

Proposed Sloan Hills Competitive Mineral Material Sales Final Environmental Impact Statement and Record of Decision



February 2013

BLM Mission Statement

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

Cover photos by Rick Zaninovich and Evan Allen



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
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February 14, 2013

In Reply Refer To:
N-82069 / N-83153
3600 (NVS0053)

Dear Reader:

Enclosed for your review are the Final Environmental Impact Statement (EIS) and Record of Decision (ROD) for the Proposed Sloan Hills Competitive Mineral Material Sales. The Final EIS analyzes the direct, indirect, and cumulative impacts associated with the proposed sale of two mineral materials contracts, by competitive bid, in the Sloan Hills of southern Nevada. Responses to comments received during the Draft EIS comment period and resultant changes to the Draft EIS are documented in the Final EIS. Comments resulted in the addition of clarifying text and additional air quality conformity analyses, but otherwise did not identify any substantial issues. The BLM has selected the No Action Alternative. The reasons for this decision are documented in the Record of Decision.

The period for appeal of the ROD will be for 30 days following the date of the U.S. Environmental Protection Agency (EPA) publication of the Notice of Availability (NOA) of this Final EIS and ROD in the *Federal Register*. As allowed by 40 Code of Federal Regulations (CFR) §1506.10(b), the BLM is announcing its decision and publishing the ROD concurrently with this Final EIS. The Final EIS and ROD, with appropriate approval signatures, is posted on the project web site (www.blm.gov/nv/st/en/fo/lvfo.html).

As a member of the public, you have the right to appeal the BLM's decision, in accordance with the regulations contained in 43 CFR Part 4, if the decision is adverse to you and you believe the decision is incorrect. If you appeal, the following procedures must be followed:

- The Notice of Appeal must be in writing and filed (postmarked) within 30 days of the date of the publication of the EPA's NOA in the *Federal Register*.
- You must fully state your reasons for appealing the decision.
- The Notice of Appeal must be addressed to the Field Manager, with a copy to the Regional Solicitor and the Interior Board of Land Appeals at the following addresses:

Las Vegas Field Manager
BLM Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

Office of the Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, E-1712
Sacramento, CA 95828

Interior Board of Land Appeals
Office of Hearings and Appeals
801 North Quincy Street, Suite 300
Arlington, VA 22203

In accordance with 43 CFR §4.21, you may file a petition for a stay of the effectiveness of the approved ROD, pending review of your appeal. A petition for stay must accompany your Notice of Appeal and must show sufficient justification based on relative harm, likelihood of success on the merits, immediate irreparable harm if the stay is not granted, and whether the public interest favors granting the stay.

If you have any questions on this matter, please contact Ms. Shonna Dooman or Mr. John Evans, BLM Las Vegas Field Office, at (702) 515-5000.

Thank you for your interest in public lands.

Sincerely,

A handwritten signature in black ink, appearing to read "R. B. Ross, Jr.", written in a cursive style.

Robert B. Ross, Jr.
Field Manager

ABSTRACT

This Final Environmental Impact Statement (EIS) has been prepared to analyze and disclose the potential environmental impacts resulting from approval of the Proposed Sloan Hills Competitive Mineral Material Sales. Two mining companies, CEMEX and Service Rock Products Corporation, have submitted mining plans to the Bureau of Land Management (BLM) Las Vegas Field Office proposing to mine and process limestone and dolomite from the Sloan Hills of southern Nevada. Each proponent proposes to construct an open pit mine on adjacent parcels. The open pit mines would eventually merge into a single open pit. In addition to open pit mines, each proponent is proposing ancillary facilities that would include a minerals processing plant and other support facilities, which may include office buildings, truck maintenance buildings, fueling facilities, scale houses, parking facilities, an employee training facility, parts storage area, and a quality control/quality assurance laboratory.

This Final EIS analyzes five alternatives: (1) the sale of mineral material in the North Site and the South Site to two mining companies that would operate independently, and the mine pits would eventually merge into a single open pit; (2) the sale of mineral material in the North Site only; (3) the sale of mineral material in the South Site only; (4) the sale of mineral material in the North Site and the South Site as one contract to a single mining company; and (5) the No Action Alternative. Impacts from approval of any action alternative would include increases in particulate matter less than 10 microns in diameter (PM₁₀) and other air emissions; alteration of the topography; loss of vegetation, wildlife habitat, and special status species habitat, including desert tortoise habitat; changes to natural drainage patterns and pathways; consumption of water for minerals processes and dust suppression; alteration in the land use pattern and the visual quality of the area; increased noise and vibration levels from heavy equipment and blasting activities; and increased traffic levels on local roads and highways.

Because the comments received on the Draft EIS did not warrant substantive changes to the Draft EIS, the Final EIS is an abbreviated version, including comments received on the draft document, the formal response to comments, errata sheets indicating where the draft document is revised, and appendices.

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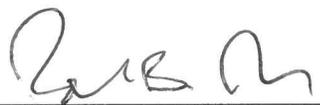
RECORD OF DECISION

The approval of this Record of Decision for the Proposed Sloan Hills Competitive Mineral Material Sales Final Environmental Impact Statement completes the environmental analysis process for this project. This Record of Decision documents the Bureau of Land Management's decision to select Alternative 5, the No Action Alternative. This alternative does not authorize the competitive sale of mineral materials in the Sloan Hills area of southern Nevada.

This document meets the requirements for a Record of Decision, as provided in 40 Code of Federal Regulations (CFR) §1505.2, and follows the guidance in 40 CFR §1506.10(b)(2), which authorizes the BLM to run the 30-day availability period concurrent with the 30-day appeal period.

Appeal procedures are identified at the end of this Record of Decision.

U.S. Department of the Interior, Bureau of Land Management
Las Vegas Field Office
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Approved By: 
Field Manager, Las Vegas Field Office

Date: 2/14/13

Introduction

This document constitutes the Record of Decision of the U.S. Department of the Interior, Bureau of Land Management (BLM), Las Vegas Field Office, Nevada, for the Proposed Sloan Hills Competitive Mineral Material Sales Final Environmental Impact Statement (EIS). It documents the BLM's decision and includes a summary of public involvement in the decision making process and the basis for making this decision. The Final EIS analyzes the four alternatives of the Proposed Action as well as the No Action Alternative. It also describes the potential direct, indirect, and cumulative impacts associated with the proposed competitive sale of mineral materials in the Sloan Hills area of southern Nevada.

The BLM has issued this Record of Decision concurrent with the Final EIS, as allowed under 40 CFR §1506.10(b); thus, review of the Final EIS and the time period in which to appeal this decision run concurrently. There will be no implementation actions approved during the 30-day concurrent review and appeal period of the Final EIS and Record of Decision. This Record of Decision documents BLM's intention to implement the No Action Alternative.

Background

The BLM received applications from two mining companies (CEMEX and Service Rock Products Corporation [SRP]) to mine and process limestone and dolomite minerals in the Sloan Hills area of southern Nevada. Two settlement agreements exist that obligate BLM to process the mineral material sales applications submitted by CEMEX and SRP. The Sloan Hills site contains geologic formations of calcium and magnesium carbonates (limestone and dolomite, respectively) that have been identified as suitable for the production of construction aggregate. The Sloan Hills site was selected by the mining applicants because of the large volume of high-quality materials and its proximity to the area where construction materials are likely to be needed most.

The mining applicants, CEMEX and SRP, have proposed to mine approximately 126 million tons and 74 million tons of aggregate, respectively, from the Sloan Hills area. The proposed project site consists of a total of 640 acres south of Las Vegas and east of Interstate 15 near the community of Sloan. The proposed project site includes the entire south half of Section 29 (the North Site) and the entire north half of Section 32 (the South Site) located in Township 23 South, Range 61 East, Mount Diablo Based Meridian. In addition to open pit mines, each proponent is proposing ancillary facilities that would include a minerals processing plant and other support facilities, which may include office buildings, truck maintenance buildings, fueling facilities, scale houses, parking facilities, an employee training facility, parts storage area, and a quality control/quality assurance laboratory.

Alternatives Considered

The Final EIS evaluates five alternatives: (1) the sale of mineral material in the North Site and the South Site to two mining companies that would operate independently, and the mine pits would eventually merge into a single open pit; (2) the sale of mineral materials in the North Site only; (3) the sale of mineral material in the South Site only; (4) the sale of mineral material in the North Site and the South Site as one contract to a single mining company; and (5) the No Action Alternative.

Alternative 1 (Two Independent Mineral Material Sales)

Alternative 1 consists of two proposed competitive mineral material sales that would result in two open pit dolomite/limestone quarries and associated facilities. Eventually, the two open pits would merge into one open pit. This alternative is based on the original proposal for mining activities that was submitted by the mining applicants. Each mining company would maintain a separate site for facilities and staging, and each would be responsible for acquiring the necessary water rights and other utility and access rights-of-way. This alternative is based on the original proposal for mining activities that was submitted by the mining applicants.

The limestone and dolomite would be mined using traditional above ground quarrying techniques, including stripping, drilling, blasting, loading, and hauling of both production and waste mineral products.

The North Site pit would be mined over a projected 30-year period. The proposed volume of material to be removed from the property would be approximately 126 million tons, the majority of which would be processed on site and would leave the property as finished products. The South Site open pit mine would be mined over a projected 20-year period. The estimated volume of aggregate material to be mined from the South Site is approximately 74 million tons.

The crushed aggregate products would be loaded onto highway haul trucks and weighed at on-site scale houses for transportation off site. An estimated 312,000 truck trips per year would be required to transport the mineral materials from the North and South sites at peak production levels.

Additional facilities that would be constructed on the North and South sites would include a minerals processing plant and other support facilities, which may include office buildings, truck maintenance buildings, fueling facilities, scale houses, parking facilities, an employee training facility, and a parts storage area.

Alternative 2 (Sale of North Site Only)

Alternative 2, at 320 acres, includes the sale of mineral materials in the North Site only. Under this alternative, only the mineral material in the North Site would be sold by competitive bid. This parcel would be developed in a manner similar to the description provided for Alternative 1. The mineral material in the South Site would not be sold and would therefore not be quarried for construction aggregate materials. The estimated volume of material to be removed from the property is approximately 126 million tons. An estimated 156,250 truck trips per year would be required to transport the mineral materials from the North Site at peak production levels for a total of 3,926,563 truck trips over the 30-year term of the North Site mineral material sales contract.

Alternative 3 (Sale of South Site Only)

Alternative 3, at 320 acres, includes the sale of mineral materials in the South Site only. Under this alternative, only the mineral material in the South Site would be sold by competitive bid. This parcel would be developed according to the description provided for Alternative 1. The mineral material in the North Site would not be sold and would therefore not be quarried for construction aggregate materials.

The estimated volume of aggregate material to be mined from the site is approximately 74 million tons. An estimated 156,250 truck trips per year would be required to transport the mineral materials from the South Site at peak production levels for a total of 2,312,500 truck trips over the 20-year term of the South Site mineral material sales contract.

Alternative 4 (Single Sale of North Site and South Site)

Alternative 4 would be the same as described for Alternative 1 except that BLM would simultaneously sell the mineral material within the North Site and the South Site to a single applicant. The combined mineral material mining site would be modified from the plans described for Alternative 1 to include a single ancillary facility site, a single unusable rock storage area, a single access and utility corridor, and would eliminate the protocols for the two pits merging.

Alternative 5 (No Action Alternative)

Alternative 5 is the No Action Alternative. Under the No Action Alternative, the BLM sale of mineral material would not occur in the Sloan Hills area. Mining operations in the Proposed Action area would not be authorized or approved. No surface disturbance would occur, and no impacts to the existing physical or biological environment would take place. Nearly 200 million tons of construction aggregate would not be produced in the Sloan Hills area.

The Bureau of Land Management's Decision

The BLM selects Alternative 5, the No Action Alternative. This alternative does not authorize the competitive sale of mineral materials in the Sloan Hills area of southern Nevada. This decision is based on environmental analysis and takes into consideration public comments on the project including comments received on the Draft EIS.

The BLM's decision to select the No Action Alternative is in conformance with the Las Vegas Resource Management Plan/Final Environmental Impact Statement (RMP/FEIS), approved on October 5, 1998. In addition, BLM's decision is consistent with the Materials Act and the Federal Land Management Policy Act. The decision to select the No Action Alternative will result in no changes to current management of this area.

