

Final Environmental Impact Statement Proposed Contractor Detention Facility

QA:NA

MOL.20080529.0055

Las Vegas, Nevada Area



Lead Agency:



U.S. Department of Justice
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, Virginia 22203

Prepared in Conjunction with:



The Louis Berger Group, Inc.
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March 2008





THE Louis Berger Group, INC.

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DATE: March 19, 2008

**RE: Final Environmental Impact Statement - Proposed Contractor-Owned/
Contractor-Operated Detention Facility - Las Vegas, Nevada Area**

Dear Sir/Madam:

On behalf of the U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT), I am pleased to provide you with a copy of the Final Environmental Impact Statement (EIS) concerning a proposal to award a contract to house 1,000 to 1,500 federal detainees within a Contractor-Owned/Contractor-Operated detention facility to be located at one of several alternative sites located in Nye County and Clark County, Nevada. This document is provided to fulfill the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended and the requirements of Section 106 of the National Historic Preservation Act, as amended. The Final EIS considers potential impacts of the proposed project upon the natural and manmade environments including such topics as land use, socio-economics, air quality, noise, transportation, utility services, cultural, aesthetic, hydrological and biological resources, among other topics and responds to comments received by OFDT concerning the Draft EIS.

The Final EIS will be the subject of a 30-day review period which begins on March 28, 2008, and will end on April 28, 2008. Comments concerning the Final EIS and the proposed action must be received during this time to be assured of consideration and should be sent to: Scott P. Stermer, Assistant Trustee-Procurement, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax Dr. 9th Fl., Arlington, Virginia 22203, Tel: 202-353-4601/Fax: 202-353-4611/Email: Scott.Stermer2@usdoj.gov. All written comments received during the review period will be taken into consideration by the OFDT. Copies of the Final EIS are also available for public viewing at: Las Vegas Public Library, 833 Las Vegas Blvd. North, Las Vegas, NV; City of North Las Vegas Public Library, 2300 Civic Center Drive, North Las Vegas, NV; Moapa Town Library, Moapa, NV; Pahrump Community Library, 701 S. East Street, Pahrump, NV and Clark County Public Library, 1401 E. Flamingo Road, Las Vegas, NV.

Thank you for your interest.

Sincerely yours,

THE LOUIS BERGER GROUP, INC.

**Robert J. Nardi, AICP
Project Manager**

Enclosure



THE Louis Berger Group, INC.

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FECHA: 19 de marzo de 2008

**REF: DECLARACION FINAL DE IMPACTO AMBIENTAL
SOBRE EL ESTABLECIMIENTO DE DETENCIÓN PROPUESTO
PROPIEDAD DEL CONTRATISTA/ADMINISTRADO POR EL CONTRATISTA
ZONA DE LAS VEGAS, NEVADA**

Estimado/a señor/señora:

En nombre del Departamento de Justicia de los EE.UU., Oficina del Síndico Federal de Detención (OFDT), me complace enviarle una copia de la declaración final de impacto ambiental (FEIS) con respecto a la propuesta de otorgar un contrato para albergar de 1.000 a 1.500 detenidos federales dentro de un establecimiento de detención propiedad del contratista/administrado por el contratista que estará ubicado en uno de varios sitios alternativos del condado de Nye y el condado de Clark, Nevada. Este documento se suministra para cumplir con los requisitos de la Ley Nacional de Políticas sobre el Medio Ambiente (NEPA) de 1969, y sus enmiendas y los requisitos de la Sección 106 de la Ley Nacional de Preservación Histórica, y sus enmiendas. El FEIS evalúa impactos potenciales del proyecto propuesto para el entorno natural y humano incluyendo temas tales como el uso del terreno, socioeconómicos, calidad del aire, ruido, transporte, servicios públicos, recursos culturales, estéticos, hidrológicos y biológicos, entre otros temas y responde comentarios recibidos por la OFDT respecto al Borrador EIS.

El FEIS estará sujeto a un período de evaluación de 30 días desde el 28 de marzo de 2008 hasta el 28 de abril de 2008. Los comentarios sobre el FEIS y la acción propuesta se deben recibir durante este período para asegurar que puedan ser tenidos en cuenta y deben enviarse a: Scott P. Stermer, Assistant Trustee-Procurement, Office of the Federal Detention Trustee, 4601 North Fairfax Drive, 9th Floor, Arlington, Virginia 22203 Tel: 202-353-4601 / Fax: 202-353-4611 / Correo electrónico: Scott.Stermer2@usdoj.gov. Todos los comentarios recibidos durante el período de evaluación serán considerados por la OFDT.

Hay copias del FEIS disponibles al público en: Las Vegas Public Library, 833 Las Vegas Blvd. North, Las Vegas, Nevada; City of North Las Vegas Public Library, 2300 Civic Center Drive, North Las Vegas, Nevada; Moapa Town Library, Moapa, Nevada; Pahrump Community Library, 701 S. East Street, Pahrump, Nevada y Clark County Public Library, 1401 E. Flamingo Road, Las Vegas, Nevada. Gracias por su interés.

Atentamente,

THE LOUIS BERGER GROUP, INC.

**Robert J. Nardi, AICP
Project Manager**

Enclosure

ABSTRACT

ABSTRACT

FINAL ENVIRONMENTAL IMPACT STATEMENT PROPOSED CONTRACTOR-OWNED/CONTRACTOR-OPERATED DETENTION FACILITY - LAS VEGAS, NEVADA AREA

LEAD AGENCY: U.S. Department of Justice - Office of the Federal Detention Trustee

PROJECT CONTACT: Scott P. Stermer, Assistant Trustee - Procurement
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
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BACKGROUND: During the past two decades, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. During this time, the detainee population has increased by over 1,000 percent, from approximately 3,000 in 1981 to 55,000 to 60,000 today with continued growth in the federal detainee population expected for the foreseeable future. These prisoners are housed in a combination of local, state, federal and private facilities around the country. The growth in the federal detainee population is occurring at the same time that available bedspace in local jails is decreasing. Local jail bedspace is increasingly needed to house local offenders, leaving less space available for the contractual accommodation of federal detainees. These trends are projected to continue and present a major challenge for those federal agencies responsible for detaining prisoners. Faced with severe shortages in state and local bedspace, especially in major metropolitan areas (federal court cities), as well as court-ordered caps on prisoner populations, the U.S. Department of Justice, via the Office of the Federal Detention Trustee (OFDT) and the U.S. Marshals Service (USMS), is finding it increasingly difficult to locate bedspace in state and local jails that have traditionally been used to house federal prisoners. Consequently, the OFDT and USMS must arrange to house detainees farther and farther from their respective federal court cities. The resultant long-distance movement of federal detainees requires substantial amounts of USMS and OFDT time and resources and strains the Justice Prisoner and Alien Transportation System to its limits.

PROPOSED ACTION: The OFDT, working with the USMS, has determined that there is an immediate and long-term need to house federal detainees within a facility located in proximity to Las Vegas, Nevada. The level of USMS activity in the Las Vegas metropolitan region requires more beds to accommodate federal detainees than are readily available in local or state detention and correctional facilities. Compounding the challenge is the need for detention facilities to be located near federal courthouses because of USMS's responsibility to transport detainees accused of violating federal laws for court appearances. In response to the urgent need in the Las Vegas, Nevada area, the OFDT solicited proposals in early 2007 from contractors interested in housing individuals charged with federal offenses and while awaiting trial or sentencing. The USMS and OFDT have agreed to collaborate in solving this urgent need and are working together to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing federal detainees who are charged with federal offenses and awaiting trial or sentencing.

For the past decade, reliance has been placed upon jail facilities operated by the cities of Las Vegas and North Las Vegas and Clark County to house federal detainees in the Las Vegas area. Recently, it has become necessary to house large numbers of such detainees in Contractor-Owned/Contractor-Operated detention facilities located in Florence, Arizona and Estancia, New Mexico. Implementation of the proposed action would allow federal detainees to be housed at a Contractor-Owned/Contractor-Operated detention facility located in proximity to the United States Courthouse in Las Vegas while meeting the need for expanded bedspace capacity. Alternative actions have been evaluated, including the No Action alternative as stipulated by the National Environmental Policy Act (NEPA) of 1969, as amended.

PROPOSED LOCATIONS: Five prospective detention contractors initially offered 11 alternative sites in Nevada and Arizona for development of a Contractor-Owned/Contractor-Operated detention facility with several of the alternative sites offered by more than one contractor. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada. The 75-mile radius was among several minimum solicitation requirements and, hence, one of the 11 sites, located near the City of Kingman in Mohave County, Arizona, was quickly eliminated from further consideration. Following the public scoping meetings and prior to preparation of the Draft Environmental Impact Statement (EIS), six of the 10 alternative sites located within the 75-mile radius were subsequently withdrawn from further consideration by the prospective contractors. Each of the alternative sites is described below including those withdrawn from consideration.

- **630 East Parque Avenue Site.** Located in the Town of Pahrump in Nye County, Nevada, the 630 East Parque Avenue Site comprises 40 acres located approximately 70 miles northwest of downtown Las Vegas.
- **2250 East Mesquite Avenue Site.** Also located in Pahrump, Nevada, this 120-acre site is approximately 68 miles northwest of downtown Las Vegas.
- **Apex Industrial Use Zone Site A.** Located in unincorporated Clark County, Nevada, this 90-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone.
- **Moapa Site.** The Moapa Site comprises 80 acres located approximately 57 miles northeast of downtown Las Vegas in unincorporated Clark County.
- **Apex Industrial Use Zone Site B.** Also located in unincorporated Clark County, Nevada, this 170-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. This site has been withdrawn from further consideration.
- **Dolan Springs Site.** The Dolan Springs Site comprises 640 acres located approximately 65 miles southeast of downtown Las Vegas in Mohave County. The Dolan Springs Site has been withdrawn from further consideration.
- **1690 East Mike Road Site.** Located near Pahrump in Nye County, Nevada, this 30-acre site is approximately 70 miles northwest of downtown Las Vegas. The 1690 East Mike Road Site has been withdrawn from further consideration.
- **2871 East Mesquite Avenue Site.** This 40-acre site is located approximately 68 miles northwest of downtown Las Vegas in the Pahrump Regional Planning District. The 2871 East Mesquite Avenue Site has been withdrawn from further consideration.

- **8251 East Panaca Avenue/8500 East Huxley Avenue Site.** This site consists of two parcels comprising 80 acres located approximately 60 miles northwest of downtown Las Vegas in the town of Pahrump. This site has been withdrawn from further consideration.
- **6871 North Blagg Road Site.** This 30.77-acre site is located approximately 70 miles northwest of downtown Las Vegas in Pahrump. The 6871 North Blagg Road Site has been withdrawn from further consideration.

Four sites (the 630 East Parque Avenue Site, the 2250 East Mesquite Avenue Site, the Apex Industrial Use Zone Site A, and the Moapa Site) were determined to be alternatives worthy of consideration and were evaluated in detail within the Draft EIS. It should be noted that, since the publication of the Draft EIS, the Apex Industrial Use Zone Site A has been withdrawn from consideration.

AGENCY PREFERRED ALTERNATIVE: The Agency Preferred Alternative is to contract for provision of a Contractor-Owned/Contractor-Operated detention facility to house federal detainees. Under the proposed action, the selected contractor (Corrections Corporation of America) would be responsible for housing approximately 1,000 to 1,500 federal detainees and for ensuring that the detention facility is operated in a manner consistent with the mission and requirements of the OFDT and USMS. Development of the proposed contractor detention facility would require approximately 12 to 15 months to complete and employ approximately 200 to 250 individuals upon operation. Contract performance would be carried out at a facility to be developed and operated at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The purpose of this disclosure is to allow for meaningful public review on the potential environmental impacts of the proposed contract award. No legal liability on the part of the Government for any payment shall arise until the Government has officially completed the NEPA process and official contract award.

FINDINGS: Implementation of the proposed action is expected to result in less-than-significant impacts to the immediate project site and the host community within which the selected site is located. Beneficial impacts would be derived from the proposed action including contributions toward protecting society and achieving the goals of the U.S. Department of Justice. Implementation of the proposed action should result in no significant adverse impacts as defined by the NEPA while resulting in such positive impacts as: creation of additional detention bedspace capacity to house a portion of the growing federal detainee population; stimulation of the economy of the southern Nevada region; and creation of employment opportunities during both construction and operation of the detention facility. Cumulative, secondary and construction-related impacts and any other potentially adverse impacts would be controlled, mitigated or avoided to the maximum extent possible.

FEDERAL REGISTER PUBLICATION DATE: March 28, 2008

COMMENT PERIOD CONCLUDES: April 28, 2008

RESUMEN

DECLARACIÓN FINAL DE IMPACTO AMBIENTAL SOBRE EL ESTABLECIMIENTO DE DETENCIÓN PROPUESTO PROPIEDAD DEL CONTRATISTA/ADMINISTRADO POR EL CONTRATISTA - LAS VEGAS, NEVADA

ORGANISMO PRINCIPAL: Departamento de Justicia de los EE.UU. - Oficina del Síndico de Detención Federal

CONTACTO DEL

PROYECTO:

Scott P. Stermer, Assistant Trustee - Procurement
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, Virginia 22203
Tel: 202-353-4601 / Fax: 202-353-4611

ANTECEDENTES: Durante las dos últimas décadas, la población de detenidos bajo jurisdicción federal ha experimentado un crecimiento sin precedentes como resultado de mayores iniciativas y recursos legales a nivel federal. Durante este período, el número de detenidos ha aumentado más del 1,000 por ciento, desde aproximadamente 3,000 en 1981 hasta 55,000 a 60,000 hoy en día, y se espera un aumento continuo en la población federal de detenidos en el futuro próximo. Se alberga a estos prisioneros en una combinación de establecimientos locales, estatales y federales en todo el país. El aumento en la población de detenidos federales ocurre a la vez que disminuyen las camas en las cárceles locales. Se necesitan cada vez más camas en las cárceles locales para albergar a delincuentes locales, dejando menos espacio disponible para el alojamiento contractual de prisioneros federales. Se estima que estas tendencias continuarán y representan un reto importante para los organismos federales responsables de detener a los prisioneros. Al encontrarse con una escasez grave de camas en el ámbito local y estatal, especialmente en las principales zonas metropolitanas (ciudades de tribunales federales), así como los límites impuestos por ley sobre el número de prisioneros, el Departamento de Justicia de los EE.UU., a través de la Oficina del Síndico de Detención Federal (OFDT, por las siglas en inglés) y el Servicio de Alguaciles de los EE.UU. (USMS, por las siglas en inglés), le resulta cada vez más difícil ubicar camas en las cárceles estatales y locales que tradicionalmente han albergado a prisioneros federales. Como consecuencia, la OFDT y el USMS deben hacer arreglos para albergar a detenidos cada vez más lejos de los tribunales federales correspondientes. El movimiento resultante a larga distancia de los detenidos exige tiempo y recursos del USMS y de la OFDT y pone muchas exigencias sobre el Sistema de Transporte Judicial para Prisioneros y Extranjeros.

ACCIÓN PROPUESTA: La OFDT, en conjunción con el USMS, ha determinado que existe una necesidad inmediata y a largo plazo de albergar a los detenidos federales dentro de un establecimiento ubicado cerca de Las Vegas, Nevada. El nivel de actividad del USMS en la región metropolitana de Las Vegas requiere más camas para acomodar a detenidos federales de las que están disponibles en los establecimientos correccionales y carcelarios locales o estatales. Además, debemos tener en cuenta la necesidad de que los establecimientos de detención se encuentren ubicados cerca de los tribunales federales debido a la responsabilidad del USMS de transportar a los detenidos acusados de violar leyes federales para que comparezcan ante el tribunal. En respuesta a la necesidad urgente en la zona de Las Vegas, Nevada, la OFDT solicitó a principios del 2007 a contratistas interesados que presentaran propuestas para albergar a individuos acusados de ofensas federales y que esperan juicio o sentencia. El USMS y la OFDT han acordado colaborar para resolver esta necesidad urgente y están trabajando

conjuntamente para negociar con contratistas de detención a fin de que proporcionen un establecimiento propiedad del contratista y administrado por el contratista con la capacidad de albergar a detenidos federales que están acusados de ofensas federales y se encuentran a la espera de juicio o sentencia.

Durante la última década, se ha confiado en los establecimientos carcelarios operados por las ciudades de Las Vegas y North Las Vegas y el Condado de Clark para albergar a los detenidos federales en la zona de Las Vegas. Recientemente, ha resultado necesario albergar a gran número de tales detenidos en establecimientos de detención propiedad del contratista/administrado por el contratista ubicados en Florence, Arizona y Estancia, Nuevo México. La implementación de la acción propuesta permitiría albergar a los detenidos federales en un establecimiento propiedad del contratista/administrado por el contratista ubicado cerca del tribunal de los EE.UU. en Las Vegas a la vez de satisfacer la necesidad de aumentar el espacio de camas. Se han evaluado acciones alternativas, incluyendo la alternativa de No Acción estipulada por la Ley Nacional de Políticas sobre el Medio Ambiente de 1969, y sus enmiendas.

UBICACIONES PROPUESTAS: Inicialmente cinco contratistas potenciales propusieron 11 sitios alternativos en Nevada y Arizona para el desarrollo de un establecimiento de detención propiedad del contratista/administrado por el contratista con varios de los sitios alternativos propuestos por más de un contratista. Se determinó que diez de los 11 sitios estaban ubicados dentro del radio de 75 millas del Tribunal de los EE.UU. en el centro de Las Vegas, Nevada. El radio de 75 millas era uno de los requisitos mínimos estipulados y, por lo tanto, uno de los 11 sitios, ubicados cerca de la Ciudad de Kingman en el Condado de Mohave, Arizona, se eliminó rápidamente de consideración. Después de las reuniones públicas de evaluación y antes de la preparación del Borrador de la Declaración de Impacto Ambiental (EIS), seis de los 10 sitios alternativos ubicados dentro del radio de 75 millas fueron retirados posteriormente de consideración por los contratistas potenciales. Cada uno de los sitios alternativos se describe a continuación incluyendo aquellos retirados de consideración.

- **630 East Parque Avenue Site.** Ubicado en el pueblo de Pahrump en el Condado de Nye, Nevada, el sitio 630 East Park Avenue cuenta con 40 acres y se encuentra aproximadamente 70 millas al noroeste del centro de Las Vegas.
- **2250 East Mesquite Avenue Site.** También ubicado en Pahrump, Nevada, este sitio de 120 acres está aproximadamente a 50 millas al noroeste del centro de Las Vegas.
- **Apex Industrial Use Zone Site A.** Ubicado en el Condado de Clark, no constituido, Nevada, este sitio de 90 acres está aproximadamente a 30 millas al noreste del centro de Las Vegas dentro de la Zona de Uso del Vértice Industrial.
- **Moapa Site.** El Sitio Moapa incluye 80 acres y se encuentra ubicado aproximadamente 57 millas al noreste del centro de Las Vegas en el Condado de Clark no constituido.
- **Apex Industrial Use Zone Site B.** También ubicado en el Condado de Clark, no constituido, Nevada, este sitio de 170 acres se encuentra aproximadamente 30 millas al noreste del centro de Las Vegas dentro de la Zona de Uso del Vértice Industrial. Este sitio ya no se encuentra bajo consideración.
- **Dolan Springs Site.** El sitio de Dolan Springs abarca 640 acres ubicadas aproximadamente 65 millas al sureste del centro de Las Vegas en el Condado de Mohave. El sitio de Dolan Springs ya no se encuentra bajo consideración.

- **1690 East Mike Road Site.** Ubicado cerca de Pahrump en el condado de Nye, Nevada, este sitio de 30 acres está aproximadamente 70 millas al noroeste del centro de Las Vegas. El sitio 1690 East Mike Road ya no se encuentra bajo consideración.
- **2871 East Mesquite Avenue Site.** Este sitio de 40 acres está ubicado aproximadamente 68 millas al noroeste del centro de Las Vegas en el condado de Clark, no constituido. El sitio 2871 East Mesquite Avenue ya no se encuentra bajo consideración.
- **8251 East Panaca Avenue/8500 East Huxley Avenue Site.** Este sitio consiste de dos parcelas que abarcan 80 acres ubicado aproximadamente 60 millas al noroeste del centro de Las Vegas en el pueblo de Pahrump. Este sitio ya no se encuentra bajo consideración.
- **6871 North Blagg Road Site.** Este sitio de 30.77 acres ubicado aproximadamente 70 millas al noroeste del centro de Las Vegas en Pahrump. El sitio 6871 North Blagg Road ya no se encuentra bajo consideración.

Se determinó que cuatro de los sitios (el sitio 630 East Parque Avenue, 2250 East Mesquite Avenue, Apex Industrial Use Zone Site A, y Moapa) eran alternativas que valía la pena tener en cuenta y se evaluaron en detalle dentro del borrados de impacto ambiental.

ACCIÓN ALTERNATIVA PREFERIDA DE LA AGENCIA: La Acción Alternativa Preferida de la Agencia es contratar el suministro de un establecimiento de detención propiedad del contratista/administrado por el contratista para albergar a detenidos federales. Bajo la acción propuesta, el contratista seleccionado (Corporación de Corrección de America) se encargaría de albergar a aproximadamente de 1.000 a 1.500 detenidos federales y de asegurar que el establecimiento de detención sea dirigido de una manera consecuente con la misión y los requisitos de la OFDT y del USMS. El desarrollo del establecimiento de detención propuesto propiedad del contratista necesitaría aproximadamente de 12 a 15 meses para completar y empleará de 200 a 250 individuos al comenzar funcionamiento. El rendimiento del contrato se llevará a cabo en un establecimiento que se desarrollaría y funcionaría en el sitio 2250 East Mesquite Avenue en Pahrump, Nevada. El propósito de esta revelación es permitir la revisión significativa del público respecto a los potenciales impactos ambientales del propuesto otorgamiento de contrato. No surgirá ninguna responsabilidad legal de parte del Gobierno por cualquier pagamiento hasta que el Gobierno haya completado oficialmente el procedimiento NEPA y otorgamiento oficial del contrato.

DETERMINACIONES: Se espera que la implementación de la acción propuesta resulte en un impacto menos que significativo al sitio del proyecto inmediato y a la comunidad residente dentro de la cual se encuentra el sitio seleccionado. Se obtendría un impacto positivo de la acción propuesta incluyendo contribuciones hacia la protección de la sociedad y el cumplimiento de los objetivos del Departamento de Justicia de los Estados Unidos. La implementación de la acción propuesta no resultaría en un impacto adverso considerable según la definición de la Ley Nacional de Políticas sobre el Medio Ambiente a la vez que tendría efectos beneficiosos tales como: crear mayor espacio para albergar a la creciente población de detenidos federales; estimular la economía de la región sur de Nevada; crear oportunidades de empleo durante la fase de construcción y operación del establecimiento de detención. Los impactos adversos cumulativos, secundarios y relacionados con la construcción, así como otros efectos adversos serían controlados, mitigados o evitados en la mayor medida posible. A la fecha, no se ha determinado una ubicación alternativa preferente de la acción propuesta a fines del impacto ambiental. El contratista de detención seleccionado sería responsable de albergar aproximadamente de 1,000 a 1,500 detenidos federales y de asegurar que el establecimiento de detención se opere de una manera consistente con la misión y requerimientos de la OFDT y el USMS. La construcción del centro

de detención propuesto requeriría aproximadamente de 12 a 15 meses para su terminación y emplearía aproximadamente de 200 a 250 individuos para su operación.

FECHA DE PUBLICACIÓN FEDERAL REGISTRADA: 28 de marzo de 2008

EL PERÍODO DE COMENTARIOS TERMINA: 28 de abril de 2008

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LIST OF ABBREVIATIONS AND ACRONYMS

ACA	American Correction Association
ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ASTM	ASTM International
bgs	below ground surface
BLM	Bureau of Land Management
BOP	Bureau of Prisons
CEQ	Council on Environmental Quality
CWA	Clean Water Act
Corps	U.S. Army Corps of Engineers
dB	Decibels
EIS	Environmental Impact Statement
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act
JPATS	Justice Prisoner and Alien Transportation System
MSHCP	Multiple Species Habitat Conservation Plan
msl	Mean sea level
MVNWR	Moapa Valley National Wildlife Refuge
MVWD	Moapa Valley Water District
NDEP	Nevada Division of Environmental Protection
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act
NHD	National Hydrography Dataset
NNHP	Nevada Natural Heritage Program
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
NWI	National Wetland Inventory
NWP	Nationwide Permit
PUC	Nevada Public Utilities Commission
OFDT	Office of the Federal Detention Trustee
ROD	Record of Decision
SCS	Soil Conservation Service
SHPO	State Historic Preservation Office
THPO	Tribal Historic Preservation Office
tpy	Tons per year
USDA	U.S. Department of Agriculture
USDOJ	U.S. Department of Justice
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
USMS	U.S. Marshals Service
WWTP	Wastewater Treatment Plant

SUMMARY

SUMMARY

A. INTRODUCTION

This document, together with its appendices and incorporations by reference, constitutes a Final Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. Its purpose is to present an assessment of the environmental consequences of a proposed action by the U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT) to award a contract to house federal detainees within a Contractor-Owned/Contractor-Operated detention facility. The OFDT has lead responsibility for the proposed action and is being assisted and supported by the U.S. Marshals Service (USMS).

Law enforcement activities in the western United States in general and in the Las Vegas metropolitan region in particular are resulting in greater numbers of federal detainees requiring secure housing than are readily available in local or state detention and correctional facilities. On the basis of current conditions and projected requirements, it has been determined that there is an immediate and long-term need to house approximately 1,000 to 1,500 federal detainees within a Contractor-Owned/Contractor-Operated detention facility located in proximity to Las Vegas, Nevada. Implementation of the proposed action would provide this needed bedspace. The OFDT prepared and published a Request for Proposals for this purpose in 2007 and is evaluating submissions from prospective offerors.

The Final EIS, the assessment it presents, and the procedures by which the environmental investigations are conducted and incorporated in decision-making are parts of a process established by NEPA to ensure that the environmental consequences of federal actions are adequately taken into account. The process is designed to ensure that public officials make decisions based on a full understanding of the environmental impacts of proposed actions and take all appropriate steps to *"protect, restore and enhance the environment"*

During the past decade, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. The detainee population has increased by unprecedented numbers over the past two decades from approximately 3,000 in 1981 to some 55,000 to 60,000 today with continued growth in the federal detainee population expected for the foreseeable future. Housing these prisoners involves use of a combination of local, state, federal and private facilities located around the country. The growth in the detainee population is occurring at the same time that available space to house federal detainees in local jails is decreasing. Local jail space is increasingly needed to house local offenders, leaving less space available for the contractual accommodation of federal detainees. These trends are projected to continue in the future and present a major challenge for those federal agencies such as the OFDT which are responsible for detaining prisoners.

Faced with severe shortages in state and local bedspace, especially in major metropolitan areas (federal court cities), as well as court-ordered caps on prisoner populations, it has grown increasingly difficult to locate bedspace in state and local jails that have traditionally been used to house federal prisoners. Consequently, the OFDT periodically contracts for detention services or must house detainees farther and farther from their respective federal court cities. The resultant long-distance movement of federal detainees requires substantial amounts of time and resources, and strains the Justice Prisoner and Alien Transportation System to its limits.

B. ALTERNATIVES CONSIDERED

Five prospective detention contractors initially offered 11 alternative sites in Nevada and Arizona for development of a Contractor-Owned/Contractor-Operated detention facility with several of the alternative sites offered by more than one contractor. Ten of the 11 sites were found to be located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada. The 75-mile radius was among several minimum solicitation requirements and, hence, one of the 11 sites, located near the City of Kingman in Mohave County, Arizona, was quickly eliminated from further consideration. Following the public scoping meetings and prior to preparation of the Draft EIS, six of the 10 alternative sites located within the 75-mile radius were subsequently withdrawn from further consideration by the prospective contractors. Each of the alternative sites is described below, including those withdrawn from consideration.

- **630 East Parque Avenue Site.** Located in the Town of Pahrump in Nye County, Nevada, the 630 East Parque Avenue Site comprises 40 acres located approximately 70 miles northwest of downtown Las Vegas.
- **2250 East Mesquite Avenue Site.** Also located in Pahrump, Nevada, this 120-acre site is approximately 68 miles northwest of downtown Las Vegas.
- **Apex Industrial Use Zone Site A.** Located in unincorporated Clark County, Nevada, this 90-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone.
- **Moapa Site.** The Moapa Site comprises 80 acres located approximately 57 miles northeast of downtown Las Vegas in unincorporated Clark County.
- **Apex Industrial Use Zone Site B.** Also located in unincorporated Clark County, Nevada, this 170-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. This site has been withdrawn from further consideration.
- **Dolan Springs Site.** The Dolan Springs Site comprises 640 acres located approximately 65 miles southeast of downtown Las Vegas in Mohave County. The Dolan Springs Site has been withdrawn from further consideration.
- **1690 East Mike Road Site.** Located near Pahrump in Nye County, Nevada, this 30-acre site is approximately 70 miles northwest of downtown Las Vegas. The 1690 East Mike Road Site has been withdrawn from further consideration.
- **2871 East Mesquite Avenue Site.** This 40-acre site is located approximately 68 miles northwest of downtown Las Vegas in the Pahrump Regional Planning District. The 2871 East Mesquite Avenue Site has been withdrawn from further consideration.
- **8251 East Panaca Avenue/8500 East Huxley Avenue Site.** This site consists of two parcels comprising 80 acres located approximately 60 miles northwest of downtown Las Vegas in the town of Pahrump. This site has been withdrawn from further consideration.
- **6871 North Blagg Road Site.** This 30.77-acre site is located approximately 70 miles northwest of downtown Las Vegas in Pahrump. The 6871 North Blagg Road Site has been withdrawn from further consideration.

Four sites (the 630 East Parque Avenue Site, the 2250 East Mesquite Avenue Site, the Apex Industrial Use Zone Site A, and the Moapa Site) were determined to be alternatives worthy of consideration and were evaluated in detail within the Draft EIS. It should be noted that since publication of the Draft EIS, the Apex Industrial Use Zone Site A has been withdrawn from further consideration.

C. SUMMARY OF FINDINGS

The proposed action to contract with a detention contractor to house approximately 1,000 to 1,500 federal detainees is expected to result in less-than-significant impacts to the immediate project site and the community surrounding the selected site. Beneficial impacts would be derived from the proposed action, including contributing to the protection of society and achieving the goals of the U.S. Department of Justice. Implementation of the proposed action should result in no significant adverse impacts as defined by the NEPA while resulting in such positive impacts as: creation of additional detention facility capacity to house a portion of the growing federal detainee population; stimulation of the economy of southeast Nevada; and creation of employment opportunities during both the construction of the detention facility and during its operation.

The proposed action would result in less-than-significant impacts on utility services, traffic and transportation movements, land use, community services, noise and air quality and environmental resources. Beneficial impacts would be realized through alleviation of overcrowded conditions in other federal detention facilities and would provide a much-needed new facility. The proposed action, in concert with other actions, would contribute substantially to the implementation of national criminal justice initiatives in general and as it pertains to the Las Vegas, Nevada region of the country. Beneficial impacts on the region's economy would also be realized by virtue of the facility's construction and operating budgets.

Regulations for the preparation of environmental impact studies require them to address the relationship between short-term use of the environment and the maintenance of long-term productivity. If the proposed action proceeds, the selected site would be used as a construction site for an estimated 12 to 15 months following ground-breaking. Construction would involve clearing and grubbing, excavating, surfacing, paving, landscaping, installing lighting and sign fixtures, and erecting structures. Slight and temporary disruption of traffic patterns due to construction-related activities can be anticipated. However, these disruptions would be brief and the construction period would generate economic productivity in terms of the new construction jobs created, new payrolls, induced personal income, and purchasing of materials, supplies and services during both the construction and operational phases of the proposed action.

The economy of the Nye County and Clark County region in general, would benefit on an on-going basis by virtue of the employment opportunities available at the facility and the approximately \$25 to \$40 million annual operating budget. For the most part, these productivity gains would be long-term, given the projected lifespan of the facility and the potential duration of the contract to house federal detainees at the facility.

Regulations for the preparation of environmental impact studies also require that they address irreversible and irretrievable commitments of resources associated with the proposed action. In this instance, it should be noted that implementation of the proposed action at any of the Nye County or Clark County sites would result in both direct and indirect commitments of resources. In some cases, the resources committed would be recovered in a relatively short period of time. In other cases, resources would be irreversibly or irretrievably committed by virtue of being consumed or by the apparent limitlessness of the period of their commitment to a specific use. Irreversible and irretrievable

commitments of resources can sometimes be compensated for by the provision of similar resources with substantially the same use or value.

Resources consumed as a result of detention facility development would be offset by the creation of the facility and the resulting societal benefits. The use of the portion of the land containing the facility could be considered irretrievably committed as well as various construction materials, including cement, aggregate, steel, asphalt, lumber and other building materials.

The capital, land, labor and materials necessary to implement the proposed action are irreversibly and irretrievably committed. The capital, labor and resources required to operate the proposed action are also irreversibly and irretrievably committed. Over the long-term, construction and operation of the proposed facility could result in an increase in the pace of development in southeast Nevada than would occur if the facility were not constructed. Although the nature of such secondary development can be controlled through the application of appropriate land use regulations, any induced land development is, for all practical purposes, an irreversible and irretrievable commitment of land and materials.

D. CONSIDERATION OF SECONDARY AND CUMULATIVE IMPACTS

Construction and operation of the proposed detention facility would result in less-than-significant impacts to the selected site and the respective host community/county. Less-than-significant impacts are anticipated to topographic conditions, geologic features, soils, hydrology, land uses, utility services, traffic and transportation movements to and from the site, and noise and air quality characteristics. The proposed action, in concert with other actions, would contribute substantially to the efficient operation of the national criminal justice system. Secondary beneficial impacts on the region's economy would also be realized by virtue of the facility's construction and operating budgets. The compact, self-contained nature of the proposed facility would not have a significant affect on local land use patterns and would have little, if any, indirect impact on land uses in the area of the selected site.

The Apex Industrial Park Zone Site A is located within an area planned for large-scale industrial development. Development of the proposed project at this site should pose no unusual land use impacts. There are no other large-scale developments planned in and around the proposed project sites. Cumulative impacts are therefore not anticipated. Any resulting secondary impacts and other potentially adverse impacts could be controlled, mitigated and avoided. Secondary effects of the proposed action would include stimulation of the regional economy, as well as its contribution to the overall efficiency of the federal justice system in general and in the Las Vegas, Nevada region in particular.

E. NEXT STEPS

The Final EIS will be circulated for review and comment with copies of the Final EIS available at area public libraries during the review period. The Final EIS addresses changing conditions which may have occurred since publication of the Draft EIS, incorporates additional data which may have come to light into the decision-making process and responds to all comments received on the Draft EIS.

The Final EIS will be subject to a review period of not less than 30 days with a decision whether to proceed with the proposed action made thereafter. That decision will take all environmental analyses and comments into account and will be documented by a Record of Decision to be issued by the Federal Detention Trustee, pursuant to the requirements of the NEPA and U.S. Department of Justice regulations. Comments on the Final EIS are invited and should be directed to:

- Scott P. Stermer, Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
461 North Fairfax Drive, 9th Floor
Arlington, Virginia 22203

F. AGENCY PREFERRED ALTERNATIVE

The Agency Preferred Alternative is to contract for provision of a Contractor-Owned/Contractor-Operated detention facility to house federal detainees. Under the proposed action the selected contractor (Corrections Corporation of America) would be responsible for housing approximately 1,000 to 1,500 federal detainees and for ensuring that the detention facility is operated in a manner consistent with the mission and requirements of the OFDT and USMS. Development of the proposed contractor detention facility would require approximately 12 to 15 months to complete and employ approximately 200 to 250 individuals upon operation. Contract performance would be carried out at a facility to be developed and operated at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The purpose of this disclosure is to allow for meaningful public review on the potential environmental impacts of the proposed contract award. No legal liability on the part of the Government for any payment shall arise until the Government has officially completed the NEPA process and official contract award.

I. INTRODUCTION

I. INTRODUCTION

A. PURPOSE OF THE ENVIRONMENTAL IMPACT STATEMENT

This document, together with its appendices and incorporations by reference, constitutes a Final Environmental Impact Statement (EIS) prepared pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, (Pub. L. 91-190, 42 U.S.C. 4321-4347) as amended. Section 102(2)(C) of NEPA provides that all agencies of the Federal government shall prepare a detailed statement concerning major Federal actions significantly affecting the quality of the human environment. The Final EIS follows the Council on Environmental Quality "*Regulations for Implementing NEPA*" (40 Code of Federal Regulations [CFR] Part 1500-1508). Its purpose is to present an assessment of the environmental consequences of a proposed action by the U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT) to award a contract to house federal detainees within a Contractor-Owned/Contractor-Operated detention facility. The OFDT has lead responsibility for the proposed action and is being assisted and supported by the U.S. Marshals Service (USMS).

