

FINDING OF NO SIGNIFICANT IMPACT

for Route Designations for Selected ACECs Located in the Northeast Portion of the Las Vegas District

Finding of No Significant Impact:

I have reviewed Environmental Assessment (EA) NV-052-2006-433, as revised, including Alternative D (the proposed action). After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the designation of 906 miles of routes identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

I have determined Alternative D is consistent with 43 CFR 8342, the approved Las Vegas Resource Management Plan (RMP) and final Environmental Impact Statement (EIS) of October 1998, which classifies the ACECs as "limited use areas", and is consistent with the plans and policies of neighboring local, county, state, tribal and federal agencies and governments. This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context: Southern Nevada is home to one of the fastest growing metropolitan areas in the U.S. Population growth in metropolitan Las Vegas and the surrounding environs is anticipated to continue into the future. Because of the continued growth of this region, coupled with the dramatic increase in motorized recreation in the Mojave Desert, the topic of route designation is at the forefront of issues that need to be addressed in order to protect the fragile desert ecosystem and sensitive cultural resources in southern Nevada. The Las Vegas RMP has identified that route designation needs to occur, but left the final step of identifying routes to designate as open and closed to a separate process. Designation of routes in a timely fashion is imperative to protecting and sustaining the Mojave Desert ecosystem within these ACECs.

Intensity:

1) *Impacts that may be both beneficial and adverse.*

The EA has considered both beneficial and adverse impacts of this route designation. Identification of 906 miles of routes under Alternative D would designate 812 miles of routes as open and 94 miles of routes as closed. The routes identified as closed represent approximately 10% of the total mileage of routes within these ACECs and access to remote areas of these ACECs has been preserved through this process. The number of miles of routes identified as closed does not represent a significant impact in the short or long term. Impacts to public land users, BLM sensitive species, sensitive cultural sites, and desert tortoise are anticipated to be beneficial. Sensitive species and desert tortoise would benefit from routes being closed in sensitive areas, allowing these species a greater range of un-harassed movement through the habitats that they inhabit. Cultural resources

would benefit from routes identified for closure that lead directly to these sites because public land users would be walking to these sites when visiting them, as opposed to driving to them. Benefits to public land users would result from a designated route network that is signed, with maps available to the public land users so that they can navigate more effectively and safely.

2) The degree to which the proposed action affects public health or safety.

The proposed route designation improves public health and safety. Identified routes will be signed to indicate both open and closed routes. Route signage and the availability of maps of routes will result in improved health and safety of individuals who use this area, because the public will be able to identify where they are on the map and the chances of getting lost will be reduced. Should an emergency situation arise this would also facilitate in getting emergency personnel to a needed area in a more timely fashion, possibly resulting in lives saved or less traumatic experiences because of the expedited response time.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

All of these ACECs are considered ecologically critical areas and also have many important historic and cultural resources that can be found within them. The Gold Butte ACEC complex is probably the most diverse in terms of ecological and cultural resources. The purpose of this action is to protect these resources for future generations as well as to allow a more natural environment in which threatened, endangered, and sensitive species can thrive. The Virgin River ACEC was set aside for the protection of riparian and river habitat. Virgin River ACEC, although the smallest of the ACECs covered in this EA, has an exponentially larger amount of wetland and river habitat as compared to the other ACECs. Once again, the proposed action is to protect this area from overuse and degradation so that future generations will be able to enjoy these resources. The Virgin River ACEC contains habitat for threatened and endangered bird and fish species.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Route designation is a very controversial topic with public land users. The public comments on the EA ranged from wanting many more roads identified for closure to wanting no road closures. The process of identifying routes has been ongoing for over three years and has incorporated a high level of public involvement, including over 400 stakeholders. Even so, there are still many stakeholders within the Las Vegas BLM District who are dissatisfied with decisions involving road closures, particularly in the rural communities. The BLM responded to letters of protest by the Moapa Valley and Bunkerville Town Advisory Boards. After the identified routes have been signed, they will be monitored to determine if sensitive resources are being sufficiently protected. BLM will continue to involve the public in monitoring efforts. Alternative D allows for a broad spectrum of recreational opportunities, including access to remote areas within these ACECs. Further, there are many different opportunities for public land users to