Reasons for the Decision

In making this decision, the BLM reviewed and carefully considered the impacts identified in the Final EIS, relevant issues and concerns, and public input received throughout the EIS process including comments on the Draft EIS. For the following reasons, the BLM has selected the No Action Alternative.

Under Section 176(c)(1) of the federal Clean Air Act (CAA), federal agencies that "engage in, support in any way or provide financial assistance for, license or permit, or approve any activity" must demonstrate that such actions do not interfere with state and local plans to bring an area into attainment with the National Ambient Air Quality Standards (NAAQS) (42 United States Code [USC] Section 7506(c)). The proposed project is located within the Las Vegas Valley Hydrographic Basin 212 (air basin), which is classified non-attainment for ozone. In August 2010, Clark County Department of Air Quality (DAQ) submitted the *Proposed Particulate Matter (particulate matter less than 10 microns in diameter [PM₁₀])*

Redesignation Request and Maintenance Plan to the Environmental Protection Agency (EPA). However, at this time, the redesignation to attainment is pending EPA approval. The State Implementation Plan (SIP) provides a strategy to bring the air basin into compliance and maintain compliance with all NAAQS. The Clark County Regional Transportation Plan (RTP) provides SIP Emission Budgets for each air pollutant that need to be adhered to in order for the Las Vegas Valley to comply with all NAAQS. BLM performed a CAA General Conformity Analysis that included both direct onsite emissions and air pollutant emissions associated with all on-road haul truck activities traveling from the proposed project site to construction sites throughout the Las Vegas Valley. The result of that analysis determined that Alternatives 1 through 4 in combination with other emission sources within the Las Vegas Valley exceed the SIP Emission Budgets for nitrogen oxides (NO_x) and volatile organic compound (VOC) emissions (ozone precursor pollutants). Therefore, Alternatives 1 through 4 would impede compliance of the NAAQS for ozone in the project area and are not in conformance with the Clark County RTP or the SIP for the State of Nevada. Only Alternative 5, the No Action Alternative would not generate emissions above the SIP budget and is in conformance to the Clark County RTP and the SIP for the State of Nevada.

During preparation of the Draft EIS, the BLM received comments concerning a possible reduction in property values caused by the construction and operation of an open pit mine. Residents living near the proposed mine site(s) place value in their property for the scenic value, rural character, and outdoor recreation opportunities. It is generally believed by the residents living in nearby communities that the presence of an open pit mine would result in decline in the values of their properties.

Finally, strong opposition to the proposed competitive mineral material sale(s) was voiced by local elected officials and local residents. Local residents are opposed to the construction and operation of open pit mine(s) in close proximity to their houses because they feel it would negatively impact their health, property values, and quality of life.

Mitigation and Monitoring

The Council on Environmental Quality (CEQ) regulations require agencies to identify in their Record of Decision any mitigation measures that are necessary to minimize environmental harm from the alternative selected. The regulations further state that a monitoring and enforcement program shall be adopted where applicable for any mitigation.

The BLM concludes that there is no environmental harm caused by selection of the No Action Alternative. Therefore, mitigation measures are not required and a monitoring and enforcement plan has not been developed.

Public Involvement

The CEQ regulations require that agencies shall make diligent efforts to involve the public in preparing and implementing their National Environmental Policy Act (NEPA) procedures (40 CFR §1506.6). The public participation process begins with scoping and continues through the Record of Decision. Scoping of the project occurred from June 11, 2007 to January 5, 2008. Two public scoping meetings were held at the Henderson Executive Airport on December 5 and 6, 2007. The official close to the public scoping

period was January 5, 2008; however, the BLM continued to receive comments through letters and e-mail.

As defined by CEQ regulations, a cooperating agency is one that has special expertise with respect to an environmental issue and/or has jurisdiction by law. The BLM invited 12 federal, state, and local governmental entities to be cooperating agencies for the preparation of the Proposed Sloan Hills Competitive Mineral Material Sales EIS. The following agencies accepted the invitation and signed a Memorandum of Understanding with the BLM as cooperating agencies throughout the NEPA process: City of Henderson, Clark County DAQ (formerly Clark County Department of Air Quality and Environmental Management), Clark County Department of Aviation, Las Vegas Valley Water District, and the Nevada Department of Wildlife.

Public Comment on the Draft EIS

A 120-day comment period on the Draft EIS began on August 5, 2011. A Notice of Availability (NOA) was published in the Federal Register (Vol. 76, No. 151) by the BLM and the EPA on August 5, 2011, announcing the availability of the Draft EIS for public review and comment. The close of the comment period was December 5, 2011.

The BLM Las Vegas Field Office hosted three public hearings in the Henderson area on November 1, 2, and 3, 2011, to provide the public with an opportunity to comment on the potential environmental impacts described for the alternatives in the Draft EIS. Meetings included a brief presentation describing the purpose of and need for considering a competitive sale of mineral materials in the Sloan Hills area, the alternatives, and the next steps. Each meeting consisted of a 90-minute comment period where members of the public could make a statement about the proposed competitive mineral material sale. Two court reporters were in attendance at each hearing to record comments received from members of the public.

During the Draft EIS public comment period the BLM received 32 written comments (letters, email, or fax) from 10 government officials and 22 private citizens. At the Draft EIS public meetings 76 individuals provided comments including 11 government officials and 65 private citizens. Some individuals provided both written comments and oral comments. Additionally, there were some individuals who provided the same or a similar comment at more than one public meeting. The BLM also received one petition prior to the opening of the Draft EIS public comment period, which was signed by 3,420 individuals. The majority of the comments addressed effects on air quality, water use, noise and vibration, visual resources, transportation and traffic, socioeconomics, and special management areas.

The EPA and the Clark County DAQ questioned some of the analytical models and assumptions that were used in the air quality analysis. As a result of their comments and subsequent meetings with the Clark County DAQ, the BLM has included a revised air quality analysis in the Final EIS (Chapter 6).

Public comments were analyzed and considered in the preparation of the Final EIS and this Record of Decision. The responses to the input received during the comment period are included in the Final EIS (Chapter 4).

Appeal Rights

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. If an appeal is filed, the following procedures must be followed:

- The Notice of Appeal must be in writing and filed (postmarked) within 30 days of the date of the publication of the U.S. Environmental Protection Agency's Notice of Availability of the Final EIS in the Federal Register.
- You must fully state your reasons for appealing the decision.
- The Notice of Appeal must be addressed to the Field Manager, with a copy to the Regional Solicitor and the Interior Board of Land Appeals.

The appellant has the burden of showing that the decision appealed is in error. If you wish to file a petition, pursuant to 43 CFR 4.21, for a stay of the effectiveness of the approved Record of Decision pending review of your appeal by the Board, the petition for a stay must accompany your Notice of Appeal. A petition must show sufficient justification based on relative harm, likelihood of success on the merits, immediate irreparable harm if the stay is not granted, and whether the public interest favors granting the stay. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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ACRONYMS AND ABBREVIATIONS

°F	degrees Fahrenheit
AFY	acre-foot per year
BLM	Bureau of Land Management
BMP	best management practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
COPD	chronic obstructive pulmonary disease
DAQ	Department of Air Quality
dBA	A-weighted decibel
DPM	diesel particulate matter
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
GHG	greenhouse gas
HAP	hazardous air pollutant
I-15	Interstate 15
ITE	Institute of Transportation Engineers
LOS	level of service
LVVWD	Las Vegas valley Water District
MT	metric tons
NAAQS	National Ambient Air Quality Standards
NCA	National Conservation Area

NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act
NO _x	nitrogen oxides
OSHA	Occupational Safety and Health Administration
PM ₁₀	particulate matter less than 10 microns in diameter
RTC	Regional Transportation Commission of Southern Nevada
RTP	Regional Transportation Plan
SIP	State Implementation Plan
SRP	Service Rock Products Corporation
SWPPP	stormwater pollution prevention plan
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles travelled
VOC	volatile organic compounds
VRM	visual resource management

1.0 INTRODUCTION

On August 5, 2011 the U.S. Bureau of Land Management (BLM) issued a Draft Environmental Impact Statement (EIS) for the Proposed Sloan Hills Competitive Mineral Material Sales. The BLM is deciding whether mining operations in the Sloan Hills area should be authorized and whether they should issue a competitive mineral material sales contract(s) for the mineral material.

The BLM is responding to applications submitted by CEMEX (formerly Rinker Materials West, LLC) and Service Rock Products Corporation (SRP) to mine the limestone and dolomite in the Sloan Hills area for production of construction aggregates. These applications were submitted in accordance with 43 Code of Federal Regulations (CFR) §3600 and two separate settlement agreements with CEMEX and SRP. The settlement agreements state that both CEMEX and SRP were to submit mining and reclamation plans for competitive mineral material sales contracts and that BLM would commit to considering the proposed sale in good faith and would look favorably upon approving the proposed sale upon complying with all applicable statutes and regulations. The settlement agreements were specific to mineral material sales in the southern half of Section 29 and the northwestern 1/4 of Section 32, Township 23 South, Range 61 East, Mount Diablo Based Meridian. The northeastern 1/4 of Section 32 was later included to meet the volume needs of SRP as stipulated in their settlement agreement.

The BLM prepared a Draft EIS to analyze and disclose potential impacts that could result from the Proposed Sloan Hills Competitive Mineral Material Sales. The Draft EIS was released to the public for review and comment on August 5, 2011. The public comment period was open for 120 days. BLM has reviewed the comments received on the Draft EIS and in response to the comments, BLM has made some corrections and changes to information presented in the Draft EIS. Chapter 5 of this Final EIS, Errata and Other Changes to the Draft EIS, describes those changes. These changes resulted from public comments, agency comments, or BLM's independent review.

1.1 PURPOSE OF AND NEED FOR THE ACTION

1.1.1 BLM Purpose of the Action

The BLM is responding to applications submitted by CEMEX (formerly Rinker Materials West, LLC) and SRP for a competitive mineral material sale of limestone and dolomite on public lands administered by the BLM in the Sloan Hills area. These applications were submitted in accordance with 43 CFR §3600 and two separate settlement agreements with CEMEX and SRP. In accordance with 43 CFR §3600, the BLM will not dispose of mineral material if it is determined that the aggregate damage to the public lands and resources outweighs the public benefits that BLM expects from the proposed mineral material sale. The BLM has evaluated the issuance of the requested contracts for the sale of mineral material and potential impacts resulting from the proposed externally generated action through the analysis in the Draft EIS.

1.1.2 BLM Need for the Action

The BLM's authority to dispose of mineral materials that are not subject to mineral leasing or location under the mining laws is the Act of July 31, 1947, as amended (30 United States Code [USC] 601 et seq.), commonly referred to as the Materials Act. Section 302 of the Federal Land Policy Management Act of

1976 (43 USC 1701, et seq.) provides the general authority for BLM to manage the use, occupancy, and development of the public lands under the principles of multiple use and sustained yield. To fulfill BLM's responsibility under the Materials Act and the Federal Land Policy Management Act, BLM must consider and respond to the applicant's request for a competitive mineral material sale contract to construct, operate, maintain, and reclaim construction aggregate mines at the Sloan Hills location (43 CFR §3601.6).

1.1.3 Applicant's Objective

The applicant's objective is to mine high-quality limestone and dolomite at the Sloan Hills site to supply construction aggregate to the southern Las Vegas valley. The Sloan Hills site was selected as a desirable location for an aggregate mine based on its (1) availability of high-quality formations of limestone and dolomite and potential to produce a high volume of material over a long period of time, (2) proximity to the southern Las Vegas valley, and (3) accessibility to interstate highways and railroads. Although the applicant's objective provides useful information, in accordance with BLM policy for an externally generated action, the Draft EIS analyzed BLM's purpose and need, not the applicant's purpose and need (BLM, 2008).

1.1.4 Decision to be Made

The BLM will decide whether mining operations in the Sloan Hills area should be authorized and whether the BLM should issue a competitive mineral material sales contract(s) for the mineral material. The BLM will also determine what terms and conditions (stipulations) should be placed on the contracts to appropriately protect the environment and to provide for reclamation of the site after mining is complete, should they decide to approve a competitive mineral material sale.

1.2 PROPOSED ALTERNATIVES

The Proposed Action site consists of a total of 640 acres south of Las Vegas and east of Interstate 15 near the community of Sloan. The Proposed Action site includes the south half of Section 29 (the North Site) and the north half of Section 32 (the South Site) located in Township 23 South, Range 61 East.