Law enforcement activities in the western United States in general and in the Las Vegas metropolitan region in particular are resulting in greater numbers of federal detainees requiring secure housing than are readily available in local or state detention and correctional facilities. On the basis of current conditions and projected requirements, it has been determined that there is an immediate and long-term need to house approximately 1,000 to 1,500 federal detainees within a Contractor-Owned/Contractor-Operated detention facility located in proximity to Las Vegas, Nevada. Implementation of the proposed action would provide this needed bedspace. The OFDT prepared and published a Request for Proposals for this purpose in 2007 and is evaluating submissions from prospective offerors.

The Final EIS, the assessments it presents, and the procedures by which the environmental investigations are conducted and incorporated in decision-making are parts of a process established by NEPA to ensure that the environmental consequences of federal actions are adequately taken into account. The process is designed to ensure that public officials make decisions based on a full understanding of the environmental impacts of proposed actions and take all appropriate steps to "*protect, restore and enhance the environment*" (40 CFR 1501.7).

Chapter I of the Final EIS provides the background and context of the proposed action while Chapter II describes alternatives to the proposed action. Chapter III describes existing conditions within the potentially affected natural and manmade environments at each proposed project location. Chapter IV describes potential impacts of the proposed action and measures to mitigate potentially adverse impacts. Chapters V, VI and VII, respectively, comprise a List of References used in preparing the EIS, a List of EIS Preparers, and a List of Agencies and Officials to receive a copy of the EIS for review and comment. A new Chapter VIII has also been included within this Final EIS which incorporates written comments received on the Draft EIS along with responses to such comments. Additional information is incorporated within the Appendices, as indicated by the Table of Contents.

B. PUBLIC SCOPING

Regulations for the implementation of NEPA are promulgated by the Council on Environmental Quality (40 CFR 1500-1508) and include a requirement for *“an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.”* The process is known as *“scoping.”* In accordance with these regulations, the OFDT, assisted by the USMS, undertook the following scoping activities:

- Published a *Notice of Intent to Prepare a Draft EIS* in the Federal Register for the development of a Contractor-Owned/Contractor-Operated detention facility to house federal detainees in the Las Vegas, Nevada area (Appendix A).
- Invited federal, state and local agencies and officials, Native American organizations and the public to participate in the scoping and environmental impact study process.
- Held Public Scoping Meetings at the Bob Rudd Community Center in Pahrump, Nye County, Nevada on June 19, 2007; at the Mohave County Administration Building in Kingman, Mohave County, Arizona on June 20, 2007; and at the Marley P. Robinson Justice Court and Community Center in Moapa, Clark County, Nevada on June 21, 2007. OFDT officials presided at the three meetings, which were attended by approximately 100 citizens and officials along with representatives of the USMS. The proposed action was described and issues were identified by attendees at the meetings. Members of the media were also present, and the scoping meetings were reported in newspapers with local and regional circulations. Transcripts of each public scoping meeting have been included as Appendix A.
- In furtherance of its public scoping activities, the OFDT prepared a Public Scoping Document that described the OFDT and USMS, the purpose and need for the proposed action, and each alternative project location under consideration in the Las Vegas, Nevada area and sought expressions of interest, concerns and information at the onset of the EIS process. This document was made available to individuals who attended the three public scoping meetings as well as local, state and federal officials and regulatory agencies, Native American organizations, and members of the public (see Appendix A).
- Arranged and attended meetings and held discussions with federal, state, and local agencies and officials to further refine EIS tasks.
- Determined the scope and significance of issues to be included within the EIS study on the basis of all relevant environmental considerations and information obtained throughout the scoping process. The determination defined the scope and significance of the issues to be included in the Draft EIS and identified issues that could be eliminated from detailed study as irrelevant or insignificant.
- Identified additional data requirements on the basis of information obtained from the scoping process so that analyses and findings could be integrated into the Draft EIS.

Following publication of the Notice of Intent in the Federal Register and the three subsequent public scoping meetings, and throughout the months of Draft EIS preparation that followed, OFDT officials and staff continued to review incoming correspondence, newspaper articles and other indications of interest or concern on the part of regulatory agencies, local and national organizations, elected officials, Native American organizations and the public regarding the proposed action. The resulting

scope of study is indicated by the foregoing Table of Contents and the materials presented in the subsequent sections of this document and its incorporation by reference.

Publication of the Draft EIS initiated a public review and comment period which lasted no less than 45 days, during which time the OFDT hosted public hearings in Moapa and Pahrump, Nevada. Following the end of the public comment period, the OFDT prepared and published this Final EIS which incorporates additional data which may have come to light into the decision-making process and responds to all comments received on the Draft EIS. The Final EIS will be subject to a public review period of not less than 30 days. A decision whether to proceed with the proposed action would be made thereafter by the Federal Detention Trustee. That decision will take all environmental analyses and comments into account and would be documented by a Record of Decision as stipulated by the NEPA regulations.

C. MISSION OF THE OFFICE OF THE FEDERAL DETENTION TRUSTEE

The OFDT was established within the U.S. Department of Justice (DOJ) in September 2001 by directive of the United States Congress (Public Law 106-553) in response to growing concerns about the federal detention system. As stated in the law, the Federal Detention Trustee “...shall exercise all power and functions authorized by law relating to the detention of federal detainees in non-federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration Service.” Prior to the OFDT’s establishment, the management of federal detention was decentralized with the primary responsibility for detention divided between the USMS and the U.S. Immigration and Naturalization Service (now U.S. Immigration and Customs Enforcement), with the Federal Bureau of Prisons (BOP) providing a supporting role.

Prior to the establishment of the OFDT, the demand for detention bedspace was increasing at a rapid rate rising by over 125 percent between 1994 and 2001 (when the OFDT was established). Such growth resulted in a commensurate increase in federal funding for bedspace, transportation, medical costs, support services and associated personnel. Unfortunately, growth in the demand for detention services has outpaced the ability of the various agencies involved in detention to coordinate needs efficiently and plan effectively. In addition, as the demand for detention beds has grown, so have the challenges associated with locating bedspace sufficient for each federal agency’s needs in many locations.

The fragmented management structure of federal detention and the complexity and dynamic nature of detention issues have also led to difficulty in developing and implementing coordinated business practice improvements. While significant resources have been provided over the years to detention operations, generally such resources have been allocated following the funding of major law enforcement initiatives. Detention bedspace acquisitions have been “reactionary” to short-term immediate needs at the field level as opposed to a strategic approach to maximizing detention resources. Among the roles and responsibilities of the OFDT is to provide leadership and direction to the detention planning and management system and since its inception has been working to ensure that detention resources are used effectively and efficiently.

The rapid growth in the federal detention programs has resulted in the development of organizational “coping strategies”, short-term tactics implemented to resolve immediate crises or pressing detention demands. As such “coping strategies” are utilized, practices fundamental to efficient and effective detention (such as housing detainees within close proximity to courthouses and ports of entry) are being increasingly compromised.

Federal detention space is generally provided by three sources: federally-owned-and-operated detention centers; facilities operated by state or local government; or facilities operated by private detention companies. The majority of federal detainees have traditionally been held in non-federal facilities; however, between 1994 and 2001, due to the rapid growth in federal detention, the portion of detainees held in non-federal facilities substantially increased, from 57 percent to 71 percent. While the increasing role of non-federal facilities provides budgetary relief from large capital construction costs, it does require that the federal government improve and increase its monitoring of state, local and private detention facilities to ensure that appropriate detention standards are maintained.

At the present time, the OFDT is seeking to obtain contract detention services to house persons in the custody of the USMS in the Las Vegas, Nevada region. The comprehensive detention services would serve a population principally consisting of individuals charged with federal offenses and detained while awaiting trial or sentencing, a hearing on immigration status, or deportation.

D. MISSION OF THE UNITED STATES MARSHALS SERVICE

The USMS is the nation's oldest and most versatile federal law enforcement agency. Created by the Judiciary Act of 1789, the same legislation that established the federal judicial system, the U.S. Marshals have served the nation through a variety of vital law enforcement activities. The Director, Deputy Director and 95 U.S. Marshals (appointed by the President or the Attorney General) direct the activities of 94 district offices and the Superior Court of the District of Columbia and personnel stationed at more than 350 locations throughout the 50 states and U.S. territories. The USMS occupies a uniquely central position in the federal justice system and is involved in virtually every federal law enforcement initiative. Approximately 4,600 Deputy Marshals and career employees perform a variety of nationwide, day-to-day missions as described below.

1. Fugitive Investigations

The USMS has primary jurisdiction nationwide in conducting and investigating fugitive matters involving escaped federal prisoners, probation, parole, and bond default violators, and warrants generated by Drug Enforcement Administration (DEA) investigations and certain other related felony cases.

a. 15 Most Wanted List

The USMS has maintained its own "15 Most Wanted" fugitives list since 1983. The high-profile list includes America's most dangerous career criminals. The majority of the individuals who have appeared on the "15 Most Wanted" lists have been apprehended.

b. Domestic Investigations

Investigations carried out by the USMS result in the annual apprehension of about 30,000 fugitive felons. Over a recent five-year period, USMS personnel apprehended more than 130,000 fugitives. In addition, the USMS sponsors five regional fugitive task forces and 88 multi-agency fugitive task forces comprised of federal, state and local agencies, concentrating their investigative efforts on fugitives wanted for crimes of violence and drug trafficking. Each year these task forces apprehend over 15,000 state and local fugitives wanted for felony charges. On the basis of legislation passed in 2006, the USMS is also the primary federal agency responsible for prosecuting sex offenders under 18 USC 2250, failure to register as a sex offender.

c. International Investigations

On the international front, the USMS has become the primary American agency responsible for returning fugitives wanted in the United States from foreign countries. The USMS also apprehends fugitives here who are wanted abroad.

d. Analytical Support Unit

The Analytical Support Unit is a team of analysts which provides tactical and strategic expertise to USMS district offices. The Unit researches and reports judicial threats during trials and other protective missions. It also researches information during fugitive investigations and oversees the Warrant Information Network, the agency's central law enforcement computer system, and the USMS communications center.

2. Protecting the United States Courts

Providing personal protection to federal judges, court officials, witnesses, and jurors is a principal mission of the USMS. In the 95 districts, this means ensuring security and maintaining decorum within the courtroom itself, as well as personal protection for judicial officers, witnesses, and jurors away from the court facilities when warranted. The scope of the Marshals Service Court Security program includes protection for more than 2,000 federal judicial officers as well as countless other court officials, jurors, and witnesses. There are currently more than 700 locations where court proceedings are held throughout the nation. The USMS administers contracts for approximately 3,000 Court Security Officers who secure building entrances at more than 450 court facilities in the United States and its territories.

3. Prisoner Custody and Transportation

The USMS assumes custody of individuals arrested by all federal agencies and is responsible for the housing and transportation of prisoners from the time they are brought into federal custody until they are either acquitted or incarcerated.

a. Prisoner Custody

Each day, the USMS has in its custody 55,000 to 60,000 detainees who are housed in federal, state and local jails throughout the nation. Individuals who are arrested or detained for violation of a federal statute must be brought before a magistrate or judge for an initial hearing. After the hearing, prisoners may be released or remanded into USMS custody to stand trial.

In order to house these prisoners, the USMS contracts with more than 1,300 state and local governments to acquire bedspace, on a space available basis, for federal prisoners. The largest portion of the prisoners in USMS custody is detained in state and local facilities with a substantial number housed in private facilities. In locations where detention space is scarce, the USMS has provided selected state and local governments with Cooperative Agreement Program (CAP) funds to improve local jail facilities and to expand jail capacities. In return, the USMS receives guaranteed space for federal prisoners. Since 1982, the USMS has awarded more than \$285 million to counties and municipalities under CAP agreements, resulting in the provision of more than 13,600 guaranteed spaces for federal prisoners.

b. Prisoner Transportation

In 1995, the air fleets of the USMS and the U.S. Immigration and Naturalization Service (now known as U.S. Immigration and Customs Enforcement) merged to create the Justice Prisoner and Alien Transportation System (JPATS). The merger created a more efficient and effective system for transporting prisoners and criminal aliens. Operated by the USMS, JPATS is one of the largest transporters of prisoners in the world, handling hundreds of requests every day to move prisoners between judicial districts, correctional institutions and foreign countries. On average, more than 200,000 prisoner and alien movements a year are completed by the USMS via coordinated air and ground systems. Most of these prisoners are transported aboard USMS-owned aircraft and vehicles.

c. Prisoner Medical Care

The USMS relies on state and local jails as well as BOP detention facilities to provide medical care inside the facilities. When a prisoner must travel to medical facilities in the local community, the USMS is responsible for providing a secure escort and paying for such care. If a prisoner requires extended medical care, the federal judiciary may be requested to issue a court order to transfer the prisoner to a BOP-operated Federal Medical Center for care.

4. Witness Security

The Witness Security Program was authorized in 1970 by the Organized Crime Control Act of 1970 (Public Law 91-452) and was amended by the Comprehensive Crime Control Act of 1984. Through this program, the USMS provides for the security, health, and safety of government witnesses, and their immediate dependents, whose lives are in danger as a result of their testimony against organized crime, drug traffickers, terrorists and other major criminals. Since 1970, witnesses have entered the Witness Security Program and have been protected, relocated, and provided with new identities by the USMS. The successful operation of this program by the USMS is widely recognized as providing a unique and valuable tool in the government's war against major criminal conspiracies and organized crime. Since the inception of the program, an overall conviction rate of 89 percent has been obtained as a result of protected witnesses' testimony. A recent study found that less than 10 percent of protected witnesses with criminal histories are arrested and charged with crimes after joining the program. This rate of recidivism among program participants is less than half the rate of those released from the nation's prisons. In both criminal and civil matters involving protected witnesses, the USMS cooperates fully with local law enforcement and court authorities in bringing witnesses to justice or in having them fulfill their legal responsibilities.

5. Asset Seizure

In 1984, Congress enacted the Comprehensive Crime Control Act, giving federal prosecutors new forfeiture provisions to combat crimes and creating the Department of Justice Assets Forfeiture Fund. The proceeds from the sale of forfeited cars, real estate, jewelry and other forms of property, as well as tainted cash, are deposited into this fund and reinvested into law enforcement activities.

The 94 USMS district offices administer seized assets. The USMS secure custody, inventory, appraise, store and maintain property until the final court order is entered. Much of the work in this program is done by professional companies under contract to the agency. The volume and complexity of some types of assets require considerable knowledge and skill to be successfully managed. The USMS provides property services to the DEA, Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, U.S. Postal Inspection Service and the Food and Drug Administration. These federal agencies work with state, local and international law enforcement agencies to investigate seized

asset cases. At the conclusion of forfeiture cases, participating state and local agencies can apply for an equitable share of the proceeds.

6. Special Operations and Programs

Deputy U.S. Marshals carry out hundreds of special missions yearly that are related to the USMS's broad federal law enforcement and judicial security responsibilities. The Special Operations Group (SOG) is a specially-trained and highly-disciplined tactical unit. SOG is a self-supporting response team capable of responding to emergencies anywhere in the United States or its territories. Most of the Deputy Marshals who have volunteered to be SOG members serve as full-time Deputies in USMS offices throughout the nation, and they remain on call 24 hours a day for SOG missions. The group's missions include: fugitive apprehension; dignitary protection; court security; transporting high-profile and dangerous prisoners; witness security; and asset seizures.

E. DESCRIPTION OF THE PROPOSED ACTION

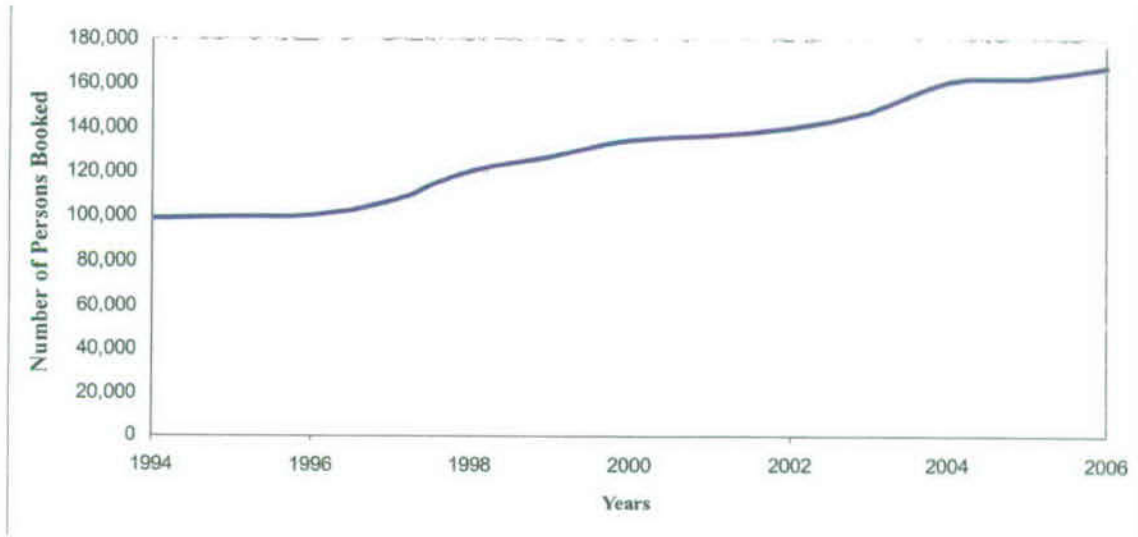
1. The National Picture

During the past decade, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. This is evident in the number of persons booked by the USMS which over the period from 1994 to 2006, increased from approximately 100,000 to over 160,000 annually (Exhibit I-1). As a result, the detainee population has increased by unprecedented numbers rising from approximately 3,000 in 1981 to some 55,000 to 60,000 today with continued growth in the federal detainee population expected for the foreseeable future. In recent years, immigration offenses and drug arrests have comprised the largest portion of the total increase in the federal detention population. Supervision violations (violations of parole, supervised release and probation) have also seen an upturn in recent years (Exhibit I-2). While all regions of the country have experienced a considerable increase in the number of detainees, substantial growth has occurred in the Southwest Region comprising Arizona, central and southern California, New Mexico and Texas (Exhibit I-3).

Housing these prisoners involves use of a combination of local, state, federal and private facilities located around the country. The growth in the detainee population is occurring at the same time that available space to house federal detainees in local jails is decreasing. Local jail space is increasingly needed to house local offenders, leaving less space available for the contractual accommodation of federal detainees. These trends are projected to continue in the future and present a major challenge for those federal agencies such as the OFDT which are responsible for detaining prisoners (Exhibit I-4).

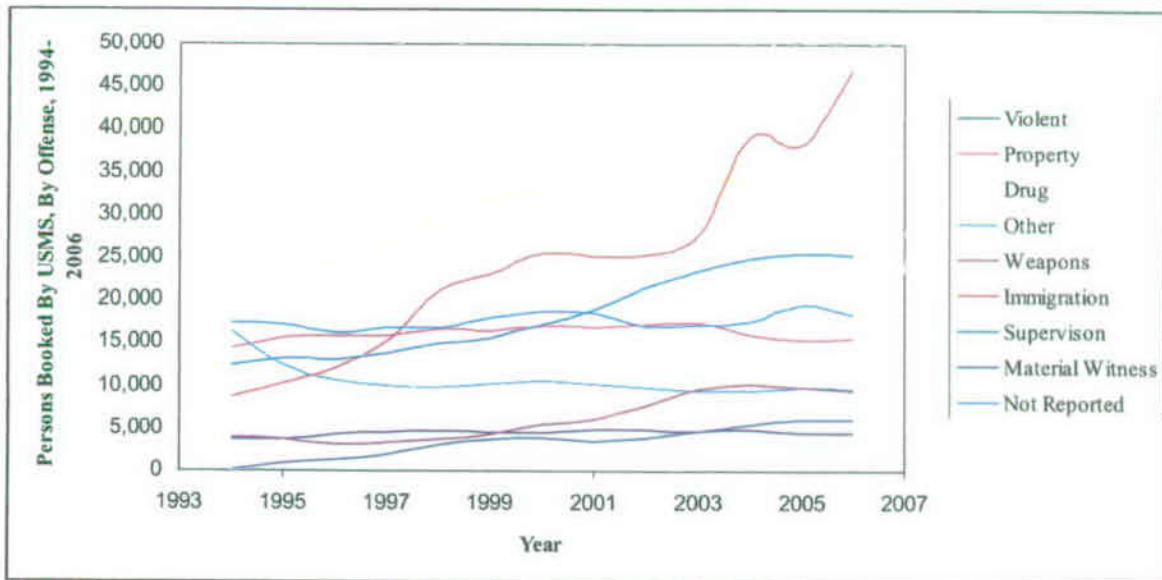
Faced with severe shortages in state and local bedspace, especially in major metropolitan areas (federal court cities), as well as court-ordered caps on prisoner populations, it has grown increasingly difficult to locate bedspace in state and local jails that have traditionally been used to house federal prisoners. Consequently, the OFDT periodically contracts for detention services or must house detainees farther and farther from their respective federal court cities. The resultant long-distance movement of federal detainees requires substantial amounts of time and resources, and strains the Justice Prisoner and Alien Transportation System to its limits.

EXHIBIT I-1 NUMBER OF PERSONS BOOKED BY USMS, 1994-2006



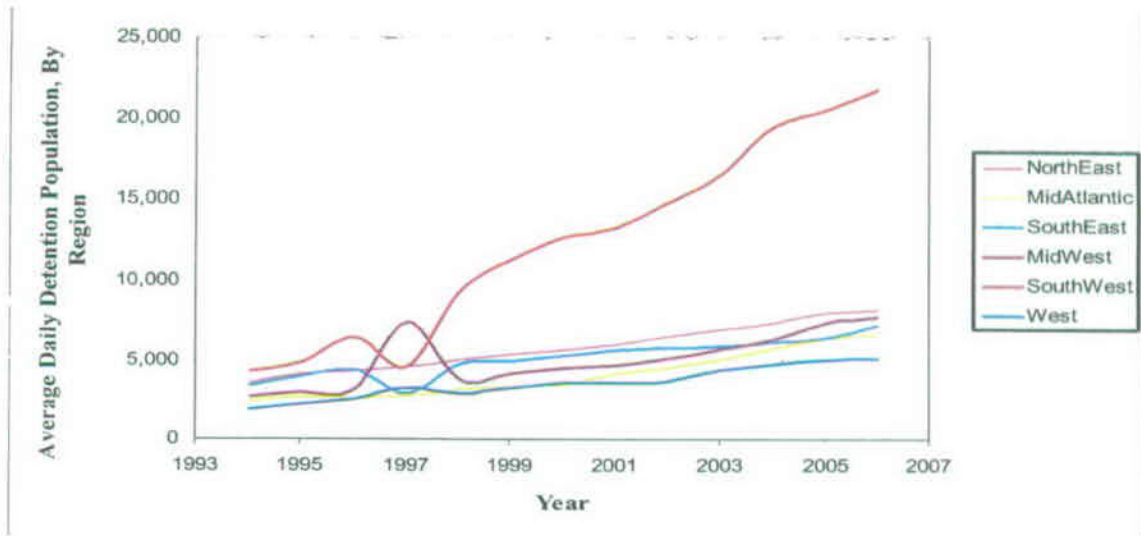
Sources: U.S. Marshals Service, Prisoner Tracking System, March 31, 2007 Extract (Actual) and Office of the Federal Detention Trustee, September 2007.

EXHIBIT I-2 PERSONS BOOKED BY USMS BY OFFENSE, 1994-2006



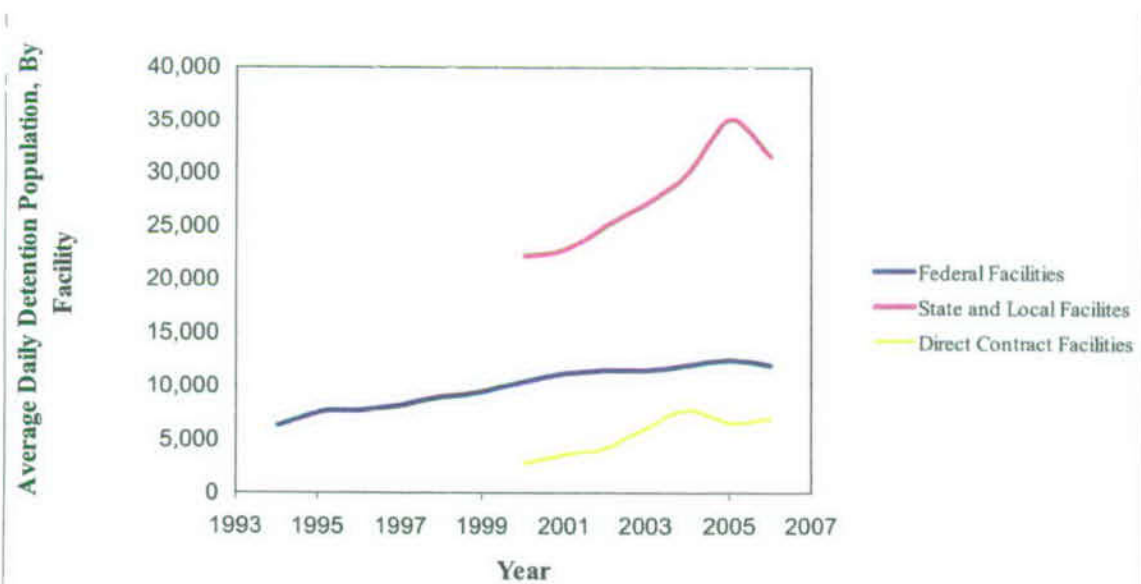
Sources: U.S. Marshals Service, Prisoner Tracking System, March 31, 2007 Extract (Actual) and Office of the Federal Detention Trustee, September 2007.

EXHIBIT I-3 AVERAGE DAILY POPULATION BY REGION, 1994-2006



Sources: U.S. Marshals Service, Prisoner Tracking System, March 31, 2007 Extract (Actual) and Office of the Federal Detention Trustee, September 2007.

EXHIBIT I-4 AVERAGE DAILY POPULATION BY FACILITY, 1994-2006



- Notes:
1. Direct Contract Facilities are privately-owned/operated facilities.
 2. Data for State and Local and Direct Contract Facilities is not available for 1994-1999.
 3. IGA Pass through and Non-paid Non-Federal Facilities not included.

Sources: U.S. Marshals Service, Prisoner Tracking System, March 31, 2007 Extract (Actual) and Office of the Federal Detention Trustee, September 2007.

2. The Situation in the Las Vegas, Nevada Area

Housing the growing number of federal detainees within the Las Vegas, Nevada area is considered to be an especially important priority. The high level of federal law enforcement activity in the western United States in general and in the Las Vegas metropolitan area in particular requires more beds than are readily available in local or state facilities. Compounding the challenge faced by the USMS is the need for detention facilities to be located near federal courthouses so as to allow the USMS to transport detainees accused of violating federal laws for court appearances. In response to this need, the OFDT, with the support and assistance of the USMS, is seeking to contract for a Contractor-Owned/Contractor-Operated facility to house detained individuals charged with federal offenses and while awaiting trial or sentencing.

For the past several decades, the USMS has relied upon local and county jail facilities to house a portion of the federal detainee population in the Las Vegas, Nevada area. These arrangements were formalized via an agreement in 1991 whereby the USMS provided approximately \$2.5 million in CAP funds to the City of North Las Vegas for development of bedspace that allowed USMS access to 60 beds for its exclusive use. Several years later, an additional \$5.8 million in federal funds were made available to the City of North Las Vegas that increased the number of beds available for federal use to approximately 450 (300 beds for USMS use and 150 beds for U.S. Immigration and Customs Enforcement use). Throughout this time, reliance was also placed upon City of Las Vegas and Clark County jail facilities to accommodate federal detainees in excess of those housed in North Las Vegas. By 2005, the USMS was housing over 700 federal prisoners in the Las Vegas area with over 250 federal detainees housed at the Las Vegas Detention Center alone. In November 2005, the continued growth in the federal detainee population and reductions in available bedspace in Las Vegas required use of a Contractor-Owned/Contractor-Operated detention facility located approximately 325 miles southeast of Las Vegas in Florence, Arizona. Constraints on bedspace in Arizona required detainees to be housed in Estancia, New Mexico for several months in early 2006. At the present time, approximately 10 to 15 federal detainees are still held in City of Las Vegas facilities with the remainder housed in Florence, Arizona. The great distances between Las Vegas and facilities located in Arizona and New Mexico make the task of transporting detainees to and from Las Vegas for court appearances more costly, time-consuming, and potentially more risky.

3. Need for the Proposed Contractor Detention Facility

The OFDT is proposing to contract to house in a Contractor-Owned/Contractor-Operated detention facility approximately 1,000 to 1,500 individuals having business before the federal court in the Las Vegas region, i.e., individuals arrested for violation of federal statutes and not released on bond while awaiting trial. The USMS is responsible for the care, custody and housing of such individuals. These individuals are principally detained either in federally-owned and operated facilities, in Contractor-Owned/Contractor-Operated detention facilities, or through Intergovernmental Agreements or the CAP. Current housing and transportation arrangements in place to serve the U.S. Courts in Las Vegas, Nevada are both inadequate and inefficient, due in part to the growth in the number of federal detainees and limits on available contractual arrangements for bedspace.

The past several years has seen a substantial increase in the number of individuals being held in local jails in the Las Vegas area. Accommodating that growth requires additional bedspace that can only be made available by reducing the number of federal detainees housed in such facilities. Implementation of the proposed action would allow federal detainees to be housed at a detention facility located in proximity to the United States Courthouse in Las Vegas as the past arrangements for bedspace in local facilities ends, while meeting the need for expanded bedspace capacity.

F. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

1. Response to Solicitation

In response to publication of the solicitation in early 2007, five prospective contractors offered 11 alternative sites for development of the proposed Contractor-Owned/Contractor-Operated detention facility with several of the alternative sites offered by more than one contractor. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada (Exhibit I-5). The 75-mile radius was among several minimum solicitation requirements and, hence, one of the 11 sites, located near the City of Kingman in Mohave County, Arizona, was quickly eliminated from further consideration.

Prior to preparation of the Draft EIS, six of the 10 alternative sites were withdrawn by the prospective contractors with the four remaining sites determined to be alternatives worthy of further consideration and were evaluated in the Draft EIS. The alternative sites are described below including those withdrawn from consideration.

- **630 East Parque Avenue Site.** Located in the Town of Pahrump in Nye County, Nevada, the 630 East Parque Avenue Site is an undeveloped 40-acre site approximately 70 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant.
- **2250 East Mesquite Avenue Site.** Also located in Pahrump, Nevada, this undeveloped 120-acre site is approximately 68 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant although a gravel operation and municipal landfill are found nearby.
- **Apex Industrial Use Zone Site A.** Located in the unincorporated area of Clark County, Nevada, this 90-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. The site is currently undeveloped with surrounding lands to the north and east in industrial use.
- **Moapa Site.** The Moapa Site comprises an undeveloped 80-acre site located approximately 57 miles northeast of downtown Las Vegas in Clark County. Surrounding lands are largely vacant with a power generating station and railroad located to the east.
- **Apex Industrial Use Zone Site B.** Located in the unincorporated area of Clark County, Nevada, this 170-acre site is also found approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. The site is currently vacant as are most surrounding lands. The Apex Industrial Use Zone Site B has been withdrawn from further consideration.
- **Dolan Springs Site.** The Dolan Springs Site comprises an undeveloped 640-acre site located approximately 65 miles southeast of downtown Las Vegas in Mohave County. Surrounding lands are largely vacant with scattered rural residential uses nearby. The Dolan Springs Site has been withdrawn from further consideration.
- **1690 East Mike Road Site.** Located in Pahrump, Nevada, this undeveloped 30-acre site is located approximately 70 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant. The 1690 East Mike Road Site has been withdrawn from further consideration.



REGIONAL LOCATION MAP - LAS VEGAS, NEVADA AREA

EXHIBIT I-5

- **2871 East Mesquite Avenue Site.** This undeveloped 40-acre site is located approximately 68 miles northwest of downtown Las Vegas in the Pahrump Regional Planning District. Surrounding lands include vacant properties to the west and east and scattered commercial uses to the north and south. The 2871 East Mesquite Avenue Site has been withdrawn from further consideration.
- **8251 East Panaca Avenue/8500 East Huxley Avenue Site.** This site consists of two undeveloped parcels which together comprise approximately 80 acres and located approximately 60 miles northwest of downtown Las Vegas in Pahrump. Surrounding lands are largely vacant. The 8251 East Panaca Avenue/8500 East Huxley Avenue Site has been withdrawn from further consideration.
- **6871 North Blagg Road Site.** This undeveloped 30.77-acre site is located approximately 70 miles northwest of downtown Las Vegas in Pahrump. Surrounding lands are largely vacant. The 6871 North Blagg Road Site has been withdrawn from further consideration.

The locations of the alternative sites are depicted on Exhibit I-6.

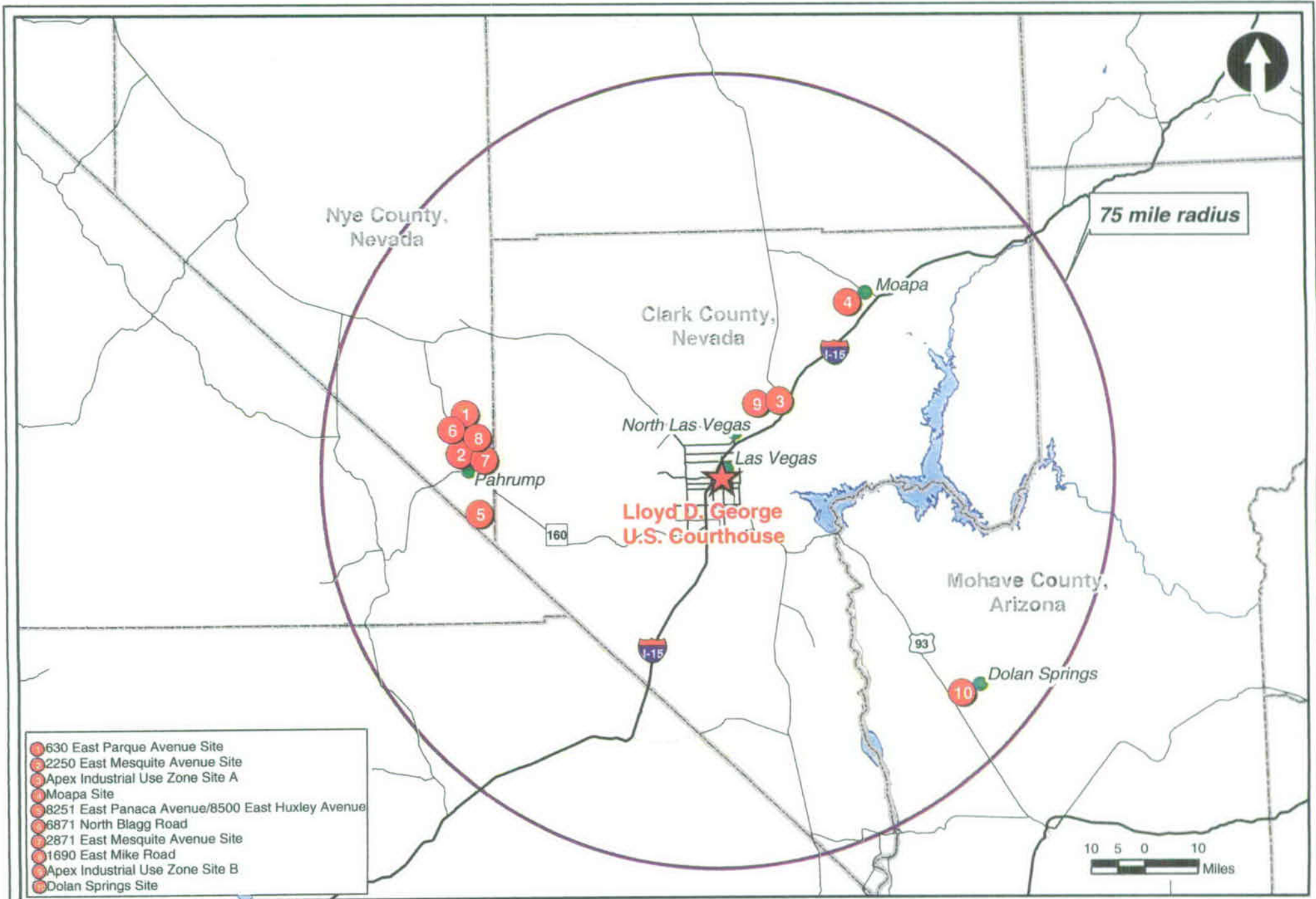
2. Environmental Documentation

In compliance with NEPA, efforts have been made to ensure that the potential environmental impacts associated with the proposal to award a contract to house federal detainees within a Contractor-Owned/ Contractor-Operated detention facility are thoroughly documented. In doing so, prospective contractors responding to the OFDT's solicitation have been required to participate with and assist in complying with NEPA requirements. For example, preparation and submission of environmental documentation was a mandatory component of each offeror's proposal. Mandating preparation and submission of environmental documentation served to ensure that each prospective contractor understands the need for documented consideration of the potential environmental impacts associated with the proposed action. Consideration has been given to potential impacts associated with construction activities, detention facility operation, and the attainment of the action's major objectives including analysis of the environmental impacts of the activities to be conducted by the offeror.