drive on large loops that will traverse the desert and bring them back to their starting point without traveling along the same route twice.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no highly uncertain or unique or unknown risks from Alternative D. BLM will continue to involve stakeholders in road monitoring, education, and management. The routes that will be identified as open are already being used by the public on a regular basis. While there may be unique or unknown risks associated with these routes the risks are those that one would associate with traveling in remote areas of the Mojave Desert and are beyond the control and scope of this EA. This action will not impact the Devil's Throat ACEC. This ACEC is a natural hazard, a sinkhole that has been fenced for the protection of the public. Devil's Throat ACEC is located within the boundaries of Gold Butte ACEC part A.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This action does not establish a precedent for future actions because identification of routes as open and closed are provided for in BLM regulations (43CFR 8342.2 and 43CFR8342.3) and are required in the RMP. The 11 ACECs at issue here were established as part of the planning process which culminated in the signing of the Record of Decision for the Las Vegas RMP and final EIS in 1998. As part of that planning process, the ACECs were designated as areas where use of off-road vehicles is to be limited to identified roads and trails. The public process that was used to identify roads for this EA was thorough and the public was invited to provide comments and feedback on multiple occasions. BLM held 4 public scoping meetings in Las Vegas, Moapa Valley, Mesquite, and Bunkerville, so that the public could provide input on road designation alternatives. Based on input received, BLM developed a preliminary EA. The BLM initially invited public comment of the preliminary EA for this action for 30 days. As a result of comments received, and upon further consideration, BLM made modifications to the analysis, and invited public comment on the revised EA for an additional 21 days. BLM added to the analysis an additional alternative, Alternative D, which was consistent with BLM regulations regarding route designations under 43 CFR 8342. Four alternatives are considered in the EA, as revised: Alternative A (interim designation alternative), Alternative B (environmental alternative), Alternative D (proposed action), and No Action (no route identifications or restrictions alternative).¹ The EA, as revised, also incorporates input from stakeholders, including the Moapa Valley and Bunkerville Town Advisory Boards and the Nevada Division of Wildlife. The EA, as revised, includes a detailed discussion of the No Action alternative, a discussion on sociological impacts to different groups of stakeholders, and an appendix describing the rationale for 41 miles of pre-1998 routes identified for closure. In addition, the title was changed from "A Transportation Plan for Selected ACECs Located in the Northeast Portion of the Las Vegas District" (in the preliminary EA) to "Route

¹ Alternative C, initially included in the scoping meetings, was dropped from further consideration in the EA because it was inconsistent with the Las Vegas RMP.

Designations for Selected ACECs Located in the Northeast Portion of the Las Vegas District” (in the EA, as revised).

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

This action is indirectly related to other actions. In the past years Northeast Clark County has seen a tremendous amount of growth, in population, infrastructure, and recreation. This growth is anticipated to continue into the future with no indication of slowing in the near future. This action will be a beneficial impact, meant to alleviate some of the stress that growth is placing on our fragile desert ecosystem.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.*

There may be sites eligible for nomination to the National Register of Historic Places. BLM consulted with the Nevada State Historic Preservation Office (NSHPO) and they concurred that this action would be beneficial to resources. The NSHPO wants to have complete cultural inventories within the area of potential effect, but understands the importance identifying routes as open and closed in order to alleviate impacts that are happening to historical and pre-historical resources. It is anticipated that this action will not cause the loss or destruction of any significant scientific, cultural, or historic resources and will help protect them.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the ESA of 1973.*

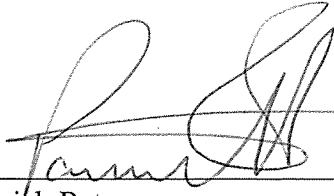
Throughout a majority of the ACECs, the desert tortoise is the only species protected by the Endangered Species Act. The Virgin River ACEC contains habitat for the Southwestern Willow flycatcher, Yuma Clapper rail, Virgin River chub, and the woundfin. The BLM informally consulted with the U.S. Fish and Wildlife Service on this project, and a determination was made that designation of routes would be a “may affect but not likely to adversely affect the desert tortoise, Southwestern Willow flycatcher, Yuma Clapper rail, Virgin River chub, and the woundfin.” Mitigation measures used when restoring routes identified as closed would ensure that no tortoises are harassed during BLM restoration efforts. Restoration on the Virgin River would occur in consultation with the U.S. Fish and Wildlife Service.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action will not violate or threaten to violate any Federal, State, or local law or requirement imposed for protection of the environment.

During informal consultation with the U.S. Fish and Wildlife Service, BLM has added the following stipulation to the implementation of route designations: “*Routes that are impassable, and where crews are not able to restore the route to its previous condition without the use of heavy equipment, will have a tortoise monitor on site prior to the use of*

heavy equipment to ensure no desert tortoises will be harmed and that no new habitat is disturbed.” This mitigation measure was added to the EA, as revised.