The Draft EIS analyzed five alternatives: (1) the sale of mineral material in the North Site and the South Site to two mining companies that would operate independently, and the mine pits would eventually merge into a single open pit; (2) the sale of mineral materials in the North Site only; (3) the sale of mineral material in the South Site only; (4) the sale of mineral material in the North Site and the South Site as one contract to a single mining company; and (5) the No Action Alternative. Descriptions of these alternatives are provided below.

1.2.1 Alternative 1 (Two Independent Mineral Material Sales)

Alternative 1 consists of two proposed competitive mineral material sales that would result in two open pit dolomite/limestone quarries and associated facilities. Eventually, the two open pits would merge into one open pit. This alternative is based on the original proposal for mining activities that was submitted by the mining applicants. Each mining company would maintain a separate site for facilities and staging, and each would be responsible for acquiring the necessary water rights and other utility and access rights-of-way. This alternative is based on the original proposal for mining activities that was submitted by the mining applicants.

The limestone and dolomite would be mined using traditional aboveground quarrying techniques, including stripping, drilling, blasting, loading, and hauling of both production and waste mineral products.

The North Site pit would be mined over a projected 30-year period. The proposed volume of material to be removed from the property would be approximately 126 million tons, the majority of which would be processed on site and would leave the property as finished products. The South Site open pit mine would be mined over a projected 20-year period. The estimated volume of aggregate material to be mined from the South Site is approximately 74 million tons.

The crushed aggregate products would be loaded onto highway haul trucks and weighed at on site scale houses for transportation off site. An estimated average of 312,000 truck trips per year would be required to transport the mineral materials from the North and South sites at peak production levels.

Additional facilities that would be constructed on the North and South sites would include a minerals processing plant and other support facilities, which may include office buildings, truck maintenance buildings, fueling facilities, scale houses, parking facilities, an employee training facility, and a parts storage area.

1.2.2 Alternative 2 (Sale of North Site Only)

Alternative 2, at 320 acres, includes the sale of a mineral materials contract in the North Site only. Under this alternative, only the mineral material in the North Site would be sold by competitive bid. This parcel would be developed in a manner similar to the description provided under Section 1.3.1 for the North Site. The mineral material in the South Site would not be sold and would therefore not be quarried for construction aggregate materials. The estimated volume of material to be removed from the property is approximately 126 million tons. An estimated 156,250 truck trips per year would be required to transport the mineral materials from the North Site at peak production levels for a total of 3,926,563 truck trips over the 30-term of the North Site mineral material sales contract.

1.2.3 Alternative 3 (Sale of South Site Only)

Alternative 3, at 320 acres, includes the sale of a mineral materials contract in the South Site only. Under this alternative, only the mineral material in the South Site would be sold by competitive bid. This parcel would be developed according to the description for the South Site provided under Section 1.3.1. The mineral material in the North Site would not be sold and would therefore not be quarried for construction aggregate materials. The estimated volume of aggregate material to be mined from the site is approximately 74 million tons. An estimated 156,250 truck trips per year would be required to transport the mineral materials from the South Site at peak production levels for a total of 2,312,500 truck trips over the 20-term of the South Site mineral material sales contract.

1.2.4 Alternative 4 (Single Sale of North Site and South Site)

Alternative 4 would be the same as described for Alternative 1 except that BLM would simultaneously sell the mineral material within the North Site and the South Site to a single applicant. The combined mineral material mining site would be modified from the plans described for Alternative 1 to include a

single ancillary facility site, a single unusable rock storage area, a single access and utility corridor, and would eliminate the protocols for the two pits merging.

1.2.5 Alternative 5 (No Action Alternative)

Alternative 5 is the No Action Alternative. Under the No Action Alternative, the BLM sale of mineral material would not occur in the Sloan Hills area. Mining operations in the Proposed Action area would not be authorized or approved. No surface disturbance would occur, and no impacts to the existing physical or biological environment would take place. Nearly 200 million tons of construction aggregate would not be produced in the Sloan Hills area.

1.3 BLM'S PREFERRED ALTERNATIVE

In consideration of the environmental and socioeconomic impacts analyzed in the Draft EIS the BLM has selected the No Action Alternative as their preferred alternative.

2.0 AGENCY COORDINATION

Agency and public review is an integral part of the National Environmental Policy Act (NEPA) process and provides the public and agencies with an opportunity to be involved in the decision process. Throughout the preparation of the Draft EIS, the BLM made both formal and informal efforts to involve other federal agencies, state and local governments, and tribes. As part of scoping, federal, state, and local agencies that may have an interest in the Sloan Hills Competitive Mineral Material Sales EIS were invited to participate in the preparation of the Draft EIS as cooperating agencies. During the scoping period, the BLM sent formal letters inviting 10 agencies to participate as cooperating agencies in the preparation of the Sloan Hills Competitive Mineral Material Sales EIS. Of those agencies invited, the following agreed to be cooperating agencies in the development of this EIS:

- Las Vegas valley Water District (LVVWD)
- Nevada Department of Wildlife (NDOW)
- Clark County Department of Air Quality (DAQ)
- Clark County Department of Aviation
- City of Henderson

The roles and responsibilities of cooperating agencies include, but are not limited to:

- Involvement in the NEPA process beginning as early as possible, with particular emphasis on development of the purpose and need, range of alternatives, and methodologies for the analysis of alternatives.
- Identifying, as early as practicable, any issues of concern regarding the project's potential environmental impacts, and participating in the resolution of any issues.
- Participating in the scoping process.

Representatives from the cooperating agencies were invited to provide comments on earlier versions of the Draft EIS. Additionally, a meeting was held on May 17, 2010 to discuss the resolution of comments provided by the cooperating agencies and to develop mitigation measures.

Following publication of the Draft EIS the cooperating agencies provided additional comments during the public comment period. These comments, as well as those submitted by other agencies and the general public, are summarized in Chapter 4.

The BLM also held a separate meeting with the Clark County DAQ on June 4, 2012. The purpose of this meeting was to discuss the need for additional air quality analyses and to determine the scope of additional analyses. Changes that were made to the Draft EIS as a result of this meeting are incorporated into a supplemental air quality analysis (Chapter 6 of this Final EIS).

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3.0 DRAFT EIS REVIEW PERIOD

3.1 FEDERAL REGISTER NOTICE OF AVAILABILITY

The Federal Register Notice of Availability of the Draft EIS was published on August 5, 2011, marking the beginning of the comment period for the project (Appendix A). The comment period ended on December 5, 2011. The BLM minimum requirement for an EIS public comment period is 45 days; however, BLM accepted comments on the Sloan Hills Competitive Mineral Material Sales Draft EIS for 120 days.

3.2 ANNOUNCEMENTS AND MEDIA RELEASES

Announcements for the Draft EIS public meetings were published in the following local newspapers: Las Vegas Review Journal, Las Vegas Sun, and El Tiempo. A copy of the newspaper announcements is provided in Appendix B. Meeting dates, times, and locations were posted on the BLM Southern Nevada District Office Web site (<http://www.blm.gov/nv/st/en/fo/lvfo.html>). Additionally, flyers announcing the public meetings were posted on community announcement boards at the following locations: City of Henderson City Hall, James I. Gibson Library, Paseo Verde Library, Lydia Malcolm Library, Henderson Multigenerational Center, Black Mountain Recreation Center, Valley View Recreation Center, and Silver Springs Recreation Center. A copy of the flyer is provided in Appendix B.

3.3 PUBLIC HEARINGS

Public hearings are required when there is substantial environmental controversy concerning the proposed action or a substantial interest in holding a public hearing (40 CFR § 1506.6). Public hearing locations, dates, and number of attendees are provided in Table 1. In accordance with BLM requirements, sign-in sheets were provided and attendees were encouraged to sign in. Copies of the sign-in sheets are provided in Appendix C.

Table 1
Public Meetings

Meeting Location	Date	Number of Attendees that Signed In
Henderson Convention Center 200 South Water Street Henderson, Nevada	November 1, 2011 1:00 pm to 4:00 pm	49
Coronado High School 1001 Coronado Center Drive Henderson, Nevada	November 2, 2011 6:00 pm to 9:00 pm	580
Liberty High School 3700 Liberty Heights Avenue Henderson, Nevada	November 3, 2011 6:00 pm to 9:00 pm	49

Each public meeting began with a 60-minute open house session where posters displaying information were available for viewing and BLM employees and contractors involved in the preparation of the Draft EIS were available to discuss the Proposed Action with interested persons. Copies of the posters displayed at public meetings are provided in Appendix D. The open house session was followed by a 30-minute presentation on the project and the procedures for making comments. The final 90 minutes of the public meetings were allotted for individuals to stand and make public comments on the Proposed Action. The proceedings of each public meeting were recorded by court reporters. Transcripts of the meetings are available for viewing at the BLM Las Vegas Field Office or online at <http://www.blm.gov/nv/st/en/fo/lvfo.html>.

Comment fact sheets, agendas, and comment cards were also provided at each meeting. A copy of these handouts is included in Appendix E. Comment cards were provided so members of the public could submit written comments regarding issues or concerns about the Proposed Action. Comment cards could be submitted at the meeting, or mailed, emailed, or faxed to the BLM Southern Nevada District Office.

3.4 PUBLIC COMMENT PERIOD

The Draft EIS public comment period was opened on August 5, 2011 and the public comment period was closed on December 5, 2011. Table 2 summarizes the number of comments received during this period. Chapter 4 includes a summary of the comments and the BLM's response to comments.

**Table 2
Number of Comments Received**

Committer Affiliation/Agency	Number of Comments Received
<i>Written Comments Received by Mail, Email, or Fax</i>	
Federal Government Official/Agency	2
State Government Official/Agency	3
Local Government Official/Agency	3
Private Citizen	25
<i>Public Statements Made During Draft EIS Meetings</i>	
Federal Government Official/Agency	13
State Government Official/Agency	1
Local Government Official/Agency	3
Private Citizen	32
<i>Private Statements Recorded During Draft EIS Meetings</i>	
Private Citizen	26
<i>Signed Petition</i>	
Private Citizen	3,420

4.0 COMMENTS AND RESPONSE TO COMMENTS

The following chapter provides a summary of the comments that were received by the BLM during the Draft EIS public comment period. Many of the comments received focused on similar topics of concern. Therefore, comments were grouped by topic and summarized in this chapter, rather than list each individual comment. Original comments are available for viewing upon request at the BLM Las Vegas Field Office.

4.1 AIR QUALITY

1. Six private citizens and one local government official voiced a general concern that the proposed mine(s) would affect regional air quality.

Response: BLM is committed to fully evaluating potential impacts, including air quality impacts that would occur within the local communities near the project site as a result of each of the alternatives evaluated. To fulfill that commitment, BLM met with the Clark County DAQ to address the issues raised by the Environmental Protection Agency (EPA), the County, and concerned citizens. The result of that meeting was to update the air quality analysis to include an evaluation of on-road emissions sources, provide a Clean Air Act Conformity analysis, an analysis of diesel particulate matter, and greenhouse gas (GHG) emissions for each of the alternatives. The Clean Air Act Conformity analysis is included in Chapter 6 of this Final EIS. Based on the findings of the Clean Air Act Conformity analysis, Alternatives 1 through 4 would not comply with the National Ambient Air Quality Standards (NAAQS) for ozone and therefore would not conform to the Regional Transportation Plan (RTP; Regional Transportation Commission of Southern Nevada [RTC], 2008) or the State Implementation Plan (SIP). This additional information will enable the Clark County DAQ to make a complete independent assessment of air quality impacts. The modeling of emissions in the Clean Air Act Conformity Analysis assumed EPA Tier 4 level diesel engines and they do not reduce nitrogen oxides (NO_x) and volatile organic compounds (VOCs) enough to keep project alternatives 1 through 4 within the SIP budget. Additional mitigation such as electric or natural gas fueled haul trucks could provide additional reductions in NO_x and VOCs, but they are impractical given the size of the truck fleet and economically infeasible for the project to remain profitable.

2. A total of 18 individuals, including one federal government official, two local government officials, and 15 private citizens are concerned that the mine(s) would result in increased levels of dust in residential areas that would subsequently exacerbate people's asthma, allergies, chronic obstructive pulmonary disease (COPD), or other breathing-related illnesses.

