alternatives analyzed are the most likely, reasonable and feasible alternatives known to BLM. Further information on the parcel nomination process is provided in General Response 1.

Alternatives that are based on a reduced rate of land sales would not necessarily change the extent of impacts that would occur as a result of development. This is because resources are impacted as a result of development and are not controlled by the rate of disposal (sale). Reduced sale rates may affect the timing of impacts but would not affect the overall impacts that would occur once development occurs. The EIS analyzes scenarios based on the rates of development that have occurred in the recent past, and thus the EIS discloses reasonably foreseeable impacts. Any reduced sale schedule that may occur in the future as a result of decreased demand and development rates would not result in any different impacts that have not been disclosed. For example, if the BLM has 100 acres to sell, it need not analyze the impacts of selling less than 100 acres as the impacts that would result from the lesser action have been considered in the overall analysis. This means that the BLM and the local communities can choose a range of actions in the future.

Because SNPLMA excludes the lands within the disposal boundary area from certain FLPMA land use planning requirements, the BLM's discretion and responsibility for resource values of these lands is limited. Thus, the selection and scheduling of land disposal actions is based primarily on requests by local governments. The Conservation Transfer Alternative was developed to meet the intent of SNPLMA that BLM make land within the disposal boundary available for selection and offer nominated properties for disposal pending compliance with other applicable laws. The Conservation Transfer Alternative meets this requirement of SNPLMA by offering lands for disposal to public entities while protecting sensitive resources identified during inventories of these lands.

As was described in Section 2.6, other alternatives were considered for the analysis but none were identified that meet the purpose and need of land disposal within the intent of SNPLMA. The NEPA regulations require that an EIS consider a broad range of reasonable and feasible alternatives, along with the No Action Alternative. Based on these considerations, no other alternatives were identified that could be considered reasonable and feasible under the requirements of existing law.

Las Vegas Valley Disposal Boundary EIS, Clark County, Nevada

Page 1 of 1

From: McNure, Grady SPK [Grady.McNure@usace.army.mil]

Sent: Wednesday, November 10, 2004 8:23 AM

To: 'lvblmeis@pbsj.com'

Subject: Las Vegas Valley Disposal Boundary EIS, Clark County, Nevada

In accordance with Section 404 of the Clean Water Act, the Corps of Engineers, Sacramento District regulates the discharge of dredged and fill material in waters of the United States (waters). Waters include ephemeral streams that are tributaries of the Las Vegas Wash watershed in Clark County, Nevada.

1 Your proposed action will directly facilitate the loss of waters. In your Environmental Impact Statement, you should acknowledge, identify and map these waters; evaluate their functions and importance; assess anticipated impacts to these waters; and identify mitigation measures to avoid and minimize adverse impacts, and finally, to compensate for the unavoidable adverse impacts.

Our website for additional information on the Corps of Engineers Regulatory Program is given below. Thank you for the opportunity to comment.

Grady L. McNure
Chief, St. George Regulatory Office
Corps of Engineers, Sacramento District
321 North Mall Drive, Suite L-101
St. George, UT 84790-7310

435-986-3979; 435-986-3981 (FAX)
Website: www.spk.usace.army.mil/regulatory.html

Comment F-1

Response F-1 (U.S. Army Corps of Engineers)

1 As was stated in the beginning of Chapter 4 under Analysis Methods and Assumptions, the land disposal action and subsequent transfer of title do not have direct impacts because these administrative actions do not cause any change in the environment. If land is to be developed by a private party after it is sold, that developer would be responsible to determine if any ephemeral washes planned to be filled are in fact waters of the U.S. and if so, apply for a Clean Water Act Section 404 Permit. Therefore avoidance and mitigation requirements would be based on regulatory decisions made by agencies other than the BLM at the time a specific development project is proposed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

November 16, 2004

Jeff Steinmetz
 BLM Las Vegas Field Office
 4701 North Torrey Pines Drive
 Las Vegas, NV 89130-2301

Subject: Draft Environmental Impact Statement (DEIS) for the Las Vegas Valley Disposal Boundary, Clark County, Nevada (CEQ #040427)

Dear Mr. Steinmetz:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. We appreciate your office granting us an informal extension of the due date for these comments.

The DEIS analyzes the potential impacts associated with the disposal and use of public lands under the management of the Bureau of Land Management as directed by the Southern Nevada Public Land Management Act of 1998, as amended by the Clark County Conservation of Public Lands and Natural Resources Act of 2002. The Proposed Action, a Conservation Transfer Alternative, and a No Action Alternative are analyzed in the document.

Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2). We have concerns about impacts to wetlands and waters of the U.S., general conformity under the Clean Air Act, the analysis of alternatives, and consultation with Tribal Governments. Please see the enclosed Detailed Comments for a description of these concerns and our recommendations. A *Summary of EPA Rating Definitions* is also enclosed.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CMD-2). If you have any questions, please contact me or David P. Schmidt, the lead reviewer for this project. David can be reached at 415-972-3792 or schmidt.davidp@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
 Federal Activities Office
 Cross Media Division

Comment F-2

Printed on Recycled Paper

RECEIVED
 NOV 22 2004
 PBS&J

Response F-2 (Environmental Protection Agency)

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE LAS VEGAS VALLEY DISPOSAL BOUNDARY PROJECT, NOVEMBER 16, 2004

Water Resources

Impacts to Wetlands and Waters of the U.S.

Chapter 4 (Environmental Consequences) of the DEIS indicates that the disposal of BLM lands and the transfer of title would not have direct impacts on water and biological resources. It recognizes that subsequent development and changes in land use patterns would produce indirect impacts on these resources.

While the DEIS states that wetlands and riparian communities located within the disposal boundary area include the Las Vegas Wash and its tributaries, including Flamingo, Tropicana, and Blue Diamond washes (as displayed in Figure 3.3-1, p. 3-17), the document provides no additional information on specific wetland locations and does not attempt to quantify the acreage of wetlands within the boundary area.

Indirect impacts of the proposed action would include the degradation and loss of wetlands and other Waters of the U.S. (waters) that are located within the proposed disposal boundary, and the habitats associated with them. Waters, as defined by the Clean Water Act (CWA) at 40 CFR 230.3(t), include washes in the Las Vegas Valley that are tributary to Lake Mead and the Colorado River.

Recommendation:

The Final EIS (FEIS) should identify, delineate, and quantify all wetlands and waters located within the proposed disposal boundary. Based on proposed or reasonably foreseeable land uses, the FEIS should describe and quantify the acreage of wetlands/waters that will be impacted under each alternative. The document should also describe avoidance measures that can be implemented to minimize the potential negative impacts to these resources.

Individuals or agencies that plan to develop land purchased under this disposal may need to obtain a CWA Section 404 nationwide permit or individual permit, depending on the proposed activity, the type of waters impacted, and the total number of acres impacted. Section 404 requires that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" [40 CFR 230.10(a)]. The DEIS does not mention this permitting process.

Comment F-2

- 1 The description of water resources, wetlands, and riparian communities provided in Section 3.3 was prepared to meet the requirements of 40 CFR §1502.15. A general discussion of water bodies and aquatic habitats is sufficient for the land disposal process because of the limited aquatic habitats, low precipitation rates, and high runoff and evaporation rates in the desert environment. Only a general discussion of impacts to water resources was provided in the EIS because potential impacts and avoidance measures may vary widely depending upon site-specific features of the aquatic environment and the nature of development activity that may occur. For example, residential construction may have very little effect if the development does not require filling of an ephemeral drainage and where the landscaping results in little change in the amount and quality of runoff. Conversely, filling of a major ephemeral drainage or significant changes in the amount or quality of runoff from the site could have significant impacts on drainage and water resources. In addition to the site-specific nature of development actions and potential impacts on aquatic environments, avoidance and mitigation requirements would be based on regulatory decisions made by other agencies at the time a specific development project is proposed. State and local agencies are responsible for reviewing and approving site development plans, drainage features, and storm water pollution controls.

Recommendation:

2

The FEIS should include a discussion of the requirements under Section 404 of the CWA. The information provided should include the permitting role of the U.S. Army Corps of Engineers, other environmental laws and regulations that must be complied with before a permit can be issued, CWA Section 404(b)(1) Guidelines, and the requirement for a water quality certification, or waiver of certification, issued pursuant to Section 401 of the CWA.

CWA Section 303(d) Impaired Waters

The CWA requires states to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The Las Vegas Wash is listed in Nevada's 2002 CWA Section 303(d) Impaired Waters List. The list indicates that there are existing TMDLs for ammonia and phosphorus. Iron and total suspended solids are listed as pollutants of concern, and selenium is listed as a pollutant of concern warranting further investigation.

Once land is disposed under either action alternative, development activities undertaken by the new owners could have short- and long-term impacts on the water quality of the Las Vegas Wash. The DEIS does not discuss CWA Section 303(d) listings in the project area, the TMDLs that have been established, pollutants of concern, or the impact the proposed land disposal might have on meeting CWA Section 303 goals.

Recommendation:

3

The FEIS should provide information about all CWA Section 303(d) impaired waters and efforts to develop and revise TMDLs. It should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented in order to avoid further degradation of impaired waters. The FEIS should also provide a description of the CWA Section 303(d) program in Section 1.4 (Relevant Statutes, Regulations, and Guidelines).