Patrick Putnam
Assistant Field Manager
Recreation and Renewable

7-15-08

Date

DECISION RECORD

for Route Designations for Selected ACECs Located in the Northeast Portion of the Las Vegas District

Decision:

It is my decision to authorize, pursuant to 43 CFR 8342, the designation of 906 miles of routes identified within 11 Areas of Critical Environmental Concern (ACEC) on 552,554 acres. The 11 ACECs at issue here were established as part of the planning process which culminated in the signing of the Record of Decision for the Las Vegas RMP and final EIS in 1998. As part of that planning process, the ACECs were designated as areas where use of off-road vehicles is to be limited to identified roads and trails.

BLM held 4 public scoping meetings in Las Vegas, Moapa Valley, Mesquite, and Bunkerville, so that the public could provide input on road designation alternatives. Based on input received, BLM developed a preliminary EA. The BLM initially invited public comment of the preliminary EA for this action for 30 days. As a result of comments received, and upon further consideration, BLM made modifications to the analysis, and invited public comment on the revised EA for an additional 21 days. BLM added to the analysis an additional alternative, Alternative D, which was consistent with BLM regulations regarding route designations under 43 CFR 8342. Four alternatives are considered in the EA, as revised: Alternative A (interim designation alternative), Alternative B (environmental alternative), Alternative D (proposed action), and No Action (no route identifications or restrictions alternative).¹ The EA, as revised, also incorporates input from stakeholders, including the Moapa Valley and Bunkerville Town Advisory Boards and the Nevada Division of Wildlife. The EA, as revised, includes a detailed discussion of the No Action alternative, a discussion on sociological impacts to different groups of stakeholders, and an appendix describing the rationale for 41 miles of pre-1998 routes identified for closure. In addition, the title was changed from "A Transportation Plan for Selected ACECs Located in the Northeast Portion of the Las Vegas District" (in the preliminary EA) to "Route Designations for Selected ACECs Located in the Northeast Portion of the Las Vegas District" (in the EA, as revised).

I have selected Alternative D, the proposed action, which identifies 812 miles of routes to be designated as open to motorized use, and identifies 94 miles of routes to be designated as closed to motorized use. Alternative D is consistent with the Las Vegas RMP. I have determined that Alternative D with the mitigation measures described in the Finding of No Significant Impact will not have significant impacts on the human environment and that an EIS is not required. Alternative D identifies the same routes as open and closed as Alternative A does, but is consistent with BLM route designation regulations (43 CFR 8342.2) and is also consistent with regulations regarding changes in route designations as authorized in 43 CFR 8342.3. Alternative D is different from Alternative A in that it identifies roads to be designated as open

¹ Alternative C, initially included in the scoping meetings, was dropped from further consideration in the EA because it proposed to leave routes open in the Virgin Mountain Instant Study Area, which was inconsistent with the Las Vegas RMP, 43 CFR 8342, and Interim Wilderness Guidelines.

or closed, but not within a context of “interim” and “final” designations. Routes identified under this decision will be monitored to determine if modifications to the route system are necessary to protect cultural, biological, and other resources. Monitoring is a critical component of transportation management and monitoring results will inform any necessary revisions to road designations. Therefore, the BLM will involve the public in developing the monitoring strategy, in collection of data, and in reviewing of monitoring results. Modifications to route designations would follow regulations authorized in 43CFR 8342.3, would be based on the results of monitoring, and would require a new environmental analysis, public scoping, and a new decision record.

During the public comment period, Moapa Valley Town Advisory Board and Bunkerville Town Advisory Board sent individual letters stating that they were protesting the EA. The letter from the Moapa Town Advisory Board also requested a stay. The letter from the Moapa Valley Town Advisory Board addressed eight points which are as follows: 1) There is not enough discussion about the No Action Alternative; 2) This is not compliant with a Clark County resolution to ensure that local citizens are not severely impacted by a road designation around the rural communities; 3) That route designation decisions were made in a predetermined fashion; 4) There is no correlation between the purpose of the EA and the route closures; 5) That all routes created prior to 1998 would be left open; 6) There was an additional 29 miles of routes added for closure in the alternatives; 7) That no roads should be closed because of fragmentation of habitat or route density issues; and 8) That the benefits of open roads were not considered.

The Bunkerville Town Advisory Board addressed their concerns in two letters as follows: (1a) There is no Transportation Plan presented by the BLM, only interim closures; (2a) There is no preferred alternative; (3a) There is no site specific rationale for road closures; and (4a) There is no public support for road closures, (1b) Letter dated September 12 is a protest, (2b) Erroneous dismissal of protest, (3b) Errors and conflicts in the EA, etc., (4b) EA amendment wrongly identified and supported, (5b) Total rejection of comments by BLM, and (6b) Universal opposition to road designations.