In furtherance of its commitment to the goals and objectives of NEPA, the OFDT and USMS have also undertaken preparation of this Draft EIS to independently document the potential environmental impacts associated with the proposed action. During preparation of the Draft EIS, incoming correspondence, newspaper articles and other indications of interest or concern on the part of the public regarding the proposed action were carefully reviewed and considered and this EIS incorporates documentation and analyses in response to public interests and concerns.

3. Environmental Justice Considerations

As required by Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*, February 11, 1996, environmental justice must be considered in the development of any federally-funded project. EO 12898 stipulates that each federal agency, "to the greatest extent practicable" should identify and address, as appropriate, "disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in the United States..." The EO embodies Title VI of the Civil Rights Act of 1964 and incorporates Title VI provisions into the planning and environmental processes.



PROPOSED DETENTION CENTER SITES - LAS VEGAS, NEVADA AREA

EXHIBIT I-6

To address environmental justice issues prior to initiating preparation of this document, three well-publicized public scoping meetings were held in the communities of Pahrump (Nye County) Nevada; Kingman (Mohave County), Arizona; and Moapa (Clark County), Nevada. The meetings were held in order to provide information to all who might be affected by the proposed action and to offer local, county, state, and federal agencies, elected officials, organizations and the public opportunities to comment on the proposal. In addition, various formal and informal discussions have been held in the potentially affected communities to discuss the proposed action and its potential impacts with the public, elected officials and others. The analysis completed in the preparation of this document takes into account those discussions and the comments which arose from such discussions along with the population, economic and housing characteristics of the communities surrounding the proposed project sites. Potential impacts, including socioeconomic impacts, are also reported in this document and include potential impacts of the proposed project on minority and low-income populations.

For the purpose of this evaluation, the project area for environmental justice was defined as the census block group containing the locations of the proposed facility. The project area reflects those areas most likely to experience direct impacts and, in most cases, indirect community, human health and environmental impacts from the construction and operation of the proposed facility.

Population and income characteristics from the 2000 U.S. Census of Population and Housing were inventoried and compiled to identify populations of concern for environmental justice. The following information was collected to enable a general comparison of the project area with the larger region in which the proposed sites are located.

- **Racial and Ethnic Characteristics**—Population in each census block of the study area was characterized using the racial categories White, Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and Other. These categories are consistent with the affected populations requiring study under Executive Order 12898.
- **Percentage of Minority Population**—Persons of Hispanic origin characterized themselves as White, Black or African American, American Indian and Alaska Native on the long-form of the U.S. Census. Persons of Hispanic origin who identified themselves as White were included in the calculation of minority population for the purposes of this analysis.
- **Low-Income Population**—The Percentage of Persons Living Below the Poverty Level, as defined in the census, is the key indicator used to identify the low-income population in a given census block or census tract. Median Household Income is the second measure that has been used to characterize income levels within the study area.

a. Proposed Nye County Sites

As shown in Exhibit I-7, the 12.3 percent minority population in the Pahrump project area is slightly less than the minority population in Nye County (15.3 percent). The dominant race in both the project area and Nye County is Non-Hispanic White. The proportion of persons living below the poverty level in the Pahrump project area is slightly higher than in Nye County; however, per capita and median household incomes in the project area are similar to those in Nye County. Relative to Nye County, the populations in close proximity to the proposed Pahrump project sites do not have high minority or low income populations, and do not necessitate further consideration with respect to environmental justice.

Exhibit I-7 below presents a comparative profile of the minority and low income persons residing in the vicinity of the proposed Pahrump sites and those residing in the larger Nye County area. The project

EXHIBIT I-7
MINORITY AND LOW INCOME PERSONS IN THE
VICINITY OF THE PROPOSED NYE COUNTY SITES

Race	Pahrump Project Area		Nye County	
	Number	Percent	Number	Percent
White Alone	1,780	91.7%	29,117	89.6%
Non-Hispanic White	1,702	87.7%	27,511	59.7%
Hispanic White	78	4.0%	1,606	0.5%
Non-White Alone	161	8.3%	3,368	39.7%
Black or African-American	19	1.0%	383	37.5%
American Indian and Alaska Native	28	1.4%	636	0.1%
Asian Alone	10	0.5%	253	1.3%
Native Hawaiian and Other Pacific Islander	5	0.3%	105	0.0%
Other	99	5.1%	1,991	0.8%
TOTAL	1,941	100.0%	32,485	100.0%
Hispanic Origin	134	6.9%	2,713	8.4%
Minority Population	239	12.3%	4,974	15.3%
Persons Below Poverty Level (1999)	340	17.7%	3,454	10.7%
Per Capita Income (1999)	\$17,452		\$17,962	
Median Household Income (1999)	\$35,446		\$36,024	

Source: U.S. Department of Commerce, Bureau of Census, US Census of Population and Housing, SF1 and SF3 data tables.

* The Other category includes 'some other race alone' and 'two or more races'.

** The total minority population includes all those who have classified themselves as Black/African American, Asian, Hispanic (White and Non-White), American Indian or Alaskan Native, Pacific Islander or Other.

area represents those populations living with the census block group of the proposed 630 East Parque Avenue Site and 2250 East Mesquite Avenue Site.

b. Proposed Clark County Site

As shown in Exhibit I-8, the 87.4 percent minority population in the project area is greater than the minority population in Clark County (39.8 percent). The dominant race in the project area is American Indian or Alaska Native (80.1 percent), and the dominant race in Clark County is Non-Hispanic White (60.2 percent). The proportion of persons living below poverty in the project is approximately two times higher than in Clark County. Per capita incomes and median household incomes in the project area demonstrate similar patterns. Relative to Clark County, the populations in close proximity to the proposed project have high minority and low income populations for further consideration with respect to environmental justice.

Exhibit I-8 presents a comparative profile of the minority and low income persons residing in the vicinity of the proposed candidate sites and those residing in the larger Clark County area. The project area represents those populations living with the census block group of the proposed Moapa Site.

EXHIBIT I-8
MINORITY AND LOW INCOME PERSONS IN THE
VICINITY OF THE PROPOSED CLARK COUNTY SITE

Race	Moapa Project Area		Clark County	
	Number	Percent	Number	Percent
White Alone	26	12.6%	984,796	71.6%
Non-Hispanic White	26	12.6%	828,669	60.2%
Hispanic White	0	0.0%	156,127	11.4%
Non-White Alone	180	87.4%	390,969	28.4%
Black or African-American	1	0.5%	124,885	9.1%
American Indian and Alaska Native	165	80.1%	10,885	0.8%
Asian Alone	0	0.0%	72,547	5.3%
Native Hawaiian and Other Pacific Islander	0	0.0%	6,412	0.5%
Other	14	6.8%	176,230	12.8%
TOTAL	206	100.0%	1,375,765	100.0%
Hispanic Origin	31	15.1%	302,143	21.96%
Minority Population	180	87.4%	547,096	39.8%
Persons Below Poverty Level (1999)	61	28.9%	145,855	10.8%
Per Capita Income (1999)	\$12,255		\$21,785	
Median Household Income (1999)	\$22,292		\$44,616	

Source: U.S. Department of Commerce, Bureau of Census, US Census of Population and Housing, SF1 and SF3 data tables.

* The Other category includes 'some other race alone' and 'two or more races'.

** The total minority population includes all those who have classified themselves as Black/African American, Asian, Hispanic (White and Non-White), American Indian or Alaskan Native, Pacific Islander or Other.

II. ALTERNATIVES

II. ALTERNATIVES

A. INTRODUCTION

Council on Environmental Quality (CEQ) guidelines (40 CFR 1502) require an analysis of alternatives to the proposed project or action based “*on the information and analysis presented in the sections on the Affected Environment (§ 1502.15) and the Environmental Consequences (§ 1502.16).*” The guidelines state that the environmental study “*should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice.*” The guidelines further state that the alternatives analysis is required to:

- “*Include the alternative of no action*”;
- “*...explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated*”;
- “*Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits*”;
- “*Include reasonable alternatives not within the jurisdiction of the lead agency*”;
- “*Identify the agency’s preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference*”; and
- “*Include appropriate mitigation measures not already included in the proposed action or alternatives.*”

The alternatives analysis conducted under these guidelines address the following cases:

- **No Action Alternative.** A decision not to proceed with the proposed action to award a contract to house federal detainees in a Contractor-Owned/Contractor-Operated detention facility in the Las Vegas, Nevada region.
- **Alternative Locations - Nationwide.** Locations other than within the Las Vegas, Nevada region for implementation of the proposed action and warranting only a brief explanation of the reasons for elimination.
- **Alternative Locations within the Geographic Area of Interest Warranting Consideration.** Implementation of the proposed action at alternative sites offered for consideration in response to the solicitation, located within the geographic area of interest, and evaluated within this EIS.
- **Preferred Alternative.** The alternative preferred by the OFDT for implementation of the proposed action to award a contract to house approximately 1,000 to 1,500 federal detainees within a Contractor-Owned/Contractor-Operated detention facility in the Las Vegas, Nevada region.

No reasonable alternatives outside the jurisdiction of the OFDT (the lead agency) have been identified or warrant inclusion in the EIS.

B. NO ACTION ALTERNATIVE

The No Action Alternative in this instance is defined as a decision by the U.S. Department of Justice, via the OFDT, not to proceed with the proposed action to award a contract to house up to approximately 1,000 to 1,500 federal detainees in a Contractor-Owned/Contractor-Operated detention facility in the Las Vegas, Nevada area. Instead, the current inefficient and costly arrangement involving use of detention facilities located in areas distant from the United States Courthouse in Las Vegas, Nevada, would continue to be employed to house the growing federal detainee population.

Adoption of the No Action Alternative would avoid the potential impacts and inconveniences (albeit temporary) associated with construction of the proposed Contractor-Owned/Contractor-Operated detention facility such as noise, dust, soil erosion, air emissions, and the temporary disruption of traffic patterns. Furthermore, the No Action Alternative would also avoid the potential permanent impacts associated with land uses, utility services, visual and aesthetic resources, and traffic and transportation movements associated with facility operation. Based on OFDT experience involving contracts to house federal detainees in newly developed Contractor-Owned/Contractor-Operated detention facilities, it is anticipated that potentially significant adverse impacts from construction and operation can and would be avoided and that none of the potential impacts associated with facility construction and operation, properly mitigated, would constitute significant adverse impacts as defined by NEPA.

While the No Action Alternative would avoid the potential impacts associated with development and operation of the proposed detention facility, adoption of this alternative would also result in the loss of the substantial positive benefits associated with the proposed action. These benefits include contributing to achieving the mandates of Congress; provision of additional capacity to house federal detainees in proximity to the United States Courthouse in Las Vegas, Nevada; the societal benefits derived from efficient operation of the criminal justice system; and the potential economic and employment opportunities which would become available to the residents and businesses of the Nye County and Clark County, Nevada region as a consequence of construction and operation of the proposed facility.

The No Action Alternative, by definition, does not meet the purpose and need for the proposed action and, therefore, does not address the requirement to house the federal detainee population in proximity to Las Vegas, Nevada. Nonetheless, in order to compare and contrast the potential impacts of the proposed action, the No Action Alternative is carried forward and discussed in Chapter IV of the EIS.

C. ALTERNATIVE LOCATIONS - NATIONWIDE

As described in Chapter I, the federal detainee population nationwide has increased significantly in recent years and is projected to continue to increase for the foreseeable future. Furthermore, as a result of USMS and U.S. Immigration and Customs Enforcement activities, the need for bedspace to house federal detainees often exceeds available supply in existing facilities in certain geographic regions. Adding to the challenge is the need by the USMS to accommodate detainees in proximity to federal courthouses because of the necessity to transport detainees accused of violating federal laws for regular court appearances. Provision of detention bedspace capacity is determined by the need to accommodate federal detainees in various locations and the resources available to meet those needs. The OFDT is working to address those needs throughout the country with the Las Vegas, Nevada region considered among its high priority areas.

1. Identifying and Evaluating Alternative Sites

As the federal detainee population has grown, so has the Federal Government's reliance upon Contractor-Owned/Contractor-Operated facilities to meet its housing needs. Provision of additional bedspace is met by expanding the capacity of existing facilities as well as through the development of new facilities. In this case, prospective contractors are proposing the development of a new detention facility and in response to the OFDT solicitation, have identified sites which may be appropriate for the development of a new facility. Among the first steps in the facility siting and developing process are initial visits by contractor representatives and their engineering/environmental consultants followed by preparation of technical studies and investigations, the purpose of which is to:

- Identify prospective locations suitable for accommodating such facilities based on utility and roadway infrastructure conditions, land use and zoning considerations, environmental resources, and related criteria.
- Determine the suitability of prospective sites for facility development by using evaluation criteria that addresses on-site conditions, on-site and nearby land uses, environmental sensitivity, availability of infrastructure, and other related characteristics and conditions.
- Identify potential environmental and related issues that require consideration under NEPA, the National Historic Preservation Act, the Clean Water Act, the Endangered Species Act, and similar federal, state and local laws and regulations.
- Identify the interest and willingness of prospective communities to host a detention facility and the likely support/opposition of elected and appointed officials, community leaders, stakeholders, and the public to such a prospect.

Prospective sites which successfully complete the initial screening process are typically subjected to more rigorous evaluations involving optimal infrastructure and environmental requirements. Candidate sites which appear suitable on the basis of initial investigations are often subjected to technical analyses in greater depth and documented in the form of Phase I Environmental Site Assessments, Environmental Assessments and/or Environmental Impact Statements as appropriate. The analyses become progressively more detailed at each step in the process, leading to in-depth, comprehensive documentation in compliance with NEPA and other environmental laws and regulations.

2. Alternative Site Requirements

In identifying prospective sites for new detention facility development, it is important to understand typical siting requirements and criteria. The following general guidelines are employed in identifying and screening possible sites for detention facility development:

- Prospective sites should provide for a sufficiently large land area to accommodate the proposed institution and support facilities and infrastructure, while providing for a buffer zone of land between the facility and neighboring properties and land uses.
- Prospective sites should exhibit a relatively level surface area in order to accommodate the institution with minimal site preparation and topographic alterations, while allowing for proper drainage. The ability to accommodate this requirement is greatly influenced within particular geographic regions of the country where mountainous terrain is the norm and large, relatively level surfaces may be unavailable or uncommon.

- Prospective sites should seek to avoid significant environmental resources including but not limited to floodplains, wetlands and waters of the U.S., rare/threatened/endangered species habitats, widespread hazardous waste contamination, important cultural and historic sites, etc.
- Prospective sites should seek to avoid land use conflicts while accommodating, to the degree feasible, zoning and other land planning and development considerations.
- Prospective sites should have access to or have the ability to be provided with utility services of sufficient capacity to serve the needs of the facility.
- Prospective sites should be able to be served by police protection, fire protection, and emergency medical services.
- Prospective sites should be readily accessible via the network of public roadways to ensure safe and convenient travel commutes by employees, service vehicles, and visitors.
- Elected officials, community leaders, and the public should exhibit a willingness to accept development of a detention facility within the community.

The OFDT independently, and in concert with the USMS, responds to the need to house federal detainees in areas of the country in which projections show the need for future detention space. Such consideration is part of an overall program to address federal detainee housing needs and fulfill the mission of the OFDT. However, provision of additional detention bedspace in other geographic regions is considered to be in addition to the proposed action rather than true alternatives in lieu of action in the Las Vegas, Nevada region. Therefore, the disadvantages of failing to act at any one of the proposed sites in the Las Vegas area are evaluated as essentially the same as the No Action Alternative. Accordingly, the OFDT, in concert with the USMS decided to proceed with further consideration and evaluation of the proposed action in the Las Vegas, Nevada area to determine the degree to which contractor proposals involving the alternative sites can satisfy federal detainee housing requirements while avoiding significant adverse environmental consequences.

D. ALTERNATIVE SITES - LAS VEGAS, NEVADA REGION

In response to publication of the OFDT solicitation in early 2007, five prospective contractors offered 11 alternative sites for development of a Contractor-Owned/Contractor-Operated detention facility with several of the alternative sites offered by more than one contractor. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada. The 75-mile radius was among several minimum solicitation requirements and, hence, one of the 11 sites, located near the City of Kingman in Mohave County, Arizona, was quickly eliminated from further consideration. In addition, following the public scoping meetings and prior to preparation of the Draft EIS, an additional six alternative sites were subsequently withdrawn by the prospective contractors. The alternative sites withdrawn from consideration are described briefly below.

- **Apex Industrial Use Zone Site B.** Located in unincorporated Clark County, Nevada, this approximately 170-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. The site is currently vacant as are most surrounding lands.
- **Dolan Springs Site.** The Dolan Springs Site is an undeveloped 640-acre site located approximately 65 miles southeast of downtown Las Vegas in Mohave County. Surrounding lands are largely vacant with scattered rural residential uses nearby.

- **1690 East Mike Road Site.** Located in Pahrump, Nye County, Nevada, this undeveloped 30-acre site is approximately 70 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant.
- **2871 East Mesquite Avenue Site.** This undeveloped 40-acre site is located approximately 68 miles northwest of downtown Las Vegas in the Pahrump Regional Planning District. Surrounding lands include vacant properties to the west and east and scattered commercial uses to the north and south.
- **8251 East Panaca Avenue/8500 East Huxley Avenue Site.** This site consists of two undeveloped parcels comprising approximately 80 acres and located approximately 60 miles northwest of downtown Las Vegas in Pahrump, Nevada. Surrounding lands are largely vacant.
- **6871 North Blagg Road Site.** This undeveloped 30.77-acre site is located approximately 70 miles northwest of downtown Las Vegas in Pahrump, Nevada. Surrounding lands are largely vacant.

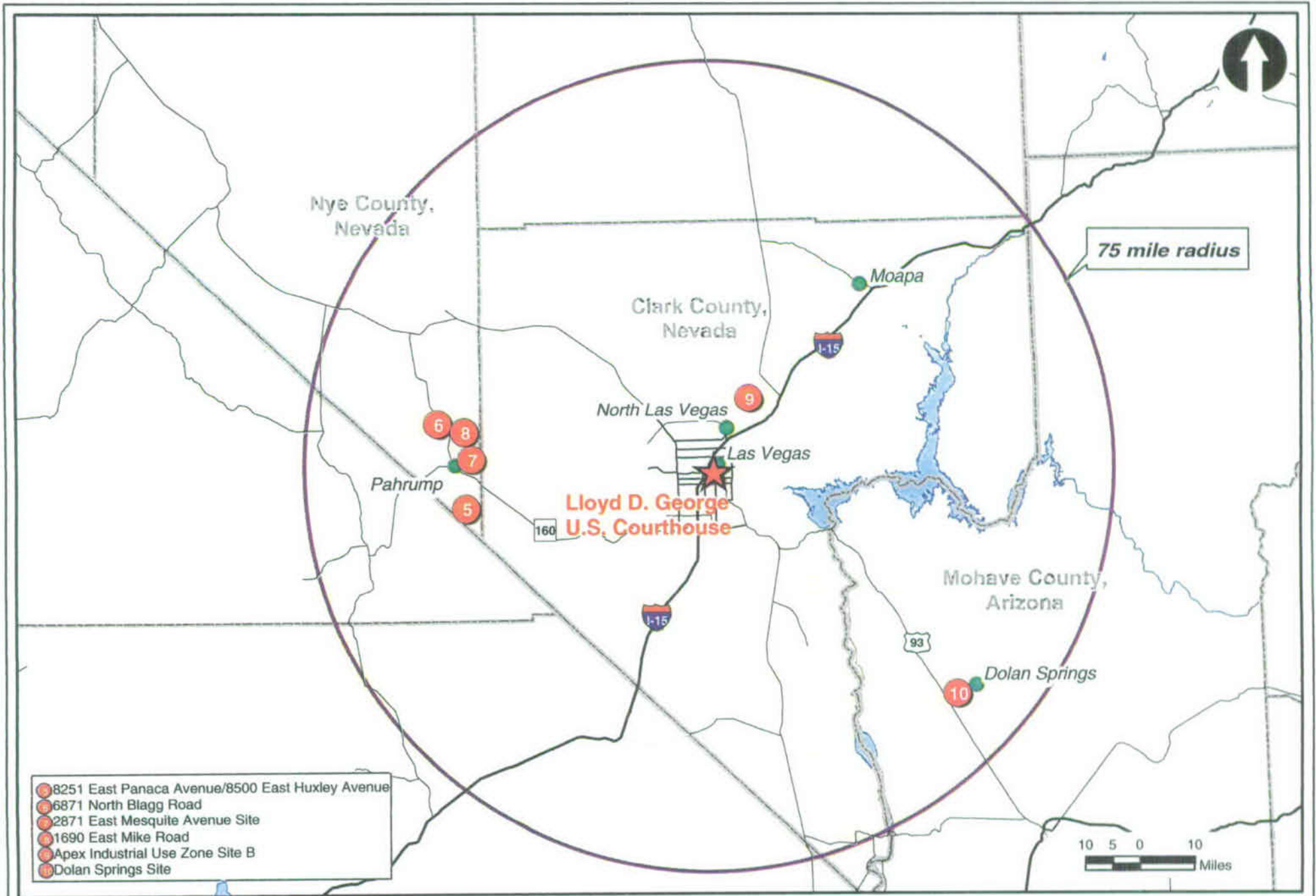
The locations of the six sites withdrawn from further consideration are depicted on Exhibit II-1. The four sites which remain under active consideration are described briefly below. Each of the four sites was determined to be an alternative worthy of further consideration and was evaluated in this EIS.

- **630 East Parque Avenue Site.** Located in Pahrump, Nevada, the 630 East Parque Avenue Site is an undeveloped 40-acre site approximately 70 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant.
- **2250 East Mesquite Avenue Site.** Also located in Pahrump, this undeveloped 120-acre site is approximately 68 miles northwest of downtown Las Vegas. Surrounding lands are largely vacant although a gravel operation and municipal landfill are found nearby.
- **Apex Industrial Use Zone Site A.** Located in unincorporated Clark County, Nevada, this 90-acre site is approximately 30 miles northeast of downtown Las Vegas within the Apex Industrial Use Zone. The site is currently vacant with surrounding lands to the north and east in industrial use.
- **Moapa Site.** The Moapa Site comprises an undeveloped 80-acre site located approximately 57 miles northeast of downtown Las Vegas near the town of Moapa in Clark County. Surrounding lands are largely vacant with a power generating station and railroad located to the east.

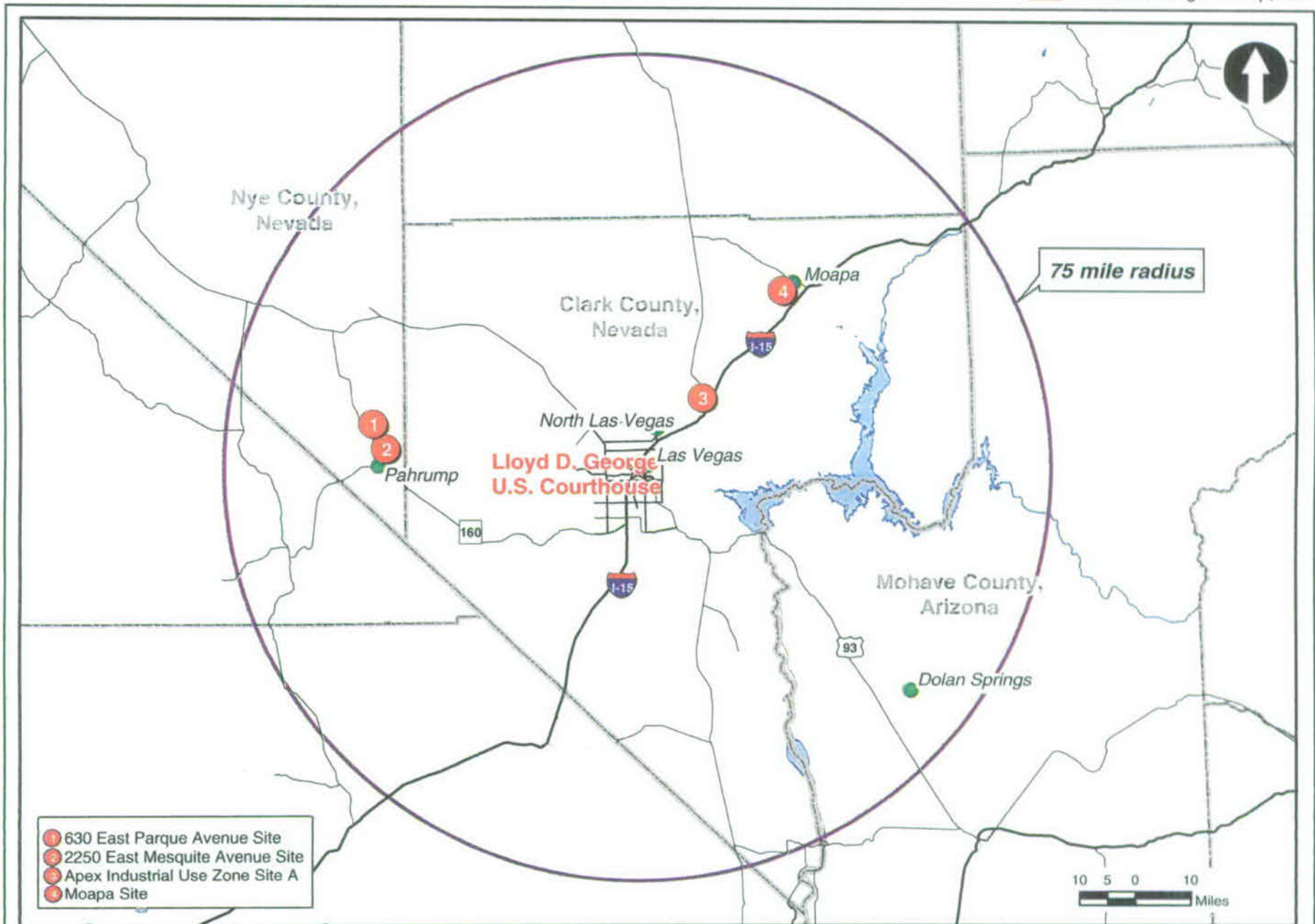
The locations of the four alternative sites are depicted on Exhibit II-2.

E. AGENCY PREFERRED ALTERNATIVE

The Agency Preferred Alternative action is to contract for provision of a Contractor-Owned/Contractor-Operated detention facility to house approximately 1,000 to 1,500 federal detainees. Under the proposed action the selected contractor (Corrections Corporation of America) would be responsible for ensuring that the detention facility is developed and operated in a manner consistent with the mission and requirements of the OFDT and USMS. Development of the proposed detention center would require approximately 12 to 15 months to complete and will employ approximately 200 to 250 individuals during operation.



DETENTION CENTER SITES ELIMINATED FROM CONSIDERATION



Contract performance would be carried out at a facility to be developed and operated at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The purpose of this disclosure is to allow for meaningful public review on the potential environmental impacts of the proposed contract award. No legal liability on the part of the Government for any payment shall arise until the Government has officially completed the NEPA process and official contract award.

Under the proposed action, the selected contractor (Corrections Corporation of America) is to provide all facilities, personnel and management staff, and equipment in order to ensure the safety, security, and care of all federal detainees confined at the proposed facility. Detainee services and programs would be developed and implemented to comply with contract requirements and all applicable federal, state and local laws and regulations.

Preliminary requirements for the management and operation of the Contractor-Owned/Contractor-Operated facility have been developed. Under the proposed action, the contract for housing federal detainees in the contractor facility would be for a base period of five years with 3 five-year options, exercised by the OFDT, for a potential term of 20 years. Contractors under this proposed action would be required to perform in accordance with the most current editions of the American Correction Association (ACA), *Standards for Adult Correctional Institutions* and *Standards Supplement*. Contractors would also obtain ACA accreditation and would maintain continual accreditation and compliance with all ACA standards and supplements during the time federal detainees are being housed unless otherwise specified. Accomplishment of some ACA standards may also be augmented by OFDT and USMS policies and/or procedures.

Five prospective contractors initially offered 11 alternative sites in Nevada and Arizona for development of a Contractor-Owned/Contractor-Operated detention facility with several of the alternative sites offered by more than one contractor. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada. The 75-mile radius was among several minimum solicitation requirements and, hence, one of the 11 sites, located near the City of Kingman in Mohave County, Arizona, was quickly eliminated from further consideration. Following the public scoping meetings and prior to preparation of the Draft EIS, six of the 10 alternative sites located within the 75-mile radius were subsequently withdrawn from further consideration by the prospective contractors. Each of the remaining four sites were determined to be alternatives worthy of further consideration and were analyzed in the Draft EIS. Since publication of the Draft EIS, one additional site (the Apex Industrial Use Zone Site A) was also withdrawn from further consideration by the prospective contractor. The Agency Preferred Alternative is for the OFDT to contract for provision of a Contractor-Owned/Contractor-Operated detention facility to house approximately 1,000 to 1,500 federal detainees at the 2250 East Mesquite Avenue Site located in Pahrump, Nevada.

III. AFFECTED ENVIRONMENT

III. AFFECTED ENVIRONMENT

A. INTRODUCTION

Implementation of the proposed action has the potential to affect various environmental resources found within the selected site as well as resources which exist beyond the boundaries of the selected site. This chapter examines specific environmental resources at each alternative site that have the potential to be affected by implementation of the proposed action. Both natural resources, including topographic features, geology and soils, hydrological and biological resources among others, as well as community resources such as social and economic factors, land use, utility services, and transportation networks, are addressed. Each resource description focuses on the relevant attributes and characteristics of that resource with the potential to be affected by the proposed action or that represent potential encumbrances to the proposed action.

To analyze the impacts of the proposed action, it is necessary to describe the existing conditions at each alternative site and the surrounding area. The overall environmental and socioeconomic conditions that exist in and around each alternative site are described in the sections that follow. This baseline environment will serve as the basis for comparisons in Chapter IV, Environmental Consequences: Impacts and Mitigations. The resources described here as components of the baseline environment are referred to in the same order in Chapter IV.

B. TOPOGRAPHIC FEATURES

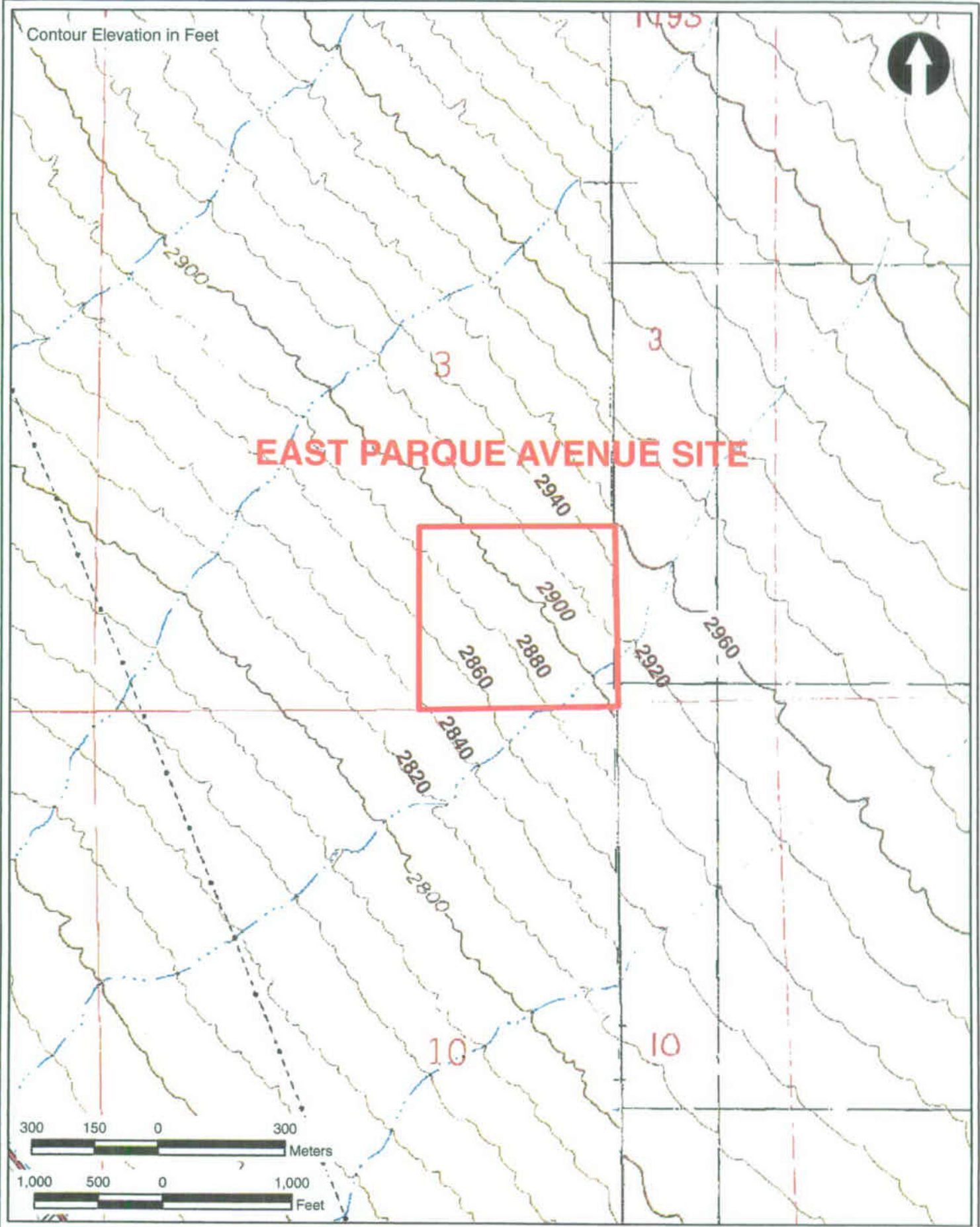
Topography is the slope gradient of a site expressed as a relationship of vertical feet of elevation over horizontal feet of distance, as well as the visual "*lay of the land*". Topographic conditions have specific implications for site development influencing the location of roads, buildings, and utilities and generally affecting the overall visual character of the site.

1. 630 East Parque Avenue Site

The 630 East Parque Avenue Site is located approximately 8,000 feet east of Nevada Highway 160 in Pahrump, Nevada. The 40-acre property is bounded on the south by Parque Avenue, on the north by Miriam Street, on the west by Ben Street and on the east by Anderson Road. According to U.S. Geological Survey (USGS) topographic quadrangle maps, much of this undeveloped site consists of level terrain with only small changes in topography. This is evident by elevations which range from approximately 2,840 feet (875 meters) to 2,950 feet (905 meters) above mean sea level (msl) with the site gently sloping downward from the northeast to the southwest (Exhibit III-1). Similar topographic conditions are also found across a broad area surrounding the site. Several small washes bisect the site from northeast to southwest, a feature which is typical of the surrounding landscape. Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 19' 27.01" N and a longitude of 116° 00' 18.79" W.

2. 2250 East Mesquite Avenue Site

The 2250 East Mesquite Avenue Site is also located approximately 8,000 feet east of Nevada Highway 160 in Pahrump, Nevada. The 120-acre property is located to the north of East Mesquite Avenue and approximately 1,000 feet east of the Pahrump Valley landfill. According to USGS topographic



quadrangle maps, this undeveloped site consists of level terrain with only slight topographic changes evident. Elevations range from approximately 2,940 feet (905 meters) above msl along the eastern boundary to 2,845 feet (875 meters) above msl to the west with the site sloping slightly downward from east to west (Exhibit III-2). Similar topographic conditions are found across a broad area surrounding the site. The 2250 East Mesquite Avenue Site is located approximately midway on an alluvial fan originating in the washes of the western Spring Mountains. Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 15' 05.46" N and a longitude of 115° 58' 26.61" W.

