

OPTIONAL EA, FONSI AND DECISION RECORD FORM BLM LAS VEGAS VALLEY LAND DISPOSAL ACTIONS

EA Number: NV-056-2007-208

Serial Case File No: N-82856

Proposed Action Title/Type: Direct Sale to Clark County, Nevada, for Affordable Housing Purposes pursuant to Section 7(b) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, 112 Stat. 2343) (SNPLMA);

Location of Proposed Action: M.D.M., Nevada, T. 22 S., R. 60 E., Sec. 5, NE¹/₄ SW¹/₄ SE¹/₄. (+/- 10 acres)

No Action Alternative: The land would not be offered for sale under the authority of Section 7(b) of SNPLMA.

Existing NEPA Documentation: The following documents are tiered to as appropriate for indirect site specific and cumulative analysis: The Bureau of Land Management (BLM) Las Vegas Resource Management Plan (RMP) Environmental Impact Statement (EIS), Record of Decision (ROD) signed October 5, 1998; and the Las Vegas Valley Disposal Boundary (LVVDB)/EIS, signed December 23, 2004, FES 04-48. The EIS is available at the following BLM website at <http://www.nv.blm.gov/lvdiseis/>.

Applicant: Clark County, Nevada

Conformance with Applicable Land Use Plans: The proposed action is in conformance with land use plan decision LD-1, disposal of public lands.

Need for Proposed Action: Through the orderly sale or disposal of public land, under the authorities of:

- Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 1719);
- Section 7(b) of the SNPLMA;
- Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282 H.R. 5200); and
- Other disposal actions noted in LD-1 of the ROD for the Las Vegas RMP, the BLM will offer for sale jointly selected parcels of property which is consistent with local planning and zoning requirements and recommendations pursuant to Section 4(d)(1) of SNPLMA.

Further, under Section 7(b) of the SNPLMA, the following provision states: “The Secretary [of the Interior], in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Policy and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the

housing serves low-income families as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).”

Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) states:

“The term ‘*low-income families*’ means families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary [of Housing and Urban Development] with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.”

Description of Proposed Action: Offer for sale approximately ten (10) acres of public land using the direct sale method based on nomination from Clark County, Nevada and pursuant to Section 7(b) of SNPLMA, and the Nevada Guidance on Policy and Procedures for Affordable Housing Disposals (Nevada Guidance) approved on August 8, 2006. Please visit the following BLM website at http://www.blm.gov/nv/st/en/fo/lvfo/snplma/affordable_housing.html for Section 7(b) of SNPLMA and the Nevada Guidance

Environmental Impacts (Please mark “X” in the appropriate spaces):

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality	X		Native American Religious Concerns		X
ACECs		X	T & E Species (animal or plant)		X
Cultural Resources		X	Wastes, Hazardous or Solid		X
Environmental Justice		X	Water Quality Drinking/Ground		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zone		X
Floodplains		X	Wild and Scenic Rivers		X
Migratory Birds		X	Wilderness		X
Noxious Weeds/Invasive Non Native Species		X			

Description of Impacts: Impacts of land title transfers are later in time and therefore considered indirect impacts. No impacts noted in this analysis are direct impacts as no ground disturbance or construction activities can occur until after transfer of title.

Air Quality: Page 4-9 of the LVVDB/EIS clearly states the proposed action, disposal of 46,701 acres, would not result in an exceedance of the PM10 standards, as well as CO would continue to be in compliance with the SIP requirements. Finally on page 4-12 the Proposed Action would be in compliance with the 8-hour ozone standard in the out years modeled 2009 and 2018. This action falls within the analysis already completed for the LVVDB/EIS. Argonne National Laboratory modeling results indicate attainment would be reached for PM10, CO and Ozone out to the year 2018.

Water Resources: Water needs were assessed on page 4-61 of the LVVDB/EIS, to the year 2018 based on 70,000 acres being developed over that time frame. The expected water needs amount to additional 175,000 acre/feet of water. This action falls well with the EIS analysis.