I have addressed each of these points, which are presented in Attachment 1. After review, I am dismissing the protests on the grounds that points considered as valid were incorporated into the EA, as revised; other concerns are answered in Attachment 1. This decision is subject to appeal. The public will have until August 31, 2008 to appeal this decision, pursuant to 43 CFR Part 4 and Form 1842-1.

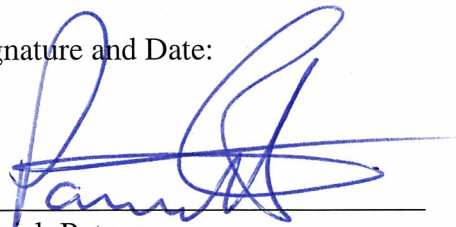
Rationale for Decision: The decision to allow Alternative D does not result in any undue or unnecessary environmental degradation and is consistent with the Las Vegas Resource Management Plan, approved in October 1998. There may be sites eligible for nomination to the National Register of Historic Places. BLM consulted with the Nevada State Historic Preservation Office (NSHPO) and they concurred that this action would be beneficial to resources. The NSHPO wants to have complete cultural inventories within the area of potential effect, but understands the importance identifying routes as open and closed in order to alleviate impacts that are happening to historical and pre-historical resources. It is anticipated that this

action will not cause the loss or destruction of any significant scientific, cultural, or historic resources and most likely will help protect them.

Mitigation Measures:

- (1) Desert Tortoise: During informal consultation with the U.S. Fish and Wildlife Service, BLM has added the following stipulation to the implementation of route designations: *“Routes that are impassable, and where crews are not able to restore the route to its previous condition without the use of heavy equipment, will have a tortoise monitor on site prior to the use of heavy equipment to ensure no desert tortoises will be harmed and that no new habitat is disturbed.”*
- (2) Road Signing: Immediately after the decision become effective, all roads will be signed as open or closed. Newly proliferated roads not included in the EA will be closed without further review and restored.
- (3) Restoration: BLM will implement restoration on any road designated as closed which is causing harm to resources. Newly proliferated roads will be restored (see mitigation measure 2 above).
- (4) Road Monitoring Strategy: All roads will be regularly monitored. BLM will develop a monitoring strategy with metrics to evaluate road use and impacts to surrounding resources. The roads will be regularly monitored and results compiled. Road monitoring may include, but is not limited to, sign replacement, traffic counts, damage assessments to cultural and biological resources, Site Stewardship reports, sign vandalism, and Law Enforcement contacts. BLM will continue to involve the public in road monitoring efforts.
- (5) Changes to Route Designations: Decisions to change route designations will be based on results of monitoring.

Signature and Date:



Patrick Putnam
AFM Recreation and Renewable

7-15-08

Date

ATTACHMENT 1 – Answers to letters of protest by the Bunkerville and Moapa Valley Town Advisory Boards

The following are the eight concerns from the Moapa Valley Town Advisory Board (MVTAB) in a letter dated April 17, 2008 and the BLM response.

MVTAB #1 No Action Alternative. Your assessment in the Moapa Valley Progress of August 29, 2007 states fully 40% of the comments received reflected the No Action Alternative yet the Final EA does not address or consider this alternative. The NEPA Handbook states that “an EA must contain brief discussions of the need for the proposal, the *alternatives considered, the environmental impacts of the proposed and alternatives, and a listing of agencies and persons consulted.*” There is no discussion of the No Action alternative, no discussion of the affected environment for the No Action Alternative, and no discussion of the environmental impacts of the No Action Alternative.

BLM Response to MVTAB #1

The BLM agrees with the MVTAB. The BLM revised the EA to include a detailed discussion of the No Action alternative, including an analysis of impacts. The description of the existing environment is the same for all alternatives.

For the action (i.e. route designations in limited use areas), the EA defined the following in the Purpose and Need section of the EA, as revised: *The purpose of this action is to (1) prevent the proliferation of user-created routes (the word route is used throughout this document to cover all types of motorized paths that would be designated through this document, (2) reduce road density, (3) improve habitat for wildlife and special status species, (4) control the spread of noxious and invasive weeds, (5) protect cultural resources, (6) reduce desert tortoise habitat loss and fragmentation, (7) provide for consistent management between agencies, and (8) provide a reasonable route network to allow public lands users motorized access to remote areas of the Mohave desert in northeast Clark County.* Except for item (8), the No Action alternative fails to meet the purpose and need for the action, including reducing habitat fragmentation for the threatened desert tortoise. This EA revision does not involve any change to the proposed action.