3. Apex Industrial Use Zone Site A

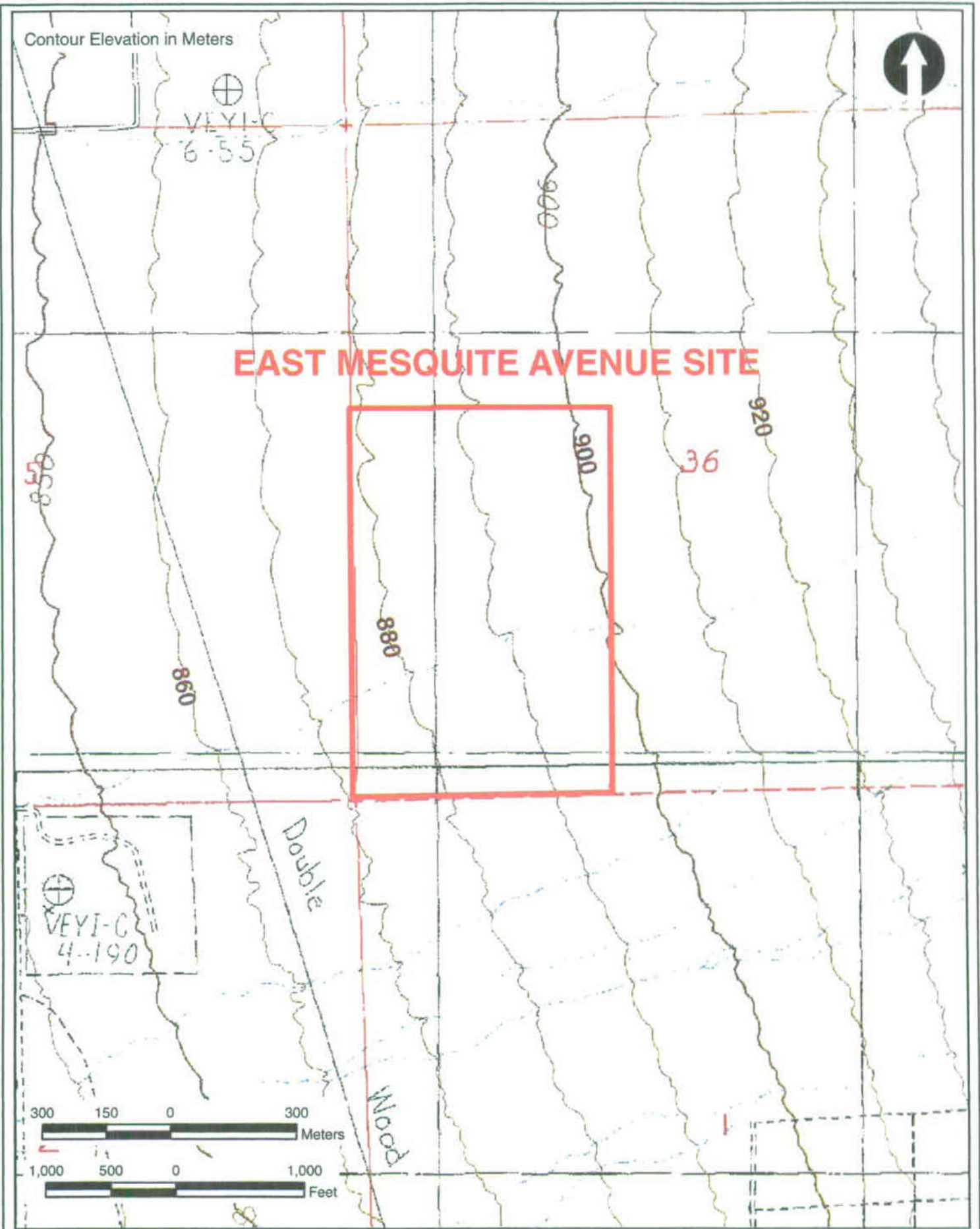
The Apex Industrial Use Zone Site A is located approximately 7,500 feet west of the intersection of Interstate Highway 15 (I-15) and U.S. Highway 93 in unincorporated Clark County, Nevada. The 90-acre property is bounded to the north by Kapex, LLC, a Nevada Power Company cogeneration plant to the east, and undeveloped lands to the south and west. According to USGS topographic quadrangle maps, much of this undeveloped site comprises nearly level to gently sloping terrain with slight to moderately sloping terrain confined to the southwest. Similar topographic conditions are found in areas to the north and east while more steeply sloping topography is found to the south and west beyond the borders of the site. Elevations within this site range from approximately 2,240 feet (680 meters) to 2,390 feet (730 meters) above msl (Exhibit III-3). Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 22' 54.71" N and a longitude of 114° 55' 44.51" W.

4. Moapa Site

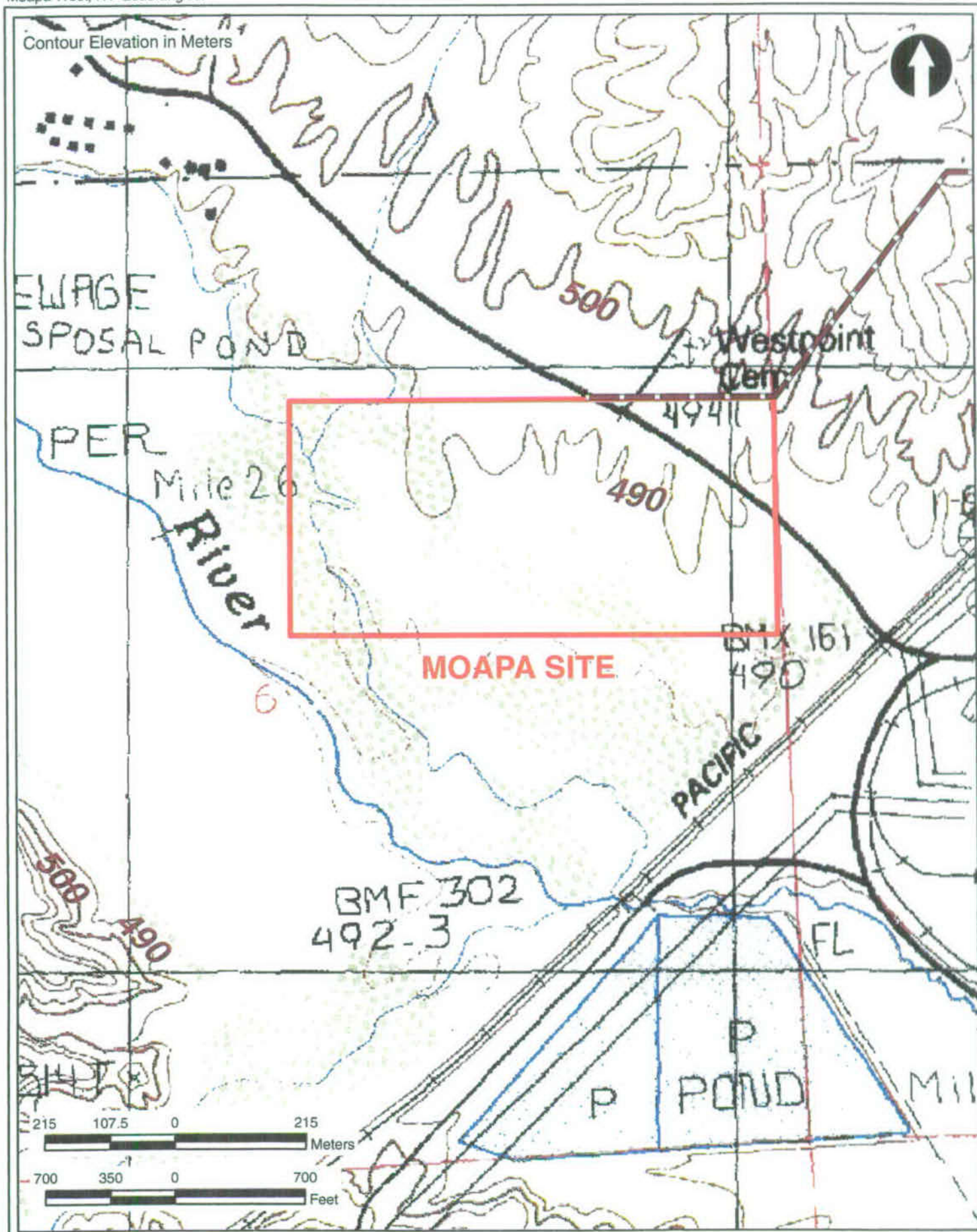
The Moapa Site is located approximately 2,640 feet southeast of the intersection of South Reservation Road and Lincoln Avenue in Moapa (Clark County), Nevada. The 80-acre undeveloped property is bounded by both undeveloped lands and a Nevada Power Company generating facility. According to USGS topographic quadrangle maps, much of the Moapa Site comprises nearly level to gently sloping terrain with slightly sloping terrain confined to the north. Level terrain is found in areas bordering the nearby Muddy River floodplain to the northwest and southeast while more steeply sloping terrain is found to the northeast beyond the border of the site. Elevations range from approximately 1,575 feet (480 meters) above msl in the northeast corner of the site to 1,610 feet (495 meters) above msl in the southwest corner (Exhibit III-4). The Moapa Site generally slopes to the south-southwest in the direction of the Muddy River and several ephemeral channels or washes bisect the site from north to south towards the Muddy River. Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 39' 43.79" N and a longitude of 114° 38' 35.45" W.

C. GEOLOGY

Each of the four alternative sites is located within the Great Basin area of the Basin and Range Physiographic Province. The Basin and Range physiographic province, extending across approximately 200,000 square miles of the western United States, is characterized by north to northeast trending mountain ranges separated by valley basins filled with coarse sediments deposited in alluvial fans. The Great Basin is located in the northern section of the Basin and Range Physiographic Province and includes large portions of Nevada and Utah and smaller portions of California, Idaho, Oregon and Arizona.



TOPOGRAPHIC FEATURES
2250 EAST MESQUITE AVENUE SITE



1. 630 East Parque Avenue and 2250 East Mesquite Avenue Sites

The Geologic Map of Nevada (1978) identifies the general area containing the 630 East Parque Avenue Site and 2250 East Mesquite Avenue Site as Qa- Alluvial Deposits. The Spring Mountains, notably Charleston Peak, and their associated alluvial fans are the most visible geologic features of the region. The fans are of recent origin, described as latest Pleistocene to late Holocene in age (dePolo, et. al., 1999) and are a common and dominant feature in the arid west. The fans, consisting of sand and fine sediment, are subject to radical changes in shape, direction, depth and flow carrying capacity during storm events. The instability of the alluvial fan drainage pattern is unpredictable within most of the upstream drainage basins in the Pahrump Valley, which may affect drainage conditions and considerations involving these alternative sites.

Both the 630 East Parque Avenue and 2250 East Mesquite Avenue sites are located approximately midway on the alluvial fan originating in the washes of the western Spring Mountains. The fan remnants on the sites generally consist of Younger Alluvium (undifferentiated) and Earlier Younger Alluvium. Undifferentiated Younger Alluvium is generally characterized by fan remnants with surfaces ranging from subdued bar and channel features to fully smoothed surfaces with well developed pavements. Earlier Younger Alluvium typically displays well-developed, moderately to tightly packed desert pavement.

A less visible geologic feature of the area is a large, right-lateral strike-slip fault, alternatively called the Pahrump Valley Fault Zone or the Stateline Fault. The Pahrump Valley Fault Zone, which is oriented in a straight line along a northwest to southeast trend on the western margin of the Valley, is an active factor influencing the recent geologic development of the region. Movement along the fault has lifted a series of terraces along the west side of the Valley. Down faulting on the eastern side of the fault has created both the deep alluvial basin of the Valley itself, and enhanced the formation of the alluvial fans from the eroding mountains to the east.

The Pahrump Valley is a structural basin of late Mesozoic and Tertiary age block faulting origin (beginning about 100 million years ago). Deposits in the Pahrump Valley are mainly Tertiary age (from 67 to 2 million years old) and Quaternary Age (from two million years old to the present) unconsolidated sediments derived from the surrounding uplifted mountain ranges, which are composed of sedimentary and igneous rocks. The mountains to the north, east, and west, are mostly sedimentary rocks, predominantly carbonates (limestone and dolomite) of Paleozoic and Mesozoic age (between 586 and 67 million years old). The southern and southeastern ranges are generally composed of volcanic rocks, primarily Tertiary and andesite lava flows.

2. Apex Industrial Use Zone Site A

The majority of the Apex Industrial Use Zone Site A is situated on an outcrop of Quaternary-age alluvium. The southwest portion of the site is situated on an outcrop of Carboniferous-age Bird Spring Formation, which underlies the alluvium. The Bird Spring Formation is found in the Mojave Desert region and throughout the southern Great Basin.

Alluvium typically consists of a variety of materials, including fine particles of silt and clay and larger particles of sand and gravel that vary in thickness. The Bird Spring Formation consists of about 300 feet of thick-bedded limestone and dolomite. Geologic maps show a series of geologic faults located approximately one to two miles east of this site.

3. Moapa Site

The Moapa Site is characterized by igneous-formed granite mountain ranges and alluvium filled basins. The major mountain ranges in the area include the Mormon Mountains to the northeast, the Arrow Canyon range to the west, the North Muddy Mountains to the southeast and the Dry Lake Range to the south. The valley is comprised of several washes including the California Wash where the Moapa Site is located.

The surface geology of the Moapa Valley is typically comprised of four geologic units including: alluvium deposits, quaternary and tertiary valley-fill deposits, tertiary volcanic rocks, and Paleozoic carbonate rocks. The alluvial deposits and the quaternary/tertiary valley fill deposits are found throughout the valley floor while the tertiary volcanic rocks and Paleozoic rocks are only found in the mountains enclosing the Moapa Valley (Longwell et al. 1958). The majority of the site is located within an area of alluvial deposits. Carbonate Rock Aquifers underlie most of the Moapa Valley and are the most important aquifers in the area.

4. Seismic Characteristics

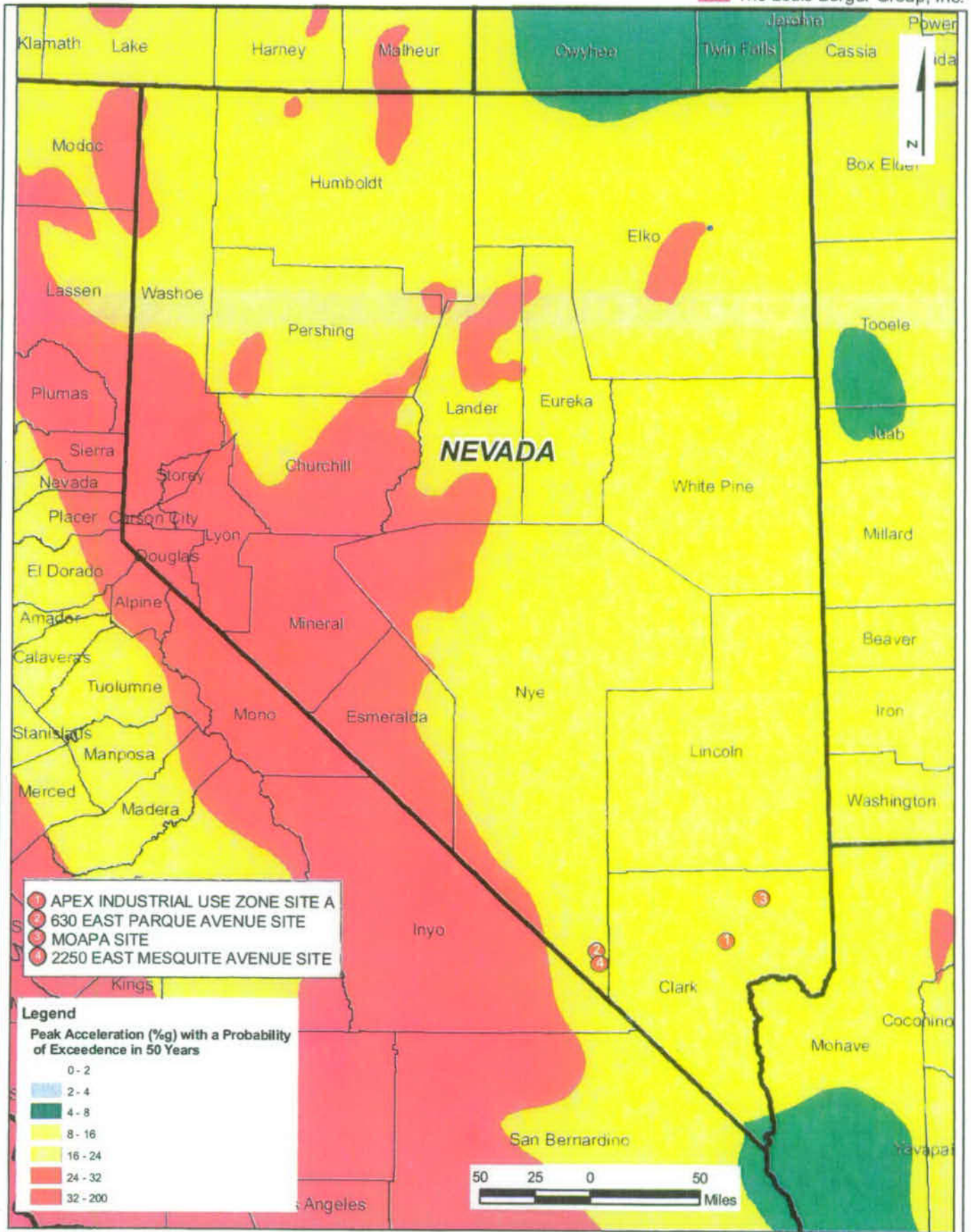
Following California and Alaska, Nevada is the third most active seismic area in the United States. Between 1952 and 1998, 62 earthquakes of a magnitude 5.5 or greater have been recorded in the state (Nevada Bureau of Mines and Geology, 2006). Based on historical earthquake locations and the recurrence rate of fault ruptures, the USGS has produced seismic hazard maps that show, by contours, earthquake ground motions that have a common probability of being exceeded in a specified time period under specific geological site conditions. The predicted maximum amount of earthquake induced shaking with a two percent probability of being exceeded in 50 years is shown on Exhibit III-5. The ground motion is expressed as a percentage of the force of gravity (percent g) and is proportional to the hazard faced by a particular type of building. In general, little or no damage can be expected at values less than 10 percent g, moderate damage at 10 to 20 percent g, and major damage at values greater than 20 percent g.

The four alternative sites are located in areas with a moderate risk (8 to 24 percent maximum ground acceleration due to gravity) of seismic activity with the potential for damage from an earthquake a concern for new developments in this region of the country. A review of the USGS Earthquake Hazard Program – Northern California *Index Map of Recent Earthquakes in California-Nevada* the nearest earthquakes occurred approximately 36 miles north-northwest of Moapa (1.5 magnitude) and 38 miles north-northwest of Pahrump (2.0 magnitude). According to the USGS, the 1.5 magnitude earthquake occurred on November 19, 2007, at a depth of approximately 9.9 miles below the ground surface while the 2.0 magnitude earthquake occurred on November 26, 2007 at a depth of approximately 3.5 miles below the ground surface.

D. SOILS

The U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) has mapped and classified soils in Nye County and Clark County and has described soils and their characteristics within the “*Soil Survey of Nye County, Nevada Southwest Part*” and the “*Soil Survey of the Virgin River Area, Nevada-Arizona.*” These surveys were used to identify soil mapping units found within the alternative sites.

Soils and their characteristics can limit or restrict use of a site. Examples of soil characteristics that can limit use include poor drainage, excessive wetness, excessive erodibility, the occurrence of rock at shallow depths, the presence of shrink-swell clays, and the occurrence of prime farmland. Soil



characteristics may preclude proposed uses, require the application of special engineering designs, or require the involvement of federal and/or state agencies. Soil types classified as hydric are saturated, flooded, or ponded long enough to develop anaerobic conditions that favor growth of hydrophytic vegetation and are indicators of wetlands.

The Farmland Protection Policy Act (FPPA) of 1981 was established to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. The presence of prime farmland soil is a necessary component of prime farmland and is the primary indicator used to determine where potential prime farmland occurs. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil to produce a sustained high yield of crops in an economic manner. The land could be cropland, pasture, rangeland, or other land, but not urban built-up land or water.

The NRCS is responsible for overseeing compliance with the FPPA and has developed the rules and regulations for implementation of the Act (7 CFR Part 658, July 5, 1984). The implementing procedures of the FPPA and NRCS require federal agencies to evaluate the adverse effects (direct and indirect) of their activities on prime and unique farmland, as well as farmland of statewide and local importance, and to consider alternative actions that could avoid adverse effects. (Farmland of statewide importance is land that is not prime or unique but is considered of statewide importance for the production of food, feed, fiber, forage and oilseed crops while farmland of local importance has local significance for production of food, feed, fiber and forage.) Determining whether an area is considered prime or unique farmland and potential impacts associated with a proposed action is based on the outcome from preparation of the farmland conversion impact rating form AD 1006 for areas where prime farmland soils occur and by applying criteria established in the FPPA.

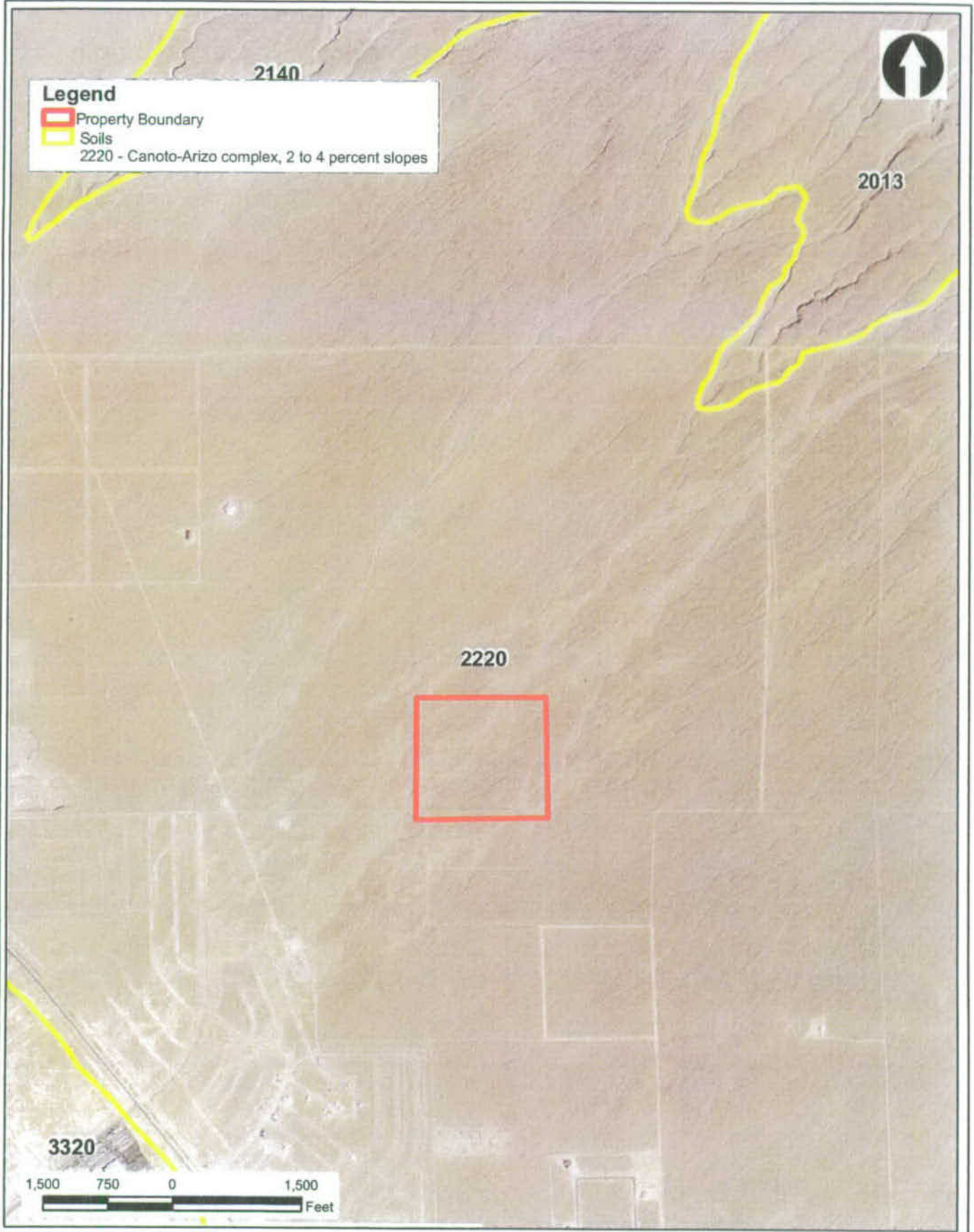
1. 630 East Parque Avenue Site

According to the *Web Soil Survey of Nye County, Nevada Southwest Part* (NRCS-USDA 2006), soils within the 630 East Parque Avenue Site consist primarily of Canoto-Arizo complex with the Canoto soil series comprising approximately 65 percent of the map unit (Exhibit III-6). Slopes are shallow at only two to four percent and this soil is located on fan piedmonts and alluvial fans. The natural drainage class is well drained, available water to a depth of 60 inches considered low and shrink-swell potential is also low. The Canoto soil series occurs within fan piedmonts and alluvial fans with low gradient slopes. The parent material consists of alluvium derived from mixed rock sources. This series consists of very deep, well drained soils that formed in alluvium from mixed rock sources on alluvial fans, inset fans, fan skirts and fan remnants and is considered well drained without flooding or ponding hazard, but with moderately high permeability with medium runoff.

The Arizo soil series consists of very deep excessively drained soils that formed in mixed alluvium. Arizo soils are on recent alluvial fans, inset fans, fan apron, fan skirts, stream terraces, and floodplains of intermittent streams and channels. It is effervescent in some or all parts, with thin calcium carbonate coatings on undersides of rock fragments in some pedons. The Canoto-Arizo complex is not classified as a prime farmland soil or as a soil of Statewide importance. The 2007 National Hydric Soils List and the NRCS 2006 list of Hydric Soils of Nevada do not identify Canoto or Arizo soils as hydric.

2. 2250 East Mesquite Avenue Site

According to the *Web Soil Survey of Nye County, Nevada Southwest Part* (NRCS-USDA 2006), soils within the 2250 East Mesquite Avenue Site consist primarily of the Commski-Lastchance association



SOILS MAP - 630 EAST PARQUE AVENUE SITE

EXHIBIT III-6

with the Commski component comprising approximately 70 percent of the map unit (Exhibit III-7). The Commski series occurs within inset fans with low gradient slopes (two to eight percent) and is composed of mostly cobbles, gravels and small stones. The textures of the Commski series are primarily coarse sands and sandy loams to very gravelly coarse sandy loam at depth. This series is described as well drained without flooding or ponding hazard, but with high permeability and rapid runoff capacity. Available water to a depth of 60 inches is very low and shrink-swell potential is low.

The Lastchance series occupies landscapes with fan remnants, associated with the Last Chance Hills to the west of the site. The Lastchance series is similar to the Commski series, except the lower portion of the profile supports a distinctive cemented conglomerate of stones, cobbles, and coarse sands and sandy loams (petrocalcic horizon). This characteristic cemented horizon is readily observable on the site within banks that confine the larger washes. Accordingly, localized flooding hazard from storm events and ephemeral flows resulting from precipitation events or snowmelt on the Lastchance series soils is high. The natural drainage class is well drained and available water to a depth of 60 inches is very low. Shrink-swell potential is low. Lastchance soils are generally suitable for development. The Commski-Lastchance Association is not classified as a prime farmland soil or as a soil of Statewide importance. Commski and Lastchance soils are also not considered hydric soils.

3. Apex Industrial Use Zone Site A

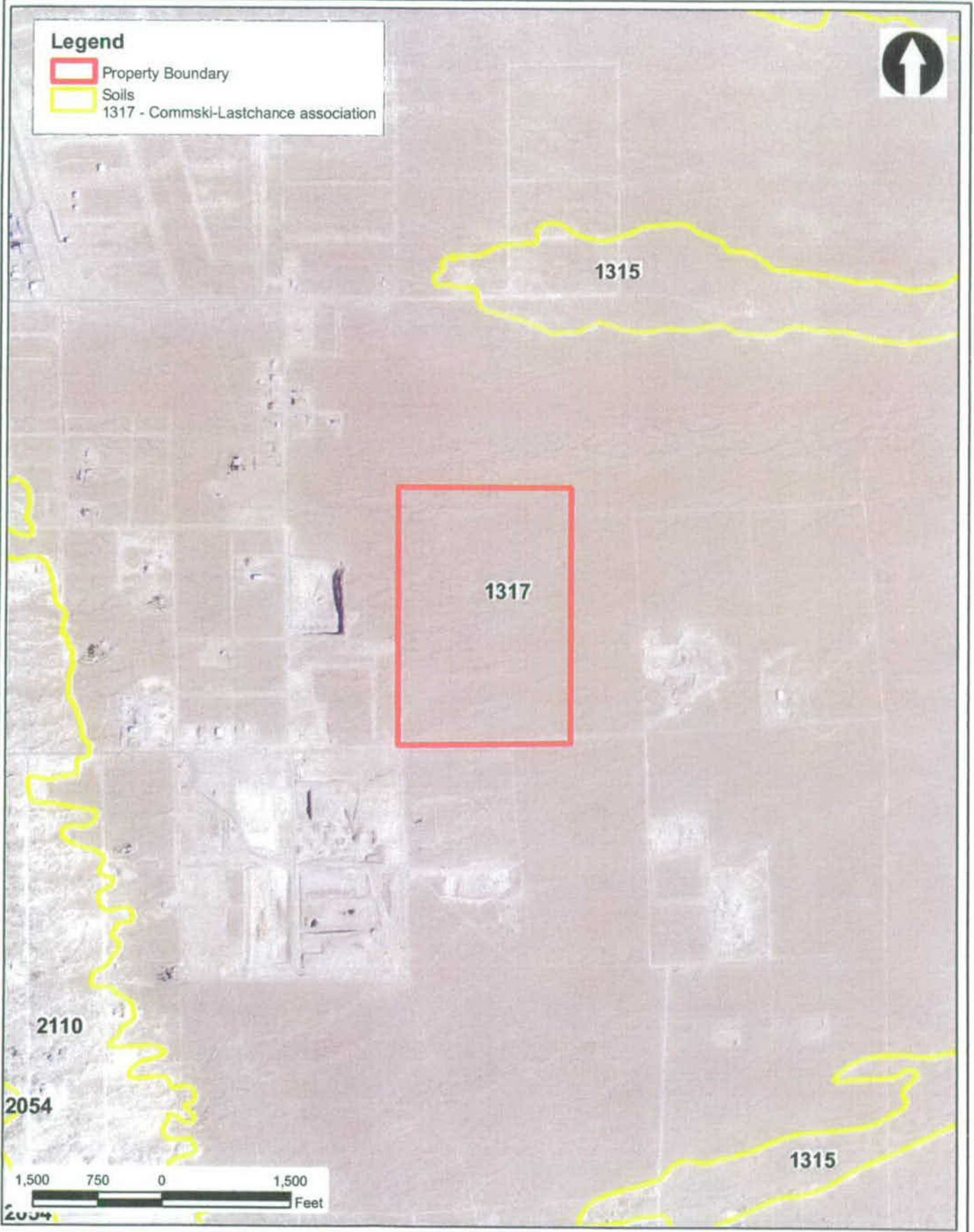
According to the *Soil Survey of the Virgin River Area, Nevada-Arizona* (SCS-USDA 1980) and the NRCS Web Soil Survey, the Apex Industrial Use Zone Site A is situated on two principal soil types: the Colorock-Tonopah association, moderately sloping, and Rockland - St. Thomas association, very steep (Exhibit III-8). The Colorock-Tonopah association consists of shallow to deep soils occurring on alluvial fans and terraces. Typically, Colorock soils are well drained and have a very low water capacity. The surface layer is very gravelly loam about three inches thick while the subsoil is very gravelly sandy loam about 12 inches thick. Slopes generally range from two to eight percent. The Tonopah soil is deep and excessively drained with the surface layer very gravelly sandy loam about six inches thick. Slope gradients generally range from two to eight percent.

The Rockland - St. Thomas association consists of soils formed on foothills and mountainsides. Rockland soils consist of areas that have exposures of limestone bedrock and in some areas, soil material covers the bedrock. St. Thomas soils are shallow and well drained with the available water capacity being very low. It is formed in residuum derived dominantly from limestone. The surface layer is cobbly loam about two inches thick underlain by a subsoil of cobbly loam extending to a depth of 12 inches. Slope gradients generally range from 15 to 50 percent. The soils found within the Apex Industrial Use Zone Site A are not classified as prime farmland soils, soils of Statewide importance or hydric soils.

4. Moapa Site

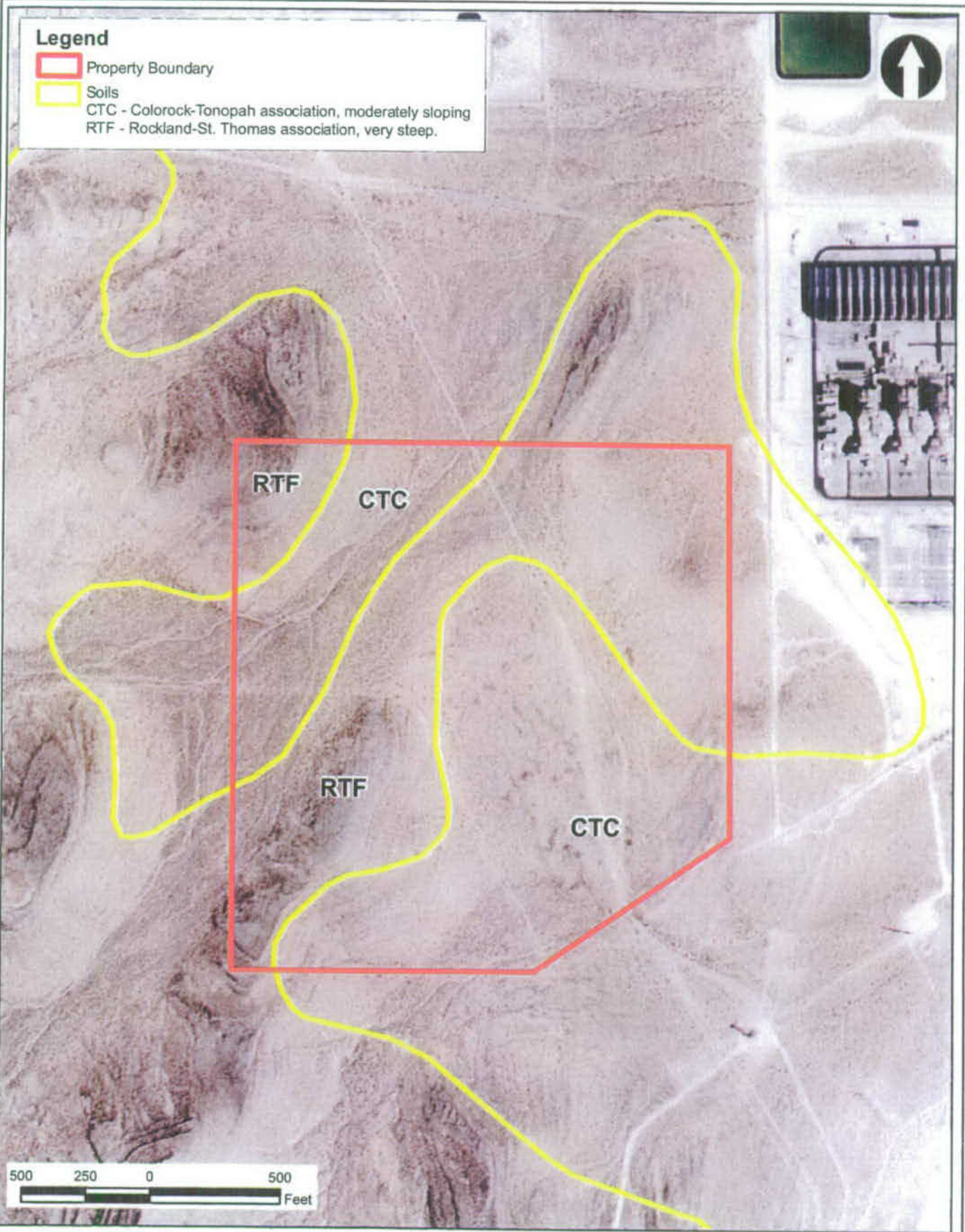
According to the *Soil Survey of the Virgin River Area, Nevada-Arizona* (SCS-USDA 1980) and the NRCS Web Soil Survey, soils found within the Moapa Site consist primarily of the Badland series (Exhibit III-9). This series comprises approximately 65 to 75 percent of the soils on the site as well as the alignment of the proposed access road to the site. This soil type includes steep, commonly non-stony, barren land dissected by ephemeral drainages. Badland soils are commonly found in semi-arid and arid regions where washes are entrenched in soft geologic material. Runoff potential is very high and geologic erosion is active.