Cultural Resources: The BLM District Archaeologist conducted an existing data review of the Area of Potential Effect (APE) for the undertaking. The APE was previously evaluated for cultural resources in support of the Valley Disposal EIS. Refer to BLM Cultural Resource report 5-2467. There are no historic properties within the APE and no Native American concerns were identified for this portion of the valley. No further evaluation is required; the undertaking will have no effect to historic properties.

Environmental Justice: Page 4-56 of the LVVDB/EIS indicated there are no EJ populations identified in the LV Valley, therefore no disproportionately high or adverse human health or environmental effects were identified for minority or low-income populations.

Migratory Birds: Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. A list of those protected birds can be found in 50 C.F.R. 10.13. Page 4-28 of the LVVDB/EIS states that due to the existing fragmentation it is unlikely the Proposed Action would interfere with the movement of migratory wildlife species.

Threatened and Endangered Species: The proposed action has a no affect determination on the threatened desert tortoise (*Gopherus agassizii*). This project will have no affect on any other federally listed species or designated critical habitat.

Recent desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates no tortoise sign located in the parcel up for sale. The parcel is completely fenced in and situated in an area that is, for the most part, denuded of vegetation. The area is highly fragmented, bounded by urban development, and no longer constitutes suitable habitat capable of supporting desert tortoises.

This comment on T&E species will serve as the Section 7 Determination in accordance with Biological Opinion File No. 1-5-96-F-023R.3 for the Las Vegas Valley and no additional paperwork will be provided (Sec. 7 Log # NV-052-07-196).

Noxious Weeds/Invasive Non Native Species: Range - This is a non-issue for Range, as not all of the Las Vegas Field Office (LVFO) was ever allotted for livestock. Noxious Weeds - In accordance with the 2006 LVFO Noxious Weed Plan, noxious weeds are a non-issue for proposed projects within the land disposal areas.

Vegetation: Since the land will be permanently conveyed to the proponent, no cacti and yucca evaluation and salvage will be required. This recommendation is consistent with other permanent land conveyances through sale or exchange.

Wildlife: The above proposed action has a no affect determination on the threatened desert tortoise (*Gopherus agassizii*). This project will have no affect on any other federally listed species or designated critical habitat.

Recent desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates no tortoise sign located in the parcel up for sale. The parcel is completely fenced in and situated in an area that is, for the most part, denuded of vegetation. The area is highly fragmented, bounded by urban development, and no longer constitutes suitable habitat capable of supporting desert tortoises.

This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-07-196).

Cumulative Impacts: All cumulative impacts associated with this disposal action were analyzed on pages 4-58 through 4-66 of LVVDB/EIS and are incorporated by reference.

Description of Mitigation Measures and Residual Impacts: No mitigation measures or residual impacts have been identified since it's a transfer of title only, no residual impacts would occur and no mitigation measures are required for this action.

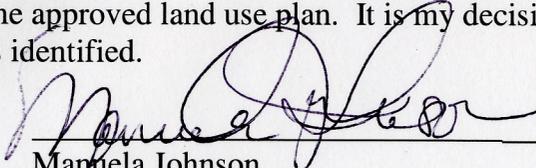
Consultation and Coordination: The BLM consulted with the U.S. Department of Housing & Urban Development (HUD), which HUD's assessment recommended approval of Clark County's nomination for the purchase of the subject public land for the development of affordable housing purposes pursuant to Section 7(b) of SNPLMA and the Nevada Guidance.

Coordination includes an Interested Party Letter with a copy of the Notice of Realty Action (NORA) to be mailed to adjacent landowners, Nevada Congressional, State of Nevada, local/regional governments, federal agencies and interested parties following publication of the NORA. Comments concerning the proposed sale, including this environmental assessment (EA), may be submitted in writing to the BLM Field Manager as outlined in the NORA.

FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD.

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures described will not have any significant impacts on the human environment and that an EIS is not required. I have determined that the proposed action is in conformance with the approved land use plan. It is my decision to approve the land sale with the mitigation measures identified.

Authorized Officer:


Mandela Johnson
Acting Supervisory Realty Specialist

Date: 6/13/07