Air Resources

General Conformity under the Clean Air Act (CAA)

The DEIS states that land disposal actions are not subject to conformity with existing State Implementation Plans (SIPs) because land disposal does not create or increase sources of pollutants or emission rates [i.e., exempt under 40 CFR 93.153(c)(2)(xiv)] (p.4-4). Several pages later, the documents states that for BLM to approve direct actions, such as right-of-way (ROW) grants and Recreation and Public Purposes (R&PP) Act leases that result in construction

2

Comment F-2

- 2 The U.S. Army Corps of Engineers issues permits for filling wetlands and waters of the U.S., as defined in 33 CFR §328.3, regardless of ownership of the land. The Corps is responsible for these permitting actions on BLM and private lands and are not actions undertaken by the BLM. The Corps would be responsible for allowing fill to areas under their jurisdiction. If land is to be developed by a private party after it is sold, that developer would then be responsible to determine if any ephemeral washes planned to be filled are in fact waters of the U.S. and if so (as agreed by the Corps), obtain a Clean Water Act Section 404 Permit from the Corps. Therefore avoidance and mitigation requirements would be based on regulatory decisions made by other agencies at the time a specific development project is proposed. A description of the Clean Water Act Section 404 requirements has been added to Section 4.3.
- 3 A description of the Clean Water Act Section 303(d) status of the Las Vegas Wash has been added to Section 3.3.1.2. The TMDL development process and water quality restoration and enhancement efforts for impaired waters cannot be directly related to the land disposal actions and subsequent development activities that may occur in the area. Water quality problems of the types described in the comment are typically attributed to substandard control of sewage, either from leakage of collection systems or improper operation of septic tanks and drain fields. There is not sufficient information to estimate any water quality effects for these pollutants from land disposal and development since these activities are not typical sources for these pollutants. Explanation of the TMDL development process does not relate to the alternatives or potential impacts or their impacts to the environment. The Nevada Division of Environmental Protection, Bureau of Water Pollution Control is responsible for setting requirements and enforcing the State water pollution control laws and regulations under the National Pollutant Discharge

emissions, consideration of conformity must be included in the approval of the proposed action (p. 4-6).

Although a conformity analysis may not be required on disposed land until development activities are undertaken by new owners, all three proposed alternatives would have the BLM continue to implement realty actions such as issuance of ROW grants, permits, and R&PP leases, all of which appear to require conformity. Accordingly, information on general conformity requirements under the CAA should be provided.

Recommendation:

4

The FEIS should include a thorough discussion on general conformity, including regulatory requirements, relationship to the SIP, how the conformity analysis is performed, and the time-frames in which determinations must be made for each criteria pollutant.

Revised Boundary Definition of the Ozone Non-Attainment Area

The DEIS states that the EPA designated Clark County as non-attainment for ozone on April 15, 2004, but granted a request from the State of Nevada to defer the designation date to September 13, 2004, to allow additional analysis of the non-attainment area boundary (p. 3-6). On September 10, 2004, EPA set the geographical boundary for the Las Vegas 8-hour ozone non-attainment area, which became effective on September 13.

Recommendation:

5

The FEIS should explain EPA's revised boundary definition, provide a map of the non-attainment boundary area that shows the relationship to the land disposal boundary, and describe the required time-frame for conformity determinations.

Air Modeling

The BLM contracted with Argonne National Laboratory to assess the cumulative air quality impacts of land disposition actions within the Las Vegas Valley Disposal Boundary. The result is the *Cumulative Las Vegas Valley Air Quality Modeling Assessment (AQMA)*, which does an impressive job in assessing the air impacts of the various pollutants, explaining methodology and assumptions used in the models, and presenting results. A number of assumptions had to be made for land use and future regulations, but these assumptions appear to be reasonable and generally conservative (i.e., protective of air quality). EPA commends BLM for this thorough and sophisticated analysis.

3

Comment F-2

- 3 (cont.)** Elimination System permitting program. Therefore the potential impacts on water quality would be based on regulatory decisions made by other agencies at the time a new discharge (including storm water discharge) is proposed.
- 4** The issuance of realty actions by BLM are considered a federal action and thus subject to Clean Air Act conformity regulations. As was shown in Table 4.1-1, anticipated realty actions have been evaluated for PM₁₀ emissions and projected emission rates for these actions are below the threshold for applicability of conformity requirements specified in 40 CFR §93.153(b)(1). The BLM has not approved a realty action that has required a general conformity analysis as of the date of publication of this Final EIS. These assessments demonstrate that no further evaluation of conformity requirements is needed for issuance of realty actions that fall within these assumptions for PM₁₀ emissions. The estimated total emission rates for direct and indirect impacts related to each alternative are provided to meet the requirements of 40 CFR §1502.16 for analysis of impacts that may occur regardless of the applicability of conformity requirements. Construction sources such as off-road equipment are the only significant sources for CO and ozone precursors that would be associated with actions on federal lands that require BLM approval. Controls for these types of equipment under the SIPs would include restrictions on fuel characteristics and pollution control devices that would be required for off-road construction equipment used on both federal and non-federal lands. Because there are no additional site-specific sources that would be controlled for construction activities on federal lands under the CO and ozone SIPs, further consideration of conformity for these pollutants is not required for BLM's evaluation of construction on federal lands. Since the BLM has determined that the alternatives do not result in controlled emissions that exceed the conformity threshold, a discussion

Recommendations:

EPA suggests that the BLM include information on model performance, including performance statistics, in the FEIS, as well as in Section 5.4.5 of the AQMA. Added material for Appendix A could briefly summarize the discussion in the AQMA. Ideally, both would include a table with model performance statistics for the pollutants modeled, such as unpaired peak accuracy, normalized bias, gross bias, and error in peak timing. Some statistics are discussed in EPA's *Guideline for Regulatory Application of the Urban Airshed Model* (EPA-450/4-91-013, July 1991). This additional material would help the public in evaluating the validity of the modeling results.

Two useful additions to the AQMA would be: 1) a discussion of the diagnostic and sensitivity testing done in developing the model application (see e.g., Section 4 of EPA's *Urban Airshed Model* guidance), and 2) a discussion of model performance for other chemical species than just the criteria pollutants that were evaluated. For example, nitric oxide and nitrogen dioxide performance can help evaluate how well the model predicts ozone chemistry. A brief summary of model diagnostics and performance for other species should be included in the FEIS.

Analysis of Alternatives

The DEIS states that the Proposed Action was developed to strictly comply with the requirements of the Southern Nevada Public Lands Management Act (SNPLMA), and that all BLM lands within the disposal boundary would be available for disposal unless the disposal would violate a law (p. 2-1). The Conservation Transfer Alternative, the other action alternative proposed in the DEIS, is similar to the Proposed Action except that approximately 5,000 acres of land are identified as a Conservation Trust Area (CTA).

The stated purpose of the SNPLMA is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.¹ It appears, however, that many of the lands being proposed for disposal, particularly under the Proposed Action, are environmentally sensitive, especially areas in northern Las Vegas, surrounding the Upper Las Vegas Wash. This appears to conflict with the purpose of the SNPLMA and, accordingly, the purpose and need of the project.

¹ The SNPLMA defines "environmentally sensitive land" as acquired land that would (a) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity; (b) enhance recreational opportunities and public access; (c) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or (d) otherwise serve the public interest. (Public Law 105-263)

- 4 (cont.) of the procedural and technical requirements for a general conformity analysis is not relevant to the disclosure and comparison of impacts required by NEPA.
- 5 The Draft EIS was published prior to the adoption of the final ozone non-attainment area boundary for Clark County. Figure 3.1.1 has since been revised.
- 6 In accordance with 40 CFR §1502.21, the air quality modeling study is incorporated into the EIS by reference. The modeling report prepared by Argonne National Laboratory is available for review by those parties with an interest in the technical aspects of the air quality simulations. While the modeling study provides the basis for assessment of air quality impacts, the technical basis for the model, the input parameters, and verification of results are beyond the interest of most members of the public to include such detail in the EIS. Nevertheless Argonne did evaluate CMAQ model performance against ozone air measurements in Clark County in accordance with what was outlined in the draft modeling protocol (Las Vegas Modeling Protocol, 2003). This protocol was distributed to the EPA and DAQEM for review and comment, but no comments were received. Although the protocol did not make reference to EPA guidance for applications of the UAM model (as described in EPA-450/4-91-013, July 1991) it did cover measures for evaluating model comparisons with observations. Performance measures such as scatter and bias were assessed and time series, scatter, and surface-level contour plots were generated and included in the report by Argonne.

Recommendations:

7

The FEIS should clarify how the Proposed Action, which provides for the sale of environmentally sensitive lands, fulfills the purpose and need of the project. It should also indicate why the Conservation Transfer Alternative was not put forward as the Proposed Alternative, since it appears to better fulfill the purpose and need.

The FEIS should explain why a reduced disposal option that would retain certain environmentally sensitive lands under BLM control was not evaluated as an alternative for this project. This alternative would appear to be consistent with the SNPLMA.

The Conservation Transfer Alternative identifies the 5,000 acres of land in the CTA based on the unique paleontological resources, cultural resources, and special status plant species that were located during field surveys conducted within the disposal boundary area. The special status plant species include the Las Vegas bearpoppy and the Las Vegas buckwheat. Since the development of the DEIS, additional populations of the two plants have been found near, but outside of, the CTA.

Recommendation:

8

The FEIS should evaluate the benefits of expanding the CTA in order to afford additional protection of the Las Vegas bearpoppy and Las Vegas buckwheat. If expanded, the FEIS should explain how projections made in the DEIS pertaining to development of disposed lands and environmental impacts have been adjusted accordingly.