Response: Air quality in the Las Vegas valley is monitored by the Clark County DAQ. Air quality monitoring stations are located throughout the City of Henderson, including in the vicinity of the proposed mine(s). The successful mining applicant(s) would be required to obtain and adhere to a Dust Control Permit and Dust Mitigation Plan established for the project and approved by the Clark County DAQ. The Dust Control Permit and Dust Mitigation Plan for the project will include the Best Management Practices (BMPs) for Dust Control included in the Clark County DAQ *Construction Activities Dust Control Handbook* (Clark County DAQ, 2003). Note that while the BMPs are focused on

construction period dust control, in the case of this project, the BMPs would continue into the operation of the mine. Clark County DAQ BMPs are dust control measures based on project soil type, project activity, and phasing as required by the applicable standards of Sections 91 through 94 of the Clark County DAQ Air Quality Regulations. The adherence of the BMPs shall be monitored and logged during daily operation as part of the requirements of the Dust Control Permit and Dust Mitigation Plan and are established to meet the goal of reducing particulate emissions from the construction and operation of the mining site(s). Additionally, some practices are designed to address the economic and environmental purposes of reducing the amount of water to be used for dust control. Localized impacts of dust dispersion within the local communities surrounding the site were analyzed through dispersion modeling. That modeling revealed that the Clark County DAQ BMPs are needed to reduce dust concentrations to levels that will not exacerbate people's asthma, allergies, COPD and other breathing-related illnesses. Because of this, the Clark County DAQ BMPs are mitigation that must be followed by the applicant as a condition placed upon the project. With mitigation these potential impacts are less than significant.

3. Ten private citizens expressed concerns that dust from the mine(s) would expose people to toxins (such as silica, gypsum, and arsenic) and that these toxins would have a negative impact on human health.

Response: The aggregate materials that would be mined are limestone and dolomite. Limestone is a mineral composed of a chemical compound, calcium carbonate, which is derived from the remains of the shelled animals that lived in the large seas that covered Nevada hundreds of millions of years ago. Dolomite is a type of limestone that contains magnesium and trace amounts of other elements. It is formed by additional chemical processes that occurred in the limestone over time. The chert that overlies the limestone and dolomite that would need to be removed to uncover the aggregate materials is a rock composed primarily of silica, generally the remains of microfossils. In their native (undisturbed) state, the chemical compounds that make up the two minerals that would be mined and the overlying cap rock are not carcinogens and do not pose a human health risk. The "toxic" properties of the chemicals that make up the limestone and dolomite are limited to dust hazards during mining, and the primary mechanism of exposure is inhalation. Limestone and dolomite dusts are not regulated as carcinogens. In occupational settings, silica dust is regulated because it is known to cause silicosis (scarring of the lungs) and lung cancer, among other chronic illnesses. However, residents would not be exposed to dust hazards or potential adverse health effects from any of these materials. First, the results of air quality modeling show that dust impacts would be minor and localized to the mine site. Second, dust control measures must be implemented during all pit mining activities to meet air quality requirements. Third, baghouse dust collectors, or similar insertable technology, would be used to control particulate emissions at the crushing and screening points. Appropriate enclosures would be installed where feasible to minimize particulate emissions. Foam sprays would also be tested in the crushing and screening operation for their effectiveness in reducing particulate emissions. Additionally, water fog sprays, or appropriate dust extraction technology, would be used at key transfer points. All of these measures would ensure dust levels do not exceed regulatory thresholds, particularly outside of the mining areas. The dust control measures are also required by the Occupational Safety and Health Administration (OSHA) to protect the workers, which would be the population that would be at greatest risk of exposure because they would be closest to dust-generating activities. All mitigation measures developed in the Draft EIS would be included in the mineral material sales contract(s) as stipulations. Failure to comply with the stipulations set forth in the contract(s) could result in termination of the contract(s).

Further, an environmental regulatory records review and evaluation of the Proposed Action area was performed to identify evidence of past or present activities and/or potential hazardous, toxic, and radioactive waste sites that could adversely impact the Proposed Action. Based on the regulatory reviews, no past or present activities and/or facilities with environmental compliance issues were found in the Proposed Action vicinity.

4. Three private citizens were concerned that the mine(s) would expose nearby residents to Valley Fever.

Response: The spores that cause valley fever are known to occur in soils in the Las Vegas valley. The risk of exposure from the construction and operation of the mine(s) is equal to the risk from any other activity that causes airborne dust, such as construction projects and recreational uses. Because the spores can be transmitted through dust, the incorporation of dust mitigation measures greatly reduces the risk of exposure to near zero levels. The construction and operation of the mine(s) would not increase the potential for exposure to valley fever above existing levels.

5. Thirteen private citizens stated the Draft EIS did not adequately account for the prevailing wind patterns in the air quality analysis. The primary concern is that winds will carry dust and toxins from the mine to the residential areas.

Response: The applicants would be required to obtain Dust Control Permit(s) and adhere to the same dust control policies as other projects in the valley. As such, operations of the mine must cease when wind speeds exceed the ability of BMPs to control fugitive dust (approximately 25 miles per hour or greater). At wind speeds between 15 and 25 miles per hour, operational activities are reduced to only those activities that are essential and additional water use and mitigation must be incorporated to ensure that fugitive dust emissions do not migrate off site. Water use for dust suppression may be more or less at different times during the mining operation, but will be required to be adequate for current conditions.

6. Two federal government officials were concerned that the presence of the mine(s) would make it more difficult for Clark County to comply with established air quality standards.

Response: BLM met with the Clark County DAQ to address the issue of air quality standards raised by EPA and the County. As a result, the Air Quality Analysis was updated to include a Clean Air Act Conformity analysis that included both on-road emissions from truck traffic as well as on site operational emissions for each of the alternatives (see Chapter 6 of this Final EIS). Emissions for NO_x and VOCs would exceed the SIP emission budget, which means that approval of any of the proposed action alternatives (Alternatives 1 through 4) would impede the ability to bring the project area into compliance with the NAAQS for ozone and would not conform to the Clark County RTP or SIP. EPA Tier 4 level diesel engines were assumed in the Clean Air Act Conformity Analysis and with those engines do not reduce NO_x and VOCs enough to keep project Alternatives 1 through 4 within the SIP budget. Additional mitigation such as electric or natural gas fueled haul trucks could provide additional reductions in NO_x and VOCs, but they are impractical and economically infeasible for the project to remain profitable.

7. Two local government officials did not like the use of words like "moderate" and "temporary" as conclusion statements. They felt these words did not give an adequate picture of the analyses.

Response: The characterization as "moderate" or "temporary" impacts are provided as summary conclusion statements and are not meant to be the whole picture of the analysis provided in the Draft EIS. The definitions for "moderate" and "temporary" impacts are provided at the top of Chapter 4 (page 4-2) of the Draft EIS. The impacts from particulate matter less than 10 microns in diameter (PM₁₀) levels were quantitatively analyzed in Section 4.1 of the Draft EIS. Tables 4.1-1 through 4.1-17 in the Draft EIS show the quantity and concentration of PM₁₀ resulting from each of the alternatives during construction and operation of the mine.

8. Four local government officials and 4 private citizens expressed concern that the air quality analyses may not have adequately accounted for the pollution that would be generated by vehicle emissions. Particularly, people were concerned that the analyses only took into account emissions for vehicles while they were on the mine site, and not once they left the mine property.

Response: BLM met with the Clark County DAQ to address the issues raised by the County. As a result the Air Quality Analysis was updated to include an evaluation of on-road emissions sources from project generated truck traffic throughout the valley and include them in a Clean Air Act Conformity analysis, for each of the alternatives (see Chapter 6 of this Final EIS).

9. Two local government officials and 3 private citizens were concerned that the air quality analyses were completed incorrectly.

Response: BLM met with the Clark County DAQ to address the issues raised in these comments. As a result the Air Quality Analysis was updated to include an evaluation of on-road emissions sources, provide a Clean Air Act Conformity analysis, an analysis of diesel particulate matter, and GHG emissions for each of the alternatives (see Chapter 6 of this Final EIS). The Clark County DAQ should be able to make a complete assessment with this additional information.

10. Six private citizens were concerned that the air quality analyses were not completed in accordance with EPA standards.

Response: BLM met with the Clark County DAQ to address the issue of air quality standards raised by EPA and the County. As a result the Air Quality Analysis was updated to include an to provide a Clean Air Act Conformity analysis that included both on-road emissions from truck traffic as well as on site operational emissions for each of the alternatives (see Chapter 6 of this Final EIS).

11. One local government official felt that the conclusion that, "Mining operations would not cause an exceedance of air quality standards" was misleading because Chapter 4 shows that operation of the alternatives would cause increases in concentrations of PM₁₀ levels in areas that are in non-attainment of the NAAQS.

Response: The Las Vegas Valley is presently in attainment for all criteria pollutants with the exception of ozone. The project area is designated as a non-attainment area for ozone. The EPA has issued a finding of attainment for carbon monoxide (CO) with an approved maintenance plan. Although

the EPA has issued a finding of attainment for PM₁₀, the maintenance plan and re-designation is still awaiting approval and therefore remains in serious nonattainment. As such, the Clark County DAQ has adopted a “Maintenance Plan” to insure that the Las Vegas valley including Henderson and the Project Area remain in attainment with the NAAQS for PM₁₀ concentrations.

In consultation with the Clark County DAQ, BLM determined that on-road emissions from truck trips within the valley should be evaluated and a Clean Air Act Conformity analysis was conducted that included all on-road truck trips to further evaluate if the project would violate any NAAQS. Based on the additional analysis, the predicted air pollutant emissions associated with all four proposed alternative actions construction phases would exceed the SIP NO_x Emission Budget and operational phases would exceed the SIP NO_x and VOCs Emission Budgets. Therefore, Alternatives 1 through 4 would impede the ability to bring the project area into compliance with the NAAQS for ozone and would not conform to the Clark County RTP or the SIP.

12. Three local government officials and 1 private citizen were concerned that the values presented in the air quality tables in Chapter 4 of the Draft EIS represent only incremental effects on PM concentrations and not the totals with background levels. They stated that these tables should take into account that the project area is classified as a non-attainment area for PM₁₀.

Response: Additional analyses were conducted to include background concentrations (see Chapter 6 of this Final EIS). All areas within the Las Vegas valley including the Project Area are within attainment of the NAAQS for PM₁₀. This “Attainment” status designation for PM₁₀ was recently approved by EPA. As such, the Clark County DAQ has adopted a “Maintenance Plan” to insure that the Las Vegas valley including Henderson and the Proposed Action area remain in attainment with the NAAQS for PM₁₀ concentrations.

13. Two local government officials and 1 private citizen expressed concern that a General Conformity Determination analysis was not completed for the Proposed Action.

Response: BLM met with the Clark County DAQ to address this issue and the Air Quality Analysis was updated to include an evaluation of on-road emissions sources from project generated truck traffic throughout the valley in combination with site activities and include them in a General Clean Air Act Conformity analysis, for each of the alternatives. This analysis included VOCs and NO_x as ozone precursors in addition to carbon monoxide and particulates (see Chapter 6 of this Final EIS).

14. One local government official stated that the reductions in emissions from the unmitigated to the mitigated cases were not adequately explained and/or justified.

Response: Mitigation measure AQ10 in the Draft EIS requires the Operations Manager of the project to use EPA Tier 4 equipment for all project activities. To assess the emissions with implementation of this mitigation measure, the analysis used the EPA emission factors for EPA Tier 4 equipment. Mitigation measures AQ2 through AQ8 reduce fugitive dust emissions by applying the Clark County DAQ BMPs including the use of soil stabilizers, water for dust control, reduced speeds on site and cease of all operational activities other than dust control during high winds. These measures were quantified using the estimated dust suppression level built into the URBEMIS model used to evaluate emissions. In addition, mitigation measure AQ1 placed an operational cap on production of 7 million tons

per year on the project and evaluated this mitigation by reducing the activities on site needed to produce a maximum of 7 million tons per year.

15. One private citizen stated that the inclusion of exceptional events into the calculation of current ambient concentrations of pollution emissions does not provide an accurate representation of the background setting.

Response: Exceptional events were removed from the conformity determination analysis (refer to Chapter 6 of this Final EIS).