MVTAB #2 Non-compliance with Clark County Resolution. Residents are adversely affected because this EA does not comply with Clark County’s Resolution dated May 4, 1999 which states, “Whereas, in an effort to ensure citizens are not severely impacted, a “road closure proposal” was developed with BLM. The proposal states that the roads proposed for closure include only closure of one of two parallel roads going to the same location, roads, which are not, used by members of the general public, and roads Which go “nowhere’.” Numerous roads are proposed to be closed in the final EA that are not parallel roads, that are used by the general public and that go “somewhere’. Attached is a copy of roads in the draft EA that existed before 1998 and that have a definite end destination. This list was researched and compiled by Partners In Conservation based on their gpsing of the roads, their personal knowledge of the roads, and interviews with many other rural residents and users of those roads.

BLM Response to MVTAB #2

The BLM is not bound by the Clark County resolution. Nevertheless, BLM agrees that the impact to stakeholders needs to be addressed in the EA. Therefore, the EA was revised to

include a discussion of impacts to different groups of stakeholders, including the rural communities, in the socioeconomic section of the EA. The purpose of the EA is to develop a proposed action, reasonable range of alternatives, and analyze the impact of the action on the environment. Partners In Conservation (PIC) and the BLM, both funded by the Clark County Desert Conservation Program, worked together to document all roads within the project area (over 500,000 acres). Clark County funded this project in order to meet recovery goals under the Desert Tortoise Recovery Plan. As stated in the EA, as revised, the purpose and need for route designations was to (1) prevent the proliferation of user-created routes, (2) reduce road density, (3) improve habitat for wildlife and special status species, (4) control the spread of noxious and invasive weeds, (5) protect cultural resources, (6) reduce desert tortoise habitat loss and fragmentation, (7) provide for consistent management between agencies, and (8) provide a reasonable route network to allow public lands users motorized access to remote areas of the Mohave desert in northeast Clark County. This EA revision does not involve any change to the proposed action.

MVTAB #3 Pre-determination that roads would be closed. Page 5 states, "...For routes that would be closed,..." confirming that the BLM has predetermined that roads will be closed. This again underscores that the No Action Alternative was not considered and that the BLM negated their own EA by pre-determining that roads would be closed.

BLM Response to MVTAB #3

The BLM does not agree with this statement. First, the EA is not a decision document. The EA defines the purpose and need for the action and analyzes impacts of the action on a reasonable range of alternatives, pursuant to the requirements of NEPA. We documented all the routes and afterward evaluated the route impacts to resources versus the public's enjoyment of having motorized access to areas. Second, the 11 ACECs included in the EA were established as part of the planning process which culminated in the signing of the Record of Decision for the Las Vegas Resource Management Plan and final Environmental Impact Statement in 1998. As part of that planning process, the ACECs were designated as areas where use of off-road vehicles is to be limited to identified roads and trails. This EA analyzes the action of route designation (i.e. identification of routes as open or closed, in an area designated as limited, pursuant to 43 CFR 8342.2 for 906 miles of routes on 552,554 acres in these 11 ACECs.

The BLM did agree with the Moapa Valley Town Advisory Board that the No Action alternative needed more detail and revised the EA to include an impacts analysis of this alternative. This EA revision does not involve any change to the proposed action.

MVTAB #4 No correlation between the purpose of the EA and road closures have been established. Page 4 of the EA states, "The purpose of an interim designation would be to prevent resource destruction and the proliferation of new routes while data is being collected and analyzed." Resource destruction is caused by illegal behavior; open roads do not cause illegal behavior. Prevention of resource destruction is accomplished by information, education, and law enforcement. The proliferation of new routes can occur and will occur regardless of road closures. Some will argue that closure of roads, ESPECIALLY EXISTING ROADS THAT PEOPLE ARE USED TO BEING ON, will lead to an increase in route proliferation. Certainly, the BLM is obligated to provide evidence that road closures, unto themselves, will prevent

resource destruction and the proliferation of new routes; no such evidence or indication of such evidence is contained in the Final EA.

