

**Finding of No Significant Impact
&
Decision Record**
DOI-BLM-NV-S010-2023-0014-EA

**Three Kids Mine Conveyance
N-93556
City of Henderson**

PREPARING OFFICE
U.S. Department of the Interior
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
702-515-5000

Finding of No Significant Impact

Background

The Bureau of Land Management Las Vegas Field Office (BLM) is proposing to convey approximately 850.9 acres of federal land to the City of Henderson's Redevelopment Agency to facilitate the remediation and reclamation of the Three Kids Mine site. This conveyance is authorized by Public Law 113-135, the Three Kids Mine Remediation and Reclamation Act (Act), which was enacted July 25, 2014. Under the Act the conveyance is non-discretionary upon completion of conditions specified in the Act. The Proposed Action also includes the conveyance of the underlying federal mineral estate.

Environmental Assessment (EA) DOI-BLM-NV-S010-2023-0014-EA analyzed the No Action Alternative and one Proposed Action. The Proposed Action, as described in Chapter 2 of the EA, would convey approximately 850.9 acres of federal land to the City of Henderson's Redevelopment Agency which would enable the environmental remediation and reclamation of the Three Kids Mine site in conformance with Public Law 113-135, the Three Kids Mine Remediation and Reclamation Act (Act), July 25, 2014.

Finding of No Significant Impact

Based upon a review of DOI-BLM-NV-S010-2023-0014-EA (incorporated herein by reference) and the supporting documents, I have determined that the Proposed Action will not have a significant effect on the quality of the human environment. The implementation of a Memorandum of Agreement (MOA) and a Historic Properties Treatment Plan (HPTP) will avoid significant impacts to three sites that are eligible for the National Register of Historic Places (NRHP).

The environmental effects are not significant (40 CFR 1501.3(b)). Therefore, preparation of an environmental impact statement (EIS) to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

Affected Area

The proposed action is located approximately five miles northeast of the City of Henderson and in the southeast corner of the Las Vegas Valley. The conveyance of the land to the City of Henderson would facilitate the reclamation and remediation of the lands for potential commercial and/or residential use.

Approximately 10 acres of the 11,029 acres in the River Mountains ACEC were in the project area; however, the Act adjusted the boundary and removed the approximately 10 acres from the ACEC. Therefore, the affected area does not include any land in the River Mountains ACEC.

The land designated by the Act for conveyance was not marked for disposal in the RMP. The Federal Land Policy and Management Act of 1976 (FLPMA) would normally require amendment of the relevant Resource Management Plan prior to conveyance; however, the Act waived the requirement under FLPMA to amend the RMP. *See* P.L. 113-135, Sec. 3 (Appendix A).

For Cultural Resources a Class I Reconnaissance Inventory and Class III Intensive Inventory of the entire disposal lands were completed. Historic Properties were identified, and BLM found that three of the historic properties would be adversely affected by the proposed action. The BLM, in consultation with the consulting parties, has executed a Memorandum of Agreement

(MOA) (Appendix C) to resolve the adverse effects to the historic properties. A Historic Properties Treatment Plan (HPTP) to implement the commitments from the MOA is in development and will be appended to the MOA when final.

The proposed project area supports and is adjacent to lands that support wildlife characteristic of the Mojave Desert. Most of the acreage within the action area is contaminated with mining residual and has been significantly degraded. It retains some capacity to support and is adjacent to lands that support migratory bird habitat, as well as the only federally protected species known to occur in the vicinity of the project area, the threatened Mojave Desert tortoise (*Gopherus agassizii*). Wildlife in the general area may include small mammals, rodents, birds, bighorn sheep and reptiles. Biological diversity varies according to topography, plant community, and proximity to water, soil type, and season.

Vegetation and non-native species may be present in the project area and are already moderately disturbed. There are no known noxious or invasive weed populations within the area of the proposed action. Soils within the project area are also disturbed and are not considered endemic, rare, or endangered.

The Proposed Action is not located within designated wilderness areas, grazing allotments, herd management areas, or National Monument or Conservation Areas.