Small areas of Overton silty clay and Tonopah very gravelly sandy loam, associated with the Muddy River floodplain, comprise the southern portion of the site. The Overton series consists of deep, very

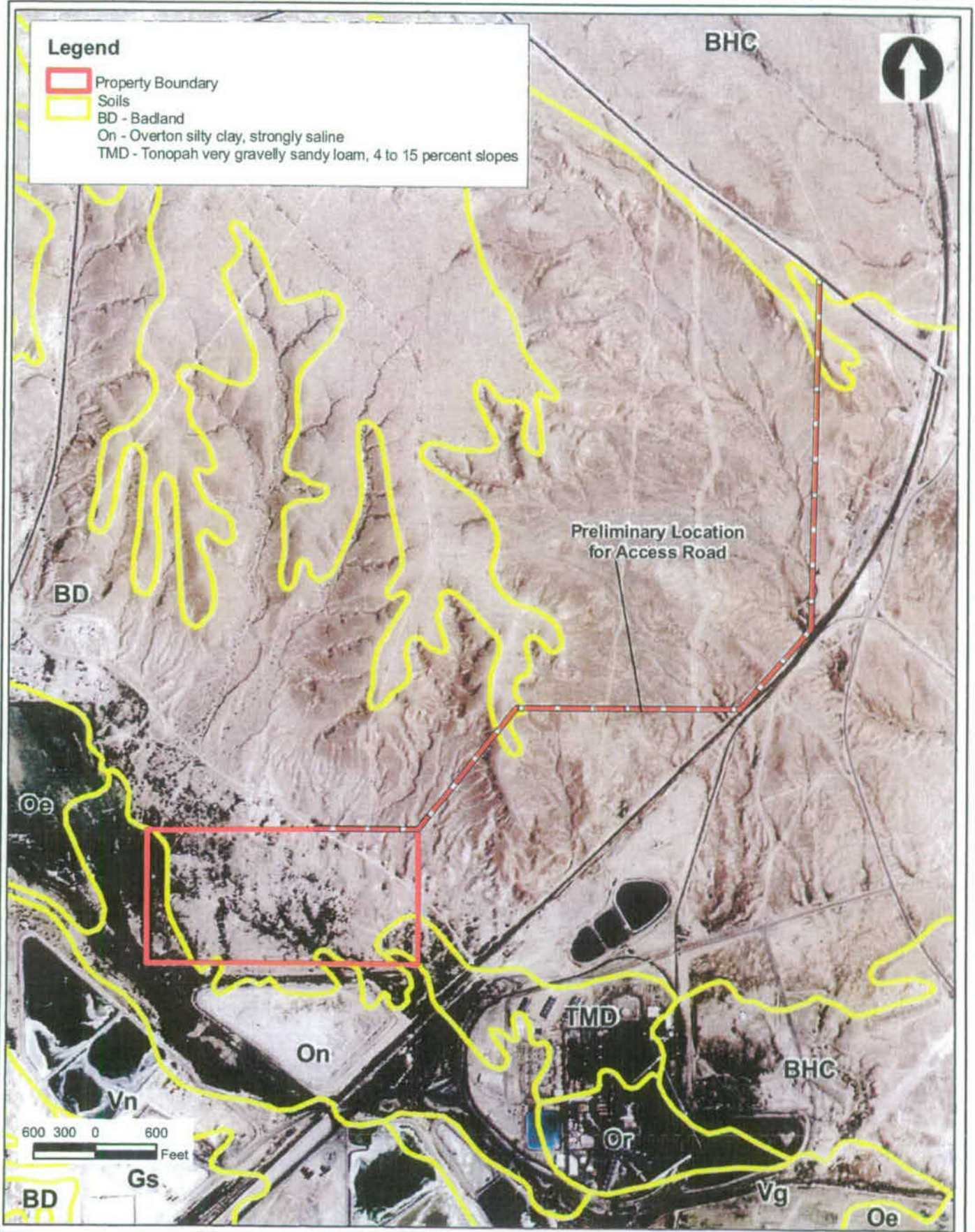


SOILS MAP - 2250 EAST MESQUITE AVENUE SITE

EXHIBIT III-7



SOILS MAP
APEX INDUSTRIAL USE ZONE SITE A



SOILS MAP - MOAPA SITE

EXHIBIT III-9

poorly drained soils that form in clayey alluvium from sedimentary rocks. Overton soils are on smooth, nearly level floodplains. Slopes are very shallow ranging up to one percent. Tonopah soils are located on fan remnants and fan piedmonts and formed in mixed alluvium. Badland, Overton and Tonopah soils are not designated as prime farmland soil or as soils of Statewide importance.

E. WATER RESOURCES

The USGS and the Nevada Division of Water Resources have divided Nevada into 14 hydrographic province and 256 Hydrographic Areas and Sub-areas (sub-basins). The four alternative sites are located within the Carbonate-Rock Province, a physiographic region within the eastern two-thirds of the Great Basin. The Carbonate-Rock Province is characterized by alternating sedimentary sequences dominated by either clastic rock (sandstone, shale, and conglomerate) with minor amounts of carbonate rocks (limestone or dolomite) or by carbonate rocks with minor amounts of clastic rock (Harrill, 1998). The carbonate rock aquifer covers approximately 92,000 square miles of the Great Basin and is one of the largest regional aquifer systems in the United States (Schaefer et al. 2005). In eastern and southern Nevada, thick sequences of carbonate rock underlie topographical bound areas consisting of mixed alluvial, colluvial and lacustrine deposits (basin-fill aquifers) forming a complex regional aquifer system. The carbonate-rock aquifer supplies water to numerous springs which are used for irrigation. As a result, groundwater is stored and conveyed through two principal aquifer systems: the basin-fill aquifer consisting of saturated, unconsolidated coarse materials; and the underlying carbonate rock aquifer consisting of fractured sedimentary carbonate rocks (Eakin 1966).

Recharge to the carbonate rock aquifer primarily consists as snow occurring in the surrounding mountains ranges; while the basin fill aquifer receives the majority of its recharge through coarse sediments deposited in alluvial fans. Aquifers are non-continuous; rather aquifers are broken into discrete bounded basins loosely grouped into a series of poorly connected "flow systems."

The Nevada State Engineer, Division of Water Resources is authorized by statute (Nevada Revised Statute 534 120) and directed to designate a groundwater basin and declare preferred uses within such designated basin. The State Engineer has additional authority in the administration of the water resources within a designated groundwater basin. Designated groundwater basins are locations where permitted groundwater rights approach or exceed the estimated average annual recharge and the water resources are being depleted or require additional administration. Under such conditions, a state's water officials will so designate a groundwater basin and in the interest of public welfare declare preferred uses (i.e., municipal and industrial, domestic, agricultural, etc.).

1. 630 East Parque Avenue Site

The 630 East Parque Avenue Site is located within the Death Valley hydrographic province, and the Pahrump Valley sub-basin. Surface water in the Pahrump Valley generally flows east to west off the Spring Mountains. The majority of precipitation in the Pahrump Valley is lost to evaporation and percolation. Surface water percolates through alluvial fans at the base of the Spring Mountains and into the Basin-Fill Aquifer underlying the Pahrump Valley. Water that does not percolate into the fans either evaporates or flows through ephemeral washes to the Amargosa River and its tributaries in California.

The Pahrump Valley sub-basin, shared between Nye and Clark County, Nevada and Inyo County, California is a component of the Death Valley Flow System. Recharge over the mountainous areas of the region sustains much of the flow through the Death Valley system. In the Pahrump Basin, little groundwater recharge is derived from precipitation that falls over Nye County; instead the basin is recharged primarily by precipitation over the Spring Mountains in Clark County.

No perennial or intermittent streams on or in the immediate vicinity of the site were observed during site reconnaissance visits conducted in June and October 2007. Several small ephemeral washes, visible on aerial photographs of the site, cross through the parcel but they do not exhibit a continuous and definable channel bed and bank. Channel geomorphology and ordinary high water marks were observed on several of the ephemeral washes. USGS topographic maps indicate an intermittent waterway exists in the southeast corner of the site and is identified as an "NHD stream" which is part of the National Hydrography Dataset (NHD) of surface water features. The designation has no regulatory significance but is digital spatial data used for watershed management activities. Review of available aerial photography and on-site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States.

No federally designated wild and scenic rivers are located near this alternative site. The Amargosa River in California, approximately 20 miles west of Pahrump, has been nominated for designation as a National Wild and Scenic River by the U.S. Department of the Interior:

EO 11988 requires federal agencies to take action to minimize occupancy and modification of floodplains. Floodplains are typically described as areas likely to be inundated by a particular flood event. For example, a flood that has a one percent chance of occurring in any one year is the 100-year floodplain. EO 11988 prohibits federal agencies from funding construction in the 100-year floodplain unless no practical alternative exist. Floodplains occur along streams and rivers, but not all floodplains represent a risk of serious flood damage.

Officially designated floodplains and floodways are established by the Federal Emergency Management Agency (FEMA) as areas where substantial flooding may result in property damage or threaten public safety. A FEMA-designated floodplain is the area that will be inundated by a 100-year storm while a regulatory floodway is the portion of the 100-year floodplain within which the majority of the flood waters are carried. Encroachment into a floodway could result in increased flood elevations and possibly increase property damage during a storm event. It is for this reason that hydrologic features and conditions, particularly the location of flood prone areas, are important considerations in determining the development suitability of a site and potential impacts associated with such development. FEMA Flood Insurance Rate Maps (Community Panel Number 3200184365C) indicate the entire 630 East Parque Avenue Site is located within Zone X, in an area determined to be outside both the 100-year flood hazard area and the 500-year floodplain.

2. 2250 East Mesquite Avenue Site

The 2250 East Mesquite Avenue Site is located within the same hydrographic province and sub-basin as the 630 East Parque Avenue Site. No perennial or intermittent streams on or in the immediate vicinity of the site were identified. Two large and several small ephemeral washes were identified during the June and October 2007 field reconnaissance visits and are visible on aerial photographs of the site. One ephemeral wash is located in the northern portion of the property, flows east to west and continues off-site. A second larger ephemeral wash is identified on the USGS topographic map as a perennial water feature, flows east to west and is located in the central portion of the site. Several small washes drain into the two larger ephemeral washes. Both ephemeral washes are erosional features and support mainly xeroriparian desert vegetation, however a discernable ordinary high water mark and readily observable channel geomorphology are present. Review of available aerial photography and on-site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States.

The Pahrump Valley sub-basin, shared between Nye and Clark County, Nevada and Inyo County, California is a component of the Death Valley Flow System. Recharge over the mountainous areas of the region sustains much of the flow through the Death Valley system. In the Pahrump Basin, little groundwater recharge is derived from precipitation that falls over Nye County; instead the basin is recharged primarily by precipitation over the Spring Mountains in Clark County.

No federally designated wild and scenic rivers are located near this alternative site. As noted earlier, the Amargosa River, located approximately 20 miles west of Pahrump in California, has been nominated for designation as a National Wild and Scenic River by the U.S. Department of the Interior. In addition, FEMA Flood Insurance Rate Maps (Community Panel Number 3200184415C) indicate the entire 2250 East Mesquite Avenue Site is located within Zone X, in an area determined to be outside both the 100-year flood hazard area and 500-year floodplain.

3. Apex Industrial Use Zone Site A

The Apex Industrial Use Zone Site A lies within the Colorado River hydrographic province and the Garnet (Dry Lake) Valley sub-basin. Dry Lake Valley is a closed desert basin with internal drainage that encompasses approximately 156 square miles. The valley contains internal drainage features within the basin itself, but these features are not hydrologically connected to other intrastate or interstate waters outside of Dry Lake Valley.

Based on review of USGS topographic mapping together with on-site reconnaissance surveys, this site contains an ephemeral stream that enters along the western boundary of the site, exits along the northern boundary, and re-enters the site in the northeast corner. As is typical in the region, this waterway is ephemeral, containing flowing water only during or shortly after, significant storm events. Review of available aerial photography and on-site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. The ephemeral stream drains to a closed desert basin (dry lake) with no surface drainages carrying flow outside of that closed basin, therefore, not connecting to navigable waters.

According to the FEMA Flood Insurance Rate Maps for Clark County, Nevada, and Unincorporated Areas (Community Panel Number 32003C 1425E), the Apex Industrial Use Zone Site A is located in Zone X, in an area determined to be outside both the 100-year flood hazard area and 500-year floodplain (Exhibit III-10).

Groundwater within the vicinity of the Apex Industrial Use Zone Site A is provided from the Garnet Valley (Dry Lake Valley) groundwater basin. The water bearing unit in the vicinity of this site is located in the upper part of the Bird Spring Formation at depths ranging from about 450 to 550 feet below the surface. Groundwater in the region generally flows toward the northeast into Dry Lake Valley.

4. Moapa Site

The Moapa Site is located within the watershed of the Muddy River, which is located about 300 feet to the south of the site's southwest corner. The Muddy River and surrounding areas drain to Lake Mead which is located approximately 17 miles to the southwest. The site contains several ephemeral washes which drain into the Muddy River. The western portion of the property has a small unnamed tributary of the Muddy River, which appears to be intermittent. In addition, an ephemeral wash is located along the proposed access route to the site. The ephemeral washes probably do not qualify as jurisdictional



FEMA MAP - APEX INDUSTRIAL USE ZONE SITE A

EXHIBIT III-10

waters of the U.S with the possible exception of the western channel. The washes are erosional features and support mostly xeroriparian desert vegetation, possess a discernable ordinary high water mark and have readily observable channel geomorphology.

The site is located within the Colorado River hydrographic province, and the California Wash sub-basin, approximately 1,000 feet southwest of the confluence of the Muddy River and the Meadow Valley Wash. Surface drainage flows from north to south across the site into the Muddy River. According to the Nevada Division of Environmental Protection (NDEP), the Muddy River is used for irrigation, industrial supply, public water supply, and aquatic and wildlife propagation.

No federally designated wild and scenic rivers are located within the vicinity of the site. According to the FEMA Flood Insurance Rate Maps (Community Panel Number 32003C0670E), a small portion of the Moapa Site, located to the southwest, lie within Zone AE, the 100-year floodplain (Exhibit III-11). A small area located in the southwest corner lies within a designated floodway. The majority of the property is designated as Zone X, which includes 500-year floodplain areas.

The Moapa Site is located within the Colorado River hydrographic province, and the California Wash sub-basin. Aquifers located within the Moapa Valley supply approximately ten percent of Southern Nevada's water. The Moapa Valley Water District (MVWD) currently operates four pumping stations in the Moapa Valley: the Baldwin Spring Station, Jones Spring Station, Behmer Well Station, and the Arrow Canyon Well. According to the Moapa Valley Water District approximately 2.45 million gallons are pumped from the four pumping stations each day. All wells and springs operated by the MVWD are located in the headwaters of the Muddy River northwest of the site. The Nevada Power Company also operates two wells along the Muddy River both of which are located northwest of the site.

F. BIOLOGICAL RESOURCES

Biological resources within the alternative sites were determined through the use of available database inventories and maps, maps published in the *Final Clark County Multiple Species Habitat Conservation Plan and Environmental Impact Statement* (September 2000) and other available information sources, regulatory agency contacts and direct field observations recorded during field surveys of each site. Data sources included U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) maps, USGS topographic maps, USDA soil surveys, and aerial photographs. Dominant plant species and biotic communities were identified and recorded during field investigations. Vegetative communities were carefully examined for habitat types and size. Habitats were analyzed and compared to habitat requirements of species known to occur within the vicinity of each alternative site, including species of special status (i.e., rare, threatened, endangered and other species of concern) to assess their potential for area use. Direct observations of wildlife and/or evidence of their habits were also recorded during field investigations.

1. Vegetation

Vegetative communities and dominant plant species, recorded during field investigations performed at each alternative site, consists primarily of the Mojave Desert Scrub Ecosystem. The Mojave Desert, smallest of the four North American deserts, is located between the Great Basin desert to the north and the Sonoran desert to the south. Encompassing over 25,000 square miles, the Mojave Desert is located within portions of Nevada, Arizona, Utah and California. Approximately 70 percent of the Mojave Desert is covered with the Creosote-Bursage vegetative community. This shrubland association typically occurs below 4,000 feet above msl on valley bottoms, lowlands and flatbottom of mild slope



FEMA MAP - MOAPA SITE

EXHIBIT III-11

and is dominated by creosote (*Larrea tridentata*) and white bursage (*Ambrosia dumosa*). Species associated with the Creosote-Bursage community include blackbrush (*Coleogyne ramosissima*), mormon tea (*Ephedra* spp.), indigo bush (*Psoralea fremontii*), shadscale (*Atriplex confertifolia*), spiny hopsage (*Grayia spinosa*), desert thorn (*Lycium* spp.), Anderson's wolfberry (*Lycium andersonii*), ratany (*Krameria* spp.), burro bush (*Hymenoclea salsola*), honey mesquite (*Prosopis glandulosa*), brittlebush (*Encelia farinosa*), Mojave yucca (*Yucca schidigera*), Joshua tree (*Yucca brevifolia*) and beavertail prickly pear (*Opuntia basilaris*).

In addition to the Creosote-Bursage community, the Mojave Desert Scrub Ecosystem is comprised of the Mojave Mixed Scrub community. This vegetative community is characterized by the occurrence of creosote, in association with several possible species including white bursage, indigo bush, desert thorn, shadscale, spiny hopsage, ratany and mormon tea. Primary associated shrub species include blackbush, brittlebush, bebbis (*Bebbia juncea*), desert saltbush (*Atriplex polycarpa*), desert holly (*Atriplex hymenlytra*), and burro bush. Joshua tree, yucca, teddybear cholla (*Opuntia bigelovii*) and hedgehog cacti (*Echinocereus* spp.) are typically present within the Mojave Mixed Scrub community. This community is located on slopes, washed or upland areas.

2. Wildlife and Habitats

The Mojave Desert Scrub Ecosystem provides habitat for many types of wildlife including song birds, raptors, reptiles, amphibians and small mammals. The Mojave Desert Scrub Ecosystem is critical to the survival of the desert tortoise, which burrow beneath creosote bushes utilizing the stable soils created by the creosote roots. Likewise, large kit fox den complex are often associated with creosote habitat. Heat tolerant reptile species including the common chuckwalla, banded Gila monster, desert iguana, long-nosed leopard lizard and various snakes depend on sandy soils and rocks/canyons within this ecosystem. Small mammals, including desert kangaroo rats, desert pocket mouse and black-tailed jackrabbit browse creosote bush or consume the seed. These small mammals are an important prey source for snakes as well as burrowing owl and prairie falcon. LeConte's thrasher, Crissal thrasher, loggerhead shrike and sparrows use yucca, creosote bush, cacti species and other vegetation as both shelters from the harsh climate and protection from predators.

3. Wetlands and Waters of the United States

Wetlands are defined as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted to life in saturated soil conditions (U.S. Army Corps of Engineers, *Wetland Delineation Manual, Technical Report Y-87-1*, January, 1987). Waters of the United States includes navigable waters and all their tributaries, adjacent wetlands and other waters or wetlands where degradation or destruction could affect interstate or foreign commerce.

Wetlands are protected under Sections 401 and 404 of the Federal Clean Water Act. The U.S. Environmental Protection Agency (EPA) developed criteria to be used in the evaluation of discharges of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act. The *Guidelines for Specification of Disposal Sites for Dredged or Fill Material* (40 CFR Part 230, December 24, 1980) are commonly known as the 404 (b)(1) Guidelines. These guidelines indicate that dredged or fill material should not be discharged into the aquatic system unless it can be demonstrated that such a discharge will not have an unacceptable adverse impact. Compliance with the guidelines requires an analysis of alternatives. Specifically, the guidelines state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. An alternative is defined as practicable if it is

available and capable of being implemented after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

The U.S. Army Corps of Engineers (Corps) regulates the issuance of permits to fill waters of the United States, including wetlands pursuant to Section 404 of the Clean Water Act. The issuance of a Section 404 permit must comply with the EPA guidelines described above, pursuant to Section 404(b)(1) of the Clean Water Act, unless the Corps concludes that the economics of navigation and anchorage warrant permit issuance.

As a consequence of the U.S. Supreme Court decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States*, which addressed the jurisdiction over waters of the United States under the Federal Clean Water Act; the EPA, Corps in coordination with the Office of Management and Budget and the President's Council on Environmental Quality, developed the *Memorandum Regarding Clean Water Act Jurisdiction Following Rapanos v. United States* and *Memorandum for the Field: Coordination on JDs under CWA Section 404 in Light of SWANNC and Rapanos Supreme Court Decisions*. This guidance identifies those waters which the agencies will assert jurisdiction categorically and on a case-by-case basis, based on the reasoning of the Supreme Court's decision. The EPA and the Corps will continue to assert jurisdiction over waters and wetlands which are adjacent to or have a continuous surface connection to traditional navigable waters. According to the Corps, Sacramento District, traditional navigable waters within Nevada include Lake Tahoe and the Colorado River, including Lake Meade and Lake Mohave. However, jurisdiction over ephemeral tributaries which flow only in response to precipitation (desert washes) will be evaluated under the significant nexus standard established by the Supreme Court's decision. A significant nexus exists if the tributary or ephemeral wash, in combination with all of its adjacent wetlands, has more than a speculative or an insubstantial effect on the chemical, physical and biological integrity of downstream traditional navigable waters. Significant nexus includes consideration of hydrologic (i.e. volume, duration and frequency of flow, proximity to navigable water, size of watershed, annual rainfall) and ecological factors (i.e. potential of tributaries to carry pollutants and flood waters to navigable waters, potential to trap and filter pollutants and flood waters, aquatic habitat within navigable waters, water quality in navigable waters). Swales or erosional features (i.e., small washes characterized by low volume, infrequent or short duration of flow) are typically not considered jurisdictional waters.

4. Species of Special Status

Literature and databases used to identify potential occurrences of rare, threatened or endangered species include the Nevada's Endangered, Threatened, Proposed and Candidate Species by County (March 28, 2007) published by the USWFS as well as State lists published by the Nevada Natural Heritage Program (NNHP). State lists included the *Animal and Plant At-Risk Tracking List* (March 2007), *Animal and Plant Watch List* (March 2007), *Clark County Rare Species List* (March 18, 2004) and the *Nye County Rare Species List* (March 18, 2004).

In September 2000, the Clark County Department of Comprehensive Planning prepared the *Clark County Multiple Species Habitat Conservation Plan* (MSHCP) identifying the actions necessary to maintain the viability of natural habitats in Clark County for approximately 232 species. Nye County is currently working in cooperation with USFWS to prepare a Multi-Species Habitat Conservation Plan for southern Nye County, as well as a Pahrump Valley Desert Tortoise Short-Term Habitat Conservation Plan.

The USFWS has been charged with responsibility for the listing and management of threatened and endangered species native to the United States under the federal Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et. seq.*) and the Migratory Bird Treaty Act of 1918, as amended (16

U.S.C. 703 *et. seq.*). The USFWS has designated, 24 distinct Nevada species and their subspecies as endangered, 16 as threatened and 9 are candidates for listing as threatened or endangered. Of the 40 federally listed species, 37 species are protected under state statutes and regulations administered by the Nevada Department of Wildlife (NDOW) and the Nevada Division of Forestry. The Nevada Administrative Code Chapter 503 (Hunting, Fishing and Trapping; Miscellaneous Protection) (Revised July 25, 2006) lists 86 species which are fully protected under state laws. Of the 86 wildlife species protected under Nevada Administrative Code 503.005 through 503.503.090, the majority are fish and birds species. The addition all wild birds protected by the Migratory Bird Treaty Act, unless such birds are migratory game birds, are protected under Nevada Administrative Code 503.050. Proposed activities which may jeopardize federally or state listed species must be permitted and a plan approved to avoid, minimize, or mitigate the taking of individuals of endangered or threatened species.

As of January 4, 2004 native cacti, yucca, and evergreen (Christmas) trees within the State of Nevada are protected and regulated by N.R.S. 527.060 through 527.120 and Nevada Administrative Code Chapter 527 (Protection and Preservation of Timbered Lands, Trees and Flora) when proposed for removal or possession at commercial rates or quantities. Commercial quantities are defined as the "...removal or possession of six or more of such plants in any one calendar day or the removal or possession of less than six of such plants each for seven or more consecutive calendar days, except removal or possession of the plants for scientific or educational purposes with the permission of the owner of the plant." (N.R.S 527.071). Written approval from the Nevada State Forester Firewarden must be obtained prior to the taking of native cacti, yucca and evergreen trees.

Based on both state and federal lists, 94 state or federally protected species could potentially occur in Clark and/or Nye County (Exhibit III-12). This includes 28 federally listed species including 14 federally endangered, 10 federally threatened and four candidates for listing species.

Based on the lack of perennial water, and the very limited ephemeral nature of the surface water on the 2250 East Mesquite Avenue Site, 630 East Parque Avenue Site and the Apex Site A property, no protected fish species and amphibian species would occur. In addition, any state and federally protected bird species, or bird species of special status whose habitat is water dependent would also not occur within the vicinity of the East Mesquite Avenue Site, East Parque Avenue Site and the Apex Site A property as resident individuals. This would include such species as the federally endangered southwestern willow flycatcher or Yuma clapper rail. In addition, the sparse vegetation cover, lack of dense shrub community, and the lack of woody vegetation would eliminate a considerable number of bird species, such as the Pinyon jay, western least bittern, yellow-billed cuckoo, red-naped sapsucker, and/or yellow warbler. Descriptions of species listed on Exhibit III-12 that depend on or at least partially utilize Mojave/Sonoran warm desert scrub habitat are described below. Species specific to the Moapa Site are described in Section 8.

Spotted bat (*Euderma maculatum*): The Spotted bat is a relatively large bat (wingspan of 13 inches) with large pink ears, three white spots on its black back, one on each shoulder and one on the rump; is closely associated with open arid habitats. Steep cliffs within a few miles of foraging areas (riparian areas, marshes, fields, grasslands, and open forest) as well as a water source are limiting factors in the location of day roosts and possibly hibernation sites. Spotted bats typically roost in caves, and in cracks and crevices in cliffs and canyons.

Western mastiff bat (*Eumops perotis*): The western mastiff bat, largest bat in the United States (wingspan of 21 to 22 inches), occurs from central California, southward to central Mexico. Optimal habitat for the western mastiff bat includes desert scrub communities near cliffs, rugged rocky area where suitable crevices are available for day-roosts. Day-roosts are typically located in large crevices

EXHIBIT III-12
SPECIAL STATUS SPECIES - CLARK COUNTY
AND NYE COUNTY, NEVADA

Mammals

Scientific Name	Common Name	Federal Status	State Status	County
<i>Euderma maculatum</i>	spotted bat		T	Clark, Nye
<i>Eumops perotis</i>	western mastiff bat		S	Clark
<i>Idionycteris phyllotis</i>	Allen's big-eared bat		P	Clark
<i>Macrotus californicus</i>	California leaf-nosed bat		S	Clark
<i>Microtus montanus nevadensis</i>	Ash Meadows montane vole		S	Nye
<i>Myotis thysanodes</i>	fringed myotis		P	Clark, Nye
<i>Neotamias palmeri</i>	Palmer's chipmunk		S	Clark
<i>Neotamias umbrinus nevadensis</i>	Hidden Forest Uinta chipmunk		S	Clark
<i>Ochotona princeps</i>	American pika		P	Nye

Amphibians

Scientific Name	Common Name	Federal Status	State Status	County
<i>Bufo nelsoni</i>	Amargosa toad		P	Nye
<i>Rana luteiventris</i> pop. 3	Columbia spotted frog (Great Basin)	C	P	Nye
<i>Rana onca</i>	relict leopard frog	C	P	Clark

Reptiles

Scientific Name	Common Name	Federal Status	State Status	County
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert)	LT	T	Clark, Nye
<i>Heloderma suspectum cinctum</i>	banded Gila monster		P	Clark, Nye

Invertebrates (Insects)

Scientific Name	Common Name	Federal Status	State Status	County
<i>Ambrysus amargosus</i>	Ash Meadows naucorid	LT		Nye

Fish

Scientific Name	Common Name	Federal Status	State Status	County
<i>Catostomus clarkii intermedius</i>	White River desedrt sucker		P	Nye
<i>Crenichthys baileyi thermophilus</i>	Moorman White River springfish		P	Nye
<i>Crenichthys nevadae</i>	Railroad Valley springfish	LT	T	Nye
<i>Cyprinodon diabolis</i>	Devils Hole pupfish	LE	E	Nye
<i>Cyprinodon nevadensis mionectes</i>	Ash Meadows Amargosa pupfish	LE	T	Nye
<i>Cyprinodon nevadensis pectoralis</i>	Warm Springs Amargosa pupfish	LE	E	Nye

EXHIBIT III-12 (CONTINUED)
SPECIAL STATUS SPECIES - CLARK COUNTY
AND NYE COUNTY, NEVADA

Fish (Continued)

Scientific Name	Common Name	Federal Status	State Status	County
<i>Empetrichthys latos latos</i>	Pahrump poolfish	LE	E	Clark
<i>Gila (robusta) seminuda</i>	Virgin River chub	LE	E	Clark
<i>Gila bicolor ssp. 5</i>	Hot Creek Valley tui chub		S	Nye
<i>Gila bicolor ssp. 6</i>	Little Fish Lake Valley tui chub		S	Nye
<i>Gila bicolor ssp. 7</i>	Railroad Valley tui chub		S	Nye
<i>Gila bicolor ssp. 8</i>	Big Smokey Valley tui chub		S	Nye
<i>Gila elegans</i>	bonytail chub	LE	E	Clark
<i>Gila seminuda pop. 2</i>	Virgin River chub (Muddy River)		S	Clark
<i>Lepidomeda albivallis</i>	White River spinedace	LE	E	Nye
<i>Lepidomeda mollispinis mollispinis</i>	Virgin River spinedace		P	Clark
<i>Moapa coriacea</i>	Moapa dace	LE	E	Clark
<i>Oncorhynchus clarkii henshawi</i>	Lahontan cutthroat trout	LT	Yes	Clark, Nye
<i>Plagopterus argentissimus</i>	woundfin	LE, XN	E	Clark
<i>Rhinichthys osculus lariversi</i>	Big Smokey Valley speckled dace		S	Nye
<i>Rhinichthys osculus moapae</i>	Moapa speckled dace		S	Clark
<i>Rhinichthys osculus nevadensis</i>	Ash Meadows speckled dace	LE	E	Nye
<i>Xyrauchen texanus</i>	razorback sucker	LE	E	Clark

Birds

Scientific Name	Common Name	Federal Status	State Status	County
<i>Accipiter gentilis</i>	Northern Goshawk		S	Nye
<i>Aquila chrysaetos</i>	golden eagle		P	Clark, Nye
<i>Asio otus</i>	long-eared owl		P	Clark, Nye
<i>Athene cunicularia hypugaea</i>	western burrowing owl		P	Clark, Nye
<i>Beaolophus griseus (ridgwayi)</i>	juniper titmouse		Yes	Nye
<i>Buteo regalis</i>	Ferruginous hawk		P	Clark, Nye
<i>Buteo swainsoni</i>	Swainson's hawk		P	Nye
<i>Centrocercus urophasianus</i>	sage grouse		Yes	Nye
<i>Charadrius alexandrinus nivosus</i>	western snowy plover		P	Nye
<i>Charadrius montanus</i>	mountain plover		Yes	Clark, Nye
<i>Chlidonias niger</i>	black tern		P	Nye
<i>Chordeiles acutipennis</i>	lesser nighthawk		P	Nye
<i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	C	S	Clark, Nye
<i>Dendroica petechia</i>	yellow warbler		Yes	Clark, Nye
<i>Empidonax traillii extimus</i>	Southwestern willow flycatcher	LE	E	Clark, Nye

EXHIBIT III-12 (CONTINUED)
SPECIAL STATUS SPECIES - CLARK COUNTY
AND NYE COUNTY, NEVADA

Birds (Continued)

Scientific Name	Common Name	Federal Status	State Status	County
<i>Falco mexicanus</i>	prairie falcon		P	Clark, Nye
<i>Falco peregrinus</i>	Peregrine falcon		E	Clark
<i>Geothlypis trichas</i>	common yellowthroat		Yes	Clark, Nye
<i>Grus canadensis tabida</i>	greater sandhill crane		P	Nye
<i>Gymnorhinus cyanocephalus</i>	Pinyon jay		P	Clark, Nye
<i>Icteria virens</i>	yellow-breasted chat		P	Clark, Nye
<i>Ixobrychus exilis hesperis</i>	western least bittern		P	Clark, Nye
<i>Lanius ludovicianus</i>	loggerhead shrike		S	Clark, Nye
<i>Leucosticte atrats</i>	black rosy-finch		P	Nye
<i>Melanerpes lewis</i>	Lewis' woodpecker		P	Nye
<i>Mycteria americana</i>	wood stork		Yes	Clark
<i>Numenius americanus</i>	long-billed curlew		P	Nye
<i>Oporornis tolmiei</i>	Macgillivray's warbler		Yes	Nye
<i>Oreortyx pictus</i>	mountain quail		Yes	Nye
<i>Otus flammeolus</i>	flamulated owl		P	Clark, Nye
<i>Pandion haliaetus</i>	osprey		Yes	Nye
<i>Phainopepla nitens</i>	Phainopepla		P	Clark, Nye
<i>Plegadis chihi</i>	white-faced ibis		P	Nye
<i>Poocetes gramineus</i>	Vesper sparrow		P	Clark, Nye
<i>Rallus longirostris yumanensis</i>	Yuma Clapper Rail	LE	E	Clark, Nye
<i>Sphyrapicus nuchalis</i>	red-naped sapsucker		P	Clark, Nye
<i>Sterna antillarum</i>	least tern		Yes	Clark
<i>Toxostoma crissale</i>	Crissal thrasher		P	Clark, Nye
<i>Toxostoma lecontei</i>	Le Conte's thrasher		Yes	Clark
<i>Vermivora celata</i>	orange-crowed warbler		Yes	Nye
<i>Vermivora luciae</i>	Lucy's warbler		Yes	Clark, Nye
<i>Vireo vicinior</i>	gray vireo		Yes	Clark, Nye

Plants

Scientific Name	Common Name	Federal Status	State Status	County
Pteridophytes				
<i>Botrychium lineare</i>	slender moonwort	C		Clark
Dicots				
<i>Arctomecon californica</i>	Las Vegas bearpoppy	S	CE	Clark

EXHIBIT III-12 (CONTINUED)
SPECIAL STATUS SPECIES - CLARK COUNTY
AND NYE COUNTY, NEVADA

Plants (Continued)

Scientific Name	Common Name	Federal Status	State Status	County
<i>Astragalus geyeri</i> var. <i>triquetrus</i>	threecorner milkvetch	S	CE	Clark
<i>Astragalus lentiginosus</i> var. <i>sesquimetralis</i>	Sodaville milkvetch	S	CE	Nye
<i>Astragalus mohavensis</i> var. <i>hemigyrys</i>	halring milkvetch	S	CE	Clark, Nye
<i>Astragalus phoenix</i>	Ash Meadows milkvetch	LT	CE	Nye
<i>Centaurium namophilum</i>	spring-loving centaury	LT	CE	Nye
<i>Cryptantha insolita</i>	Las Vegas catseye	S	CE	Clark
<i>Enceliopsis nudicaulis</i> var. <i>corrugata</i>	Ash Meadows sunray	LT	CE	Nye
<i>Eriogonum viscidulum</i>	sticky buckwheat	S	CE	Clark
<i>Frasera gypsicola</i>	Sunnyside green gentian	S	CE	Nye
<i>Grindelia fraxinoprattensis</i>	Ash Meadows gumplant	LT	CE	Nye
<i>Ivesia kingii</i> var. <i>eremica</i>	Ash Meadows mousetails	LT	CE	Nye
<i>Mentzelia leucophylla</i>	Ash Meadows blazingstar	LT	CE	Nye
<i>Nitrophila mohavensis</i>	Amargosa niterwort	LE	CE	Nye
<i>Opuntia whipplei</i> var. <i>multigeniculata</i>	Blue Diamond cholla	C	CE, CY	Clark
<i>Penstemon bicolor</i> var. <i>roseus</i>	rosy twotone beardtongue	S		Clark, Nye
<i>Polyctenium williamsiae</i>	Williams combleaf	C	CE	Nye
<i>Sclerocactus blainei</i>	Blaine pincushion	C	CY	Nye

Key:**U.S. Fish and Wildlife Service (Federal)**

- LE Listed Endangered - in endangered of extinction
- LT Listed Threatened - likely to be classified as Endangered in the foreseeable future if present trends continue
- C Candidate
- S Species of Concern
- XN Presumed extirpated or extinct

Nevada State Protected (State) Species Classification**Fauna - Species Protected under NRS 501**

- E Endangered
- T Threatened
- P Protected
- S Sensitive

Flora

- CE Critically endangered (NRS 527.260 through 527.300)
- CY Protected as a cactus, yucca or Christmas tree (NRS 527.060 through 527.120)
- Yes Species protected under NRS 501

Source: Nevada Natural Heritage Program

Animal and Plant At-Risk Tracking List (March 2007), *Animal and Plant Watch List* (March 2007), *Clark County Rare Species List* (March 18, 2004) and *Nye County Rare Species List* (March 18, 2004)

in exfoliating slabs of granite or sandstone. The crevices must open downward, be at least five centimeters wide and 30 centimeters deep, and narrow to at least 2.5 centimeters at their upper end. This bat forages on insects (moths, crickets, grasshoppers, etc), especially *Hymenoptera* (bees, wasps, ants and sawflies) at considerable heights (100 to 1,000 feet) over extensive areas for long durations (6.5 hours) during the night.