BLM Response to MVTAB #4

We believe that there is a strong correlation between road designations and resource protection. Route designations, signing, restoration, and monitoring are mainstream actions. For example, route designations and restoration of closed routes have been in effect in Piute Valley, near Searchlight, for 15 years. Piute Valley was also established as part of the planning process which culminated in the signing of the Record of Decision for the Las Vegas Resource Management Plan and final Environmental Impact Statement in 1998. Like Mormon Mesa, Coyote Springs, and Gold Butte Part A, Piute Valley is critical habitat for the desert tortoise and is limited to designated roads. BLM has restored most of the routes that were identified as closed as well as illegal incursions that we occasionally find during monitoring efforts. We monitor for: (1) social success of route closure and restoration and (2) ecological success. Social success occurs when we close a route, restore it, and later determine that there is no repeat disturbance. Ecological success occurs when the disturbance begins to recover naturally and native plants begin to colonize the site. Ecological success takes a much longer time, sometimes many, many years. Piute Valley is an example of a successful limited-use area. The Lake Mead National Recreation Area authorizes travel only on approved roads. With their signing, enforcement, and rigorous restoration program, they have almost eliminated the illegal incursions in the park lands. BLM has documented over 50 miles of new routes in the planning area that have proliferated since the RMP Record of Decision was signed in 1998. BLM agrees that information, education, and law enforcement are critical to preventing resource damage. In the EA, we describe a strategy for informing the public on the resources of the area and the importance of staying on designated roads. The direct and indirect impacts of roads on desert tortoise and cultural resources have been well established in the scientific literature. The EA was revised to include a list of references to support statements that roads cause impacts to the desert tortoise and its habitat. This revision does not involve any change to the proposed action.

MVTAB #5 That all routes created prior to 1998 would be left open. "This interim designation strategy would initially designate all routes that existed prior to 1998 as open. Exception to the 1998 interim strategy would include specific routes...that were selected for closure because either there was an extremely pressing resource concern that warranted that closure or because of policy that is in place that would prevent the BLM from designating these routes as open." The list of roads referenced above in #2 and submitted to the BLM with comments was never addressed even though specific information was provided for each road demonstrating that those roads were in existence prior to 1998 and had an end destination or purpose. The BLM never took that list of roads and proved that each specific road fit one of the two reasons for road closure specified in the EA. Therefore, if those roads do not fit the above reasons, and were in existence prior to 1998, they should be designated as open. Indeed, every road proposed to closed should be individually evaluated for those two reason above, A simple spreadsheet, showing each individual road and whether or not it fits the above criteria should have accompanied the EA. The BLM, based on the 'pre-existence before 1998 principal' must demonstrate whether each individual road fits their criteria for closure and provide compelling evidence of such; then and only then, could a road be closed. Anything not fitting hat criterion must remain open.

BLM Response to MVTAB #5

The BLM agrees that rationale for identifying as closed pre-1998 roads should be included in the EA. Appendix 2 summarizes the rationale for the specific pre-1998 roads identified as closed. This revision does not involve any change to the proposed action.

MVTAB # 6 Additional 29 miles of routes added for closure since the above referenced comment period. 29 more miles of roads were added to be closed since Partners In Conservation compiled the above stated list. The 29 miles of roads were all in existence before 1998. There are possibly compelling reason why some of those roads should be closed, and there are equally compelling reasons why some of the roads definitely should not be closed. These roads were not identified in the earlier proposed alternatives.

BLM Response to MVTAB #6

The BLM agrees that rationale for identifying as closed pre-1998 roads should be included in the EA. Appendix 2 summarizes the rationale for the specific pre-1998 roads identified as closed. This revision does not involve any change to the proposed action.

MVTAB #7 Roads closed because of fragmentation of habitat or route density issues. Again, based on the BLM's own criteria, no roads can be closed in this interim designation because of 'fragmentation of habitat' or 'road density issues'. These two criteria have no scientific basis and/or not enough research collection and analyzed to warrant road closure. Indeed, the interim designation was set up to allow enough time for data to be collected analyzed, and put through a transparent process of scientific evaluation. Page 4 states clearly, "The purpose of an interim designation would be to prevent resource destruction and proliferation of new routes while data is being collected and analyzed." However, pate 3 states, "The purpose of this plan is to prevent the proliferation of user created routes, reduce road density, improve wildlife habitat, control the spread of noxious and invasive weeds, protect cultural resources, and mitigate desert tortoise habitat loss and fragmentation by creating a designated route system". 'Reduce road density, improve wildlife habitat, control the spread of noxious and invasive weeds, protect cultural resources, and mitigate desert tortoise habitat loss and fragmentation by creating a designated route system' are all reasons outside the purpose of the interim designation; none of those reason should be used to close a road. Each specific road needs to be identified and the reason for that road closure needs to be identified. Only two specific reasons can be used to close a road; the BLM must demonstrate that reason for each road they propose to close.

BLM Response to MVTAB #7

The BLM strongly disagrees that there is no evidence that route density and proliferation have a negative effect on habitat for threatened species and other sensitive resources. The direct and indirect impacts of roads on desert tortoise and cultural resources have been well established in the scientific literature. BLM documented over 50 miles of new routes that have proliferated after 1998 to 2005. Nevertheless, the EA has been revised to include a list of references to support the analysis and Appendix 2 has been included, which lists each pre-1998 road identified as closed along with the rationale for closure. This revision does not involve any change to the proposed action.