Consultation and Coordination with Indian Tribal Governments

The DEIS indicates that the BLM consults with Native American tribes to identify their cultural values, religious beliefs, and traditional practices that may be affected by BLM actions. Fifteen tribes were contacted by the BLM for input regarding this land disposal action, and none of the tribes contacted provided any comments regarding the significance of the villages, garden sites, and culturally significant places listed in tables 3.6-1 and 3.6-2 (p. 3-39). The DEIS also states that the BLM consulted with the Nevada State Historic Preservation Officer, who concurred that the efforts to identify properties of religious and traditional cultural significance were adequate (p. 4-31). The DEIS does not address two Executive Orders that appear to have relevance to the land sale actions of this project.

Executive Order 13007, *Indian Sacred Sites* (May 24, 1996), calls for Federal agencies to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal

5

Comment F-2

7

As was stated in Section 2.2, the Proposed Action was developed to implement the provisions of SNPLMA, as amended. As was stated in Section 1.2, the purpose and need for land disposal is to allow local governments to manage and regulate the use of BLM lands interspersed among private parcels, which makes these lands difficult for the BLM to manage. The Conservation Transfer Alternative also meets the purpose and need. The consideration and exclusion of other alternatives was described in Section 2.6. See also General Response 2.

8

The occurrence the Las Vegas buckwheat and Las Vegas bearpoppy outside the Conservation Transfer Area and potential impacts have been analyzed under the Proposed Action. Specific mitigation to minimize impacts on this habitat outside the CTA is being addressed collaboratively by the BLM, USFWS, and the City of North Las Vegas.

implications, and to strengthen the United States government-to-government relationships with Indian tribes. The DEIS indicates that letters were sent to the 15 tribes and, receiving no response, the BLM has fulfilled its obligation to consult with the tribes on the disposition of lands that potentially contain undiscovered tribal artifacts.

Recommendation:

- 9 The FEIS should provide information on the process and outcome of government-to-government consultation with the tribes in accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*. It should also clarify the role that BLM will play to meet its trust responsibilities to the tribes, promoting the protection of religious and ceremonial sites in accordance with Executive Order 13007, *Indian Sacred Sites*.

Coordination with Land Use Planning Activities

The DEIS references the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and acknowledges that Clark County and several federal, state, and local agencies are responsible for the long-term protection and management of the MSHCP-covered species and their habitats (p. 3-25). The document does not provide a description of conservation measures in the MSHCP designed to protect covered species, and does not discuss the impact of the land disposal on those measures.

Recommendation:

- 10 The FEIS should provide a description of conservation efforts called for in the Clark County MSHCP. It should disclose specific geographic locations that are addressed under the MSHCP, and discuss how potential uses of the proposed disposed land would support or conflict with those conservation efforts.

- 9 As was stated in Section 3.6, an Ethnographic Assessment was completed and the results of this assessment were summarized in Section 3.6.3 and Section 4.6. The Ethnographic Assessment was completed in accordance with Executive Orders 13175 and 13007. A brief summary of these executive orders has been included in Section 1.4.6.
- 10 The majority of the disposal boundary area is an Unmanaged Area (UMA) designation according to the MSHCP. The northern part of the disposal boundary area is classified as a Multiple-Use Management Area (MUMA) and the released Wilderness Study Areas (WSAs) were under the Intensively Managed Area (IMA). The MSHCP covered species are under the current protection of the incidental take permit in areas designated as UMA and MUMA. The IMA designation calls for the most stringent habitat protection (no net unmitigated loss). If a MUMA area contains a majority of a biological resource, it falls under the stipulation for no net unmitigated loss. It appears that a majority of the Las Vegas bearpoppy (an MSHCP listed species) and the Las Vegas buckwheat (an MSHCP watch species) occur in the MUMA and appropriate mitigation measures would be likely. To remain in conformance with the MSHCP, the BLM is participating in an expedited review with Clark County, USFWS, and the other Federal agencies to determine the appropriate mitigation for loss of these 11,251 acres of habitat. This information has been added to Section 4.4.4.



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Desert National Wildlife Refuge Complex
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130
(702) 515-5450 ~ Fax: (702) 515-5460

Nevada Fish and Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, Nevada 89502
(775) 861-6300 ~ Fax: (775) 861-6301

November 15, 2004
SNFO File No. BLM 8-10

Memorandum

To: Field Manager, Las Vegas Field Office, Bureau of Land Management, Las Vegas, Nevada

From: Project Leader, Desert National Wildlife Refuge Complex, Fish and Wildlife Service, Las Vegas, Nevada

Field Supervisor, Nevada Fish and Wildlife Office, Fish and Wildlife Service, Reno, Nevada

Subject: Comments on the Las Vegas Valley Disposal Boundary Environmental Impact Statement, Draft, September 2004, Clark County, Nevada

This memorandum responds to your letter dated September 3, 2004, requesting comments on the Las Vegas Valley Disposal Boundary Environmental Impact Statement (DEIS) drafted September, 2004. The DEIS identifies the environmental consequences that may result from the disposal and use of all remaining Bureau of Land Management (BLM) managed lands within the expanded disposal boundary area. Authorization for BLM to dispose of lands within the original disposal boundary area is from the Southern Nevada Public Land Management Act of 1998 (SNPLMA), and expansion of the disposal boundary area was authorized under the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Clark County Act). Expansion of the disposal boundary area by 22,000 acres was made in response to demand for Federal land by local governments and private parties for development to accommodate the rapid increase in growth in the Las Vegas Valley.

Three alternatives, and associated environmental consequences and mitigation measures, were considered in the DEIS, including the no action alternative, the proposed action alternative and a conservation transfer alternative. The no action alternative would allow BLM to continue to manage BLM lands in accordance with the existing management direction outlined in the

RECEIVED
2004 NOV 15 P

Comment F-3

Response F-3 (U.S. Fish and Wildlife Service)

Field Manager

SNFO File No. BLM 8-10

1998 Las Vegas Resource Management Plan. The proposed action would require BLM to strictly comply with the requirements of the SNPLMA and Clark County Act by making all land available for disposal within the expanded boundary area, unless the transfer would violate a law. In the DEIS analysis, the proposed action alternative assumes full build-out which would result in all resources within the disposal lands lost or mitigated. The conservation transfer alternative is similar to the proposed action except that approximately 5,000 acres of land would become a conservation transfer area (CTA) to protect unique paleontological resources, historic resources, and special status plant species.

A. DESERT NATIONAL WILDLIFE REFUGE COMPLEX

The Fish and Wildlife Service (Service) prepared the following comments under the authority, and in accordance with the provisions of the National Wildlife Refuge System Improvement Act of 1997 and the National Wildlife Refuge System Administration Act of 1966. As depicted in the DEIS (Figure 1.3-2), the Desert National Wildlife Range (Desert NWR) borders the northernmost lands proposed for disposal. This national wildlife refuge was established in 1936 to protect the desert bighorn sheep and its habitat. Desert NWR also supports a diverse array of endemic wildlife and plant communities.

The DEIS states that lands available for disposal located adjacent to the Desert NWR would be more sensitive in terms of changes to visual character (p. 4-37). If those lands are developed, the quality of the scenic or visual values of the Desert NWR would be negatively impacted. Additionally, development of residential, commercial or industrial uses on adjacent parcels could have an indirect adverse impact on the Desert NWR and its natural resources due to urban interface issues related to potential illegal or trespass activities such as off-road vehicle use, trash dumping, casual target shooting, invasive species (vegetative or wildlife), fire, domestic animals, etc. (pp. 4-43 and 4-44).

1 To avoid or mitigate for these potential impacts to the Desert NWR, we strongly recommend that the local entities with jurisdiction and the developers who purchase the disposal lands adjacent to the refuge, seek the input of the Desert NWR during the planning process. It is important to involve us as early as possible to achieve successful planning of compatible uses on the lands adjacent to the Desert NWR. The Desert NWR Complex is currently involved in a Comprehensive Conservation Planning Process that will set the program of management over the next 15 years. We welcome the opportunity to work cooperatively with existing and potential neighbors.

2 Finally, one recreational opportunity on the Desert NWR, "OHV driving on existing roads and trails for pleasure," is incorrectly stated on page 3-51 of the DEIS. The sentence should be corrected to read "Wildlife dependent recreational opportunities include camping, hiking,

1 Comment noted.

2 The description of available recreational opportunities in the Desert Wildlife Range has been revised in Section 3.10 to reflect allowable recreational activities in the refuge under USFWS management.

Field Manager

SNFO File No. BLM 8-10

- 2 | backpacking, bird watching, and horseback riding. All vehicles traversing Desert NWR must use designated roads. All vehicles anywhere on Desert NWR must be street legal.”

B. NEVADA FISH AND WILDLIFE OFFICE

The following comments were prepared by the Service under the authority, and in accordance with the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347), Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 et seq.), the Fish and Wildlife Coordination Act of 1958 (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and other authorities mandating that the Department of Interior’s environmental concerns be addressed.

1. Special Status Plant Species

We support selection of the conservation transfer alternative. In addition, BLM has agreed to work with the Service, the Nevada Division of Forestry, and the City of North Las Vegas to modify the boundaries of the CTA to provide sufficient protection for the special status plant species. The boundary of the CTA would be formalized through cooperative development of a Conservation Agreement to provide long-term management and protection of the CTA.