Fringed myotis (*Myotis thysanodes*): The fringed bat occurs throughout much of western North America from southern British Columbia south to Chiapas, Mexico. Preferred habitat includes drier woodlands (oak, pinyon-juniper, ponderosa pine), however the fringe bat is also found in a variety of habitats including desert scrub, mesic coniferous forest, grassland and sage-grass steppe. This species occurs from sea-level to 9,350 feet but is most common from 3,900 feet to 6,900 feet above msl.

Kit Fox (*Vulpes macrotis*): The kit fox range extends from northern Mexico and Baja California north through western Texas, west of the Rocky Mountains to southwestern Idaho and southeastern Oregon, and in portions of California, Arizona, Nevada, Utah, New Mexico, and western Colorado. Kit foxes are adapted to desert and semiarid habitats, primarily inhabiting blackbrush, salt desert scrub and Mojave desert scrub communities. To a lesser extent, the kit fox will inhabit sagebrush, mesquite, lowland riparian, barren and grassland habitats

Desert tortoise (*Gopherus agassizii*) (Mojave Desert population): The desert tortoise was listed as threatened by the USFWS on April 2, 1990. Within the United States, the desert tortoise occurs in the Mojave and Sonoran deserts in southwestern Utah, southern Nevada, southeastern California, and western Arizona generally at elevations below 4,500 feet. Habitat for the desert tortoise ranges from sandy flats to rocky foothills, including alluvial fans, washes and canyons where friable soil, suitable for den construction, is found. Creosote bush, burrobush, Mojave yucca and blackbush typically indicate optimal habitat; at higher elevations Joshua tree and galleta grass (*Pleuraphis rigida*) are common plant indicators. Spring and summer burrows vary from 18 inches to five feet long, and may only be a few inches from the surface. Winter burrows are typically longer (approximately eight feet) and deeper (two to three feet from the surface).

Banded Gila monster (*Heloderma suspectum cinctum*): The banded Gila monster is the only venomous lizard endemic to the United States. Found mainly below 5,000 feet elevation, its geographic range is similar to the desert tortoise. The range of the Gila monster is primarily in Arizona and Mexico, the extreme southeastern corner of California, the southern tip of Nevada, and the southwestern corners of Utah and New Mexico. In Nevada, the Gila monster occurs in Clark, Lincoln and Nye Counties. Gila monsters are desert dwellers spending 95 percent of their lives underground, living near ephemeral washes and arroyos and in semiarid rocky regions of desert scrub or grasslands. Gila monsters also seem to prefer rocky canyon foothills and avoid open flats and agricultural areas.

Western burrowing owl (*Athene cunicularia hypugea*): The burrowing owl is found throughout the State of Nevada and is protected by the Migratory Bird Treaty Act. In southern Nevada, the burrowing owl is found primarily in valley bottoms and ephemeral washes; habitats include dry open gently sloping hills, grasslands, fallow fields, sparsely vegetated desert scrub with gullies, washes, arroyos, and edges of human disturbed lands. The primary habitat consideration for the western burrowing owl is the availability of underground burrows. Although the owls nest and roost in underground burrows, they rarely excavate their own burrows, preferring to enlarge or modify existing burrows. Burrowing animals such as squirrels, kit foxes, desert tortoises, and badgers provide the majority of owl nesting sites that have been found in Nevada. Favored nest burrow sites are those in relatively sandy sites (possibly for ease of modification and drainage), areas with low vegetation around the burrows (to facilitate the owl's view and hunting success), holes at the bottom of vertical cuts with a slight downward slope from the entrance, and slightly elevated locations to avoid flooding. In

addition to burrows, the owls also require perching locations and frequently use fence posts or the top of mounds outside the burrow.

Ferruginous hawk (*Buteo regalis*): The Ferruginous hawk inhabits semiarid to arid western plains and intermountain regions from southern Alberta, south to New Mexico and Arizona. It winters from the central and southern parts of its breeding range south to Mexico. Habitat for the Ferruginous hawk includes lower montane woodlands, sagebrush, cliffs and canyon, intermountain cold desert scrub and agricultural lands. Nesting occurs in and around the interface of pinyon juniper and sagebrush habitats. In southerly Nevada, Ferruginous hawks typically nest in low trees, usually Pinyon Pine/Juniper stringers interfacing with sagebrush communities. No nesting at any of the alternative sites has been documented by the NDOW, although wintering birds do make use of the Moapa Valley.

Lesser Nighthawk (*Chordeiles acutipennis*): The Lesser nighthawk, protected by the Migratory Bird Treaty Act, primarily inhabits arid lowlands, deserts, bare or somewhat brushy open country, dry gravel washes, and areas of scrub vegetation. The breeding range for this species extends from central interior California, southern Nevada, extreme southwestern Utah, central Arizona, central New Mexico, and central and southeastern Texas south to South America. In North America the breeding distributions of this nighthawk largely coexists with Creosote scrub habitats.

Prairie Falcon (*Falco mexicanus*): Like the burrowing owl, the prairie falcon is found throughout the State of Nevada and is protected by the Migratory Bird Treaty Act. Prairie falcons typically occur in arid and semiarid treeless terrain including prairies, shrublands, and grasslands. Foraging habitat includes open areas with low vegetation containing ground squirrels (*Spermophilus* spp.) and birds. Nests are located in a scrape on a sheltered ledge of a cliff overlooking a large, open area.

Loggerhead Shrike (*Lanius ludovicianus*): The loggerhead shrike is a masked, hook-billed songbird found throughout the United States and southern Canada. Loggerhead shrikes breeds in a wide variety of open habitats including native and non-native grasslands, sage scrub, and other areas with a scattering of bushes and trees and bare ground. Within Nevada optimal habitat includes: Joshua tree woodlands, Creosote Bush Scrubland, Pinyon-Juniper woodland, Shadscale scrubland, and Central Oak Woodland. Nesting shrubs and trees can be loosely scattered, arranged in a linear or grid fashion, or isolated. To immobilize prey, the shrike will often impale the prey on cactus spines and thorns.

Crissal Thrasher (*Toxostoma crissale*): Crissal Thrasher is discontinuously distributed throughout most of the Mojave, Sonoran, and Chihuahuan deserts of the southwest United States and northern Mexico. Crissal Thrasher primarily inhabits dense desert scrub and arroyo riparian vegetation. Within the Mojave Desert, this species occurs in dense sagebrush and other shrubs in washes within juniper and pinyon-juniper habitats, up to 5,900 feet in elevation.

Le Conte's thrasher (*Toxostoma lecontei*): The Le Conte's thrasher occurs in extreme northwestern Mexico and portions of Arizona, California, Nevada, and Utah. The Le Conte's Thrasher prefers desert flats, washes and alluvial fans with sandy and/or alkaline soil and scattered shrubs. Plant species used for nesting sites varies with availability; however silver cholla (*Opuntia echinocarpa*) is the preferred nesting plant. Other species of saltbush found in the Le Conte's Thrashers range, such as shadscale, quailbush, desert holly and fourwinged saltbush (*Atriplex canescens*) may be occasionally used for nesting. Nests are located approximately two to eight feet above the ground.

Las Vegas bearpoppy (*Arctomecon californica*): The Las Vegas bearpoppy is a short-lived perennial herb with showy yellow flowers which bloom between April and May. Although, prevalent to the eastern portion of the Mojave desert in southeastern Nevada and northwestern Arizona, the majority of

the known population of this species occurs in Clark County, Nevada. Habitat includes open, dry, spongy or powdery dissected or hummocked soils primarily within Mojave Desert scrub and salt desert scrub vegetative communities on gypsum outcrops. Surrounding species typically include Creosote bush, saltbush and blackbrush.

Threecorner milkvetch (*Astragalus geyeri* var. *triquetrus*): This late-winter to early-spring flowering annual is endemic to the southeastern Mojave Desert in Clark and Lincoln counties, Nevada. Within Clark County, the threecorner milkvetch is limited to the Dry Lake Valley, Glendale, Riverside, Overton Arm and Sandy Cove regions. This species is typically located in sandy soils formed from sedimentary formations adjacent to Lake Mead and its tributaries and is associated with Aztec sandstone outcrops. The threecorner milkvetch inhabits open, deep sandy soils or dunes, typically stabilized by vegetation and/or gravel veneer within Mojave Desert scrub communities. Plants occur in low number (10 to 40 individuals per location) at most locations and may not appear every year.

Halring milkvetch (*Astragalus mohavensis* var. *hemigyrys*): Halring milkvetch, a dicot in the family Fabaceae (legume family), is an early-spring flowering annual or short-lived perennial herb that is native to Nevada. Habitat includes carbonate gravel and derivative soils located in terraced hills and ledges, open slopes, and along washes in creosote-bursage, blackbrush and mixed shrub zone. This plant species is typically found at elevations between 3,000 and 5,560 feet above msl.

Sticky buckwheat (*Eriogonum viscidulum*): Sticky buckwheat, a yellowing flowering annual with diffusely branched stems rising from a basal rosette of leaves, is endemic to the Mojave Desert. The stems and branches are slightly sticky and are often covered with adhering sand particles. Within Clark County this species occurs along the Muddy River from Weiser Wash to the confluence with the Virgin River, and within the Virgin River drainage area from Sand Hollow Wash to the confluence of the Colorado River at Middle Point. Habitat includes low dunes, washes, beaches and areas of Aeolian accumulation in loose sandy soils within the Mojave Desert scrub community. This plant species is typically found at elevations between 1,500 and 2,500 feet above msl.

Rosy twotone beardtongue (*Penstemon bicolor* var. *roseus*): Rosy twotone beardtongue, is a late-winter to early-spring (mid-March to mid-May) perennial herb in the family *Scrophulariaceae* (figwort family). Preferred habitat includes rocky calcareous, granitic, or volcanic soils in washes, roadsides, ditches, scree at outcrop bases, rock crevices or similar locations receiving enhanced runoff, in the creosote-bursage, blackbrush, and mixed-shrub zones.

5. 630 East Parque Avenue Site

■ Vegetation

Vegetation within the 630 East Parque Avenue Site is comprised of Mojave Desert scrub ecosystem dominated by creosote, white bursage and silver/gold cholla (Exhibit III-13). Other species observed within the project area include: bristly fiddleneck (*Amsinckia tessellata*), red brome (*Bromus rubens*), prostrate spurge (*Chamaesyce* sp.), desert pincushion (*Chaenactis fremontii*), rigid spiny herb (*Chorizanthe rigida*), rabbitbrush (*Chrysothamnus* sp.), cottontop cactus (*Echinocactus polycephalus*), hedgehog cactus, desert poppy (*Eschscholzia glyptosperma*), Mormon tea, skeleton weed (*Eriogonum deflexum*), desert trumpets (*Eriogonum inflatum*), fluffgrass (*Erioneuron pulchellum*), redstem stork's bill (*Erodium cicutarium*), burrobush, ratany, beavertail cactus, desert indianwheat (*Plantago ovata*), California butterweed (*Senecio* sp.) and Mojave aster (*Xylorhiza tortifolia*).



View of small ephemeral washes located within the project site.



View of typical vegetation located within the project site.

Cacti and yucca species encountered within the site include beavertail, silver/gold cholla, cottontop cactus, hedgehog cactus, Mojave yucca and fishhook cactus (*Mammillaria tetrancistra*).

■ **Wildlife and Habitat**

Wildlife typical of the Mojave Desert scrub ecosystem potentially inhabits the site. During various field investigations, few wildlife were observed with the exception being a lizard. In addition to several small burrows, a large burrow was observed. Due to the characteristics of the burrow, flat at the bottom and round on the top, it could potentially be utilized by desert tortoise.

■ **Wetlands/Waters of the United States**

On-site field evaluations of the site were conducted in June 2007 and October 2007. Several small ephemeral washes cross through the parcel but they do not exhibit a continuous and definable channel bed and bank. These small desert washes were identified during various field reconnaissance visits and are visible on aerial photographs of the site. Channel geomorphology and ordinary high water marks were observed on several of the ephemeral washes.

Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. Pahrump Dry Lake, an interstate water, is located approximately 10 miles southwest of the site and is identified as a wetland on the USFWS NWI Map (USFWS 2007). Pahrump Dry Lake and any tributaries with a significant nexus to traditional navigable waters are considered waters of the U.S.

A formal wetland delineation was conducted on December 20 and 26, 2007 to identify any definable channel bed and bank, determine the ordinary high water mark, and to determine if drainage features located within the site are hydrologically connected to Pahrump Dry Lake. The *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987) and the *United States Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory, 2006) were used as guidance for delineating wetlands. The *Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States* (Corps, 2004), *Guidelines for Jurisdictional Determinations of Waters of the United States in the Arid Southwest* (Corps, 2001), and the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* (Corps, 2007) were used as guidance for identifying and determining limits of jurisdiction in ephemeral washes. The guidance identifies three main features associated with arid stream systems including hydrology, geomorphology and vegetation. The limits of the Corps jurisdiction extend to the ordinary high water mark which is defined as the clear, natural line on the shore or channel bank established by water fluctuations. The majority of drainage features located within the site consists of small, shallow multi-braided swales that convey stormwater runoff. A few of the drainage features contain a discernible bed and bank, with the ordinary high water mark ranging from less than one foot up to three feet wide with average depths of two to four inches. However, the majority of these features flatten out and turn to sheet flow west of the project area, while the remaining drainage features are interrupted by roads and residential developments prior to reaching any waters of the U.S. Therefore, drainage features within the project area do not have a hydrological connection to Pahrump Dry Lake, nor do they provide a significant contribution to the biological, physical or chemical integrity of a interstate water.

■ **Species of Special Status**

The USFWS, the NNHP and the NDOW were contacted to obtain records of threatened and endangered species or habitats of special concern that may exist on or in the immediate vicinity of the

site (Appendix B). The NDOW indicated in a letter dated March 7, 2007 that the 630 East Parque Avenue Site is located in Mojave/Sonoran Warm Desert Scrub habitat and potential wildlife of concern includes: desert tortoise, Gila monster, western burrowing owl, prairie falcon, loggerhead shrike, Le Conte's thrasher, lesser nighthawk, and the kit fox. The USFWS also indicated that habitat may exist for the desert tortoise and Gila monster. The USFWS also requested coordination for potential impacts to migratory birds managed under the Migratory Bird Treaty Act of 1918, including the burrowing owl. In addition, the NNHP indicates habitat may be available for the Pahrump silverscale and the Pahrump Valley buckwheat.

On December 20 and 26, 2007, 100 percent coverage pedestrian transect biological surveys were conducted within the site. Biological surveys followed protocols as established in the *Field Survey Protocol for any Federal Action that May Occur Within the Range of the Desert Tortoise* (USFWS, 1992). The location of all tortoise signs encountered was surveyed using a handheld GPS and data forms were completed for each borrow and/or sign that was identified (Appendix G).

Desert Tortoise: During the biological surveys, desert tortoise signs were observed within the site including one Class 2 burrow with Class 3 scat, one Class 3 burrow, one Class 5 burrow, one Class 3 carcass, and one Class 4 carcass. A description of the Classes is included on the data sheets included in Appendix G. Suitable habitat for the desert tortoise was observed within the site.

Banded Gila Monster: During the June and October 2007 site reconnaissance and the December 2007 biological surveys, numerous burrows used by small mammals were observed. However, no burrows or other evidence of the current presence of the Gila monster was observed on the property. Suitable habitat for the Gila monster potentially exists with the site.

Burrowing Owl: Although small mammal burrows were observed within the site, no burrows or other evidence of the current presence of burrowing owls was observed on the property. The site contains suitable habitat for the burrowing owl.

Prairie Falcon: Although potential foraging habitat for the prairie falcon exists within the site, breeding habitat including sheltered cliff ledges are not present. This species was not observed during the field reconnaissance or biological surveys.

Le Conte's thrasher: Potential habitat for the Le Conte's thrasher exists within the site. This species was not observed during the field reconnaissance or biological surveys.

Loggerhead Shrike: Potential foraging and breeding habitat for the loggerhead shrike exists within the site. This species was not observed during the field reconnaissance or biological surveys.

Lesser Nighthawk: Potential habitat for the Lesser nighthawk exists within the site. This species was not observed during the field reconnaissance or biological surveys.

Kit Fox: Although small mammal burrows were observed within the site, no evidence of the current presence of the kit fox was observed on the property. This species was not observed during the field reconnaissance or biological surveys.

Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*): The Pahrump silverscale is a recently described annual saltbush that has been found in the Pahrump and Stewart valleys, and may also occur in Mojave County, Arizona. It is most abundant in abandoned disturbances where it is evidently very rare and threatened by habitat conversion. NNHP lists the plant as an S1 (critically imperiled due to extreme rarity, imminent threats, and/or biological factors). The plant is known from one locale in

Nevada, and has not been seen since 2003, although limited search efforts have been undertaken. No individuals of this species were observed during the surveys and suitable habitat does not exist within the site.

Pahrump Valley buckwheat (*Eriogonum bifurcatum*): The Pahrump Valley buckwheat is a Federal species of concern (former Federal candidate) and is listed as an S2 (imperiled due to rarity and/or other demonstrable factors) by NNHP. It occurs in saline, clayey or silty hardpan soils which are not present on the subject property. No individuals of this species were observed during the surveys and suitable habitat does not exist within the site.

No other rare, threatened or endangered species known to occur in Nye County was observed during the site reconnaissance of the site.

6. 2250 East Mesquite Avenue Site

■ Vegetation

Vegetation located within the 2250 East Mesquite Avenue Site is comprised of Mojave Desert scrub ecosystem dominated by creosote, white bursage, spiny menodora (*Menodora spinescens*) and Mojave yucca (Exhibit III-14). Other species observed within the project area include: bristly fiddleneck, common milkweed (*Asclepias* sp.) desert marigold (*Baileya multiradiata*), golden evening primrose (*Camissonia* sp.), Indian paintbrush (*Castilleja angustifolia*), rigid spiny herb, cottontop cactus, hedgehog cactus, green encelia (*Encelia virginensis*), Mormon tea, desert trumpets, redstem stork's bill, linear-leaved goldenbush (*Ericameria linearifolia*), ratany, beavertail cactus, desert indianwheat, whitestem paperflower (*Psilostrophe cooperi*), prickly Russian thistle (*Salsola tragus*), desert straw (*Stephanomeria pauciflora*), and Joshua tree.

Cacti and yucca species encountered within the site include beavertail, silver/gold cholla, cottontop cactus, hedgehog cactus, Mojave yucca and Joshua tree.

■ Wildlife and Habitat

Wildlife typical of the Mojave Desert scrub ecosystem potentially inhabits the site. During various field investigations, few wildlife were observed with the exception being a black-tailed jack rabbit (*Lepus californicus*). Numerous burrows potentially utilized by small mammals were also observed.

■ Wetlands/Waters of the United States

As an initial guide to the presence or absence of wetlands and/or waters of the United States within the site, available data was reviewed including aerial photographs, USGS 7.5 minute topographic maps, the *Soil Survey of Nye County, Nevada, Southwest Part*, the NRCS Web Soil Survey, and USFWS NWI map. On-site field evaluations of the site were conducted in June 2007 and October 2007. According to the NWI map, wetlands are not present on the 2250 East Mesquite Avenue Site.

No perennial or intermittent streams on or in the immediate vicinity of the site were identified. Two large and several small ephemeral washes were identified during the June and October 2007 field reconnaissance visits and are visible on aerial photographs of the site. The first ephemeral wash is located in the northern portion of the property, flows east to west, and continues off-site. The second larger ephemeral wash is identified on the USGS topographic map as a perennial water feature, flows east to west and is located in the central portion of the site. Several small washes drain into the two larger ephemeral washes. Both ephemeral washes are erosional features and support mainly



Large ephemeral wash located in central portion of the project site.



View of typical vegetation located within the project site.

xeroriparian desert vegetation, however a discernable ordinary high water mark and readily observable channel geomorphology were present.

Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. Pahrump Dry Lake, an interstate water, is located approximately 10 miles southwest of the site and is identified as a wetland on the USFWS NWI map (USFWS 2007). Pahrump Dry Lake and any tributaries with a significant nexus to traditional navigable waters are considered waters of the U.S.

A formal wetland delineation was conducted on November 12 and 13, 2007 to identify any definable channel bed and bank, determine the ordinary high water mark, and to determine if drainage features located within the site are hydrologically connected to Pahrump Dry Lake. The *1987 Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987) and the *United States Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory, 2006) were used as guidance for delineating wetlands. The *Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States* (Corps, 2004), *Guidelines for Jurisdictional Determinations of Waters of the United States in the Arid Southwest* (Corps, 2001), and the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* (Corps, 2007) were used as guidance for identifying and determining limits of jurisdiction in ephemeral washes. The guidance identifies three main features associated with arid stream systems including hydrology, geomorphology and vegetation. The limits of the Corps jurisdiction extend to the ordinary high water mark which is defined as the clear, natural line on the shore or channel bank established by water fluctuations. The drainage features located within the site are not hydrologically connected to Pahrump Dry Lake, nor do they provide a significant contribution to the biological, physical or chemical integrity of a interstate water.

■ Species of Special Status

The USFWS, NNHP and the NDOW were contacted to obtain records of threatened and endangered species or habitats of special concern that may exist on or in the immediate vicinity of the site (Appendix B). Species of federal concern that may potentially occur within the site include the desert tortoise. Species of state concern identified as potentially occurring within the site include the Gila monster, western burrowing owl, prairie falcon, Le Conte's thrasher, loggerhead shrike, lesser nighthawk, and the kit fox. In addition, the USFWS also indicated that habitat may exist for the desert tortoise and Gila monster.

The NNHP reported in a letter dated April 17, 2007 that in addition to the desert tortoise, two rare plant species could be present within a three-mile (five-kilometer) radius of the site. These special status plant species are the Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*), listed as critically imperiled by the NNHP, and the Pahrump Valley buckwheat (*Eriogonum bifurcatum*), a Nevada Bureau of Land Management Sensitive Species which is not a legal designation.

On November 12 and 13, 2007, 100 percent coverage pedestrian transect biological surveys were conducted within the site. Biological surveys followed protocols established in the *Field Survey Protocol for any Federal Action that May Occur Within the Range of the Desert Tortoise* (USFWS, 1992). The location of all tortoise signs encountered was surveyed using a handheld GPS, and data forms were completed for each burrow and/or sign that was identified. Data forms and maps are included in Appendix G.

Desert Tortoise: During the biological surveys, desert tortoise signs were observed within the site including three Class 2 burrows, two collapsed Class 3 burrows, five Class 3 burrows and three Class

2 burrows with Class 3 or 4 scat. Description of the Classes is included on the data sheets included in Appendix G. Suitable habitat for the desert tortoise was observed within the site.

Banded Gila Monster: During the June and October 2007 site reconnaissance and the November 2007 biological surveys, numerous burrows used by small mammals were observed. However, no burrows or other evidence of the current presence of the Gila monster was observed on the property. Suitable habitat for the Gila monster potentially exists with the site.

Burrowing Owl: One burrowing owl was observed in a desert tortoise burrow located in the northwest on the site. Although small mammal burrows were observed within the site, no burrows or other evidence of the current presence of burrowing owls was observed on the property. The site contains suitable habitat for the burrowing owl.

Prairie Falcon: Although potential foraging habitat for the prairie falcon exists within the site, breeding habitat including sheltered cliff ledges are not present. This species was not observed during field reconnaissance or biological surveys.

Loggerhead Shrike: Potential foraging and breeding habitat for the loggerhead shrike exists within the site. This species was not observed during the field reconnaissance or biological surveys.

Le Conte's thrasher: Potential habitat for the Le Conte's thrasher exists within the site.

Lesser Nighthawk: Potential habitat for the Lesser nighthawk exists within the site. This species was not observed during the field reconnaissance or biological surveys.

Kit Fox: Although small mammal burrows were observed within the site, no evidence of the current presence of the kit fox was observed on the property. This species was not observed during the field reconnaissance or biological surveys.

Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*): No individuals of this species were observed during the surveys and suitable habitat does not exist within the site.

Pahrump Valley buckwheat (*Eriogonum bifurcatum*): No individuals of this species were observed during the surveys and suitable habitat does not exist within the site.

No other rare, threatened or endangered species known to occur in Nye County was observed during the site reconnaissance of the site.

7. Apex Industrial Use Zone Site A

■ Vegetation

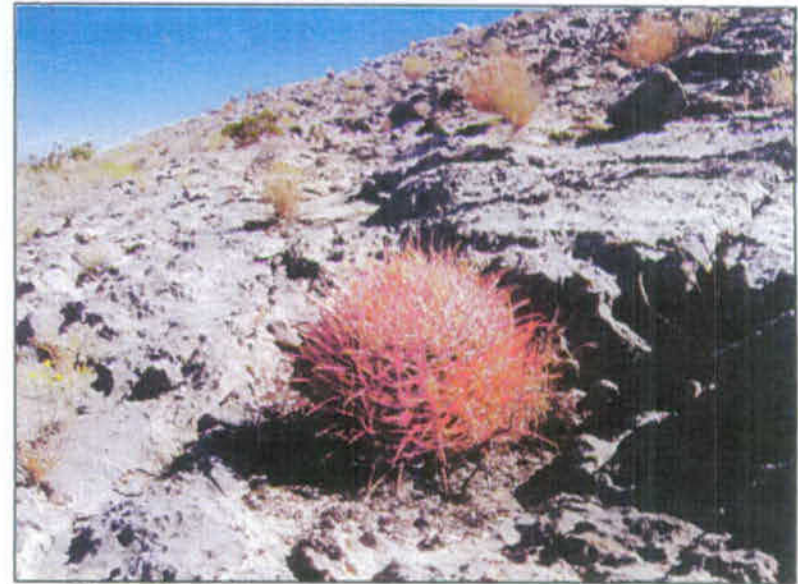
Vegetation on the Apex Industrial Use Zone Site A is comprised of Mojave Desert scrub ecosystem dominated by creosote, white bursage, four wing saltbush, burro bush, wolfberry, white ratany, desert broom (*Baccharis sarothroides*), silver/gold cholla, many-headed barrel cactus, hedgehog cactus, California barrel (*Ferocactus cylindraceus*), beavertail prickly pear, desert trumpet, mormon tea, snakeweed (*Gutierrezia sarothrae*), desert mallow (*Sphaeralcea ambigua*) and Mojave yucca (Exhibit III-15).



View of burrows located within the project area.



View of small ephemeral wash located in central portion of site.



View of typical vegetation located on rocky side slopes.

■ Wildlife and Habitat

Wildlife typical of the Mojave Desert scrub ecosystem potentially inhabits the site. During various field investigations, few wildlife were observed with the exception being a lizard and cat-faced spider (*Araneus gemma*). In addition to numerous small burrows, several large burrows were also observed.

■ Wetlands/Waters of the United States

On-site field evaluations of the site were conducted in June and October 2007. According to the NWI map, wetlands are not present on the Apex Industrial Use Site A (Exhibit III-16). However, the USGS topographic map illustrates a perennial waterway entering the site along the western boundary; exiting along the northern boundary and reentering the property in the extreme northeast corner. Field efforts confirmed the presence of this waterway, including observation of channel geomorphology and ordinary high water marks. As is typical in the desert, this waterway is ephemeral, and therefore, appears to contain flow only during or shortly after, significant storm events.

Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. The ephemeral wash drains to a closed desert basin (dry lake) with no surface drainages carrying flow outside of that closed basin, therefore, not connecting to navigable waters. As such, the ephemeral wash does not have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters. The Corps, Sacramento District, St. George Regulatory Office concurred that ephemeral washes within the Apex Industrial Use Zone Site A are not jurisdictional waters of the U.S.

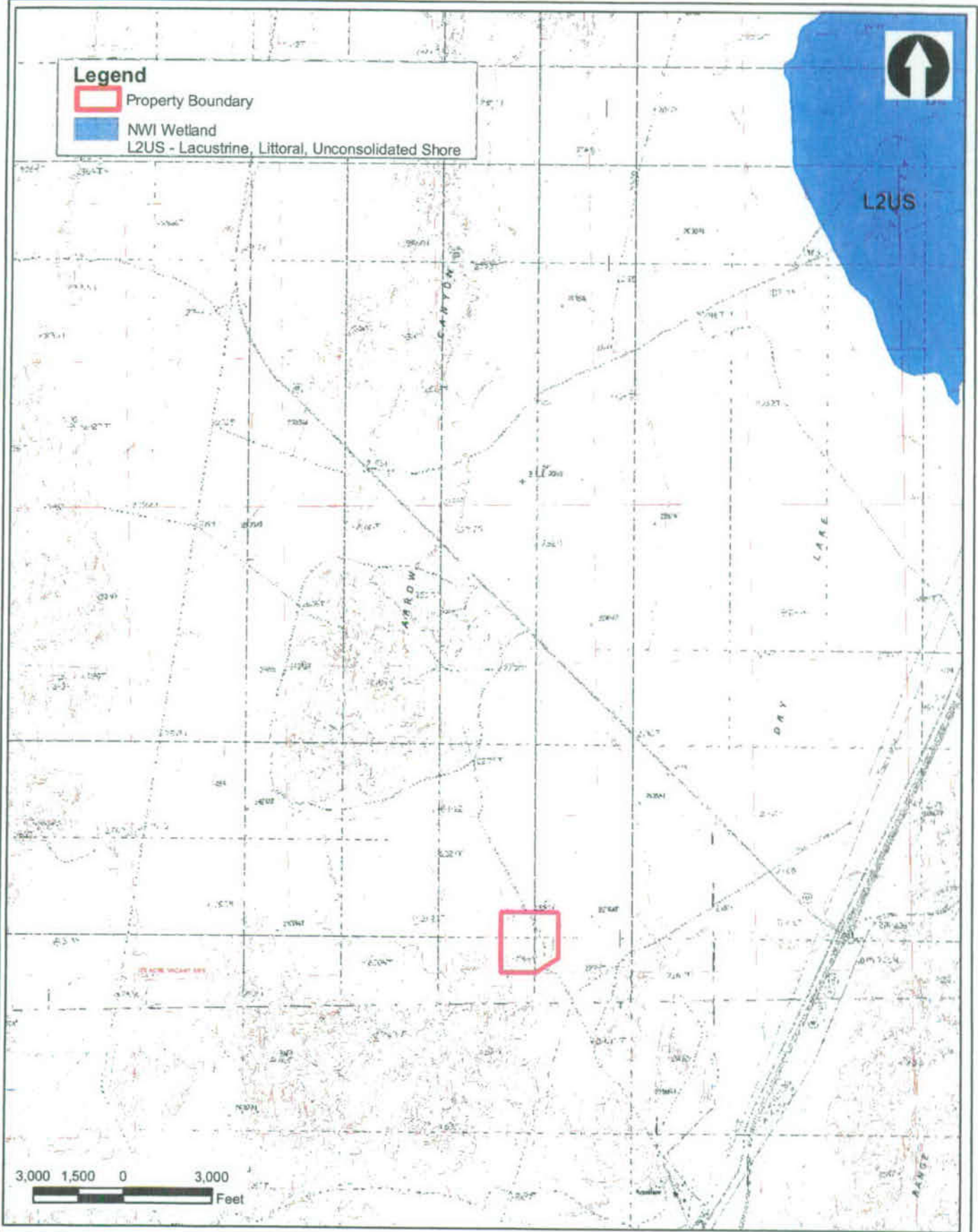
■ Species of Special Status

In order to determine whether any state or federally protected species or species of special status or their potential habitat occur within the vicinity of the Apex Industrial Zone Site A, the *Animal and Plant At-Risk Tracking List*, *Animal and Plant Watch List*, and the *Clark County Rare Species List* were reviewed.

The USFWS, the NDOW and the NNHP were contacted to obtain records of threatened and endangered species or habitats of special concern that may occur on or in the immediate vicinity of the site. The NDW indicated in a letter dated August 15, 2007 the following species of interest potentially inhabit or frequent the project area: burrowing owl, loggerhead strike, LeConte's thrasher, Crissal thrasher, Bendire's thrasher (*Toxostoma bendirei*), verdin (*Auriparus flaviceps*), desert tortoise, Gila monster, Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), spotted bat, fringed myotis, big free-tailed bat (*Nyctinomops macrotis*), small footed myotis (*Myotis ciliolabrum*), desert pocket mouse (*Chaetodipus pencillatus*), desert kangaroo rat (*Dipodomys deserti*), desert (Nelson) bighorn sheep (*Ovis canadensis nelsoni*) and kit fox (*Vulpes velox*). The NNHP reported in a letter dated July 31, 2007 that the desert tortoise and one rare plant species (rosy two-tone beardtongue) could be present within a three-mile (five-kilometer) radius of the site (Appendix B). In addition, the NNHP reported potential habitat for the chuckwalla (*Sauromalus ater*), banded Gila monster, and the Las Vegas bearpoppy may exist within the vicinity of the site.

Burrowing Owl: Although small mammal burrows were observed within the site, no burrows or other evidence of the current presence of burrowing owls was observed on the property.

Loggerhead Shrike: Potential foraging and breeding habitat for the loggerhead shrike exists within the site. This species was not observed during the field reconnaissance.



NWI MAP - APEX INDUSTRIAL USE ZONE SITE A

EXHIBIT III-16

Le Conte's thrasher: Potential foraging and breeding habitat for the Le Conte's thrasher exists within the site. This species was not observed during the field reconnaissance.

Crissal thrasher: Potential foraging habitat including desert scrub vegetation for the Crissal thrasher exists within the site. This species was not observed during the field reconnaissance.

Bendire's thrasher: The breeding range for this species extends from southeastern California, southern Nevada, southern Utah, and southeastern Colorado, south through Arizona and western New Mexico to Sonora, northern Sinaloa, and extreme northern Chihuahua. Preferred habitat includes Mojave desert scrub with either Joshua trees, Spanish Bayonet (*Yucca baccata*), Mojave Yucca (*Y. schidigera*), cholla cactus (*Opuntia acanthocarpa*, *O. echinocarpa*, or *O. ramosissima*), or other cacti. Potential breeding habitat exists within the site. This species was not observed during the field reconnaissance.

Verdin: The verdin is a year round resident of the deserts of southwestern North America, from southern California eastward to central Texas and southward to central Mexico. Preferred habitat includes desert scrub located along ephemeral washes where thorny vegetation is present. Potential habitat exists within the site. This species was not observed during the field reconnaissance.

Desert Tortoise: During site reconnaissance several large burrows located adjacent to Creosote bush were observed. However, no active burrows or other evidence of the current presence of the desert tortoise was observed on the property. Suitable habitat including Creosote bush and Mojave yucca was observed within the site. Prior to the establishment of the Apex Industrial Park by Congress on July 31, 1989, the Bureau of Land Management (BLM) was the land steward for the approximately 21,000 acres site. The property was known to have the highest density population of desert tortoise in Nevada. Prior to the construction of the Kerr-McGee facility within the Apex Industrial Park, the NDOW, BLM and USFWS were activity involved in the relocations of desert tortoises.

Banded Gila Monster: During site reconnaissance several large burrows were observed. However, Gila monsters were not observed on the property. During construction of the Kern River Gas Pipeline in the 1990's, a Gila monster was observed approximately three miles southwest of the Apex Industrial Use Zone Site A.

Pallid bat: The Pallid bat, protected by the State of Nevada and a BLM sensitive species, occurs from central Mexico northward to the southern Okanagan Valley of British Columbia. Preferred habitat includes arid desert, canyons, karst formations, grasslands and rocky outcrop. Typical shrubs include antelope bitterbrush (*Purshia tridentata*), sagebrush, rabbit-brush (*Chrysothamnus* spp.), and forest cover types including ponderosa pine (*Pinus ponderosa*) along lower slopes, and riparian forests. The pallid bat typically foraging close to the ground and along the base of cliffs. Potential foraging habitat for the Pallid bat exists within the site. This species was not observed during the field reconnaissance.

Townsend's big-eared bat: This species occurs throughout most of western North America from British Columbia to central Mexico. Townsend's big-eared bats inhabit in a variety of vegetative communities but are commonly associated with desert scrub, mixed conifer forest, and pinon-juniper or pine forest habitat. Within these communities, the Townsend's big-eared bat is closely associated with limestone caves, mines, lava tubes, and buildings. Potential habitat for this species exists within the site. This species was not observed during the field reconnaissance.

Spotted bat: Potential foraging habitat including open arid habitats for the spotted bat exists within the site. This species was not observed during the field reconnaissance.