MVTAB #8 Benefits of open roads not considered. In an assessment of any circumstance, both negative and positive benefits should be considered to produce an unbiased outcome. Per the NEPA Handbook, “The analysis of impacts must address direct, indirect, and cumulative impacts on all affected resources of the human environment”: to be unbiased, the BLM must consider all impacts on all affected resources. Wildlife in the desert is directly impacted by water sources. Traditionally, ranchers provided water sources for their cattle that wildlife also benefited from. Now that grazing is not allowed in the ACECs, the ranchers do not maintain water sources; no water source is a direct negative impact to the wildlife. Development of additional water sources and maintenance of traditional cattle-related water sources would be a direct positive benefit to wildlife; a network of open roads would provide the means to access water sources and maintain them for the positive benefit of wildlife. This positive benefit of roads is not considered or discussed as is required under NEPA, “the analysis of impacts must address direct, indirect, and cumulative impacts on all affected resources.” The handbook does not state to only consider negative impacts; all impact must be addressed. Additionally, open, used roads are a positive benefit to wildfire containment. Numerous sites in southern Nevada provide examples of wildfires that have burned to the edge of a used road and stopped. Used, open roads prevent wildfires from spreading. This positive benefit of roads is not considered or discussed as is required under NEPA; again, all impact must addressed, not just the negative ones.

BLM Response to MVTAB #8

The examples of road benefits provided in the letter include benefits to wildlife (roads for spring maintenance) and benefits in containing wildlife fires (roads as fire brakes). BLM has not proposed that roads to springs or guzzlers be closed. However, the Nevada Division of Wildlife is very concerned about too many roads going to water sources for wildlife and has requested that some of these routes be closed. The benefit of roads for wildfire containment is unclear. Wide, maintained roads could serve as fire breaks, however many roads serve as corridors for noxious weed expansion that cause fires to spread into undisturbed land, increasing the risk of fire! Only impacts that can be clearly documented were included in the EA, and thus the EA was not revised for these examples.

The BLM agrees that, from a sociological perspective, stakeholders look at road management very differently. In consideration of this, the BLM has revised the EA to include a socioeconomic section and the EA analyzes the impacts of the action on different groups of stakeholders. One of the objectives of the action is “to provide a reasonable route network to allow public lands users motorized access to remote areas of the Mohave Desert in northeast Clark County.” The mention of this objective underscores the importance of the public’s feelings in road management decisions. This revision does not involve any change to the proposed action.

In summary, pursuant to the valid comments of this letter, BLM has revised the EA. Other concerns have been answered in this response. The above concludes BLM’s response to the protest from the MVTAB.

The following are concerns from the Bunkerville Town Advisory Board (BTAB) in two letters dated April 21, 2008 and May 1, respectively, and the BLM response.

From Letter dated April 21, 2008

BTAB #1a There is no Transportation Plan presented by the BLM, only interim closures.

BLM Response to BTAB #1a

The BLM initially invited public comment of the preliminary EA for this action for 30 days. As a result of comments received, and upon further consideration, BLM made modifications to the analysis, and invited public comment on the revised EA for an additional 21 days (March 31-April 25, 2008). BLM added to the analysis an additional alternative, Alternative D, which was consistent with BLM regulations regarding route designations under 43 CFR 8342. Four alternatives are considered in the EA, as revised: Alternative A (interim designation alternative), Alternative B (environmental alternative), Alternative D (proposed action), and No Action (no route identifications or restrictions alternative). (A fifth alternative, Alternative C, was briefly discussed at the public scoping meetings, but was dropped from further consideration because it was not consistent with the BLM's Resource Management Plan). The EA title was changed from "A Transportation Plan for Selected ACECs Located in the Northeast Portion of the Las Vegas District" (in the preliminary EA) to "Route Designations for Selected ACECs Located in the Northeast Portion of the Las Vegas District" (in the revised EA). The EA, as revised, is attached to this letter for your convenience.

BTAB #2a There is no preferred alternative.

BLM Response to BTAB #2a

Preferred Alternatives are only for Environmental Impact Statement (EIS). In the smaller Environmental Assessments (EA), it is called the Proposed Action. In the Route Designation EA, as revised, the Proposed Action is Alternative D.

BTAB #3a There is no site specific rationale for road closures.

BLM Response to BTAB #3a

The BLM agrees with this comment and the EA was revised to add Appendix 2, which summarizes the rationale for the specific pre-1998 roads identified as closed.

BTAB #4a There is no public support for road closures.