- 3 | The two special status plant species, Las Vegas bearpoppy (*Arctomecon californica*) and the Las Vegas buckwheat (*Eriogonum corymbosum* var. *nilesii* Reveal *in press*) have fairly restricted habitat needs, as described in the DEIS. Best available information indicates that the majority of habitat for the Las Vegas buckwheat occurs within the Las Vegas Valley, with a large percentage of historical habitat lost to development and other ground disturbing activities. We agree with the analysis in the DEIS (pages 4-23 to 4-28) that the proposed action would result in the loss of all plant resources in the disposal lands, and thereby have a significant impact to these plant species, especially the Las Vegas buckwheat, through long-term loss of individual plants and permanent reduction of potential habitat. This significant loss to the Las Vegas buckwheat would prompt the Service to evaluate the need for protecting the species under the ESA. The DEIS mentions mitigation for these species as part of the proposed action; however, transplanting and reseeded the Las Vegas bearpoppy has been very unsuccessful, while transplanting of the Las Vegas buckwheat has been successful in a regularly maintained nursery setting, but has not been tested in the wild. Even if Las Vegas buckwheat plants are salvaged, suitable habitat is necessary to accommodate the transplants. The most appropriate mitigation for the two special status plant species is to avoid impacts altogether and provide long-term protection to currently occupied habitat.

Thus, we recommend that BLM protect the special status plant species by implementing the conservation transfer alternative. However, the proposed boundaries of the CTA in the DEIS were based on initial surveys performed by the contractor. After discovering inaccuracies in the

Comment F-3

- 3 | Comment noted.

Field Manager

SNFO File No. BLM 8-10

survey data, BLM completed additional plant surveys in the proposed disposal area. The additional survey data was not available until after issuance of the DEIS. A significant number of individual plants at high densities were located by BLM on disposal lands outside of the proposed CTA. The majority of these additional plants were located in the parcel proposed for sale by the City of North Las Vegas. To evaluate this new information, we understand that the City of North Las Vegas has withdrawn the parcels nominated for sale in February 2005.

- 3 It is critical to the long-term conservation of the Las Vegas bearpoppy, and most importantly, the Las Vegas buckwheat that the BLM guarantees these areas are fully protected through signing of a Conservation Agreement prior to sale of parcels. Thus, the Service, BLM, Nevada Division of Forestry and City of North Las Vegas intend to work cooperatively to modify the CTA boundaries within the City of North Las Vegas' jurisdiction and draft a Conservation Agreement to provide sufficient protection for the plant species and paleontological resources, as well as allow for necessary infrastructure and development in surrounding areas. It is our understanding that this portion of the Conservation Agreement would be completed as soon as possible in order for the City of North Las Vegas to nominate surrounding parcels in a BLM land sale scheduled for summer/fall 2005.

2. Waters of the U.S. and the Clean Water Act

We support selection of the conservation transfer alternative. However, through the cooperative process that the BLM has established with local governments and other stakeholders, the Service proposes that the boundaries of the CTA be modified in the future to provide sufficient protection to maintain the integrity of the Upper Las Vegas Wash and the unique paleontological, historical and biological resources it contains. Long-term management and protection of the CTA would be formalized through a Conservation Agreement.

- 4 Ephemeral streams or washes that connect to navigable waters, such as the Colorado River via Lake Mead and the Las Vegas Wash, are considered waters of the U.S., and are regulated by the U.S. Army Corps of Engineers (Corps) and Environmental Protection Agency under section 404 of the Clean Water Act of 1972, as amended. Discharges or placement of fill in waters of the U.S. require a permit from the Corps. BLM should address this law and potential negative impacts to waters of the U.S. in the DEIS.

It is stated in the DEIS under the proposed action that all BLM land within the disposal boundary area would be available for disposal unless the transfer would violate a law. Implementation of the proposed action and the Conservation Transfer Alternative would cause significant indirect, adverse impacts to ephemeral washes that are considered waters of the U.S. BLM should ensure that buyers of disposal lands are aware of potential violations of the law and the need for permits. BLM should include appropriate language on section 404 of the Clean Water Act in the terms of the sale, or provide the buyer with a section 404 fact sheet (available on-line at

4

Comment F-3

- 4 The requirements for determining waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers and the need for a Section 404 permit under the Clean Water Act if waters of the U.S. are filled are described in Section 3.3 and Section 4.3. Permitting under the Clean Water Act would be completed by the appropriate proponents as necessary for activities resulting in fill to waters of the U.S.

Only a general discussion of indirect impacts to water resources can be provided in the EIS because potential impacts and avoidance measures may vary widely depending upon site-specific features of the aquatic environment and the nature of development activity that may occur. For example, residential construction may have very little effect if the development does not require filling of an ephemeral drainage, and where the landscaping results in little change in the amount and quality of runoff. Conversely, filling of a major ephemeral drainage, or significant changes in the amount or quality of runoff from the site could have significant impacts on drainage and water quality. As stated, mitigation requirements would be based on regulatory decisions made by other agencies at the time a specific development project is proposed.

As was stated in Section 3.3.1.1, the Clark County Regional Flood Control District (CCRFCFD) is responsible for developing and implementing a comprehensive flood control master plan which serves as a planning tool for the implementation of the flood control system in the Valley and the design and construction of master plan facilities. Impacts to floodplains and biological resources potentially resulting from the construction and operation of these flood control facilities were addressed in the Flood Control Master Plan Supplemental EIS recently completed by the CCRFCFD. A reference to the CCRFCFD Supplemental EIS was added to Section 3.3.1.1.

Field Manager

SNFO File No. BLM 8-10

http://www.epa.gov/owow/wetlands/pdf/reg_authority_pr.pdf). Buyers should be aware that there are few mitigation options available in Clark County for loss of ephemeral washes. Only one mitigation bank is authorized by the Corps of Engineers in Clark County and mitigation rates are currently at just over \$14,000 per 0.10 acre. Thus, it is important to protect ephemeral washes through appropriate planning and creative site design.

We are most concerned about adverse impacts from the proposed action to the major tributaries or ephemeral washes mapped in the DEIS (Figure 3.3-1) and further exemplified in the floodways and floodplains map (Figure 3.3-2). Impacts to these ephemeral washes should be avoided or minimized (e.g., through buffers) on disposal lands to protect the integrity of these systems, and in some instances, the habitat they provide for a variety of plant and wildlife species.

4 Because of the important flood control, water quality, and biological functions ephemeral washes provide throughout the Mojave Desert, we disagree that because there is limited riparian and aquatic habitat present in ephemeral washes, impacts from the disposal of lands would be insignificant (page 4-20). It is true that impacts to surface drainage downstream would be insignificant due to Clark County Regional Flood Control District (CCRFCD) requirements. However, impacts to the natural drainage patterns and the integrity of the ephemeral washes on disposal lands could be significant if the lands are fully developed after disposal.

Specifically, the upper reaches of Pittman Wash would be heavily impacted by the proposed action and the alternative action. Additionally, if the proposed action is implemented, irreparable damage to the Upper Las Vegas Wash would occur. The DEIS states that the CCRFCD intends to retain the Upper Las Vegas Wash in a natural state; however, the CCRFCD does not control the design of the communities surrounding the washes. Without sufficient buffers, development in the Las Vegas Valley typically encroaches on ephemeral washes and leads to conflicts between flooding/erosion and property/life. Ultimately, the situation forces local entities and the CCRFCD to modify and channelize washes, normally through concrete lining. The CTA would provide protection to the majority of the main channel of the Upper Las Vegas Wash and the conservation transfer alternative should be selected. However, we recommend that the boundaries of the CTA be expanded, especially in the upper reaches (see attached figure for the Service's initial proposal), through a cooperative process with the BLM and stakeholders to ensure sufficient boundaries or buffers are in place to protect the integrity of the natural wash system and the unique resources it harbors.

3. Recreation & Public Purposes Leases and Reservations

5 Page 4-27 of the DEIS states that the BLM would avoid issuing rights-of-way through areas containing the special status plant species or their habitat in the CTA; however, some Recreation & Public Purposes (R&PP) leases would be allowed and reservations in sale patents are not

5

Comment F-3

4(cont.) Establishment of buffer areas around the Upper Las Vegas Wash is one option that could be considered during the development of mitigation strategies for the Conservation Transfer Area (CTA). See Response 5 below.

5 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. Any avoidance or mitigation requirements associated with realty actions in the CTA would be required to include site-specific measures to

Field Manager

SNFO File No. BLM 8-10

discussed. To successfully conserve rare plants and other unique resources in the CTA, BLM must analyze potential effects to the CTA from existing and future R&PP leases and other reservations written into sale patents. For example, expansion of the existing R&PP lease for the detention basin and flood control structures in the Upper Las Vegas Wash could adversely impact the resources in the CTA. Expansion of the detention basin and flood control structures is dependent on the design of development on the lands adjacent to the CTA, which includes disposal lands analyzed in the DEIS.

5

Additionally, we understand there are a number of applications for R&PP leases and potential reservations in sale patents that are on hold until the DEIS is completed. These applications or reservations include projects such as transmission lines, road and utility corridors, and a proposed Mountain Edge Parkway. For example, proponents of the proposed Mountain Edge Parkway could request that reservations for the western curve of this outer beltway be written into the sale of the disposal lands at the Kyle Canyon gateway which is nominated for auction in the next BLM land sale. This reservation on those lands would not directly affect the CTA; however, the central portion of the proposed Mountain Edge Parkway is currently designed to traverse through the CTA and would have significant impacts. If these R&PP leases are processed or reservations written into sale patents according to status quo, they could have a significant impact on the success of the CTA and the future Conservation Agreement.