Fringed myotis: Although the fringed myotis prefers drier woodlands, the fringe bat can be found in desert scrub communities. Potential foraging habitat for the fringed myotis exists within the site. This species was not observed during the field reconnaissance.

Big free-tailed bat: The big free-tailed bat, a BLM sensitive species, ranges from South America northward to include Mexico, Arizona, New Mexico, southern and western Texas, southern California and southeastern Nevada, southern Utah, and north to central Colorado. Preferred habitat includes desert and arid grassland areas where rocky out-crops, canyons, or cliffs provide ideal roosts. This species was not observed during the field reconnaissance.

Small footed myotis: The small footed myotis, a BLM sensitive species, occurs throughout western North America from southern British Columbia south through the western U.S. into central Mexico. Preferred habitat includes desert, chaparral, western coniferous forest, badland and semiarid habitats. Within the southern range the small footed myotis will inhabit mesic vegetative communities. During the summer small footed myotis roost in rock crevices, caves, tunnels, under boulders, beneath loose bark, or in buildings. This species was not observed during the field reconnaissance.

Desert pocket mouse: The desert pocket mouse, a Nevada Wildlife Action Plan Conservation Priority Species, occurs throughout the southwestern United States and into Mexico. Preferred foraging habitat includes sandy or gravelly soils beneath shrub canopy in desert wash, desert succulent shrub, desert scrub, and alkali desert scrub. Seeds are stored in burrow and in dispersed caches. Burrows are excavated in silty, sandy, or gravelly soil and used for refuges, seed storage, and neonatal care. Potential foraging habitat for the desert pocket mouse exists within the site. This species was not observed during the field reconnaissance.

Desert kangaroo rat: The desert kangaroo rat, a Nevada Wildlife Action Plan Conservation Priority Species, occurs in the desert scrub of the Mojave and Sonoran deserts of California and Arizona, and western through southern Nevada. Preferred habitat includes areas of soft sand and creosote bush and shad scale scrub. Potential habitat for the desert kangaroo rat exists within the site. This species was not observed during the field reconnaissance.

Desert (Nelson) bighorn sheep: The desert bighorn sheep is a BLM sensitive species which inhabits steep slopes on, or near mountains, with a clear view of the surrounding area. Desert bighorn sheep live in small pockets of dry desert mountain ranges (Mojave and Sonoran deserts) foothills near rocky cliffs. Desert bighorn sheep are extensively managed by the State of Nevada and the Apex Industrial Use Zone Site A partially includes occupies habitat which continues into the surrounding hills.

Kit Fox: Although small mammal burrows were observed within the site, no burrows or other evidence of the current presence of the kit fox was observed on the property. This species was not observed during the field reconnaissance.

Rosy Twotone Beardtongue: This species was not observed during the field reconnaissance.

Western Chuckwalla: The western chuckwalla, Nevada Bureau of Land Management sensitive species, is widely distributed in Clark County. The chuckwalla primarily inhabits desert scrub habitats including Mojave desert scrub, blackbrush, salt desert scrub and mesquite/catclaw vegetative communities on areas with rocky cover or boulder outcrops on elevations below 6,100 feet. Potential habitat for the western chuckwalla exists within the site. This species was not observed during the field reconnaissance.

Banded Gila Monster: During site reconnaissance several large burrows were observed. However, Gila monsters were not observed on the property.

Las Vegas bearpoppy: This species was not observed during the field reconnaissance.

No other rare, threatened or endangered species known to occur in Clark County was observed during the site reconnaissance of the project site.

8. Moapa Site

■ Vegetation

Upland vegetation on the Moapa Site is comprised of Mojave Desert scrub ecosystem dominated by creosote, white bursage, four wing saltbush, silver/gold cholla, beavertail prickly pear, hedgehog cactus, desert trumpet, mormon tea, and Mojave yucca (Exhibit III-17).

In the southern portion of the site, adjacent to the Muddy River, the vegetative community consists of desert riparian/aquatic ecosystem. Desert riparian habitat is distinguished by localized dense groves of low shrubs to small to medium-sized trees influenced by an abundance of water. This ecosystem is located adjacent to permanent surface water, such as streams and springs. Canopy development and species density depend on available water, plant species, and site characteristics. Dominant species include honey mesquite (*Prosopis glandulosa*), tamarisk (*Tamarix* sp.), quailbush (*Atriplex lentiformis*), cocklebur (*Xanthium strumarium*), Russian thistle (*Salsola* sp.), alkali sacaton (*Sporobolus airoides*), catclaw acacia (*Acacia greggii*), Bermuda grass (*Cynodon dactylon*) and arrowweed (*Tessaria sericea*).

Cacti and yucca species encountered within the site include beavertail, silver/gold cholla and cottontop cactus. The Moapa Site and surrounding properties have been disturbed by grazing activities and construction and maintenance of a dirt road (Lincoln Road) which traverses the site.

■ Wildlife and Habitat

Desert riparian ecosystem supports more bird species at greater densities than other desert habitats, with the possible exception of Palm Oasis Ecosystem. Shrub thickets and permanent water source provides essential food, cover, and breeding sites for additional wildlife diversity. Wildlife typical of the Mojave Desert scrub ecosystem also potentially inhabit a portion of the site. During various field investigations, no wildlife was observed. Evidence of site utilization by domestic livestock was noted.

■ Wetlands/Waters of the United States

On-site field evaluations of the site were conducted in June and October 2007. According to the NWI map, wetlands are not present on the Moapa Site (Exhibit III-18). The NRCS website indicates one soil series (Overton silty clay, strongly saline) is classified as a hydric soil. The Overton series is located on the southern and western portions of the site associated with the Muddy River floodplain. Wetlands within the Moapa Site are under the jurisdiction of the Corps as they directly abut a non-navigable tributary (Muddy River) of a traditional navigable waters (Lake Meade). Ephemeral washes which exhibit an ordinary high water mark and defined channel geomorphology will be considered jurisdictional if a significant nexus exists with Muddy River. A significant nexus analysis conducted in accordance with the *Memorandum Regarding Clean Water Act Jurisdictional Following Rapanos v. United States* and the *Memorandum for the field: Coordination on JDs under CWA Section 404 in light of SWANNC and Rapanos Supreme Court Decisions* has not been completed for this site.



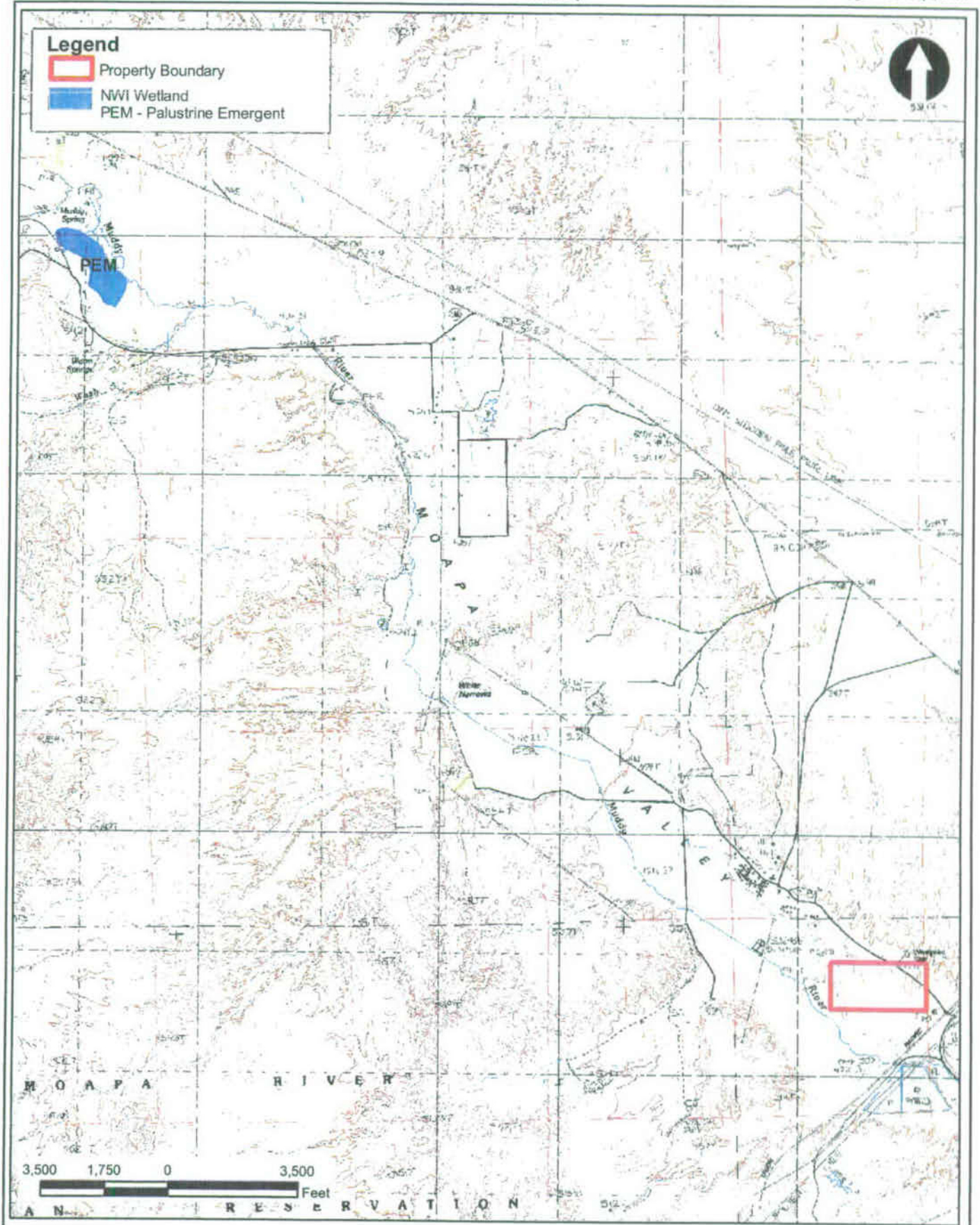
View of burrows located within project site.



View of Wetland located in southern portion of site.



View of beavertail cactus located within project site.



NWI MAP - MOAPA SITE

EXHIBIT III-18

A formal wetland delineation was conducted on October 15 and 16, 2007 to identify any wetlands, definable channel bed and bank, determine the ordinary high water mark, and to determine if drainage features located within the site are hydrologically connected to Muddy River. The 1987 *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory, 1987) and the *United States Army Corps of Engineers Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory, 2006) were used as guidance for delineating wetlands. The *Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States* (Corps, 2004), *Guidelines for Jurisdictional Determinations of Waters of the United States in the Arid Southwest* (Corps, 2001), and the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* (Corps, 2007) were used as guidance for identifying and determining limits of jurisdiction in ephemeral washes.

The boundaries of the wetlands were marked in the field by sequentially numbered flags, which were subsequently surveyed using a Global Positioning System. Photographs were taken and wetland data forms were completed at each location (see Appendix G). A total of 3.8 acres of wetlands were identified within the western portion of the site.

■ Species of Special Status

The USFWS and the NNHP were contacted to obtain records of threatened and endangered species or habitats of special concern that may exist on or in the vicinity of the proposed action (Appendix B). The USFWS indicated that the project could potentially affect the desert tortoise, southwestern willow flycatcher, yellow-billed cuckoo, and the federally endangered Virgin River chub, which is known to occur in the Muddy River.

The NNHP reported that in addition to the desert tortoise, other rare species could be present in the project area (which includes a five-kilometer radius from the property). Habitat may be available for the beaver dam breadroot (*Pedimelum castoreum*), determined to be Vulnerable by the NNHP, and the Moapa speckled dace (*Rhinichthys osculus moapae*), a Nevada BLM Species.

On October 16 and 17, 2007, 100 percent coverage pedestrian transect biological surveys were conducted within the site. Biological surveys followed protocols as established in the Field survey protocol for any federal action (or non-federal action) that may occur within the range of the desert tortoise (USFWS, 1992). The location of all tortoise signs encountered was surveyed using a handheld GPS and data forms were completed for each borrow and/or sign that was identified. Data forms and maps are included in Appendix G.

Desert Tortoise: During the biological surveys, desert tortoise signs were observed within the site including seven Class 2 burrows, one Class 2 burrow with Class 3 scat, one Class 2 burrow with egg shell fragments at the entrance, two Class 3 burrows, and three Class 5 burrows. Description of the Classes is included on the data sheets included in Appendix G. Suitable habitat for the desert tortoise was observed within the site.

Yellow-billed cuckoo (*Coccyzus americanus*): The yellow-billed cuckoo is a rare and transient resident of Clark County, inhabiting desert riparian habitat and mature cottonwood/willow associations. Potential habitat for this species has been mapped by the MSHCP as occurring along the Virgin, Muddy and Colorado River systems, Las Vegas Wash and Corn Creek. The last recorded sighting of a yellow-billed cuckoo along the Muddy River Corridor in Moapa was in 1971 (NNHP, 2006). In addition, one individual was observed in 2005 within the Moapa Valley National Wildlife Refuge (approximately seven miles north of the site).

Preferred habitat includes densely foliated, deciduous riparian thickets and shrubs usually containing willow and mesquite close to slow moving watercourse and seeps. Deciduous tree species were uncommon to absent within the site and the site is actively grazed by cattle. It is unlikely the site currently supports breeding pairs of yellow-billed cuckoos. Preferred breeding habitat does not exist within the site.

Southwestern willow flycatcher (*Empidonax traillii extimus*): The southwestern willow flycatcher inhabits desert riparian habitats dominated by willows, *Baccharis*, tamarisk or a scattered overstory of cottonwood. Within Clark County, potential habitat exists along the Virgin River, Meadow Valley Wash, Muddy River, Las Vegas Wash and the Colorado River system. According to the NNHP, no documented occurrences of southwestern willow flycatchers have been observed along the Muddy River Corridor in Moapa. One documented sighting at the Moapa Valley National Wildlife Refuge occurred in 2005. Suitable nesting habitat potentially exists in the western portion of the site within the floodplain of Muddy River.

Phainopepla (*Phainopepla nitens*): The phainopepla is endemic to the southwestern desert, limited to the Mojave Desert region within Nevada. This species inhabits lowland riparian and mesquite/catclaw vegetative communities. Within desert communities, phainopepla are typically found in washes, riparian area and other habitats which support mesquite, catclaw, ironwood and palo verde. According to the NDOW, suitable habitat exists in the southern portion of the site within the floodplain of Muddy River.

Yuma Clapper Rail (*Rallus longirostris yumanensis*): On March 11, 1967, the Yuma clapper rail was declared endangered pursuant to the Endangered Species Act of 1966. The Yuma clapper rail is a marsh bird found in dense cattail or cattail-bulrush marshes along the lower Colorado River in Mexico north to the lower Muddy River and Virgin River confluence with Lake Mead. In Nevada, this subspecies can be found along the Virgin River and lower Muddy River, along the Colorado River around Lake Mohave, and in the Las Vegas Wash. Dense cattail or cattail-bulrush emergent wetlands were not observed within the site.

Lucy's Warbler (*Vermivora luciae*): Lucy's Warbler current breeding distribution is from southeastern California, southern Nevada, and Utah south to southern Arizona, northern Mexico, and extreme western Texas. Desert riparian breeding habitat typically consists of mesquite, willows and cottonwoods adjacent to watercourses, ponds or seeps.

Moapa dace (*Moapa coriacea*): The Moapa dace occurs in approximately six miles of stream and spring outflow habitat along the upper Muddy River and within five thermal headwater spring systems. This species inhabits spring pools, tributaries and the main stem of the Muddy River but only reproduces in tributary thermal spring outflows (temperature between 86° and 89.5°F). Moapa dace are omnivorous drift feeders. In 1979, the USFWS created the Moapa Valley National Wildlife Refuge to protect Moapa dace habitat. The Moapa Valley National Wildlife Refuge (MVNWR) is located on the Muddy River approximately 5.5 miles (8.9 kilometers) northwest of the project site. Continued development and increasing water needs in the area are impacting the water resources of the MVNWR and the remaining Moapa dace habitat outside of the refuge.

Virgin River chub (*Gila seminude*) (Muddy River population): The Virgin River chub is a federally endangered fish found only in the Virgin River and parts of the Muddy River. This species occurs in the Muddy River between the Warm Springs area and the Wells Siding Diversion to Bowman Reservoir. It is intolerant of salinity and turbidity and is usually found in fast moving waters near boulders and rocks with a sandy substrate and cover in the form of overhanging banks and tree roots.

Increasing water needs and damming has caused serious decline of the population. The fish is highly sensitive to changes in stream/river morphology, pollution, and sedimentation.

Moapa White River springfish (*Crenichthys baileyi moapae*): The Moapa White River springfish, a species of conservation priority, occurs in spring heads, pools and backwaters along the upper Muddy River and in five thermal headwater spring systems. This species is endemic to the Muddy River and primarily feeds on filamentous algae and aquatic insects.

Moapa speckled dace (*Rhinichthys osculus moapae*): The Moapa speckled dace occurs in the middle section of the Muddy River, upstream of Interstate 15 (I-15). This species typically lives on stream bottoms in shallow, cobble riffles, hiding in low-flow velocity areas. Spawning habitat consists of small patches of bare rocks and pebbles cleared of debris.

Rosy Twotone Beardtongue: This species was not observed during the biological surveys and suitable habitat does not exist within the site.

Nye Milkvetch: This species was not observed during the biological surveys and suitable habitat does not exist within the site.

G. CULTURAL RESOURCES

A cultural resource assessment of each alternative site was conducted pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended through 2000) and its implementing regulations in 36 CFR Part 800 (revised August 4, 2004). Section 106 requires that the effects of an undertaking on historic properties be taken into account, and that the Advisory Council on Historic Preservation (ACHP) be afforded a reasonable opportunity to comment on the undertaking. Consideration of effects is typically accomplished through consultation with the State Historic Preservation Office (SHPO), with Tribal Historic Preservation Officers (THPOs), and other representatives of interested Native American Tribal groups. Historic properties are any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (National Register) maintained by the Secretary of the Interior.

1. Area History

The prehistoric culture history of the southern Nevada region is typically divided into four broad periods: Paleo-Indian (ca. 13,000 – 7000 BP); Archaic (7000 – 2000 BP), Saratoga Springs (2000 to 800 BP); and Late Prehistoric (800 BP to European contact). Human occupation in the region began over 12,000 years ago. The earliest-known evidence of human occupation in southern Nevada is called the Lake Mojave period, which covers the terminal Pleistocene and early Holocene periods and corresponds to the Paleo-Indian period, the earliest-known human occupation in North America. The Archaic period, which ran from the end of the Pleistocene era to the beginnings of agriculture, includes the Pinto and Gypsum periods. The subsequent Saratoga Springs period includes the Moapa Phase (1650 to 1450 BP) and Muddy River Phase (1450 to 1250 BP).

a. Paleo-Indian Period (13,000 to 7000 BP)

Human occupation of the Great Basin Region began between 13,000 BP and 7000 BP (Hohmann 2002). The Paleo-Indian period was a time when small bands of highly mobile people roamed across the Americas. These people hunted Pleistocene megafauna including mammoth, camel, horses, and bison, all of which became extinct at the beginning of the Holocene period. The Paleo-Indian period is

culturally characterized by fluted projectile points representing a variety of traditions (Jennings 1980). The earliest known tradition is the Clovis tradition. Types of Paleo-Indian sites found have included camps, kill and butchering sites, and isolated projectile points (Ezzo 1996). There is sparse evidence of Paleo-Indian activity in southern Nevada, with isolated fluted points found in a few localities. These include isolated Clovis points found at the Lahontan Reservoir in Lyon County, the Nevada Test Site in Nye County, the Coal Valley Water Gap in southeastern Nevada, in the Snake Valley near the Nevada-Utah border (Ezzo 1996), and in the eastern half of the Las Vegas Wash in Clark County Wetlands Park (Site 26CK6000; Roberts and Ahlstrom 2000).

b. Archaic Period (7000 to 2000 BP)

The Archaic period in this region can be divided into the Pinto Period (7000 to 5000 BP) and the Gypsum Period (5000 to 2000 BP). Little evidence of cultural activity from the Pinto Period has been found in the southern Nevada region leading many to believe the region was largely unoccupied during this time period (Hauck et al. 1979; Rafferty 1984; Shutler 1967; Warren and Crabtree 1972). The Pinto Period or Pinto Complex is characterized by leaf-shaped knives, scrapers, and projectile points with bifurcated, expanding stems, shallow basal notches, and bulbous tangs (Altschul and Fairley 1989). The Gypsum period, corresponding to the Late Archaic period, was characterized by a change in climate in the region including an increase in precipitation which allowed for greater diversity of floral resources available for human exploitation (Warren 1980). Cultural characteristics of this time period involved an increased use of milling implements (Warren and Crabtree 1972), greater socioeconomic ties with other cultures throughout the region (Kelly et al. 1990), more elaborate ritual artifacts, zoomorphic petroglyphs, split-twig figurines, and shell artifacts (Ezzo 1996).

c. Saratoga Springs Period (2000 to 800 BP)

The Saratoga Springs Period corresponds to the occupation of the southern Nevada region by the Virgin Anasazi peoples. Characteristic cultural elements of the Anasazi peoples involved the construction and occupation of semi-subterranean pit structures and aboveground masonry pueblos. The Anasazi culture has been more extensively documented than any other cultural group in North America in terms of geography, architectural styles, and variations in ceramics (Plog 1979). The westernmost expansion of this cultural tradition, termed the Virgin Anasazi, involved occupation in what is now southern Nevada, northern Arizona, and southwestern Utah (Lyneis 1992a). The Virgin Anasazi culture is characterized by a horticultural subsistence base, permanent architectural features, ceramic production, and tools such as hoes, digging sticks, and grinding implements suitable for processing large quantities of grain (Altschul and Fairley 1989). Common projectile point types during this time period included Gatecliff, Elko Corner-notched, and Elko Eared. Other tools included flake scrapers, rectangular knives, choppers, hammerstones, slab milling stones, and hand grinding stones. Archaeologists also believe that the bow and arrow and mortar and pestle first appeared during this time period (Hohmann 2002).

The Saratoga Springs period includes two phases that are geographically relevant to the Moapa Site examined in this report: the Moapa Phase (1650 to 1450 BP) and the Muddy River Phase (1450 to 1250 BP). The Moapa Phase corresponds to the Basketmaker II period of the Virgin Anasazi described by Shutler (1961). During this time period the Virgin Anasazi were considerably mobile; many of the sites during this time were occupied on a seasonal or temporary basis by small groups. Agricultural practices did not play as important a role as they did in later times, which is indicated by settlements not far from valley floors (Myhrer 1986). An emphasis was placed on horticultural subsistence and maize was an important crop during this time period (Lyneis 1995). Sites dating to the Moapa Phase are largely confined to the lower Moapa Valley. Shutler (1961) recorded five pit houses on the high bluffs overlooking the confluence of the Muddy and Virgin Rivers.

The Muddy River Phase is significant in the chronology of the Virgin Anasazi in that it is linked to the early manufacturing of ceramics and the development of the bow and arrow. These inventions were associated with a decline in the use of cists and caves to store plant products such as seeds and in the use of basketry for additional storage and water transport. Additionally, the development of the bow and arrow resulted in a reduction in the size of projectile points and allowed for great improvements in the ability to hunt game from a distance (Ezzo 1996). Seventeen sites from this period were identified by Clark (1984). From research on settlement patterns, water resources, landforms, and the availability of agricultural land, Clark concluded that the sites dating to this time period were found evenly distributed across the Moapa Valley.

d. Late Prehistoric Period (800 BP to European Contact)

The end of southern Nevada regional use by the Virgin Anasazi and the transition to the Late Prehistoric Period is characterized by Owens Valley Brown ware, Desert side-notched projectile points, Cottonwood triangular projectile points, large triangular knives, incised stones, steatite beads, slate pendants, shell beads, unshaped manos and metates, and mortars and pestles (Kelly et al. 1990). This cultural assemblage is indicative of a return to a foraging lifestyle in conjunction with small-scale agriculture. The dominant culture during this time period was the Numic-speaking peoples, especially the Southern Paiute in the southern Nevada region. The approximate date of entry of the Southern Paiute people into the southern Nevada region has been debated by scholars (Ezzo 1996) and ranges widely from the early or middle Archaic period (at least 7000 BP) to no earlier than AD 1000. A lower Colorado group, the Patayan people, began their occupation of southern Nevada near the end of the Virgin Anasazi period (circa AD 1000), moving in from outlying areas of the Mojave Desert (Altschul and Fairley 1989). Like the Paiute, the Patayan people were foragers who engaged in small-scale agriculture. Distinguishing characteristics of the Patayan people included features such as cleared circles, rock rings, petroglyphs, and intaglios. Seymour (1977) argues that the Patayan culture was more sedentary and relied less on extensive agriculture than the Virgin Anasazi.

e. Historic Period (European Contact to Present)

Although several early Spanish explorers ventured through the region between the sixteenth and eighteenth centuries, the Spanish left minimal impact on the historical presence of the southern Nevada region. The first non-Native Americans to venture into this region were members of Francisco de Coronado's expedition in the 1540s (Kleinsorge 1941). After this early expedition, the region remained virtually unexplored by other non-Native Americans for over 200 years. In 1776, Father Francisco Garcés explored the Mojave Desert region moving east from California (Paher 1971). At the same time, Fathers Silvestre Velez de Escalante and Francisco Dominguez and their party of 10 men traveled between New Mexico and California in search of a route to Monterrey. After traveling through southwestern Colorado and north-central Utah, the expedition traveled through present-day southern Nevada and encountered numerous Native American groups, including bands of Southern Paiute (Chavez 1976; Warren 1974).

The era known as the Mexican period of exploration (1822-1846) is defined as the years when the Mexican government controlled much of the land in the western United States (Ezzo 1996). Clark County, Nevada had been, over the previous three centuries, part of the Spanish colony of New Spain and independent Mexico. After the Mexican War of 1848 it was claimed by the United States. Southern Nevada formed part of the New Mexico Territory, along with what is now Arizona and New Mexico and parts of southern Colorado, from 1848 to 1863 (Walker and Bufkin 1986). In 1849, all of present-day Utah and Nevada and portions of Arizona, New Mexico, Colorado, Wyoming, Oregon, and California were included in a proposal to Congress for the establishment of a Mormon state of Deseret, which was denied (Walker and Bufkin 1986; Ezzo 1996). The proposal originated from

Mormon expansion into the region led by Brigham Young's plan to "missionize" the region and convert its inhabitants to Mormonism. The Mormon Trail, originating in Salt Lake City and traversing southern Nevada along the Muddy and Virgin Rivers, helped to establish the region as a Mormon stronghold (Swanson 1995; Ezzo 1996). The construction of the Mormon Fort in the Las Vegas Valley in 1855 marked the beginning of Euro-American settlement in the region (Paher 1971). The Mormon settlements of St. Thomas, St. Joseph, Mill Point, Sandy Town, Overton, Junction City, and West Point were established along the Muddy River between 1865 and 1870 (Kimball 1988; Wonderley 1976).

In December 1867, at the invitation of Erastus Snow, president of the Cotton Mission, permission was granted to "take 12 to 15 families, including those from Beaver Dam, to the upper Muddy to start a new settlement" (White 1980). The new townsite, later known as West Point, was selected and settled by 15 families in 1868. Paiutes on the adjacent reservation were angered by this new settlement encroaching on their land and fighting ensued. News of the confrontation reached Brigham Young, who in February of 1868 issued a decree ordering the abandonment of West Point by the Mormon settlers. Many families residing at West Point defied this decree and remained at the settlement (Olson 1986; White 1980). The settlement of West Point was officially sanctioned by the Mormon Church in December 1868 after Erastus Snow surveyed the region. The settlement was abandoned after severe flooding in August and September 1870 left it uninhabitable (Olson 1986). The present day remains of the West Point settlement include several mounds of adobe melt, partially intact cobble foundations, tent dugouts, and a portion of an irrigation ditch. The remains of a structure constructed in the 1930s by the Perkins family are in a reasonably intact state of preservation (Olson 1986; White 1980). William G. White's master's thesis on the West Point settlement (1980) contains an extensive overview of the historical and archaeological context of this site.

Upon the recommendation of Special Agent G.W. Ingalls of the Bureau of Indian Affairs, the Moapa Reservation for the Southern Paiute was established in 1873. Noted explorer and geologist John Wesley Powell suggested several potential sites along the Sevier and Paria Rivers in Utah because of their agricultural and irrigation potential; however, settlers, miners and the Bureau of Indian Affairs wanted to relocate the Southern Paiute to an area of convenience to non-Indians (Knack 2001). The land ultimately chosen lay on the Upper Muddy River, approximately 30 miles above the St. Thomas Mormon settlement. This Moapa Reservation was initially established as a farming reservation with 3,900 acres. However, there were no provisions for infrastructure necessary to adequately support this new reservation (Clemer and Stewart 1986). Encroaching white settlement led to a reduction in area to 1,000 acres in 1875 (Royce 1899). While the population of the reservation at that time is undocumented, it is estimated that 500-600 Southern Paiutes continued to live near mining towns and in rural areas, moving in and out of the Moapa Reservation (Clemer and Stewart 1986).

Construction of the railway line between Salt Lake City and Los Angeles, via Las Vegas, began in 1901 with the formation of the San Pedro, Los Angeles, and Salt Lake Railroad Company by Senator Williams Andrews Clark. In 1902 half of the railroad's stock was acquired by the Union Pacific Railroad, which was looking for an outlet to the California coast from its terminus in Ogden, Utah. The line opened for business on May 1, 1905.

2. 630 East Parque Avenue Site

A preliminary archaeological assessment of this site was conducted in August 2007 by HRA Inc. The records search and pedestrian survey identified no archaeological sites or isolated occurrences within one mile of the project area, and HRA recommended no further archaeological investigations. During field visits conducted by Berger in November 2007, no historic structures on or visible from this site were observed. Parcel data was reviewed for all properties within a one-mile radius and no structures

greater than 40 years old were identified. Supplemental information in the form of relevant correspondence and a complete Cultural Resources Summary has been prepared. However, given that this documentation comprises sensitive information, it has been provided only to the Nevada SHPO, the official reviewing agency.

3. 2250 East Mesquite Avenue Site

A preliminary archaeological assessment of this site was conducted in August 2007 by HRA Inc. The records search and pedestrian survey identified no archaeological sites or isolated occurrences within one mile of the project area, and HRA recommended no further archaeological investigations. During field visits conducted by Berger in November 2007, no historic structures on or visible from this site were observed. Parcel data was reviewed for all properties within a one-mile radius and no structures greater than 40 years old were identified. Supplemental information in the form of relevant correspondence and a complete Cultural Resources Summary has been prepared. However, given that this documentation comprises sensitive information, it has been provided only to the Nevada SHPO, the official reviewing agency.

4. Apex Industrial Use Zone Site A

Over the past several decades, 20 cultural resource projects have been conducted within a one-mile radius of this alternative site. Two of these studies (in 1981 and 1989) covered portions of the property, while the most recent survey (Knight & Leavitt Associates 1994) surveyed the entire 90-acre site. A records search conducted as part of an Environmental Assessment prepared in August 2007 by PBS&J found one recorded cultural resource site within the project area and 10 additional sites within a one-mile radius. The resource within the project area is a single isolated occurrence that has been deemed non-significant by the BLM. During field visits conducted by Berger in November 2007, no historic structures on or visible from this site were observed. The closest structures are the former Kerr McGee ammonium perchlorate blending facility, dating to 1989, and the Nevada Power Company's Chuck Lenzie Generating Station, which dates to 1995. Neither of these structures is eligible for inclusion in the National Register of Historic Places. Parcel data was reviewed for all properties within a one-mile radius and only one structure greater than 40 years old was identified. Supplemental information in the form of relevant correspondence and a complete Cultural Resources Summary has been prepared. However, given that this documentation comprises sensitive information, it has been provided only to the Nevada SHPO, the official reviewing agency.

5. Moapa Site

During a Class III cultural resources survey conducted in 2007, Knight & Leavitt Associates identified four previously-recorded archaeological sites within the project area. Based on historical background research, Knight & Leavitt variously attributed these resources to the West Point Mormon Settlement, the Rector-Johnson homestead, the Pickett Ranch, a railroad camp associated with the construction of the San Pedro, Los Angeles and Salt Lake Railroad, the Moapa Reservation for the Southern Paiute, and the Perkins family residence. The most significant cultural resource on the parcel is the West Point Mormon Settlement, which Knight & Leavitt recommended as eligible for listing in the National Register of Historic Places.

The standing structure closest to the property is Nevada Power's Reid Gardner Power Station, the earliest portion of which dates to 1965. No determination of eligibility for inclusion in the National Register has been made for this property, which will be more than 50 years old in less than ten years. Additionally, during a field visit and viewshed survey conducted in November 2007, three ca. 1930s wood frame structures that have not been inventoried were noted within a one-mile radius.

Parcel data was reviewed for all properties within a one-mile radius and only one structure greater than 40 years old was identified. Additionally, dates of construction for all power lines within a one-mile radius of the site were obtained from Nevada Power. The only identified lines greater than 40 years old are the Harry Allen-Reid Gardner #1 and #2 230kV lines. Originally called the Pecos-Reid Gardner 230kV (North and South Lines), these were constructed between 1964 and 1967. Supplemental information in the form of relevant correspondence and a complete Cultural Resources Summary has been prepared. However, given that this documentation comprises sensitive information, it has been provided only to the Nevada SHPO, the official reviewing agency.

H. CONTAMINATED MATERIALS

Each of the alternative sites has been the subject of a Phase I Environmental Site Assessment (ESA) prepared in accordance with the American Society for Testing and Materials' *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (Designation 1527). The principal objective in preparing the ESAs was to identify the presence or likely presence, use, or release of hazardous substances or petroleum products on each proposed site. Preparation of the ESAs involved a review of government regulatory agency databases, previous reports and historical documents; visual inspections of the sites and adjoining properties; and interviews with appropriate public officials. The results of the Phase I ESAs are summarized below.

1. 630 East Parque Avenue Site

On the basis of the Phase I ESA prepared of the 630 East Parque Avenue Site in early 2007, together with recent field investigations conducted as part of this EIS:

- No evidence involving the manufacture, storage, handling or disposal of hazardous substances or petroleum products was observed within the site and no surficial evidence of contamination.
- No evidence of aboveground storage tanks or underground storage tanks was observed within the site.
- A review of federal and state environmental databases found no facilities located in the vicinity of the site that handle hazardous materials or petroleum products or have been listed as having reported releases of hazardous materials or petroleum products. In addition, the site itself is not listed among federal and state environmental databases and it is not likely that this site would be affected by any site listed in any regulatory database.

No indications of contamination or obvious indication of the use or disposal of hazardous substances involving this site was noted during various field studies conducted as part of this EIS.

2. 2250 East Mesquite Avenue Site

On the basis of the Phase I ESA prepared of the 2250 East Mesquite Avenue Site in early 2007, together with recent field investigations conducted as part of this EIS:

- No evidence involving the manufacture, storage, handling or disposal of hazardous substances or petroleum products was observed within the 2250 East Mesquite Avenue Site and no surficial evidence of contamination was noted during recent field surveys conducted at the site as part of this EIS. While the Pahrump Valley landfill is located approximately 1,500 feet to the southwest, its distance and location downgradient of the site, it is not expected to pose a potential environmental risk to development of the site.

- No evidence of aboveground storage tanks or underground storage tanks was observed within the 2250 East Mesquite Avenue Site.
- A review of federal and state environmental databases found no facilities located in the vicinity of the site that handle hazardous materials or petroleum products or have been listed as having reported releases of hazardous materials or petroleum products. In addition, the site itself is not listed among said databases and it is not likely that this site would be affected by any site listed in any regulatory database.

No indications of contamination or obvious indication of the use or disposal of hazardous substances involving this site was noted during various field studies conducted as part of this EIS.

3. Apex Industrial Use Zone Site A

On the basis of the Phase I ESA prepared of the Apex Industrial Use Zone Site A in early 2007, together with recent field investigations conducted as part of this EIS:

- No evidence involving the manufacture, storage, handling or disposal of hazardous substances or petroleum products was observed within the Apex Industrial Use Zone Site A and no surficial evidence of contamination was noted during recent field surveys conducted at the site as part of this EIS. The site is bounded to the north by Kapex, LLC and to the east by a Nevada Power Company generating station. However, it is unlikely that these former and current uses, both located downgradient, would pose a potential environmental risk to development of the site.
- No evidence of aboveground storage tanks or underground storage tanks was observed within the Apex Industrial Use Zone Site A.
- A review of federal and state environmental databases found no facilities located in the vicinity of the Apex Industrial Use Zone Site A that handle hazardous materials or petroleum products or have been listed as having reported releases of hazardous materials or petroleum products. In addition, the site itself is not listed among said databases and it is not likely that this site would be affected by any site listed in any regulatory database.