16. One private citizen was concerned that a cumulative analysis in accordance with 40 CFR §52.21 was not performed when it was determined that some pollutants may exceed the Significant Impact Level defined for that pollutant.

Response: The new conformity determination analysis was prepared to include background concentrations in a cumulative analysis (refer to Chapter 6 of this Final EIS).

17. One private citizen stated that the comparison of MQS [*sic*] to determine significance is a requirement of the CM [*sic*]. This comparison must be made for all ambient air sites not just significant receptors.

Response: A comparison of project generated emissions in combination with background concentrations with the Ambient Air Quality Standards was made during the evaluation summarized in the Draft EIS. Tables 4.1-6 through 4.1-16 show the results of that analysis.

18. One private citizen was concerned that the highest predicted impact levels were not reported in the Draft EIS.

Response: The term “highest reported emission levels for each residential area” found in the text of Section 4.1 of the Draft EIS was used to describe the “highest predicted impact levels.” A more detailed description of the impacts being evaluated in the EIS is provided in the errata section of the Final EIS and quantitatively shown in Tables 4.1-3 through 4.1-16.

19. Four private citizens were concerned about whether the operators of the mine would comply with high-wind stop-work requirements and who would oversee their compliance with these mitigation measures. They were also concerned that the mining operators cannot be trusted to self-regulate.

Response: In addition to the mitigation measures, the successful applicant(s) would be required to obtain and adhere to a Dust Control Permit and Dust Mitigation Plan established for the project and approved by the Clark County DAQ. The Dust Control Permit and Dust Mitigation Plan for the project will include the BMPs for Dust Control included in the Clark County DAQ Construction Activities Dust Control Handbook. Note that while the BMPs are focused on construction period dust control, in the case of this project, the BMPs would continue into the operation of the mine. The Clark County DAQ BMPs include the requirement to cease all operational activities except for dust control measures during high wind events. The adherence of the BMPs shall be monitored and logged during daily operation as part of

the requirements of the Dust Control Permit and Dust Mitigation Plan. As such, while the primary responsibility for monitoring and reporting adherence of the high-wind stop work requirement is on the operators of the mine, the Clark County DAQ also inspects sites for compliance with the BMPs and will require the mining operator(s) to show proof of compliance. Clark County DAQ also has authority to issue “Cease and Desist” orders to the mining operators if Clark County DAQ determines that the mining operator(s) have violated the conditions of their permit(s).

20. Three private citizens were concerned that the emissions analysis did not include the worst-case emissions that could possibly occur during project operation.

Response: Reasonably foreseeable worst-case conditions were evaluated by looking at the predicted highest levels of activities that would occur for each of the alternatives evaluated and combining the emissions from that level of activity with the highest reported background concentration from ambient air quality monitoring for the area. The combination of highest level of activities combined with highest reported background concentrations insures that reasonably foreseeable worst case conditions were evaluated.

21. One federal government official was concerned that the Draft EIS did not properly account for all sources of emissions and that the project could contribute to violations of the NAAQS.

Response: To account for both direct and indirect emission sources and fully evaluate the potential of the project to contribute to violations of the NAAQS, BLM met with the Clark County DAQ to address this issue. As a result the Air Quality Analysis was updated to include a Clean Air Act Conformity analysis that included both indirect on-road emissions from truck traffic as well as direct on site operational emissions for each of the alternatives (see Chapter 6 of this Final EIS). Based on the findings of the Clean Air Act Conformity analysis, predicted emissions for NO_x would exceed the SIP emission budget, which means that approval of any of the proposed action alternatives (Alternatives 1 through 4) would impede the ability to bring the project area into compliance with the NAAQS for ozone and would not conform to the Clark County RTP or SIP.

22. One local government official was concerned that the Draft EIS did not include an analysis of visibility and Prevention of Significant Deterioration increments.

Response: Visual emissions from project activities would occur as a result of excessive fugitive dust emissions or visible smoke coming from the exhaust of equipment used in the mining operation. The successful mining applicant(s) would be required to obtain and adhere to a Dust Control Permit and Dust Mitigation Plan established for the project and approved by the Clark County DAQ. The Dust Control Permit and Dust Mitigation Plan for the project will include the BMPs for Dust Control included in the Clark County DAQ Construction Activities Dust Control Handbook. Note that while the BMPs are focused on construction period dust control, in the case of this project, the BMPs would continue into the operation of the mine. Clark County DAQ BMPs are dust control measures include the prohibition of “visible plumes of dust.” In addition, mitigation measure AQ2 requires the construction contractor(s) and operations manager(s) to use the Clark County DAQ BMPs. Finally, mitigation measure AQ10 requires the operations manager(s) to use EPA Tier 4 equipment which will not produce visible smoke. Because the mitigation measures eliminate the potential for visual emissions, there is not potential for this impact.

23. Two local government officials and 1 private citizen were concerned that the air quality mitigation measures proposed would not adequately mitigate project impacts.

Response: Please see response to comments 2, 14, and 19.

4.2 EARTH RESOURCES

24. Three private citizens expressed concern that blasting and construction of the mine on geological faults could result in property damage in nearby residential areas.

Response: There are no active faults in the Proposed Action site or vicinity. There are two inactive faults on the project site. The presence of these faults would not affect the mining process.

There are no identified geologic conditions that would be intensified by project activities resulting in geologic hazards. Licensed personnel trained in the use of explosives would perform blasting operations in the mine(s) as needed. Only authorized personnel would be allowed in the vicinity of the blasting area. All blasters would be certified in Nevada, and all blasting operations would be performed in compliance with current federal and state regulations. The pit walls and waste rock stockpiles would be constructed to conform to regulatory standards to minimize instability. During the progression of the mine pit, benches approximately 45 feet in height would be constructed in the quarry with a production width of approximately 25 feet to safely accommodate loaders and haul trucks. This would result in a slope of approximately 60 degrees from horizontal, which would provide an adequate factor of safety. The mine configuration will be subject to geotechnical review. If local rock instability is discovered during mining operations, the slope would be modified to an angle that would stabilize the slope as much as possible. The design of the open pit would take into account the mining companies' knowledge of the rock materials, geotechnical tests, and Mine Safety and Health Administration design standards. As mining occurs, design parameters and assumptions would be tested against actual conditions. Monitoring of the conditions would be accomplished through geological and geotechnical evaluation involving geologic structure mapping and slope stability monitoring and analysis. For those reasons, the creation of open pit mine(s) and blasting for mineral material would not impact the structural integrity of nearby residential properties; however, mitigation measure ER2 provides that the successful applicant must have appropriate insurance coverage to address potential off site damage to structures or injury to people from blasting activities.

25. One private citizen was concerned that there may be toxic elements in the soil and workers and/or residents could be exposed to these toxic elements.

Response: See response to comment 3.

4.3 BIOLOGICAL RESOURCES

26. Three private citizens expressed concern about impacts that the mine(s) would have on wildlife and vegetation.

Response: No species of plants or wildlife would be extirpated by the proposed action. Additionally, the BLM is working with the U.S. Fish and Wildlife Service (USFWS) to ensure that the continued

existence of threatened and/or endangered species in the area is not jeopardized by the proposed action, as well as to develop additional mitigation measures that would further protect the threatened and/or endangered wildlife and vegetation living in the vicinity of the Proposed Action area. Currently the only listed species in the vicinity of the proposed action is the threatened desert tortoise.

27. One state government official stated they believed that potential impacts to bighorn sheep could not be adequately quantified without collecting several years of pre-mining habitat use data. This official has suggested implementing a mitigation measure that would require the mining applicant(s) to financially support additional study of habitat use by bighorn sheep in the area, both prior to mining and after commencement of mining activities. This would allow the BLM to determine whether the presence of mining is adversely affecting this species' use of lands in the vicinity of the mine(s) and to implement additional protective measures, if necessary, to protect this vulnerable species.

Response: Thank you for your comments. Your suggestions will be taken under advisement while the BLM makes their decision on this Proposed Action.

4.4 WATER RESOURCES

28. Eighteen private citizens stated that they believed that the mine(s) would consume too much water in an area where residents are already asked to restrict their own water use.

Response: The most water use would occur during the first year following approval of mining operations. This water would primarily be used for dust suppression purposes to wet areas during vegetation removal, mass grading, fine grading, and to wet dirt access roads and stockpile areas. Water used for dust suppression is consumptive use and cannot be recycled. Following the first year, the estimated net consumption of water (after recycling of process water is accounted for) would range between 25 acre-feet per year (AFY) and 115 AFY (8.1 million to 37.5 million gallons per year) at peak production. Tables 4.4-1 and 4.4-2 in Section 4.4 of the Draft EIS summarize the annual use and net demand over the life of the project.

The scenarios for how water could be obtained are described in the Draft EIS on page 2-14 (North Site) and page 2-25 (South Site). Water for use on the mine site(s) would predominantly be obtained from groundwater wells in the Las Vegas Groundwater Basin with permitted points of diversion, not from Lake Mead. There are currently no municipal water supplies in the vicinity that mining applicants could draw water from and, at the time of this writing, there are no plans that would provide the Sloan Hills site with a municipal source of water in the near future. No new groundwater rights are authorized in the Las Vegas valley. Diversion of existing groundwater rights is the only feasible option for acquiring the necessary water to operate the mine(s). The successful applicant(s) would be required to obtain water by transferring groundwater rights from another point of diversion. Therefore, authorization of the mine(s) would not result in consumption of water beyond what is already permitted in the Las Vegas valley.

From a cumulative perspective, actions that have impacted groundwater resources include residential developments, which increased approximately 80 percent from 1990 to 2006, and mining activities. Over this time, the total water pumped from the groundwater basin was approximately 75,000 acre-feet (Las Vegas Groundwater Management Program, 2010). Artificial recharge has added 200,000 acre-feet back

into the groundwater basin since 1988, and in conjunction with natural recharge of the aquifer, the amount being pumped out is still less than the total water that goes back in to the aquifer. As the population continues to increase, the demand on available groundwater resources will also increase. Planning efforts of the Nevada Department of Conservation and Natural Resources, Division of Water Resources, in conjunction with the required permitting process for allocation of water rights in the state, would reduce the potential for over-withdrawal of the groundwater basin. Cumulatively, the water demand of the Proposed Action in combination with past, present, and reasonably foreseeable future projects would not result in a significant impact on groundwater resources because no new groundwater permits would be issued (Draft EIS Section 5.3.5, page 5-28).

29. Four private citizens were concerned that the water used for dust control will become contaminated and thus will contaminate our groundwater and/or Lake Mead.

Response: The mining applicant(s) would be prohibited from using chemical dust suppressants on the mine site(s). Because no chemical dust suppressants would enter surface water (via runoff) or groundwater (through infiltration), there is no potential for groundwater or surface water contamination. Instead, untreated groundwater would be used for dust control. It would be used to wet areas during vegetation removal, mass grading, fine grading, and to wet dirt access roads and stockpile areas. The majority of water use for dust suppression would be the first year (approximately 580 acre-feet each for the North site and the South site. After the first year, the water use would be substantially reduced to approximately 1.8 acre-feet per year.

In order for water used for dust control to “become contaminated” there must be contaminants present at levels that could pose an environmental or health risk, and there must be pathways for the water to enter groundwater or surface water. Groundwater at the mine site(s) does not contain any contaminants at levels that exceed drinking water standards (Draft EIS page 3-48), so untreated groundwater would not be a source of contamination. In addition, no past or present facilities with environmental compliance problems were reported in the Proposed Action area that would be a known source of groundwater contamination (Draft EIS page 1-18). Therefore, groundwater applied to the mine site(s) for dust control would not be a source of groundwater contamination.