We recommend that if the Conservation Transfer Alternative is chosen, BLM should flag the lands within the CTA for special consideration and analysis in all BLM Realty systems and maps until the Conservation Agreement is signed and management of the CTA is no longer the responsibility of BLM. Leases or reservations should not be authorized by BLM if the lease or reservation could undermine the integrity and success of the CTA.

4. Desert Tortoise

6

The desert tortoise (*Gopherus agassizii*) is federally listed as threatened under the ESA. Historical and presently occupied habitat occurs throughout the Las Vegas Valley including the parcels proposed for disposal (41,500 acres of potential habitat). The majority of this habitat contains very low to low numbers of desert tortoises. However, habitat on the Desert NWR, adjacent to the northernmost lands proposed for disposal, is considered important to the recovery of the species. Desert tortoise habitat on the refuge is protected under the managing principles of the national wildlife refuge system. Disposal of the lands adjacent to the Desert NWR could have significant indirect impacts on the quality of the desert tortoise habitat on the refuge. The impacts to the desert tortoise on disposal lands throughout the Las Vegas Valley will be addressed through section 7 consultation under the ESA that BLM has requested with the Service.

5(cont) address sensitive resources, as was described in Section 4.4.1. Procedures for managing the CTA, including development of realty tracking procedures, would be developed and implemented by the BLM with local governments for the selected alternative.

6 Concur. Section 4.4.2 has been edited to clarify responsibility of the developer under the MSHCP.

Field Manager

SNFO File No. BLM 8-10

6

Information in the DEIS related to the Clark County Multiple Species Habitat Conservation Plan (MSHCP) should be clarified because impacts to the desert tortoise are not directly covered by the MSHCP incidental take permit since the disposal lands are still in federal ownership (p. 4-27). As it is described on page 5-3 of the DEIS, BLM must enter into section 7 consultation with the Service to obtain exemption of incidental take for the desert tortoise. As part of the BLM's proposed minimization measures, the BLM intends to minimize and mitigate for the proposed action's impacts to the desert tortoise through the MSHCP and its associated section 10(a)(1)(B) incidental take permit (#TE-034927-0) and biological opinion (Service File No. 1-5-00-FW-575), which would not occur until the disposal lands are sold to non-federal entities. To disturb tortoise habitat, the private landowner will be required to pay a fee to Clark County and the funds are used to conserve higher quality desert tortoise habitat elsewhere and implement important conservation actions for the species.

Thank you for the opportunity to comment on the proposed DEIS. We look forward to working cooperatively with the BLM, local governments and other stakeholders to plan compatible uses on the lands adjacent to the Desert NWR, as well as to draft the Conservation Agreement that will provide long-term protection to the unique resources in the CTA.

For questions regarding this correspondence that relate to the Desert NWR, please contact Amy Spranger-Allworth, Refuge Manager, at (702) 879-6110. For questions regarding this correspondence that relate to Nevada Fish and Wildlife Office issues, please contact Amy LaVoie in our Southern Nevada Field Office at (702) 515-5230.

cc:

Manager, Economic Development Division, City of North Las Vegas, North Las Vegas, Nevada
Director, Office of Administrative Services, City of Las Vegas, Las Vegas, Nevada
Desert Conservation Program Administrator, Air Quality & Environmental Management, Clark County, Las Vegas, Nevada
Supervisory Biologist - Habitat, Nevada Department of Wildlife, Las Vegas, Nevada
Regional Forester, Southern Region 3, Nevada Division of Forestry, Las Vegas, Nevada
Chief, Wetlands Regulatory Office, U.S. Environmental Protection Agency, Region IX, San Francisco, California (Attn: Audrey Liu)
Refuge Manager, Desert National Wildlife Range, Fish and Wildlife Service, Las Vegas, Nevada

7

Comment F-3



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 1340 Financial Blvd., Suite 234
 Reno, Nevada 89502
 Ph: 775-861-6300, Fax: 775-861-6301
 Bureau of Land Management
 07-30



NOV 11 2004
 LAS VEGAS
 FIELD OFFICE
 Las Vegas, Nevada

November 10, 2004
 File No. 1-5-96-F-023R3

Memorandum

To: Assistant Field Office Manager, Division of Recreation and Renewable Resources, Las Vegas Field Office, Bureau of Land Management, Las Vegas, Nevada

From: Field Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada

Subject: Request to Reinitiate Formal Consultation for Implementation of Programmatic Activities within the Las Vegas Valley, Clark County, Nevada

On September 10, 2004, the Fish and Wildlife Service (Service) received your request dated the same, for reinitiation of formal consultation under section 7 of the Endangered Species Act of 1973, as amended (Act). At issue are those potential effects upon the federally listed as threatened desert tortoise (*Gopherus agassizii*) that may result from the Bureau of Land Management's implementation of programmatic activities described in the September 2004 biological assessment (BA) provided with your request and 1996 biological opinion issued for activities in the Las Vegas Valley (Service File Nos. 1-5-96-F-023R and 1-5-96-F-023R.2, as amended).

1 We are concerned about the potential effects the proposed action may have on the Las Vegas buckwheat (*Eriogonum corymbosum* Benth. var. *nilesii* Reveal *in press*), a taxon limited to three populations in Clark County, Nevada and one in Mohave County, Arizona. Implementation of the proposed action and subsequent development of the disposal lands in North Las Vegas would result in the loss of a significant portion of this species' range. Although the Las Vegas buckwheat is currently not protected under the Act, a loss of this magnitude would prompt the Service to evaluate the need to protect the species under the Act. Because of the potential threats to the species as a result of the proposed action, we recommend that the BLM conference with the Service to identify appropriate conservation measures that would alleviate the need to list the species as a result of your proposed action.

2 In order to reinitiate consultation on the proposed action, we request that the BLM respond to our request for a conference on the buckwheat and indicate whether BLM concurs with our request. If BLM concurs, please provide supplemental information on the BA with current information on the Las Vegas buckwheat, including but not limited to: Species account, species status in the

Comment F-4

Response F-4 (U.S. Fish & Wildlife Service)

- 1 The BLM has agreed to conference with the USFWS regarding the Las Vegas buckwheat in accordance with 50 CFR §402.10, although the species is not proposed for listing. The intent of the conference is to collaboratively develop advisory recommendations on ways to minimize or avoid adverse effects to the species to alleviate a trend toward listing of the species. .
- 2 The BLM has agreed to provide supplemental information regarding the Las Vegas buckwheat in the Biological Assessment dated September 10, 2004. However, the BLM is not reinitiating formal consultation with the USFWS as there is no obligation to do so under 50 CFR §402.14 because the species is not listed under the Endangered Species Act. The BLM anticipates the USFWS will adhere to the established consultation timeframes.

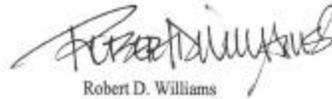
Assistant Field Office Manager

File No. 1-5-96-F-023R.3

2

measures, including consideration of modifications to the disposal boundary to conserve important populations of the plant. Upon receipt of adequate information to initiate consultation, regulations require that the Service conclude formal consultation within 90 days of initiation and deliver a biological and conference opinion to the Federal agency within 45 days of concluding formal consultation (50 CFR § 402.14(c)).

Should you have any questions, please contact me at (775) 861-6300 or Michael Burroughs, in the Southern Nevada Field Office, at (702) 515-5230.



Robert D. Williams

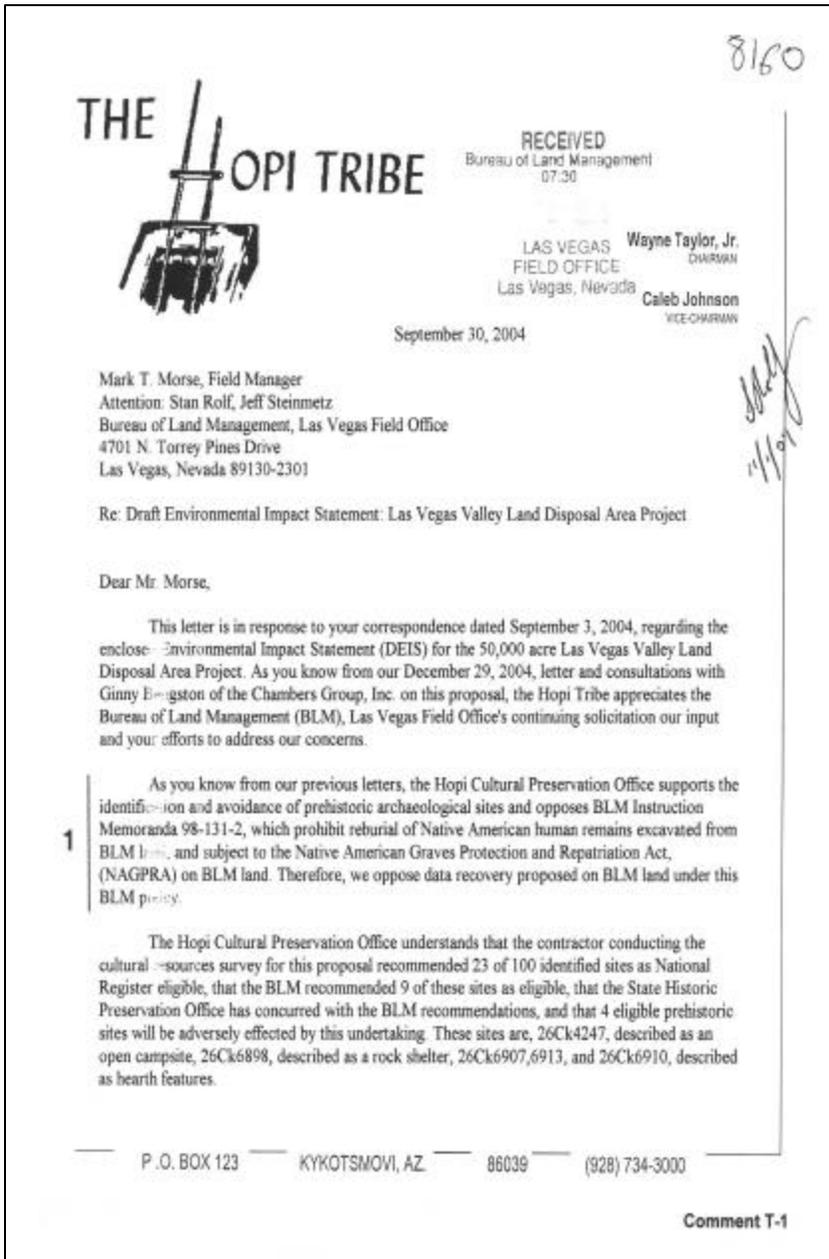
cc:

Regional Forester, Southern Region 3, Nevada Division of Forestry, Las Vegas, Nevada
Deputy State Director, Resources, Land Use and Planning, Bureau of Land Management,
Reno, Nevada

Assistant Regional Director, Ecological Services, Fish and Wildlife Service, Portland, Oregon
Senior Resident Agent, Division of Law Enforcement, Fish and Wildlife Service, Boise, Idaho

2

Comment F-4



Response T-1 (The Hopi Tribe)

1 Comment noted.

Mark T. Morse
Page 2
September 30, 2004

The DEIS states that the No Action Alternative would have "direct beneficial impact" on cultural and Native American resources within the disposal boundary area that are located on BLM lands as there would be no change in land use or loss of resource protection. Unavoidable impacts of the action alternatives include disturbance of archaeological sites not determined eligible, potential removal of eligible cultural sites from the landscape, and loss or disturbance of previously unknown Native American sites of traditional or cultural significance.

2

Therefore, we support the No Action Alternative in this DEIS. If lands containing any of the eligible prehistoric sites are subsequently proposed for disposal, please provide us with a copy of the mitigation treatment plan for review and comment.

Should you have any questions or need additional information, please contact the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

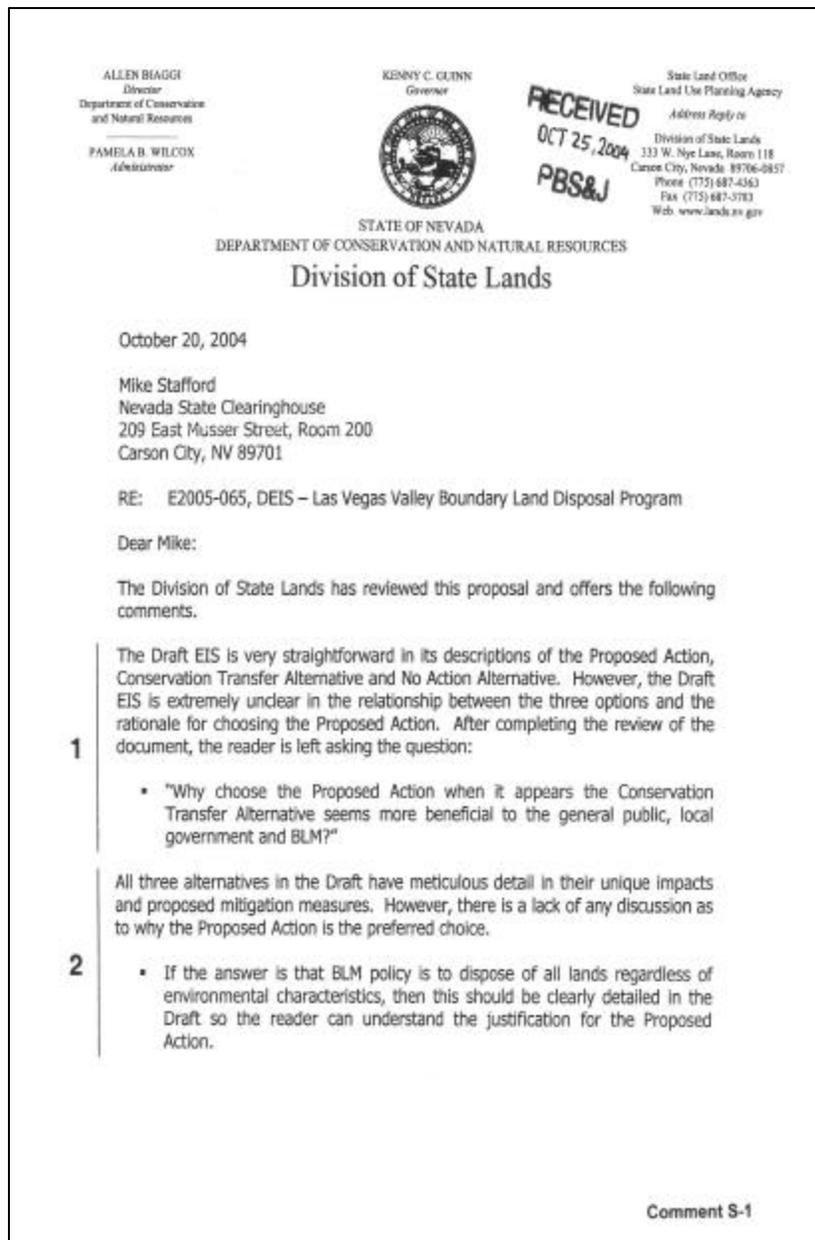


Leigh J. Kuwanwiswima, Director
Hopi Cultural Preservation Office

cc: PBS&J, LV Valley Disposal EIS Team, 2270 Corporate Circle, Suite 100, Henderson, NV 89074-6382
Ginni Bengtson, Chambers Group
Pat Barker, State Archaeologist, BLM Nevada State Office
Rebecca Palmer, Nevada SHPO

Comment T-1

2 Comment noted.



Response S-1 (Division of State Lands)

- 1 An explanation of the alternatives (which includes the Proposed Action) required by NEPA was provided in Section 2.1. An explanation on the development of the alternatives for the impact analysis was provided in Section 2.2 along with the statement that the preferred alternative would be identified in the Final EIS. The BLM has selected the Conservation Transfer Alternative as the preferred alternative based on the results of the environmental impact analysis and from comments received from the public. This is described in Section 2.4.4 of the Final EIS.
- 2 See Response 1 above.

October 20, 2004
 Mike Stafford
 E2005-065
 Page 2

As written, the Draft offers a number of merits associated with the Conservation Transfer Alternative that appear to be much more desirable than the Proposed Action. Table 2.7-1 on pages 2-10 and 2-11 clearly detail the consequences. Reference page 2-5, Section 2-4, discussion regarding the Conservation Transfer Alternative, which text states:

"Land within the Conservation Transfer Area may be nominated for transfer to local or regional governments using the same process as the other disposal lands. However, the BLM would not transfer title to any lands within the Conservation Transfer Area until a conservation agreement is signed by all parties to the agreement. This agreement would provide for the long term protection of sensitive resources within the 5,000 acre area. The agencies would be required to manage the lands consistent with the approved conservation agreement to ensure protection of sensitive resources. To develop and implement the conservation agreement, the BLM would establish an inter-agency steering committee to address options on how best to conserve the sensitive resources."

Your mission statement is printed on the inside cover of the Draft. It appears that the mission of BLM would be to protect sensitive resources on public lands. Isn't the mission more in sync with the italicized quote above? If not, where is the discussion on the reasons why the BLM does not believe it is prudent to address 5,000 acres of sensitive lands and allow collaborative discussion via an agency steering committee? The Draft should clearly explain the reasons for choosing the Proposed Action.

There appears to be conflicting statements on page 4-40, second column, first paragraph. The Draft states:

"Disposing of land in the Conservation Transfer Area with restrictions on the type of development that could occur would have an indirect adverse impact on the land use planning by the local communities."

Why would there be adverse impacts if a steering committee were formed to address sensitive lands and disposals would not occur until a conservation agreement is signed by all parties to the agreement? This agreement would provide for the long term protection of sensitive resources within the 5,000 acre area.

On page 4-44, the Draft states:

"The Conservation Transfer Area identified in Figure 2.4-1 in the northern part of the disposal boundary area would be restricted as to the types of future development that could occur without impacting the resources. The area would

Comment S-1

3 See Response 1 above.

4 The statement that the Conservation Transfer Alternative could have an adverse impact on land use planning by local communities refers to the restrictions that would be placed on the types of possible land uses and planning decisions by the local communities. Without the conservation requirements of this alternative, the local communities would have the full authority to make planning and zoning decisions for the lands after disposal, as allowed by their ordinances and planning procedures, consistent with other applicable laws.

5 See Response 1 above.

October 20, 2004
 Mike Stafford
 E2005-065
 Page 3

be maintained as open space with limited recreation development for trails and interpretive activities. This would be a beneficial impact for the recreational user by maintaining the open space and improving the recreational value of the area."

5

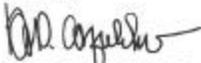
Again, the Draft explains benefits such as recreational value in the alternative that is not the Proposed Action, but does not explain the merits of the Proposed Action that would be superior.