BLM Response to BTAB #4a

Based on the comments received from the public, many stakeholders are very supportive of route designations. The BLM will involve the public in the development of the monitoring strategy, in collection of data, and reporting of results. Modifications to route designations would follow regulations authorized in 43CFR 8342.3, would be based on the results of monitoring, and would require a new environmental analysis, public scoping, and a new decision record.

From Letter dated May 1, 2008

Protest and stay is supported by:

BTAB #1b The referenced letter to BLM dated September 12, 2007.

BLM Response to BTAB #1b

BLM acknowledges this letter from the Bunkerville Town Advisory Board.

BTAB #2b The erroneous dismissal of the protest and stay by the December 21, 2007 FINDING OF NO SIGNIFICANT IMPACT/DECISION RECORD (FONSI/DR). The FONSI/DR was not made public until the 3/20/08 response to a Freedom of Information Request by a citizen's letter of 1/28/08. The dismissal was based on a single erroneous premise of "---it was filed prior to issuance of this decision". The protest and stay was related to the 7/20/07 EA and the stay of BLM processes.

BLM Response to BTAB #2b

Please see Response (1) from page 1, which describes this EA process to date. The earlier decision, dated 12/21/08, was not in effect because it was never published in the Federal Register. As indicated above, protests against the EA are addressed internally; appeals can be filed after the decision is published.

BTAB #3b The numerous errors and conflicts with the 7/20/07 EA and the proposed EA amendment issued 3/31/08 to a limited portion of interested and affected citizens of Clark County Nevada.

BLM Response to BTAB #3b

The EA, as revised, is attached for your convenience. BLM made modifications to the analysis (added Alternative D), and invited public comment on the revised EA for an additional 21 days (March 31-April 25, 2008). Alternative D is consistent with BLM regulations regarding route designations under 43 CFR 8342. Four alternatives are considered in the EA, as revised: Alternative A (interim designation alternative), Alternative B (environmental alternative), Alternative D (proposed action), and No Action (no route identifications or restrictions alternative). The BLM sent the Alternative D out for public review to over 400 members of the public. BLM received 14 responses, including county, state, non-profits, corporate, and individuals. BLM received the form letters from Bunkerville (3 letters) and Mesquite (1 letter) with a total of 65 names opposing route designations. The 10 responses from other publics were all positive to designating routes.

BTAB #4b The BLM choice of one amendment to an EA is wrongly identified, unsupported, and issued by a 3/31/08 letter – after a 6 months period following the closed of public comments on 9/13/07.

BLM Response to BTAB #4b

BLM added to the analysis an additional alternative, Alternative D, which was consistent with BLM regulations regarding route designations under 43 CFR 8342. The BLM invited the public to provide input on this alternative and is in compliance with the requirements of the National Environmental Policy Act (NEPA).

BTAB #5b The totally rejection by BLM of ALL general and specific public comments on the 7/20/07 EA.

BLM Response to BTAB #5b

Under NEPA, the public is invited to provide input on a federal undertaking. For this effort, BLM worked with volunteers from the rural communities to document routes, held 4 public scoping meetings, provided a 30-day comment period on the preliminary EA, and provided a 21-day comment period for Alternative D. The BLM provided numerous briefings to the rural Town Advisory Boards and Moapa Band of Southern Paiutes. The level of effort that the BLM made to involve the public was extraordinary. The BLM carefully reviewed the letters from the Moapa Valley Town Advisory Board and incorporated the valid points of their letters into the EA, as revised.

BTAB #6b The almost universal citizen opposition to the BLM process regarding roads and the public frustration of the BLM explanations of proposed road closure in the EA and at the public meeting. Actions to address roads are likely to fail because of the lack of public support, understanding and cooperation.

BLM Response to BTAB #6b

Most of the criticism that BLM has received has been from citizens who have expressed frustration about this process taking so long to complete. Route designations, signing, restoration, and monitoring are mainstream actions. For example, route designations and restoration of closed routes have been in effect in Piute Valley, near Searchlight, for 15 years. Piute Valley was also established as part of the planning process which culminated in the signing of the Record of Decision for the Las Vegas Resource Management Plan and final Environmental Impact Statement in 1998. Like Mormon Mesa, Coyote Springs, and Gold Butte Part A, Piute Valley is critical habitat for the desert tortoise and is limited to designated roads. BLM has restored most of the routes that were identified as closed as well as illegal incursions that we occasionally find during monitoring efforts. Compliance of the public in staying on designated routes in Piute Valley is good.

In summary, pursuant to the valid comments of these letters, we have revised the EA. Other concerns have been answered in this response. This concludes BLM's response to the protest from the BTAB.