The Draft EIS explains the pathways for contaminants to potentially affect surface water or groundwater (Draft EIS sections 4.4.1.2 and 4.4.1.4, respectively). Because water used for dust control would not be recycled (i.e., it would not be stored in ponds like process water), it would remain on-site until it evaporates and/or is absorbed by soil. During rainfall/runoff events where surface water runoff crosses the mining areas, there is the potential for erosion and transport of soil (sediment) during rainfall/runoff events that could add sediment to runoff that could flow off-site, which could affect water quality. It is not anticipated that the Proposed Action would lead to increases in the levels of contaminants or dissolved solids in Pittman Natural Wash 2 or in the downstream waters of Pittman Wash, Duck Creek, and eventually Las Vegas Wash, which flows to Lake Mead, in a manner that would cause water quality degradation (Draft EIS page 4-55). Moreover, potential water quality impacts, although minor, are expected to be further minimized by implementing a drainage plan and a stormwater pollution prevention plan (SWPPP) that retains rainfall/runoff on site, and BMPs for controlling sedimentation. These measures are mandatory, not optional. There is the potential for accidental spills of contaminants during construction and mining activities that could be transported off site by surface water flows during

precipitation events. The potential sources are associated with leakages of fuel or lubricants from vehicles and other machinery. If contaminants are transported off site, they could adversely affect surface water quality in downstream surface waters. Development and implementation of a drainage plan, Hazardous Materials Control Plan, SWPPP that retains rainfall/runoff on site, and BMPs would minimize the potential for transport of contaminants off site during precipitation events if there were groundwater remaining on-site from dust suppression activities. In the event of a release of contaminants from heavy equipment, the potential for groundwater quality degradation from groundwater use for dust control is minimal because the climate is arid, which reduces the potential for infiltration of chemicals into the ground; mining would not intercept groundwater (and, therefore, there would be no pathway for dust suppression to enter groundwater directly), and a Hazardous Materials Control Plan would be developed and implemented as for surface water.

For the reasons outlined above, the potential for the Proposed Action to cause or exacerbate groundwater or surface water contamination as a result of water use for dust control is minimal.

30. One private citizen expressed concern that the mining applicant(s) would be unable to secure the proper water rights.

Response: The successful applicant(s) will be responsible for securing the appropriate water rights. Securing these water rights is not within BLM's jurisdiction. If the appropriate water rights cannot be secured, then the project will not be allowed to proceed.

31. One private citizen stated that they believed the groundwater flow models used to conduct the groundwater use analysis were not the appropriate analyses, and that numerical models should have been used instead.

Response: The comment suggests a different numerical model should have been used to predict the potential effects of groundwater use on groundwater flow. However, the commenter did not provide information on what model should have been used instead, nor did the commenter identify any specific concerns about the data and assumptions that were used as inputs to the model that was used by the EIS preparers to evaluate groundwater impacts.

The AquiferWin32 computer model was used to evaluate potential groundwater impacts of the Proposed Action (Draft EIS page 4-63). The AquiferWin32 computer software program is a widely used Windows-based numerical model that relies on numerical inputs to generate numerical modeled data output. The software incorporates sophisticated mathematical processes and equations that have been developed over many years by experts, and the model is continuously updated.

In the case of the Proposed Action, the model was used to predict how groundwater levels would be affected by pumping (drawdown) and whether drawdown could result in a cone of depression around wells that would affect groundwater availability. Tables 4.4-1 and 4.4-2 provide details on water use, and the assumptions that were used in the model are stated in the Draft EIS on page 4-63. As indicated in the first paragraph on page 4-63, details on the modeling approach and results were presented in the *Water Resources Technical Support Document for the Sloan Hills Competitive Mineral Material Sales EIS* (Atkins, 2010). This document was available for public review upon request and at the BLM Las Vegas Field Office.

The Draft EIS interpreted the modeled data output in narrative form to describe how the Proposed Action could affect groundwater. Importantly, the results of the analysis were used to identify a numerical performance standard (mitigation measure WR8, Draft EIS page 4-71) that would be used to demonstrate that the Proposed Action would not have a substantial adverse effect on groundwater conditions. The combination of the data from the numerical model and qualitative interpretation of that data appropriately and sufficiently evaluates the potential effects of the Proposed Action on groundwater.

4.5 LAND USE

32. Three private citizens were concerned that the mine(s) location would physically block the City of Henderson from continuing to develop towards the south of the city.

Response: The proposed mine(s) would occupy a maximum of 640 acres. There would still be the potential for development of thousands of acres within the Las Vegas valley, including the City of Henderson. Please refer to the respective city's planning documents.

33. Two private citizens were concerned that the presence of the mine(s) would discourage future development from occurring in the area.

Response: The proposed mine(s) would not preclude other projects from being developed in the area. Residences and commercial areas can exist in proximity to a gravel mine, and in fact do so in other parts of the Las Vegas valley. The Lone Mountain Community Pit is an example of a similar operation where developers have continued to construct residential and commercial areas on vacant lands near the open pit mine.

34. Seven private citizens were concerned that the proposed mine(s) would not be compatible with the existing land uses of the area.

Response: The lands within the project area are currently designated unincorporated Clark County. The land is zoned under the *Clark County South County Land Use Plan* as rural open land with a future planned use zoning of industrial. Lands immediately adjacent to the proposed mine site(s) are currently designated in the City of Henderson land use plan for public and semi-public use, light business industrial, and tourist commercial.

The city defines the primary use of public and semi-public lands as parks, libraries, community centers, fire stations, utilities, open space, trails, and other public uses. An open pit mine may not be considered a compatible land use adjacent to areas designated for public and semi-public use.

The primary use of light business industrial lands is described as light industrial, light warehousing, manufacturing, and business parks. An open pit mine would be a compatible land use adjacent to lands designated for light business industrial.

The primary use of tourist commercial lands is for hotels, resorts, and mixed-use residential/commercial developments. The presence of an open pit mine could make the area less attractive for tourists, thus discouraging development of the area. This would not be considered a compatible land use.

35. Three local government officials stated that local governmental opposition to the project may result in difficulties for the mine operators when applying local permits and approvals. Local government opposition could prevent the mines from going forward, even if approved by BLM.

Response: If the sale(s) were to be approved, the winning bidders would be responsible for securing all other required federal, state and local permits. If the winning bidders were unable to secure the permits, then operations at the site would not go forward. The BLM cannot halt their analysis of the Proposed Action based on conjecture that state or local permits may not be granted.

4.6 VISUAL RESOURCES

36. Six private citizens expressed concern that the mine(s) would negatively impact the view from nearby residential areas.

Response: The BLM is mandated to provide opportunities for use of public lands and access to resources while protecting sensitive features and the public interests and values in the land and its resources. They are also directed to manage public lands in a manner that recognizes the nation's need for domestic sources of minerals and other resources.

Analysis of visual contrast ratings show that the change in the visual character from the nearest residential communities would be weak. There are areas of topographic relief between existing residential communities, such as Anthem and Seven Hills, and the proposed mine site(s) that would shield the view of mining operations. The change in the overall view from these communities would be barely perceptible. There would not be a significant change in the visual character of the local communities as a result of the proposed mine(s) (refer to Figure 4.8-2, page 4-85 in the Draft EIS).

37. One private citizen was concerned that the waste material stockpiles would extend beyond the boundaries of the mine site(s) and would affect the views from residential areas.

Response: The successful mining applicant(s) would not be authorized to extend waste material beyond the project limits. Some waste material could be sold for alternate purposes, such as common fill material. This would serve to reduce the amount of waste material that is stored on-site and prevent the stockpiles from extending beyond the areas approved in a proposed mineral material sale.

38. Three private citizens were concerned that the construction and operation of the mine(s) would have an unacceptable impact on the views from the Sloan Canyon National Conservation Area (NCA) and/or the North McCullough Wilderness.

Response: If constructed, the proposed mine site(s) would be visible from Sloan Canyon NCA and the North McCullough Wilderness. This would result in a change in the visual character of the area. Refer to Figure 4.8-4, page 4-89, of the Draft EIS for a visual simulation of what the proposed mine(s) would look like from the North McCullough Wilderness.

39. One local government official and 1 private citizen were concerned that the mine(s) would impact the viewshed from Interstate 15 (I-15) and that visitors to the Las Vegas valley would perceive this negatively.

Response: The proposed mine(s) would result in a strong degree of visual impact on the visual character of Sloan I-15. This change in visual character is not consistent with the management objectives for BLM visual resource management (VRM) Class III areas. The proposed mine(s) would be prominently visible from the I-15 corridor. Visitors arriving in Las Vegas and travelling from the south via the I-15 corridor would be able to see the mine site(s) and they would likely be perceived as a prominent feature in this area. However, it is unlikely that the presence of the mine would result in fewer visitors to the Las Vegas valley

40. Two local government officials were concerned that the cumulative impact to the visual character of public lands of the proposed mine(s) and other projects would be unacceptable.

Response: A cumulative impact analysis for visual resources was prepared for the Proposed Action utilizing the BLM VRM Guidelines (BLM, 1986a) and the Visual Resource Contrast Rating (BLM, 1986b)) for the analysis of visual impacts and is contained in Chapter 5: Cumulative Impacts of the Draft EIS. The analysis acknowledges that implementation of the Proposed Action would result in permanent impacts on the visual setting of the Proposed Action area by causing an irreversible change in the topography of the area, and that visual changes reflecting conversion of open desert spaces to a more urban, developed landscape in the Las Vegas valley would occur with development of all cumulative projects, including the Proposed Action. Feasible mitigation measures were included in the Draft EIS to reduce the impacts of the Proposed Action alternatives and the determination was made that the Proposed Action would not make a substantial contribution to overall visual quality impacts in the Las Vegas valley. On a project level, whether visual changes of the Proposed Action are acceptable is ultimately a decision to be made by the BLM when considering approval of a Proposed Action. In the cumulative context, local and regional planning documents include policies concerning any given resource area, including visual quality. Policies concerning adverse changes in visual quality in a cumulative context, reflecting all development pursuant to those plans, would need to be addressed at the local and regional level, not on an individual project level.

41. One private citizen was concerned that a key observation point located in the community of Inspirada was not analyzed.

Response: A key observation point from the community of Inspirada was used in the visual resources analysis of the Draft EIS. In general, the community of Inspirada sits lower in elevation than other key observation points that were chosen for visual simulations, and views of the Proposed Action area are not visible from this location.

42. One local government official suggested that the BLM require the successful applicant(s) to prepare and submit a lighting plan to local agencies for review and comment.

Response: The BLM believes this is a reasonable request and the suggested mitigation measure is incorporated into the Final EIS.

43. Two local government officials suggested that the following mitigation measures be incorporated into the Final EIS:

- **Include dark sky lighting and other visual resource protection and mitigation**
- **Utilize appropriate lighting:**
- **Utilize consistent lighting mitigation measures that follow “Dark Sky” lighting practices.**
- **Effective lighting should have screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas.**
- **A lighting plan should be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.**

Response: The BLM agrees. Suggested mitigation measures are incorporated into the Final EIS. A lighting plan will be submitted to and approved by BLM as a part of the overall mine plan.

4.7 NOISE AND VIBRATION

44. One private citizen was concerned that the noise analysis may not have accounted for wind patterns and other atmospheric variables.

Response: Wind has shown to be the most important meteorological factor within approximately 500 feet of the noise source. As identified in the Draft EIS, the closest noise sensitive receptor is approximately 1.3 miles to the northwest of the Proposed Action site. Additionally, present federal, state, and local policies and standards ignore the effects of wind on noise levels during noise assessment analysis. Noise analyses are also always made for zero-wind conditions.

45. Two private citizens were concerned that blasting would be conducted 24 hours per day, 7 days per week.

Response: Blasting would only be permitted between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Rock crushing may occur 24 hours per day, if there is adequate demand for the materials. Please refer to the noise analysis provided in the Draft EIS for a discussion of noise impacts from long-term operation of the mine(s) (refer to Section 4.9 of the Draft EIS).

46. Two private citizens were concerned that some of the noise analysis conclusions were incorrect based on the information provided in the Draft EIS.

Response: The Draft EIS utilized the EPA’s 55 A-weighted decibel (dBA) exterior noise level to protect the public from activity interference and annoyance outdoors, noise levels, as well as the City of Henderson’s exterior noise limit of 56 dBA. The Draft EIS therefore, determined that a permanent increase above 55 dBA would be considered an adverse effect of the Proposed Action. As shown on page 4-96 in Table 4.9-1, noise levels at the closest residential areas are estimated to be 52 dBA. Please refer to the noise analysis provided in the Draft EIS for a discussion of noise impacts from long-term operation of the mine(s).

47. Two private citizens expressed concern that ambient noise sources were missing from the existing conditions section of the Draft EIS. They also were concerned that ambient noise data were not collected for the site.

Response: The data presented in Table 3.9-1 on page 3-73 of the Draft EIS was representative of the existing noise levels in the project vicinity and the surrounding communities. Due to the high volume of vehicles on I-15 and Las Vegas Boulevard, the Draft EIS estimated that ambient noise levels in the communities of Anthem and Inspirada would range between 40 and 50 dBA. Additional existing manmade sources of noise in the project vicinity would include off-road vehicles and aircraft overflight as identified on page 3-76 of the Draft EIS.