6

Finally, page 4-64 includes Section 4.17, Unavoidable Impacts. Two bullets, "Land Use" and "Recreation and Wilderness" are included. The discussion on land use focuses on the potential for incompatible land uses adjacent to the Tule Springs National Register Site. There is also mention of decreased opportunities for open space recreation under the second bullet. A discussion is needed that explains to the reader why these are unavoidable impacts when they are certainly avoidable under the parameters of the Conservation Transfer Alternative.

Thank you for the opportunity to comment on this proposal. If you have any questions, please feel free to contact me at 775-687-4364 ex 235.

Sincerely,



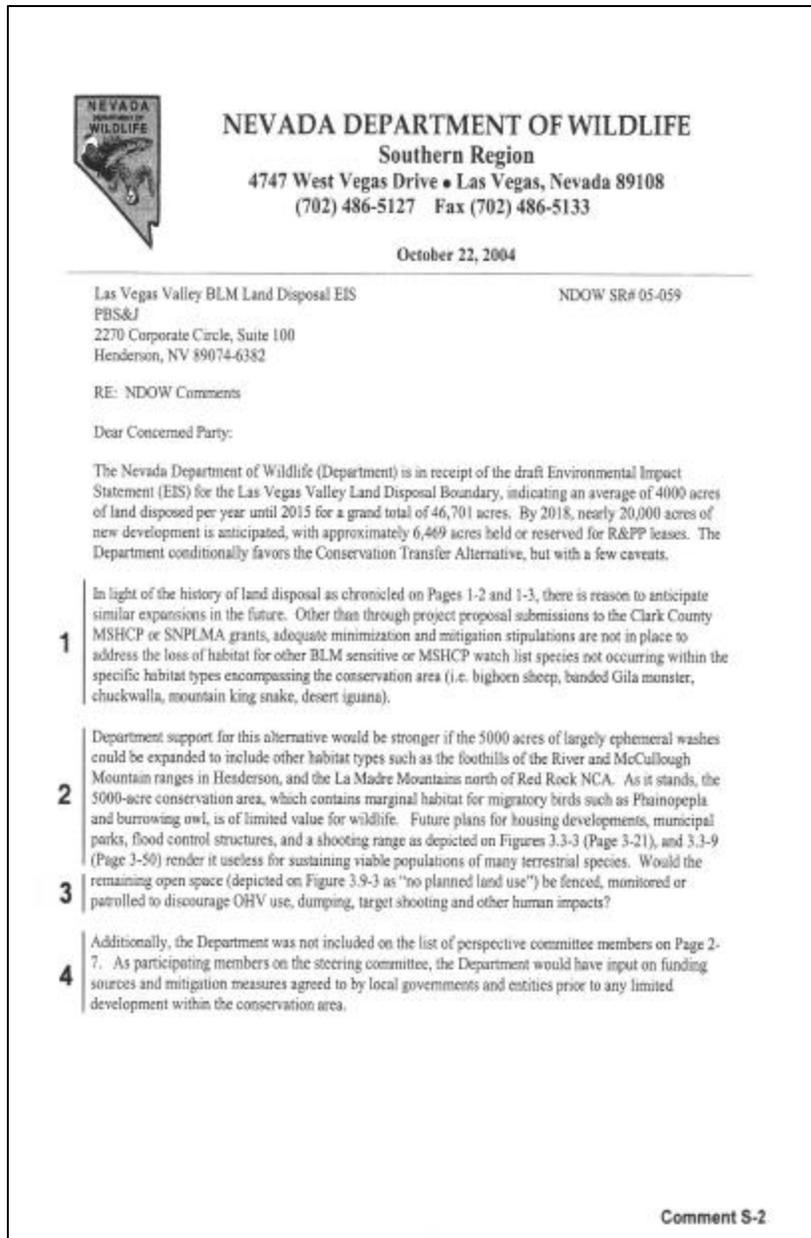
Don D. Canfield III, AICP (Skip)
 Senior Planner

cc: Pamela B. Wilcox, Administrator, Nevada Division of State Lands
 Jim Lawrence, Deputy Administrator, Nevada Division of State Lands

Las Vegas Valley BLM Land Disposal EIS
 PBS&J
 2270 Corporate Circle, Suite 100
 Henderson, NV 89074-6382

Comment S-1

- 6 Under CEQ regulations for preparation of an EIS, the document must include an evaluation of "adverse environmental effects which cannot be avoided should the proposal be implemented" (40 CFR § 1502.16). The impacts described in Section 4.17 are unavoidable if the Proposed Action is implemented, and are included to provide information on impacts that would intrinsically be associated with the proposal.

**Response S-2 (Nevada Department of Wildlife)**

- 1 Comment noted.
- 2 As was stated in Section 3.10-4, the Clark County Act designated areas as wilderness for inclusion in the National Wilderness Preservation System. Included in this designation were 14,763 acres in the North McCullough (Sloan Canyon NCA), 28,879 acres in the LaMadre Mountains, and 20,311 acres in Rainbow Mountain.
- 3 As was stated in Section 3.9.4, the land use plans for this area are expected to be updated because of the expansion of the disposal boundary area and the release of the Wilderness Study Areas. Additionally, as stated in Section 4.9.2, the selection process and local permitting requirements would ensure that development of the lands would be consistent with community land use plans and zoning requirements.
- 4 As was stated in Section 2.4, the strategy committee would not be limited to the agencies and organizations listed. The specific participants had not been identified at publication of the Draft EIS, but have since been. The participants, which include the Department of Wildlife, have been listed in Chapter 5.

PBS&J

2

October 22, 2004

5 Regardless of which alternative is implemented, there is a need for open space planning with private owners and developers relative to human/wildlife conflicts along the periphery of the Valley as they build out towards undisturbed habitat. As the agencies most affected by an increase in these encounters, the Department, along with U.S.D.A. Wildlife Damage Control, should be consulted about methods to minimize potentially dangerous encounters with wildlife on newly developed large scale housing tracts.

6 Cumulatively, continued buildout will affect more than special status plant species and Low Density desert tortoise habitat within the Valley. The development of large scale housing tracts will require additional energy generation and utilities, and new flood control structures will be installed as developers branch out in search of dependable building materials. These types of facilities will require the expansion of existing and/or establishment of new right-of-ways in surrounding habitat, potentially impacting bighorn sheep, raptors, quail, Gila monster, bats, and other wildlife. Specific areas such as the La Madre Mountains, the Arden Hills, The north McCullough and River Mountains, Desert National Wildlife Range, and Spring Mountains are all within the zone of influence of the expanding urban Las Vegas area.

We look forward to working with the Bureau of Land Management in efforts to help mitigate and minimize impacts to wildlife resulting from increased development around the periphery of the Las Vegas Valley. If there are any questions I can be reached at (702) 486-5127 ext. 3613, or by e-mail at rshepard@ndow.org.

Sincerely,

- S -

Roddy Shepard
Habitat Biologist

RS: rs

Cc: Files NDOW

Comment S-2

5 Comment noted. See General Response – Parcel Nomination and Sale Rate.

6 Section 4.15 discusses the cumulative impacts of additional development, including issuances of realty actions. As addressed in Section 3.3.1.1, the Clark County Regional Flood Control District completed the Supplemental EIS for the Flood Control Master Plan that also addresses impacts to these resources.

<p>PETE ANDERSON State Forester/Finance</p>	<p>BENNY C. GUINN Governor</p> 	<p>JOHN JONES Regional Forester</p>
<p>RECEIVED NOV -5 PBS&J</p>		
<p>STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES NEVADA DIVISION OF FORESTRY 4747 W. Vegas Drive Las Vegas, Nevada 89108-2135 Phone (702) 486-5123 • Fax (702) 486-5186</p>		
<p>November 4, 2004</p>		
<p>Las Vegas Valley BLM Land Disposal EIS PBS&J 2270 Corporate Circle, Suite 100 Henderson, NV 89074-6382</p>		
<p>To Bureau of Land Management:</p>		
<p>The Nevada Division of Forestry would like to submit the following comments regarding the Las Vegas Valley BLM Land Disposal Draft Environmental Impact Statement.</p>		
<p>Recent surveys by BLM staff have determined that the proposed disposal area on the north side of the valley supports a stronger population of Las Vegas bearpoppy (<i>Arctostaphylos californica</i>) than reported in the EIS, as well as strong populations of Las Vegas buckwheat (<i>Eriogonum corymbosum</i>). The Las Vegas bearpoppy is a state-listed critically endangered species, protected by state law (NRS 527.050 and 527.270) on public and private lands. The Las Vegas buckwheat is proposed to be listed as such. Urban development in the Las Vegas valley has resulted in the loss of numerous populations of both plants over recent years.</p>		
<p>In 2001, the Nevada Division of Forestry issued a "master permit" to Clark County for the Las Vegas bearpoppy on private lands. The decision to issue this permit, in conjunction with the Multiple Species Habitat Conservation Plan, was based largely on the commitment of federal agencies (including the BLM) and certain other landowners to continue to protect and conserve bearpoppy populations on lands under their control.</p>		
<p>The BLM has committed in the MSHCP to no net unmitigated loss of habitat. Since the Las Vegas bearpoppy grows only on a specific soil type, has never been successfully grown from seed, and is rarely successfully transplanted, there are no adequate mitigations for the loss of this population. The proposed sale of BLM land would transfer a large population of these endangered plants into private ownership, whereby they would be subject to legal destruction under the issued master permit. If the proposed action is selected, the Division of Forestry would have to reconsider the status of the</p>		
<p>WPH:TCG</p>	<p>Comment S-3</p>	<p>11/4/04</p>

Response S-3 (Nevada Division of Forestry)

County's master permit to determine whether its continuation would further endanger the species.