Degree of the Effects of the Action

Both short- and long-term effects:

The Proposed Action would lead to the direct loss of 850.9 acres of federal lands and habitat. In the short term, following conveyance, impacts associated with remediation and reclamation would occur from an increase in dust, vegetation removal, grading, on-site traffic, and construction workers present at the site. There is the potential for spread of weeds as a result of construction activities. In the long term, impacts to the existing landscape character would contribute to additional modifications of the landscape from reclamation, remediation and potential development of the project area landscape. See attached DOI-BLM-NV-S010-2023-0014-EA for the complete analysis of the short- and long-term effects.

Both beneficial and adverse effects:

The proposed action will provide for the conveyance of the Three Kids Mine site. Under the Proposed Action, beneficial effects to the project area would include the reclamation and remediation of the abandoned mine site, along with potential for commercial and residential development. The conveyance would lead to the direct loss of 850.9 acres of federal lands and habitat. See attached DOI-BLM-NV-S010-2023-0014-EA for the complete analysis of the beneficial and adverse effects. None of the cumulative environmental impacts would have a significant impact on the human environment.

Effects on public health and safety:

The conveyance would transfer jurisdiction of the land to the City of Henderson's Redevelopment Agency. The project area is currently contaminated with wastes containing lead, arsenic, manganese, and petroleum hydrocarbons. Trespassers are potentially exposed to contaminants. The City of Henderson will transfer lands to the Responsible Party who in coordination with the Nevada Division of Environmental Protection (NDEP) would remediate and reclaim the site for potential reuse for residential use following conveyance. Remediation

and reclamation of the site will reduce the potential for exposure to hazardous contaminants. Public health and safety will be managed through State and local ordinances.

Effects that would violate Federal, State, Tribal, or local law protecting the environment. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:

The conveyance to the City of Henderson Redevelopment Agency is pursuant Public Law 113-135, the Three Kids Mine Remediation and Reclamation Act, which directs the BLM to convey certain identified lands. This action is also in accordance with the FLPMA and other applicable laws and regulation.

The draft EA was available for public review for a 30-day public comment period from November 18, 2022, through December 19, 2022. Electronic correspondence was sent to Southern Nevada Media, Nevada State Clearinghouse, and various interested parties. Individuals on these lists included local and state governments, federal agencies, media, and members of the public. In addition, the comment period was announced on multiple social media platforms. The draft EA was available for review on the BLM National NEPA Register webpage. The comments received were considered for the final EA.

In addition to the public comment period, the BLM notified seven tribes of the proposed action in a letter sent on January 7, 2022; and electronic correspondence dated November 18, 2022. The letter included a description of proposed action as well as an invitation for government-to-government consultation. The electronic correspondence, dated November 18, 2022, included a description of the proposed action for analysis in the EA, an invitation for comments and a copy of the draft EA. The BLM has not received any responses from the Tribes regarding the EA.

Reviewed by: _____
Colleen Cepero Rios
Planning & Environmental Coordinator

Date

Approved by: _____
Bruce Sillitoe, Field Manager
Las Vegas Field Office

Date

Decision Record

Selected Action

It is my decision to authorize the Proposed Action (Selected Action), as described in Chapter 2 of the Environmental Assessment (EA) DOI-BLM-NV-S010-2023-0014-EA for Three Kids Mine Conveyance. The complete description of the Proposed Action can be found in Chapter 2 of the EA.

Mitigation Measures

A Memorandum of Agreement (MOA) has been executed and a Historic Properties Treatment Plan (HPTP) is in development to implement the commitments from the MOA. No other mitigation measures have been identified as the lands will leave federal ownership.

Decision Rationale

As explained in the Finding of No Significant Impact (FONSI), the impacts of the Selected Action have been analyzed in the EA and determined not to result in significant impacts to the quality of the human environment, individually or cumulatively with other actions in the general area under NEPA.

My decision to approve the Selected Action is mandated by Public Law 113-135, the Three Kids Mine Remediation and Reclamation Act (Act), which was enacted July 25, 2014. Under the Act the conveyance is non-discretionary upon completion of conditions specified in the Act.

Protest and/or Appeal

Administrative remedies may be available to those who believe they will be adversely affected by this decision. 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 and BLM Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to the regulations at 43 CFR 4.21 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Authorized Official

Approved by: _____
Bruce Sillitoe, Field Manager
Las Vegas Field Office

Date