48. One private citizen was concerned that noise from blasting and rock crushing operations would be heard in nearby schools, and that this would make students' environment too noisy, thus distracting them from learning.

Response: Noise analysis indicates that noise (as measured at nearby schools) from the general mining operations will not be noticeably different from ambient surroundings. Blasting may be faintly perceptible, but this will only occur a few times per month and would have a duration of a few seconds.

49. One local government official and 3 private citizens were concerned that the noise from blasting and rock crushing operations would not be in compliance with local community standards.

Response: Mining activities would not occur within the residential areas nor are the activities located within the City of Henderson and noise generated from such activities would be compatible with the residential noise limits established by the EPA, Clark County, and the City of Henderson. Blasting activity would not occur 24 hours a day, but only a few times per month, and only during daytime hours. As the Proposed Action would not be operating within any community, such as Anthem, the project would not be governed by the Declaration of Covenants, Conditions, and Restrictions.

50. One private citizen was concerned that nearby residential communities were not considered "sensitive receptors" in the noise and vibration analysis.

Response: These communities are mentioned on page 3-78 of the Draft EIS and are considered as sensitive receptors in the noise and vibration analysis.

51. One private citizen was concerned that the noise from blasting and rock crushing operations would be painful for individuals with inner ear damage or other ailments that make them sensitive to noise.

Response: Blasting would not be permitted to occur 24 hours per day, 7 days per week. Blasting is limited to the hours between 8:00 am and 4:30 pm, Monday through Friday and would only occur a few times per month. Additionally, noise analysis indicates that the maximum predicted noise level in the nearest residential communities would be 52 dB, which is equivalent to the noise level of a quiet automobile at low speed.

4.8 TRANSPORTATION

52. One state government official and 5 private citizens were concerned that the haul trucks and other vehicles associated with the mining operations would result in costly damage to the roadways that would be paid for with taxpayer money.

Response: The successful applicant(s) would be required to enter into a fee-based Roadway Impact Agreement with the Clark County Department of Public Works to mitigate possible damage to county roads resulting from hauling material from the site. The amount of the fee would depend on the level of truck traffic added to the surrounding roadway network.

53. One private citizen expressed concern that the increased traffic levels would negatively impact the use of I-15 as an emergency corridor.

Response: The traffic analysis performed shows that this increase would still provide acceptable levels of service (LOS), which represent excess capacity is still available on the facility. In the event of an emergency necessitating the use of the I-15 corridor, mining traffic could be restricted as required by emergency management personnel.

54. Two state government officials were concerned that the traffic analysis may have relied on the assumption of a new interchange at I-15 and Sloan, which is not scheduled for construction until 2025. Additionally, they were concerned about whether the existing roadway infrastructure is sufficient to support the increase in traffic.

Response: All traffic analyses were performed using the existing geometry of the Sloan interchange, with the exception of the year 2030 analyses. Only the year 2030 analyses assumed a new interchange configuration at Sloan and I-15. The existing roadway infrastructure can accommodate the projected volumes based on current roadway traffic volumes. As background traffic increases, roadway improvements such as possible acceleration/ deceleration lanes, dedicated turn lanes, additional through lanes and intersection signalization may be necessary as described in Section 4.10.2.3.

55. One private citizen was concerned that the mining operations would have an impact on air traffic at McCarran International Airport and the Southern Nevada Regional Heliport.

Response: The Clark County Department of Aviation has participated in the EIS process by serving as a cooperating agency. They have not voiced concerns that potential air pollution would impact their ability to fly in/out of McCarran International Airport or the Southern Nevada Regional Heliport.

56. One private citizen was concerned that the mine haul trucks would travel through residential areas and that traffic in residential areas would increase.

Response: Trucks transporting mineral materials from the mine(s) would not be travelling on residential roads unless the materials were needed there. The routes of travel would primarily include highways and major roads.

57. Five private citizens were concerned that approval of mining operations would result in unacceptably high increased traffic levels in the region. They felt that the addition of 1,204 inbound and outbound trips was a significant increase for the area.

Response: Traffic volumes for Alternative 1, would generate the highest volume of site trips, during the peak hour. The project related traffic increase would result in acceptable LOS on the impacted roadways assuming the current lane geometry (no improvements). As background traffic (non-site related) increases, roadway improvements such as possible acceleration/ deceleration lanes, dedicated turn lanes, additional through lanes and intersection signalization may be necessary as described in Section 4.10.2.3.

58. One private citizen was concerned that the Draft EIS did not discuss the potential impacts that increased traffic levels would have on bicyclists and pedestrians that use the impacted roads.

Response: There are 3 primary routes from which trucks will access the project site. These include I-15, Las Vegas Boulevard and St. Rose Parkway. According to the RTC's *Southern Nevada Bike Map* (RTC, 2012), bicycles are prohibited on I-15, there are exclusive bike lanes on St. Rose Parkway, and Las Vegas Boulevard is considered bicycle compatible. Pedestrians are prohibited on I-15, sidewalks currently exist along St. Rose Parkway, and some locations along Las Vegas Boulevard in the vicinity of the Proposed Action area have sidewalks. In the future, as development continues along the Las Vegas Boulevard frontage, it is expected that roadway widening and sidewalks will be installed with each new development.

59. One private citizen requested that an ingress and egress lane on I-15 at the Sloan interchange be incorporated into the required mitigation measures.

Response: These mitigation measures are discussed as possible improvements in Section 4.10.2.3 of the report. If this project is approved, a full traffic study would be required prior to construction of the site, and ultimately, Clark County would make the final decision regarding the off-site improvements required to mitigate the proposed site traffic.

60. One state government official was concerned about whether the predicted traffic volumes stated in the Draft EIS accounted for the recent economic downturn.

Response: The 2030 traffic projections used in this project were approved as part of the Interstate 15 South Corridor Improvement Environmental Assessment, FHWA-NV-EA-07.02, EA 73215 (Federal Highway Administration, 2008). Traffic forecasts contained in that study were produced using the RTC's 2004 Regional Travel Demand Model. The RTC is currently updating the travel demand model to reflect the growth as a result of the current economy. However, this would mean that the predicted traffic volumes presented in the Draft EIS are higher than they may actually be in the future, given the economic downturn. Thus, the anticipated impacts discussed in the Draft EIS may be higher than what would result if the proposed mine(s) were to be authorized.

61. One local government official was concerned that the Draft EIS may not have quantified potential impacts of increased haul truck traffic on roads that are essential for Clark County Department of Aviation proposed facilities.

Response: The 2030 projected background traffic within the study area was based off of traffic volumes developed for the I-15 South Corridor Project. The 2030 traffic projections used in this project were approved as part of the Interstate 15 South Corridor Improvement Environmental Assessment, FHWA-NV-EA-07.02, EA 73215 (Federal Highway Administration, 2008). Traffic forecasts contained in that study were produced using the RTC 2004 Regional Travel Demand Model. In accordance with inter-local agreement between the local city and county agencies and established practice, the population and employment projections used in the model were based upon those developed by Clark County and local government land use planning staff and are consistent with planned land uses in the area. Ivanpah airport and expressway was accounted for in the projections. The 2030 travel demand network included planned roadway projects indentified in the RTP. The 2020 traffic projections developed for the Sloan Hills EIS have been based on an interpolation of the 2010 existing traffic volumes and the 2030 projected traffic volumes.

62. One local government official expressed their support for mitigation measure TT2.

Response: Thank you for expressing your support for this proposed mitigation measure. TT2 is the mitigation option where the successful applicant would be required to enter into a fee-based Roadway Impact Agreement with the Clark County Department of Public Works to mitigate damage to county roads resulting from hauling materials from the site. If the Proposed Action is approved, this mitigation measure will be incorporated into the Record of Decision and mineral material sales contract.

63. One state government official and 1 local government official stated that the transportation cumulative impacts analysis should have considered the proposed I-15 and Sloan Road interchange and the transportation and utilities corridor established by the Clark County Conservation of Public Land and Natural Resources Act.

Response: The 2030 lane geometry analyzed does represent the proposed I-15 and Sloan Road interchange configuration. Additionally, background traffic was developed based on the 2030 projected background traffic within the study area was based off of traffic volumes developed for the I-15 South Corridor Project. The 2030 traffic projections used in this project were approved as part of the Interstate 15 South Corridor Improvement Environmental Assessment, FHWA-NV-EA-07.02, EA 73215, October 2008. Traffic forecasts contained in that study were produced using the RTC 2004 Regional Travel Demand Model; Ivanpah airport and expressway were accounted for in the projections. A list of potential future projects which are located within the Proposed Action's vicinity are provided in Section 5.2.3, Reasonably Foreseeable Future Actions.

4.9 SOCIOECONOMICS

64. Four private citizens expressed concern that there would be no benefits to nearby communities from a mining operation.

Response: The Draft EIS estimated that each mine site would employ 20 to 30 full-time positions on the mine. Attempts would be made to hire locally for newly created positions. The average wage would be approximately \$18 per hour. Additionally, approximately 10 to 15 contractors would be on site on an as-needed basis (TerraMins, 2009). Given the high unemployment rate (12.3 percent as of October 2012) in Clark County and the number of unemployed construction and mining workers in Clark County (74,120 and 288 employees, respectively), all new employees are anticipated to reside in the proximity of the Proposed Action area. While section 4.11.1.4 of the Draft EIS states, “Implementation of Alternative 1 would not result in an influx of new taxpayers or changes to property values or local taxes”, as shown in Figure 3.11-1 and described on Page 3-91, “The study area covers the Proposed Action area (approximately 640 acres) and includes an area within a 1-mile buffer around the perimeter of the Proposed Action area”. This includes the community of Sloan and future development areas in the City of Henderson and Clark County. The results of the socioeconomic analysis reflect impacts that would occur within this Proposed Action area and not in the surrounding communities. Impacts associated with the purchase of homes and increased spending outside this 1-mile radius were not taken into account in the socioeconomic analysis.

While only a few jobs are anticipated to be created, potential employees would most likely come from the local population, many of which are currently unemployed. This could encourage more spending which would increase the local tax base. Additionally, a mining operation of this scale at this location would provide necessary construction materials at relatively low-cost for nearby areas which are anticipated to be developed over the next 30 years. The aggregates produced would be used for concrete and asphalt for future buildings and roads, and the volume and close proximity would reduce construction costs and time. Existing nearby communities would benefit not only from the mining and construction jobs created, but also from the jobs created by future commercial and industrial development in the area. Existing and future communities would benefit from the services provided by those new developments as well as by improved access provided by the new roads.

Furthermore, as shown on Page 4-106, Table 4.10-1, the number of truck trips per day under Alternative 1 for the North and South Sites for Years 1 and Year 10 are 112 and 1,116, respectively. Considering the 30 year timeframe under Alternatives 1, 2 and 4 and the 20 year timeframe under Alternative 3 that the hauling would occur, many of truck drivers, if they did not already live in the surrounding area, could buy homes in the nearby area. Although many of the future hired truck drivers already live in the surrounding area, the unemployment rate of Clark County is 12.3 percent. Therefore, some of the truck drivers hired would likely go from being unemployed to employed with a long-term position; thus, encouraging more local spending on general items and possibly housing which would contribute to the local tax base.

As stated on Page 5-48 of the Draft EIS, the improvements along I-15 from north of Las Vegas through Las Vegas south to the California/Nevada state line would have a beneficial cumulative impact on both regional and local traffic. New interchanges and widening of I-15 would increase safety while decreasing congestion. The improved movement of vehicles would potentially include new residential and

commercial developments, which in turn would promote increased commerce and tourism. The construction of the Southern Nevada Regional Heliport would result in an increase in employment during and after construction as well as an increase in the number of tourists visiting the region, resulting in beneficial economic opportunities.

65. One private citizen was concerned that the recent change in economic conditions meant that there would no longer be a need for the materials that would be mined.