1

It is my understanding that the no net loss commitment applies only to IMAs and LIMAs, and that the proposed disposal area is designated as a MUMA. However, the loss of these populations would result in a net loss of habitat for these species. The County's recent proposal to designate new areas as IMAs and LIMAs does not create new habitat or add areas of protection for existing bearpoppy populations.

The area along the upper Las Vegas Wash supports one of the last large populations of the Las Vegas buckwheat. Recent information indicates the range of this species to be much more limited than previously thought, and this population represents a significant part of the entire known habitat remaining.

2

The Nevada Division of Forestry supports the Conservation Transfer alternative in the EIS that calls for the upper Las Vegas wash to be set aside as a conservation area. We also recommend a deed restriction or other condition of sale that would require that a conservation area be established to protect at least a significant portion of these plant populations.

We would be happy to meet with BLM representatives to further discuss these concerns at your convenience. We look forward to working with you to resolve these issues. Thank you.

Sincerely,



John Jones
Southern Regional Forester

cc: Pete Anderson, State Forester
Law Wallenmeyer, Clark County Desert Conservation Program
Jody Fraser, US Fish & Wildlife Service
Cynthia Martinez, US Fish & Wildlife Service

Comment S-3

1 The majority of the disposal boundary area is an Unmanaged Area (UMA) designation according to the MSHCP. The northern part of the disposal boundary area is classified as a Multiple-Use Management Area (MUMA) and the released Wilderness Study Areas (WSAs) were under the Intensively Managed Area (IMA). If a MUMA contains a majority of a biological resource, it falls under the stipulation for no net unmitigated loss. It appears that a majority of the Las Vegas bearpoppy (an MSHCP listed species) and the Las Vegas buckwheat (an MSHCP watch species) occur in the MUMA and appropriate mitigation measures would be likely. To remain in conformance with the MSHCP, the BLM is participating in an expedited review with Clark County, USFWS, and the other Federal agencies to determine the appropriate mitigation for loss of the habitat that was under the previous WSA, and thus IMA, designation. This information has been added to Section 4.4.4.

2 Comment noted

From: Mtrumbull@aol.com
 Sent: Saturday, November 06, 2004 2:54 PM
 To: lvbma@pbsj.com
 Cc: paul.buck@dri.edu
 Subject: comments on draft EIS

To whom it may concern:

- 1 I have reviewed the alternatives proposed in the Las Vegas Valley Disposal Draft EIS. I urge you to adopt the conservation alternative. The Tule Springs archaeological and paleontological site which comprises ~1000 acres of public land (about 650 acres owned by BLM) must be protected. This National Register of Historic Places listed site contains crucial evidence of past climate and fauna of the Las Vegas Valley. It may also yet contain significant evidence of the earliest humans in our area. It has not been completely explored, and cannot be released for development.

Also, the area is currently actively being used by students and teachers from Shadow Ridge High School through a grant to myself funded by the National Science Foundation.

- 2 The entire site area must be excluded from any land sales until a thorough independent assessment can be made of its future scientific and educational potential.

Sincerely,
 Paul Buck, PhD.
 Desert Research Institute
 755 E. Flamingo Rd.
 Las Vegas NV 89141
 702-862-5424

1

Comment S-4

Response S-4 (Desert Research Institute)

- 1 As stated 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.
- 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.

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

 KENNY C. GUINN
Governor

JEFFREY FONTAINE, P.E., Director

October 18, 2004

RECEIVED
OCT 19 2004 PSD 7.01
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Mr. Michael Stafford
Department of Administration
Budget and Planning
209 East Musser Street Room 200
Carson City NV 89701

Dear Mr. Stafford:

I am writing this letter in response to your request for comments on the DEIS Las Vegas Valley Boundary Land Disposal Program (E2005-065).

1 This NEPA document should address the infrastructure (highway system) required to sustain the development proposed for the disposed of land.

If you have any questions, please do not hesitate to contact me at (775) 888-7240.

Sincerely,

for: Kent Cooper
Assistant Director of Planning

cc: Mary Martini, District Engineer
Daryl James, Environmental
KC: cc

Comment S-5

Response S-5 (Nevada Department of Transportation)

- 1** Transportation planning in the Las Vegas Valley is a collaborative effort led by the Regional Transportation Commission of Southern Nevada (RTC). The RTC coordinates long-range and short-range transportation planning activities with local governments and private citizens to develop the Regional Transportation Plan and the Transportation Improvement Program. These plans focus on the urbanized area which is coincident with the disposal boundary area and address growth, congestion, and air quality. As described in General Response 1, lands are disposed of consistent with local planning requirements, which includes transportation planning. Thus transportation needs are considered by the local governments during the nomination process for land disposal.

From: James Morefield
 Sent: Tuesday, October 19, 2004 12:37 PM
 To: Mike Stafford
 Subject: RE: SAWE2005-065 BLM Las Vegas Valley Disposal Boundary DEIS

This is the Nevada Natural Heritage Program's response to the Nevada State Clearinghouse item referenced below. Please contact us if this response is needed in hard-copy or another format. Otherwise hard-copy will be retained in our files according to our Records Retention Schedule.

NEVADA SAH: E2005-065
 PROJECT: BLM Las Vegas Valley Disposal Boundary DEIS
 COMMENTS DUE: 20 October 2004

AGENCY COMMENTS:

1 The Conservation Transfer Alternative outlined in the DEIS appears to us to be a reasonable compromise, allowing implementation of SNPLMA and the Clark County Act while minimizing further impacts to Las Vegas Valley's most sensitive cultural and biological resources on about 11% of the disposal area. Such a compromise would help avoid a trend toward the need to list any special status species as threatened or endangered under the Endangered Species Act. We therefore support implementation of the Conservation Transfer Alternative to the maximum extent possible, for the enhanced resource management opportunities such implementation would provide.

(signed) James D. Morefield, Biologist III/Botanist
 Nevada Natural Heritage Program
 19 October 2004

 James D. Morefield, Botanist
 State of Nevada
 Department of Conservation and Natural Resources
 Nevada Natural Heritage Program
 1550 East College Parkway, suite 137
 Carson City NV 89706-7921 U.S.A.

http://heritage.nv.gov
 email: jdmore@heritage.nv.gov
 tel: (775) 687-4245 x229

Response S-6 (Nevada Natural Heritage Program)

1 Comment noted.

NEVADA STATE CLEARINGHOUSE
 Department of Administration
 Budget and Planning Division
 209 East Musser Street, Room 200
 Carson City, Nevada 89701-4298
 (775) 684-0209
 Fax (775) 684-0290

DATE: September 14, 2004

Agency
Conservation & Natural Resources
Conservation Districts
Environmental Protection
Health
Historic Preservation
Indian
Lands
Legislative Counsel Bureau
Minerals
Natural Heritage
Transportation
Transportation, Aviation
UNR Mines
Water Resources
Wildlife, Director's Office
Wildlife, Fallon
Wildlife, Las Vegas

Nevada SAI # E2005-063
 Project: BLM LV - DEIS Las Vegas Valley Boundary Land Disposal Program

CLEARINGHOUSE NOTES URL located at: <http://www.nv.blm.gov/vd/cleis/> and <http://www.nv.blm.gov/vd/cleis/documents.asp>
 Enclosed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **October 20, 2004**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0209 or mstafford@budget.state.nv.us.

No comment on this project Proposal supported as written

AGENCY COMMENTS:
 All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. Any water used on the lands proposed for transfer should be provided by an established utility or under permit issued by the State Engineer's Office. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.069(3).

1 Comment noted. Any wells located on BLM lands nominated for sale would be abandoned according to the referenced statute prior to transfer of title.


 Signature ROBERT K. MARTINEZ, PE
 Agency WATER RESOURCES Date 9-16-04
 Comment S-7

Response S-7 (Nevada Division of Water Resources)

NEVADA STATE CLEARINGHOUSE

Department of Administration
 Budget and Planning Division
 208 East Musser Street, Room 200
 Carson City, Nevada 89701-4298
 (775) 684-0208
 Fax (775) 684-0280

DATE: September 14, 2004

Conservation & Natural Resources
Conservation Districts
Environmental Protection
Health
Historic Preservation
Indian
Lands
Legislative Counsel Bureau
Minerals
Natural Heritage
Transportation
Transportation, Aviation
UNR Mines
Water Resources
Wildlife, Director's Office
Wildlife, Fallon
Wildlife, Las Vegas

Nevada SAI # E205-055
 Project: BLM LV - DEIS Las Vegas Valley Boundary Land Disposal Program
 CL- 1605-04

CLEARINGHOUSE NOTES URL located at: <http://www.blm.gov/indiana/> and <http://www.blm.gov/india/document.htm>
 Excessed, for your review and comment, is a copy of the above-mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local area-wide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than October 26, 2004. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Michael Stafford, Clearinghouse Coordinator, (775) 684-0208 or mstafford@budget.state.nv.us.

1 No comment on this project HAA Proposal supported as written

AGENCY COMMENTS:


 Signature state@blm.state.nv.us

BHPS/NVSHD
 Agency

10/20/04
 Date

Comment S-8

Response S-8 (Nevada Bureau of Health Protection Services)

1 Comment noted.