Response: In accordance with the regulations at 43 CFR §3601.11, BLM will not dispose of mineral materials if it is determined that the aggregate damage to public lands and resources would exceed the public benefits that BLM expects from the proposed disposition. The Draft EIS was prepared to analyze the environmental impacts of the Proposed Action per the applications submitted by CEMEX and SRP to mine the limestone and dolomite in the Sloan Hills area for production of construction aggregates. CEMEX and SRP have estimated the amount of material needed based on their own projections of the next 20-30 years. Even though current economic conditions may not dictate the need for a large-scale aggregate mine, over the next 20 to 30 years, economic conditions in the Las Vegas area will most likely change. BLM will take into consideration the environmental impacts versus the potential public benefits of the mineral material sale when making a final decision on this proposed action.

66. One private citizen was concerned that the Draft EIS did not account for the cost burden of lawsuits that may follow the approval of the mine(s) which the BLM would be responsible for.

Response: Potential lawsuits are unanticipated costs that cannot be predicted with any degree of certainty. The cost of potential lawsuits is outside the purview of the NEPA process.

67. Eleven private citizens were concerned that approval of the mine(s) would result in the creation of very few jobs and that these would not have a substantial effect on improving the local economy.

Response: While it is estimated that only 20 to 30 full-time positions would be created at each mine, these employees would most likely come from the local population, many of which are currently unemployed. Additionally, numerous full-time haul truck driving positions would be created once mining production commenced. The creation of these additional jobs would encourage more spending which would increase the local tax base.

68. One federal government official and 13 private citizens expressed concern that approval of the mine(s) would result in nearby properties declining in value further.

Response: Please refer to Section 4.11.1.4, page 4-126 of the Draft EIS. The BLM has a limited understanding of the effects that the construction and operation of open pit mine(s) would have on nearby property values. Based on comments received during the scoping process and comments on earlier versions of the Draft EIS, the BLM commissioned additional review of the potential effects to property values (Carroll, 2010). At this time, limited data is available to understand the impact that mining would have on residential property values.

69. One private citizen expressed their support for the Proposed Action in this location because they felt it would provide low cost aggregates to the valley while minimizing transportation impacts.

Response: Thank you for your comments. They will be taken into consideration when the BLM makes their decision regarding this Proposed Action.

70. One private citizen was concerned that approval of mining in the Sloan Hills area would result in tourists viewing the area negatively, thus affecting the tourism industry.

Response: There is no evidence that a quarry would result in tourists viewing an area negatively; therefore, no evidence to support the notion that tourism would be impacted negatively by the Proposed Action.

71. Two private citizens were concerned about whether the BLM and/or the local government has adequate staff and funding available to properly monitor the mining operations and compliance with mitigation measures.

Response: The BLM is required by regulation to monitor and ensure that the successful applicants comply with the mitigation measures as described in the approved EIS. It will be responsibility of the BLM to ensure all mitigation commitments and any monitoring commitments as identified in the EIS would occur per all federal, state and local regulations.

4.10 SPECIAL MANAGEMENT AREAS

72. One private citizen was concerned that approval of the mine(s) would result in a loss of access to the Sloan Canyon NCA and North McCullough Wilderness.

Response: The Proposed Action would not result in the loss of access to the Sloan Canyon NCA or the North McCullough Wilderness. It may result in improved access to these areas when the road into the mine site(s) is improved.

73. Four private citizens were concerned that the proposed mine(s) would be located too close to the Sloan Canyon NCA and the North McCullough Wilderness and that the mine(s) would not be compatible with the management direction for these areas.

Response: The mine(s) would be visible from the Sloan Canyon NCA and the North McCullough Wilderness and they would likely be perceived as a negative influence on the visual character of the region by visitors to these areas. However, visual resource analysis presented in the Draft EIS (Section 4.8) demonstrated that implementation of the Proposed Action would be compatible with the management direction for the area.

74. One private citizen was concerned that the mine would affect the visual aesthetic of the Sloan Canyon NCA and the North McCullough Wilderness.

Response: Construction and operation of an open pit mine(s) in the Sloan Hills area would have a significant impact on the visual character of Sloan Canyon NCA and North McCullough Wilderness. See response to comment number 73.

4.11 CUMULATIVE IMPACTS

75. One private citizen was concerned that the air quality impact of the mine(s) was not considered as cumulative in conjunction with all other Proposed Actions in the region.

Response: A cumulative analysis of air quality impacts was included in the Draft EIS in Section 5.3.1.

76. One private citizen was concerned that there may be too many projects proposed for the area and that this would result in unacceptable cumulative impacts.

Response: Clark County encourages development around the periphery of existing development because it is more cost efficient to bring services to these areas than when development is sporadic throughout the county. Any project with federal involvement (funding, land, or permitting) must undergo an environmental review similar to that conducted for this Proposed Action. If, during such review, it is determined that the impact of a Proposed Action in conjunction with other projects in the area would result in unacceptable impacts, then mitigation measures or alternatives must be developed that reduce the level of impact, or the project cannot be approved. The cumulative impact analyses (including revised air quality analysis found in Chapter 6 of this Final EIS) conducted for this Proposed Action revealed that approval of the Proposed Action would impede the County's goal to bring the project area into compliance with the NAAQS. All other cumulative impacts would not be considered unacceptable.

77. Two local government officials were concerned that the following Proposed Actions were not considered in the cumulative impacts analysis: Henderson Executive Airport, Jean Sport Aviation Center, Southern Nevada Regional Heliport, and the Henderson Sports Stadium.

Response: Thank you for your comments. The cumulative impacts analysis was prepared using the best available knowledge at the time of its writing. The list of past, present, and reasonable foreseeable future projects was compiled by contacting the planning departments of the City of Henderson, City of Las Vegas, and Clark County. Additional projects were provided by the cooperating agencies which included LVVWD, City of Henderson, Clark County Department of Aviation, Clark County DAQ, Nevada Department of Transportation, and Nevada Department of Wildlife. Construction of the Henderson Executive Airport and the Jean Sports Aviation Center did not occur within the timeframe that was relevant to the cumulative impacts analysis as specified on page 5-5 of the Draft EIS. The Southern Nevada Regional Heliport was included in the cumulative impacts analysis of the Draft EIS and is discussed as a reasonably foreseeable future action. The developer of the proposed Henderson Sports Stadium had not yet made plans for his proposal public at the time that the Draft EIS was prepared, and therefore, was not included in the analysis.

4.12 MISCELLANEOUS COMMENTS

4.12.1 General Opposition

78. A total of 66 individuals, including 7 federal government officials, 1 state government official, 9 local government officials, and 49 private citizens, expressed opposition to the Proposed Action with no specific area of concern noted.

Response: Thank you for your comments. They will be taken into consideration when the BLM makes their decision regarding this Proposed Action.

79. One private citizen was concerned that the mining applicants were conducting the environmental analysis and that the analysis would be biased because they want to see this project approved.

Response: The mining applicants have had no part in conducting environmental impact analyses. They provided details about operations and the types of equipment that would be used. A third-party contractor, hired by the BLM, performed the environmental analysis in cooperation with the BLM. The third-party contractor has no financial or other interest in the proposed mine(s). The BLM reviews and approves all work completed by a third-party contractor before it is made available to the public.

80. Four federal government officials and 2 private citizens expressed concern that the project is still being considered by the BLM when an Act has been introduced into Congress to withdraw this site from mining permanently.

Response: Thank you for your comments. Until the Sloan Hills Withdrawal Act is passed into law, the BLM is required to proceed with the processing the mining applications, as agreed to in the settlement agreements and as stipulated by Federal Land Policy and Management Act.

81. Two private citizens expressed concern over the length of time that BLM is taking to issue a record of decision regarding this proposed action. There was also some concern that because of time needed to issue a decision that the analysis would no longer be relevant.

Response: The BLM must follow the NEPA process before they can issue their final decision. This estimated timeframe is based on the volume of comments received during the Draft EIS process and the recognized need to revise some of the analyses contained in the Draft EIS. The BLM strives to ensure that the analysis presented in a draft or final EIS are as up to date as feasible upon publication. For example, the Draft EIS accounted for the economic changes that have occurred in the region up to the time of its publication in 2011.

4.12.2 In Favor of Project

82. Four private citizens expressed their support for approving the Proposed Action.

Response: Thank you for your comments. They will be taken into consideration when the BLM makes their decision regarding this Proposed Action.

4.12.3 Alternative Locations

83. Nine private citizens stated that they believed BLM should look at an alternative location to place these proposed mining operations.

Response: The BLM is required to respond to applications for mineral materials when they are submitted for the locations requested in those applications. The applications submitted by CEMEX and SRP are for the materials located in the area described in the EIS. The purpose of conducting this environmental analysis is to determine whether this project area is an appropriate location for mining. Whether the applications are approved or denied for this project, the applicants are free to submit additional applications for alternative locations.

4.12.4 Mining Applicants

84. Five private citizens were concerned that because the mining applicants were based in foreign countries that the profits and benefits from mining operations would not stay in the State of Nevada. There was concern that the profits would go to Mexico, Japan, or California.

Response: If a successful applicant is based outside the United States, then it is likely that some of the profits from mining would go to the applicant's respective country of origin. However, the successful applicant(s) would still be required to pay the same taxes and fees, which would go into federal and state treasuries, regardless of their country of origin.

85. Six private citizens stated that CEMEX and SRP have had a history that demonstrates a pattern of non-compliance with environmental regulations at plants that they own and/or operate in other states and countries. They were concerned that if these companies are allowed to establish a mining operation in the Sloan Hills area that they would disregard the mitigation measures established to protect the nearby community and natural areas.

Response: Under the regulations at 43 CFR §3600, the BLM has the authority to require the successful bidder to furnish information the BLM finds necessary to ensure the successful bidder can meet the obligations of the contract before said contract is issued. This may include verification the successful bidder is able to perform in a way that meets the stipulations of the contract developed from the mitigation measures in the EIS. If BLM does not feel the successful bidder can meet the obligations under the contract, the BLM can deny issuing the contract to that bidder. The BLM also has the ability to cancel a contract in the event that the mining company is not following the stipulations developed from the EIS mitigation measures.

4.12.5 Purpose and Need

86. Five private citizens stated that the mining applications were submitted when the economy and the construction industry were booming in the Las Vegas valley. With the economic downturn seen over the last few years and the slow rate at which Nevada is recovering, they are questioning whether this material is still needed.

Response: In accordance with the regulations at 43 CFR §3601.11, BLM will not dispose of mineral materials if it is determined that the aggregate damage to public lands and resources would exceed the public benefits that BLM expects from the proposed disposition. The Draft EIS was prepared to analyze the environmental impacts of the Proposed Action per the applications submitted by CEMEX and SRP to mine the limestone and dolomite in the Sloan Hills area for production of construction aggregates. CEMEX and SRP have estimated the amount of material needed based on their own projections of the next 20-30 years. Even though current economic conditions may not dictate the need for a large-scale aggregate mine, over the next 20 to 30 years, economic conditions in the Las Vegas area will most likely change. BLM will take into consideration the environmental impacts versus the potential public benefits of the mineral material sale when making a final decision on this Proposed Action.

87. One federal government official felt that the purpose and need was too narrowly defined and that it should allow for a range of alternatives that would include evaluating alternate locations.

Response: Evaluating mining locations on a regional basis is accomplished through the land use planning process, not in a project specific EIS. Mining applicants are free to submit new applications for alternate locations, whether the applications for the Sloan Hills area are approved or denied, and approval for mining in those alternate locations would be made on a case by case basis.

4.12.6 Reclamation

88. One private citizen felt that the reclamation plans should be fully developed and approved prior to BLM issuing a Record of Decision.

Response: Due to the competitive nature of the sale, the BLM will not know who the successful bidder(s) are until after a Record of Decision is issued and the competitive sale is held. In accordance with the regulations at 43 CFR §3602.45, the successful bidder(s) would be required to submit mining and reclamation plans before the mineral material contract can be issued. It is important to receive the mining and reclamation plans from the companies who will actually be mining on the property, as they are the companies that will also be responsible for implementing the mining and reclamation plans. The BLM will work with the successful applicant(s) to develop a site-specific reclamation plan that complies with BLM Handbook 3042-1, *Solid Minerals Reclamation Handbook* (BLM, 1992), and results in a site that is compatible with surrounding development. BLM is required to oversee the reclamation process and to ensure that it complies with the reclamation plan developed for the project.

89. Two private citizens were concerned that once mining was completed, that the land would not be returned to a natural state. Additionally, they were concerned that BLM would not oversee the reclamation of the mine site(s) to ensure that applicant(s) complied with reclamation procedures.

Response: See response to comment 89 above.

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