No indications of contamination or obvious indication of the use or disposal of hazardous substances involving this site was noted during various field studies conducted as part of this EIS.

4. Moapa Site

On the basis of the Phase I ESA prepared of the Moapa Site in early 2007, together with recent field investigations conducted as part of this EIS:

- No evidence involving the manufacture, storage, handling or disposal of hazardous substances or petroleum products was observed within the Moapa Site and no surficial evidence of contamination was noted during recent field surveys conducted at the site as part of this EIS. While a Nevada Power Company generating station and associated facilities is located just east of the site, it is not expected to pose a potential environmental risk to development of the site.
- No evidence of aboveground storage tanks or underground storage tanks was observed within the Moapa Site.

- A review of federal and state environmental databases found no facilities located in the vicinity of the Moapa Site that handle hazardous materials or petroleum products or have been listed as having reported releases of hazardous materials or petroleum products. In addition, the site itself is not listed among said databases and it is not likely that this site would be affected by any site listed in any regulatory database.

No indications of contamination or obvious indication of the use or disposal of hazardous substances involving this site was noted during various field studies conducted as part of this EIS.

I. VISUAL AND AESTHETIC RESOURCES

1. 630 East Parque Avenue Site

The 630 East Parque Avenue Site is undeveloped, consisting largely of bare earth interspersed with desert scrub vegetation commonly found throughout Nye County. The property is also surrounded on all sides and for several thousand feet in all directions by undeveloped lands comprising similar conditions, vegetation and landscape features. Aesthetic conditions observed within the site are common in this area of Nye County and southwest Nevada and are dominated by level terrain with sparse, low-lying vegetative cover dispersed across much of the site. The site is typical of its rural surroundings and views within, into and from the site are not unique or aesthetically significant.

East Parque Avenue forms the site's southern border providing travelers using this unimproved roadway unimpeded views of the site. Located approximately 8,000 feet to the west is Nevada Highway 160 and given this distance, the level terrain and the low lying vegetative cover, views of the site from this direction are limited. Commercial development is concentrated along Nevada Highway 160, however, this development not connected or visually linked to the site.

The mountainous terrain found within areas of Nye County provides numerous vantage points from which to enjoy the area's picturesque scenery. The site offers unimpeded views of these higher elevations which are located to the east and west. While the views and vistas available to and from the 630 East Parque Avenue Site are pleasant, they are not unique within Nye County. Representative views of the site are depicted in Exhibit III-19.

2. 2250 East Mesquite Avenue Site

The 2250 East Mesquite Avenue Site is also undeveloped, consisting largely of bare earth interspersed by desert scrub vegetation common to Nye County. The property is also surrounded on all sides and for several thousand feet or more in all directions by generally undeveloped lands comprising similar conditions, vegetation and landscape features. Aesthetic conditions observed within this site are common to this area of Nye County and southwest Nevada and are dominated by level terrain with sparse, low-lying vegetative cover dispersed across much of the site. The site is typical of its rural surroundings and views within, into and from the site are not unique or aesthetically significant.

East Mesquite Avenue forms the site's southern boundary providing travelers using this roadway unimpeded views of the site. Commercial development is concentrated along Nevada Highway 160 which is located approximately 8,000 feet to the west while the Pahrump Valley landfill is located approximately 1,500 feet to the southwest. These developments are not connected or visually linked to the site and the distance to the highway, the level terrain and the low lying vegetative cover limits views of the site from the west.



Typical site view looking west. Note Town of Pahrump in background.



View looking east, showing access road (East Parque Avenue)

The mountainous terrain found within areas of Nye County provides numerous vantage points from which to enjoy the area's picturesque scenery. The site offers unimpeded views of these higher elevations which are located to the east and west. While the views and vistas available to and from the 2250 East Mesquite Avenue Site are pleasant, they are not unique within Nye County. Representative views of the site are depicted in Exhibit III-20.

3. Apex Industrial Use Zone Site A

The Apex Industrial Use Zone Site A consists largely of bare earth interspersed by desert scrub vegetation commonly found in Clark County. Except for the former and current industrial operations found adjacent to the site and more remote features comprising power transmission lines, a railroad line and I-15, the property is surrounded by undeveloped lands containing similar terrain, vegetation and landscape features.

The visual features comprising the Apex Industrial Use Zone Site A are typical of this area of Clark County and southwest Nevada. Aesthetic conditions of the site are dominated by the level terrain with sparse, low-lying vegetative cover dispersed across much of the site. The site is typical of its rural surroundings and views within, into and from the site are not unique or aesthetically significant. Located approximately 9,000 feet to the northeast is U.S. Route 93 and given this distance, the relatively level terrain and the low lying vegetative cover, views of the site from this direction are limited. The adjoining industrial operations further impede views of the site.

The mountainous terrain found within portions of Clark County provides numerous vantage points from which to enjoy the area's picturesque scenery. The site offers unimpeded views of these higher elevations located to the northwest and southeast. While the views and vistas available to and from the site are pleasant, they are not unique within Clark County. Representative views of the site are depicted in Exhibit III-21.

4. Moapa Site

The Moapa Site consists largely of bare earth interspersed by desert scrub vegetation commonly found in Clark County. Except for the industrial operations found adjacent to the site in the form of the Nevada Power generating station and related activities and railroad operations and more remote features comprising power transmission lines, scattered residential uses, I-15, etc., the property is surrounded by undeveloped lands containing similar terrain, vegetation and landscape features.

The visual features comprising the Moapa Site are typical of the area of Moapa and Clark County. Aesthetic conditions of the site are dominated by the level terrain with sparse, low-lying vegetative cover dispersed across much of the site. The site is typical of its rural surroundings and views within, into and from the site are not unique or aesthetically significant. The level terrain, the low lying vegetative cover, and adjoining railroad and industrial operations limit views of the site from most directions.

The mountainous terrain found within portions of Clark County provides numerous vantage points from which to enjoy the area's picturesque scenery. The site offers views of these higher elevations located to the northwest and southeast. While the views and vistas available to and from the site are pleasant, they are not unique within Clark County. Representative views of the site are depicted in Exhibit III-22.



View looking west to north.



View looking southwest showing central portion of the project area.



View looking east, showing adjacent property.



View looking south to southwest.



View looking north, showing adjacent property.



View looking south, from central portion of the project site.



View looking north. Note Lincoln Avenue in background.



View looking south.



View looking southeast, showing Nevada Power Generating Station.

J. DEMOGRAPHIC CHARACTERISTICS

The following describes the demographic composition of the jurisdictions within which the alternative sites are located (Nye County and Clark County) as well as the nearest population centers (Las Vegas, North Las Vegas, Pahrump, etc.). The physical proximity, convenient roadway connections, and substantial concentrations of population and economic activity in the City of Las Vegas have greatly influenced the demographic composition and character of Clark County and portions of adjoining Nye County. Demographic information for both counties and their principal municipal subdivisions have been gathered, analyzed and presented below.

1. Clark County

Clark County comprises the southeast corner of the State of Nevada bordering upon California to the west and Utah and Arizona to the east. Clark County is comprised of over 1.7 million residents (over 70 percent of the state's population), and is the most populous of Nevada's 17 counties. The City of Las Vegas is the county's principal population center and one of the fastest-growing areas in the country. Other principal cities include North Las Vegas, Henderson, Boulder City, and Mesquite; nearby unincorporated areas within the Las Vegas Valley include Enterprise, Paradise, Spring Valley, and Sunrise Manor.

The population in Clark County has grown rapidly, rising from 48,289 persons in 1950 to 463,087 persons in 1980 and to 1,777,539 persons in 2006 (Exhibit III-23). The decade with the largest increase in the county's population took place between 1990 (population 741,459) and 2000 (population 1,375,765), when 634,306 people were added to the county, representing an 86 percent increase during this period. U.S. Census data indicate that from 1990 to 2000, the population of Clark County increased by an average of 8.5 percent annually compared to an average annual growth rate of 6.6 percent for the State of Nevada as a whole. In 1990, Clark County represented approximately 62 percent of the population of the state and by 2004 the county's estimated population of 1,648,291 represented approximately 71 percent of the state's population. The Clark County Department of Advanced Planning has forecasted continued growth of the county's population rising to approximately 1,945,409 in 2010, 2,276,201 in 2020 and 2,603,885 in 2030.

Of Clark County's 2005 population, approximately 839,298 persons (49.1 percent) were female and 870,066 persons (50.9 percent) were male. The U.S. Census indicates that in 2005 approximately 128,202 persons (7.5 percent) were under five years of age, 447,853 persons (26.2 percent) were between five and 17 years of age, 950,406 persons (55.6 percent) were between 18 and 64 years of age, and 182,902 persons (10.7 percent) were over 64 years of age (Exhibit 11-24).

Of Clark County's population in 2006, approximately 1,402,478 persons (78.9 percent) were White, 179,531 persons (10.1 percent) were African-American or Black, 17,775 persons (1.0 percent) were American Indian, 119,095 persons (6.7 percent) were Asian, 10,665 persons (0.6 percent) were Native Hawaiian, and 49,771 persons (2.8 percent) belong to other races (Exhibit III-25). Hispanics of any race made up 26.1 percent (463,938 persons) of the total population of the County. Also, an estimated 386,856 persons (21.8 percent) in Clark County were foreign born.

2. City of Las Vegas

The City of Las Vegas has also been experiencing substantial population increases since the 1970's. Between 1990 and 2000 alone, the city's population grew by 220,139, rising from 258,295 to 478,434 or 85 percent. By 2006 the city's population comprised 560,829 persons or 31.6 percent of the total Clark County population.

EXHIBIT III-23
POPULATION TRENDS - CLARK COUNTY, NEVADA

Year	Population	Actual Increase	Percent Increase
1950	48,289	-	-
1960	127,016	78,727	163%
1970	273,288	146,272	115%
1980	463,087	189,799	69%
1990	741,459	278,372	60%
2000	1,375,765	634,306	86%
2001	1,456,766	81,001	6%
2002	1,516,592	59,826	4%
2003	1,574,830	58,238	4%
2004	1,648,291	73,461	5%
2005	1,709,364	61,073	4%
2006	1,777,539	68,175	4%

Source: Population Division, U.S. Census Bureau.
Release Date: March 22, 2007.

EXHIBIT III-24
AGE AND GENDER POPULATION CHARACTERISTICS
CLARK COUNTY, NEVADA

Clark County	Estimated Percentages (2005)	
	Population	% of Total Population
Age		
Under 5 years	128,202	7.5%
5-17 years	447,853	26.2%
18-64 years	950,406	55.6%
65 years and over	182,902	10.7%
TOTAL	1,709,364	100.0%
Female Population	839,298	49.1%
Male Population	870,066	50.9%

Source: Population Division, U.S. Census Bureau.

EXHIBIT III-25
RACE/ETHNICITY CHARACTERISTICS
CLARK COUNTY, NEVADA

Race/Ethnicity	U.S. Census 2000		Estimate - 2006	
	Population	% of Total Population	Population	% of Total Population
White	984,796	71.6%	1,402,478	78.9%
African-American/Black	124,885	9.1%	179,531	10.1%
American Indian	10,895	0.8%	17,775	1.0%
Asian	72,547	5.3%	119,095	6.7%
Native Hawaiian	6,412	0.5%	10,665	0.6%
Other Races	176,230	12.8%	49,771	2.8%
TOTAL	1,375,765	100.0%	1,777,539	100.0%
Hispanic or Latino (of any race)	302,143	22.0%	463,938	26.1%

Source: Population Division, U.S. Census Bureau.

According to the U.S. Census, Las Vegas' population comprised 287,698 females (50.4 percent) and 282,055 males (49.6 percent). Regarding age distribution, in 2006, the population of the Las Vegas comprised approximately 44,596 persons (7.83 percent) under five years of age, 123,578 persons (21.69 percent) between five and 17 years of age, 337,985 persons (59.32 percent) between 18 and 64 years of age, and 63,594 persons (11.2 percent) over the age of 64. In 2006 the median age of city residents was 35.2 years.

With respect to race, approximately 388,695 city residents (68.22 percent) were White, 59,833 persons (10.5 percent) were African-American or Black, 3,604 persons (0.63 percent) were American Indian and Alaskan Native, 33,061 persons (5.8 percent) were Asian, and 81,171 persons (14.25 percent) were of other races. Hispanics of any race made up 30.6 percent (174,203 persons) of the total population of the city in 2006. Also, it is estimated that approximately 128,991 persons (23.0 percent) in Las Vegas were foreign born in 2006.

The U.S. Census estimates that in 2006, 81 percent of the city's population 25 years and over had graduated from high school, approximately 20 percent of the population had a bachelor's degree or higher while 19 percent did not complete high school. U.S. Census indicates that the total school enrollment in Las Vegas was 136,000 in 2006, comprising nursery school and kindergarten (approximately 15,000), elementary and high school (approximately 99,000 students) and college or graduate school (approximately 22,000 students).

3. City of North Las Vegas

The City of North Las Vegas has also experienced a notable increase in population in recent decades. In 2006 the total population of North Las Vegas was 190,291 persons representing 10.7 percent of the total population of Clark County.

The population of North Las Vegas is comprised of 96,640 females (50.8 percent) and 93,651 males (49.2 percent). The U.S. Census indicates that with respect to age the population of North Las Vegas

in 2006 consisted of approximately 11.37 percent (21,635 persons) under five years of age, 25.17 percent (47,894 persons) between five and 17 years of age, 57.21 percent (108,873 persons) between 18 to 64 years of age, and 6.25 percent (11,889 persons) over 64 years of age. Median age in the city was 28.7 years.

Approximately 122,442 city residents (64.34 percent) were White, 32,749 persons (17.21 percent) were African-American or Black, 835 persons (0.44 percent) were American Indian and Alaskan Native, 11,594 persons (6.09 percent) were Asian, and 22,671 persons (11.91 percent) belong to other races. Hispanics of any race made up 38.48 percent (73,219 persons) of the total population of North Las Vegas in 2006 while approximately 45,670 persons (24.0 percent) were foreign born.

The U.S. Census estimated that in 2006, 72 percent of persons 25 years and over in North Las Vegas had graduated from high school of which approximately 14 percent had a bachelor's degree or higher. The remaining 28 percent did not complete high school. U.S. Census indicated that the total school enrollment in North Las Vegas was 52,600 in 2006, comprising nursery school and kindergarten (approximately 4,800 students), elementary or high school (approximately 40,000 students) and college or graduate school (approximately 7,800 students).

4. Moapa Valley

Moapa Valley, a Census-Designated-Place which includes the Town of Moapa, is located approximately 45 miles northeast of North Las Vegas and adjacent to and northeast of the Moapa River Indian Reservation. The U.S. Census indicates that in 2000 the total population of Moapa Valley was 5,784 persons and of this population, 3.5 percent were foreign born. The Moapa Valley population comprises approximately 2,868 females (49.6 percent) and 2,916 males (50.4 percent). In 2000, the population of the Moapa Valley comprised 0.4 percent of the total population in Clark County.

The U.S. Census indicates that with respect to age, the Moapa Valley population in 2000 was approximately 7.53 percent (425 persons) under five years of age, 29.1 percent (1,638 persons) was between five and 17 years of age, 48.34 percent (2,796 persons) was between 18 and 64 years of age, and 15.2 percent (880 persons) was greater than 64 years of age. Also, in 2000 the median age in Moapa Valley was of 35.8 years. With respect to race, approximately 5,354 persons (92.41 percent) were White, 14 persons (0.24 percent) were African-American or Black, 38 persons (0.66 percent) were American Indian or Alaskan Native, 15 persons (0.26 percent) were Asian, and 272 persons (6.43 percent) were of other races. Also, in 2000 Hispanics of any race comprised 9.1 percent (526 persons) of the total population in Moapa Valley.

The U.S. Census estimated that in 2000, 83.8 percent of persons 25 years and over in Moapa Valley had graduated from high school, and approximately 15.6 percent of the population had a bachelor's degree or higher.

5. Nye County

Nye County is located in the south-central part of Nevada, with California bordering to the southwest, Churchill County, Nevada bordering to the northwest, Lander County and Eureka County, Nevada located to the north, White Pine County, Nevada bordering to the northeast, Lincoln County, Nevada located to the east, Clark County, Nevada to the southeast, while sharing a border with Esmeralda and Mineral counties, also in Nevada to the west. The County Seat is Tonopah with the largest population concentration residing in Pahrump.

As with Clark County and the City of Las Vegas (which is located approximately 60 miles to the southeast), Nye County has grown rapidly from only 3,101 persons in 1950, to 9,048 persons in 1980 and 42,639 persons in 2006. The largest increase occurred between 1980 (9,048 people) and 2000 (32,485 people), when 23,437 persons were added to the county, representing a 259 percent increase during this period (Exhibit III-26).

Of Nye County's 2005 population, 19,794 persons (49.0 percent) were female and 20,601 persons (51.0 percent) were male. The U.S. Census indicates that in 2005 approximately 1,878 persons (4 percent) were under five years of age, 9,094 persons (21 percent) were between five and 17 years of age, 22,798 persons (53 percent) were between 18 and 64 years of age, and 8,923 persons (21 percent) were over 64 years of age (Exhibit III-27).

EXHIBIT III-26 POPULATION TRENDS - NYE COUNTY, NEVADA

Year	Population	Actual Increase	Percent Increase
1950	3,101	-	-
1960	4,374	1,273	41%
1970	5,599	1,225	28%
1980	9,048	3,449	62%
1990	17,781	8,733	97%
2000	32,485	14,704	83%
2001	33,765	1,280	4%
2002	34,592	827	2%
2003	35,772	1,180	3%
2004	37,643	1,871	5%
2005	40,395	2,752	7%
2006	42,693	2,298	6%

Source: Population Division, U.S. Census Bureau.

Release Date: March 22, 2007.

EXHIBIT III-27 AGE AND GENDER POPULATION CHARACTERISTICS NYE COUNTY, NEVADA

Nye County	Estimate - 2005	
	Population	% of Total Population
Age		
Under 5 years	1,878	4%
5-17 years	9,094	21%
18-64 years	22,798	53%
65 years and over	8,923	21%
TOTAL	40,395	100%
Female Population	19,794	49.0%
Male Population	20,601	51.0%

Source: Population Division, U.S. Census Bureau.

According to the U.S. Census, approximately 29,117 county residents in 2006 (89.6 percent) were White, 383 persons (1.2 percent) were African-American or Black, 636 persons (2.0 percent) were American Indian, 253 persons (0.8 percent) were Asian, 105 persons (0.3 percent) were Native Hawaiian, and 1,991 persons (6.1 percent) belonged to other races. Hispanics of any race made up 8.4 percent (2,713 persons) of the total population of the county (Exhibit III-28).

EXHIBIT III-28 RACE/ETHNICITY CHARACTERISTICS - NYE COUNTY, NEVADA

Race/Ethnicity	U.S. Census 2000		Estimate - 2006	
	Population	% of Total Population	Population	% of Total Population
White	29,117	89.6%	39,747	93.1%
African-American/Black	383	1.2%	726	1.7%
American Indian	636	2.0%	768	1.8%
Asian	253	0.8%	427	1.0%
Native Hawaiian	105	0.3%	213	0.5%
Two or more races	1,991	6.1%	811	1.9%
TOTAL	32,485	100.0%	42,693	100.0%
Hispanic or Latino (of any race)	2,713	8.4%	4,696	11.0%

Source: Population Division, U.S. Census Bureau.

6. Town of Pahrump

The Town of Pahrump has experienced large increases in its population over recent decades. According to the 2000 U.S. Census, the population of Pahrump was 24,631 or approximately 76 percent of the total population of Nye County. By July 2007, according to the Nevada State Demographers Office, the population of Pahrump had grown by 54 percent to approximately 37,928 or approximately 82 percent of the Nye County population. Although current data for the Town of Pahrump is unavailable, gender, age and racial composition and characteristics can be derived by extrapolating data originating from the 2000 U.S. Census.

In 2000, the population of Pahrump consisted of 12,170 females (49.4 percent) and 12,461 males (50.6 percent); by 2007 it was estimated to consist of 18,736 females and 19,192 males.

The 2000 U.S. Census indicates that approximately 1,359 residents of Pahrump (5.5 percent) were under five years of age, 4,560 persons (18.5 percent) were between five to 17 years of age, 13,475 persons (54.7 percent) were between 18 to 64 years of age, and 5,237 persons (21.3 percent) were over 64 years of age. In 2000, the median age of Pahrump residents was 45.1 years. Estimates of current age distribution, derived in the manner discussed above, indicate that approximately 2,094 persons were under five years of age, 7,020 persons were between five to 17 years of age, 20,750 persons were between 18 to 64 years of age, and 8,064 persons were over 64 years of age.

According to the 2000 U.S. Census, approximately 22,419 persons (91.0 percent) residing in Pahrump were White, 321 persons (1.3 percent) were African-American or Black, 318 persons (1.3 percent) were American Indian and Alaskan Native, 210 persons (0.9 percent) were Asian, and 1,363 persons (5.5 percent) were of other races. Hispanics of any race made up 7.6 percent (1,879 persons) of the

total population and approximately 5.1 percent of the population is foreign born. By 2007, it is estimated that approximately 34,522 persons were White, 493 persons were African-American or Black, 493 persons were American Indian and Alaskan Native, 322 persons were Asian, and 2,098 persons were of other races. Hispanics of any race were estimated to total 2,883 persons.

The U.S. Census estimated that in 2000, 78.6 percent of persons 25 years and over had graduated from high school and approximately 10 percent had a bachelor's degree or higher. The remaining 21.4 percent had not completed high school. The U.S. Census indicates that total school enrollment in Pahrump was 4,779 in 2000. Nursery school and kindergarten enrollment was 545 and elementary and high school enrollment was 3,804. College or graduate school enrollment was approximately 430 students.

K. ECONOMIC CHARACTERISTICS

The following describes the economic characteristics of the State of Nevada, Clark County, and Nye County together with the key population centers (i.e., Las Vegas, North Las Vegas, Moapa Valley, and Pahrump). The economy of southeastern Nevada has been largely influenced by the economic activities centered upon the City of Las Vegas. Moreover, the convenient roadway connections, the gaming and lodging industries, and the concentration of other economic activities in this metropolitan area have greatly influenced the economies of Clark and Nye counties. Baseline economic information for these jurisdictions has been included to account for potential impacts resulting from the proposed project.

1. State of Nevada

In 2006, the labor force within the State of Nevada was estimated to total 1,299,777 having increased by over 45 percent from approximately 893,556 since 1996. According to the U.S. Census, Nevada's three largest industries in 2006 were arts, entertainment, and recreation; educational services; and construction. Outside the Las Vegas and Reno metropolitan areas, mining and cattle ranching are the major economic activities. The Nevada Department of Employment Training and Rehabilitation reported the unemployment rate for the state as 4.2 percent in 2006 compared with 4.6 percent for the United States.

According to the U.S. Census, 83.1 percent of the workforce in Nevada comprised private sector wage and salary workers, 11.6 percent were government employees, 5.2 percent were self-employed, and 0.1 percent was unpaid family workers. The median household income in 2006 was \$52,998, where 83 percent of the households received earnings and 16 percent received retirement income other than Social Security. In 2006, 10 percent of the population of Nevada had incomes that were considered to be below the poverty level.

2. Clark County

According to the Nevada Department of Employment, Training and Rehabilitation, Clark County's civilian labor force increased by 78.4 percent between 1990 and 2000, rising from 407,763 workers in 1990 to 727,521 workers in 2000. Recent statistics indicate that from 1996 to 2006 there was a 60 percent increase in the labor force; an increase greater than that experienced by the state as a whole (Exhibit III-29). The largest industrial sector in Clark County is arts, entertainment, recreation and food services, where approximately 28 percent of the workforce is employed.

The unemployment rate for Clark County has held fairly steady since 1990, oscillating between approximately four and seven percent. The highest unemployment rate over the past ten years occurred

in 2002 when the unemployment rate reached 5.9 percent. By 2006, the unemployment rate had dipped to 4.1 percent (Exhibit III-30).

EXHIBIT III-29 LABOR FORCE TRENDS - CLARK COUNTY, NEVADA

Year	Civilian Labor Force	Actual Increase	% of Increase
2006	924,959	51,553	5.90%
2005	873,406	36,572	4.37%
2004	836,834	31,263	3.88%
2003	805,571	21,912	2.80%
2002	783,659	24,097	3.17%
2001	759,562	32,041	4.40%
2000	727,521	21,777	3.09%
1999	705,744	39,338	5.90%
1998	666,406	36,072	5.72%
1997	630,334	37,298	6.29%
1996	593,036	34,865	6.25%
1995	558,171	28,771	5.43%
1994	529,400	41,618	8.53%
1993	487,782	29,197	6.37%
1992	458,585	20,953	4.79%
1991	437,632	29,869	7.33%
1990	407,763	-	-

Source: Nevada Department of Employment, Training and Rehabilitation.
Annually Compounded, Not Seasonally Adjusted Data.

Per capita income in Clark County has experienced steady increases since the 1970's including the past 10 years with minor decreases occurring in 2001 and 2002. According to the Nevada Department of Employment, Training and Rehabilitation, from 2000 to 2005, per capita income increased 18.9 percent from \$29,597 to \$34,980. In 2004, the median household income for Clark County residents was \$45,793 compared to \$43,454 in 2000 (Exhibit III-31). According to the U.S. Census, the mean social security income was \$14,099. An estimated 7.8 percent of the families living in Clark County are living below the poverty level.

3. City of Las Vegas

The economy of Las Vegas has been led for many years by the gaming and hotel industries which has made Las Vegas a world famous destination for tourists. The continuing increases in the number of tourists to the area coupled with the concentration of military defense installations around the city have aided the development of a strong local economy. According to the U.S. Census, the civilian labor force in 2006 was estimated to total approximately 282,745 workers. U.S. Department of Labor, Bureau of Labor Statistics data for July 2005 indicates that Las Vegas had an unemployment rate of approximately 4.5 percent. This was slightly higher than the unemployment rate of the county or state, which were 4.3 and 4.2 percent, respectively. Unemployment in Las Vegas, Clark County, and Nevada was substantially lower than the national average for July 2005 (approximately 5.0 percent).

EXHIBIT III-30
UNEMPLOYMENT TRENDS - CLARK COUNTY, NEVADA

Year	Unemployment	Unemployment Rate (%)
2006	38,261	4.1%
2005	36,384	4.2%
2004	38,475	4.6%
2003	43,399	5.4%
2002	46,358	5.9%
2001	41,931	5.5%
2000	33,588	4.6%
1999	29,781	4.2%
1998	28,426	4.3%
1997	27,840	4.4%
1996	30,055	5.1%
1995	31,084	5.6%
1994	32,319	6.1%
1993	32,995	6.8%
1992	31,817	6.9%
1991	28,207	6.4%
1990	19,882	4.9%

Source: Nevada Department of Employment, Training and Rehabilitation.
Annually Compounded, Not Seasonally Adjusted Data.

EXHIBIT III-31
INCOME TRENDS - CLARK COUNTY, NEVADA

Year	Per Capita Income	% Change	Median Household Income
2005	\$34,980	5.84%	N/A
2004	\$33,049	7.09%	\$45,793
2003	\$30,861	3.54%	\$43,756
2002	\$29,805	0.55%	\$42,243
2001	\$29,641	0.15%	\$42,810
2000	\$29,597	3.59%	\$43,454
1999	\$28,570	2.98%	\$41,968
1998	\$27,743	5.55%	\$40,720
1997	\$26,283	2.98%	\$39,586
1996	\$25,522	5.52%	N/A
1995	\$24,187	22.30%	\$38,184
1990	\$19,777	33.20%	\$30,746
1985	\$14,848	32.83%	N/A
1980	\$11,178	62.92%	N/A
1975	\$6,861	40.42%	N/A
1970	\$4,886	-	N/A

Source: Nevada Department of Employment, Training and Rehabilitation.
Annually Compounded, Not Seasonally Adjusted Data.
N/A = Not Available.

Twenty-five percent of the workforce in Las Vegas is employed in the entertainment industry, the largest industry in the city, followed by the educational and health care industries with a 12.7 percent share of this workforce. Median household income in 2006 was \$53,000 with nine percent of the families living in the city having yearly incomes in excess of \$150,000, and 8.4 percent having incomes below the poverty level.

4. City of North Las Vegas

The North Las Vegas City has grown rapidly over the last decades, and its economic development has been greatly influenced by the growth of Las Vegas and Nellis Air Force Base. The constant influx of people that work, live and vacation in Las Vegas has helped in the development of a strong North Las Vegas economy. According to the U.S. Census, the civilian labor force in 2006 was estimated to be 89,729 workers with an unemployment rate of 5.1 percent. Some 21 percent of the workforce in North Las Vegas is employed in the entertainment industry followed by the construction industry with 18.3 percent of the workforce. The median household income in 2006 was \$57,242; 4.3 percent of the families living in North Las Vegas had a yearly income greater than \$150,000 and 8.5 percent reported incomes below the poverty level.

5. Moapa Valley

Economic activity in the Moapa Valley has been driven in part by the growth of the Las Vegas metropolitan area. According to the 2000 U.S. Census, the civilian labor force in the Moapa Valley totaled approximately 2,216 workers, of which 4.0 percent were unemployed. Major employment sectors in the Moapa Valley include education and health care with 17 percent of the workforce followed by the entertainment industry with 16 percent of the workforce. Median household income in 2000 was \$39,942 with 0.3 percent of the families having a yearly income greater than \$150,000, and 5.7 percent reporting incomes below the poverty level.

6. Nye County

According to the Nevada Department of Employment, Training and Rehabilitation, the civilian labor force in Nye County grew by 5.21 percent annually from 1990 to 2000, rising from 8,616 to 13,104 workers during the period. Statistics indicate that from 2000 to 2006 growth in the labor force occurred at a slower rate, increasing by 3,172 workers or approximately 4.0 percent annually (Exhibit III-32). According to the U.S. Census, the largest employment sector in Nye County in 2006 was arts, entertainment, recreation and food services, where approximately 18 percent of the workforce was employed.

The unemployment rate for Nye County during the decade of the 1990's ranged between 3.7 and 6.9 percent. Since 2000, unemployment has consistently fallen within the five to seven percent range reaching eight percent in 2001 (Exhibit III-33). By 2006, the unemployed rate had decreased to 5.7 percent.

Per capita income in Nye County has steadily increase since the 1970's. According to the Nevada Department of Employment, Training and Rehabilitation, from 2000 to 2005 per capita income increased 18.8 percent, from \$24,200 in 2000 to \$28,761 in 2005. There have similar increases in household income over the past three decades. In 2004 the median household income was \$41,025 compared with \$37,319 in 2000 (Exhibit III-34).

**EXHIBIT III-32
LABOR FORCE TRENDS - NYE COUNTY, NEVADA**

Year	Civilian Labor Force	Actual Increase	% of Increase
2006	16,276	802	5.18%
2005	15,474	860	5.88%
2004	14,614	686	4.93%
2003	13,928	19	0.14%
2002	13,909	661	4.99%
2001	13,248	144	1.10%
2000	13,104	-2,221	-14.49%
1999	15,325	701	4.79%
1998	14,624	904	6.59%
1997	13,720	1,183	9.44%
1996	12,537	473	3.92%
1995	12,064	818	7.27%
1994	11,246	1,475	15.10%
1993	9,771	595	6.48%
1992	9,176	343	3.88%
1991	8,833	217	2.52%
1990	8,616	-	-

Source: Nevada Department of Employment, Training and Rehabilitation
Annually Compounded, Not Seasonally Adjusted Data

**EXHIBIT III-33
UNEMPLOYMENT TRENDS - NYE COUNTY, NEVADA**

Year	Unemployment	Unemployment Rate (%)
2006	979	5.7%
2005	923	5.6%
2004	959	6.2%
2003	1,131	7.5%
2002	1,111	7.4%
2001	1,150	8.0%
2000	958	6.8%
1999	776	4.8%
1998	641	4.2%
1997	629	4.4%
1996	663	5.0%
1995	573	4.5%
1994	667	5.6%
1993	728	6.9%
1992	585	6.0%
1991	412	4.5%
1990	329	3.7%

Source: Nevada Department of Employment, Training and Rehabilitation.
Annually Compounded, Not Seasonally Adjusted Data.

EXHIBIT III-34
INCOME TRENDS - NYE COUNTY, NEVADA

Year	Per Capita Income	% Change	Median Household Income
2005	\$28,761	3.05%	N/A
2004	\$27,910	7.34%	\$41,025
2003	\$26,002	6.24%	\$38,311
2002	\$24,474	0.25%	\$36,835
2001	\$24,414	0.88%	\$35,878
2000	\$24,200	6.97%	\$37,319
1999	\$22,623	3.17%	\$35,874
1998	\$21,928	3.09%	\$37,926
1997	\$21,270	2.91%	\$36,580
1996	\$20,668	5.59%	\$36,878
1995	\$19,574	19.61%	\$33,065
1990	\$16,365	31.33%	\$30,211
1985	\$12,461	11.27%	N/A
1980	\$11,199	33.13%	N/A
1975	\$8,412	66.02%	N/A
1970	\$5,067	-	N/A

Source: Nevada Department of Employment, Training and Rehabilitation.
Annually Compounded, Not Seasonally Adjusted Data.
N/A = Not Available

7. Town of Pahrump

Pahrump has grown rapidly over the last decade, and its economic development has been primarily led by the growth of the Las Vegas metropolitan area. The constant influx of people that work in Las Vegas and have chosen to live in Pahrump has helped to expand the town's economy. According to the U.S. Census, the civilian labor force in 2000 totaled approximately 9,695 workers with an unemployment rate of only 3.5 percent. The largest portion of the workforce in Pahrump, totaling 18 percent, is employed in the entertainment industry with the construction industry following next with a 14.8 percent share of this workforce. Median household income in 2000 was of \$34,860 with 1.1 percent of the families in Pahrump having an annual income greater than \$150,000 and 7.3 percent having incomes below the poverty level.

L. HOUSING CHARACTERISTICS

Housing is an important element because it provides a greater understanding of the demographics and the economy of the counties, cities, and towns under study. Housing information is presented for Clark and Nye counties, and a brief housing narrative for Las Vegas, North Las Vegas, Moapa Valley, and Pahrump is also presented in this section of the report.

1. Clark County

It has been estimated there were a total of 675,558 housing units in Clark County in 2004 of which 91.5 percent were occupied and 90,708 (8.5 percent) were vacant. Approximately 59.1 percent of all housing units were owner-occupied. The median value for owner-occupied units in Clark County was estimated to be \$139,500. Renter-occupied housing units comprised 40.9 percent of the total 262,562 units with a median monthly rent of \$407.

According to Home Builders Research, Clark County had over 29,000 new home sales and over 64,000 re-sales in 2004. Median new home sales prices were nearly \$300,000, while the median resale price was approximately \$250,000. Selected statistics regarding the mix of housing types available in Clark County in July 2004 are shown in Exhibit III-35.

EXHIBIT III-35 HOUSING TYPES - CLARK COUNTY, NEVADA

Housing Type	Number of Units	Percent of Units	Percent Occupied
Single-Family Detached	381,275	56.44%	97.7%
2-, 3-, 4-Plexes	19,168	2.84%	93.8%
Mobile Homes	29,305	4.34%	93.0%
Apartments	168,076	24.87%	94.0%
Town Houses	28,684	4.25%	94.8%
Condominiums	49,050	7.26%	93.7%
Total	675,558	100.0%	94.5%

Source: Southern Nevada Consensus Housing Unit Estimate, July 2004.

Selected housing characteristics for Las Vegas City, Clark County and Nevada in 2000 are depicted in Exhibit III-36. The percent of owner-occupied housing units does not vary greatly between the different levels of geography, the highest housing occupancy rate was found in the city, followed by the county, and the state. New housing construction in the state and county began to take off during the seventies, continuing through the 1990s. The city, however, lagged slightly behind the county and state; their housing boom began in the 1980s. The median number of rooms per housing unit was virtually the same for the city, county and state.

2. City of Las Vegas

Housing in Las Vegas is described as moderately expensive, with prices and home types varying widely. The 2000 U.S. Census indicates that there were a total of 190,862 housing units in the City of Las Vegas, of which 176,848 (92.7 percent) were occupied and 14,014 (7.3 percent) were vacant. Approximately 59.1 percent of the occupied housing units (104,514 units) were owner-occupied while 40.9 percent (72,334 units) were renter-occupied. Of the total housing units, approximately 56.2 percent were single-unit structures, 42 percent were multi-unit structures, and 1.8 percent of the units

EXHIBIT III-36
SELECTED HOUSING CHARACTERISTICS
LAS VEGAS, CLARK COUNTY, AND NEVADA

Characteristic	Las Vegas	Clark County	Nevada
Housing Unit Occupancy Rate	92.7%	91.5%	90.8%
Owner-Occupied Housing Units*	59.1%	59.1%	60.9%
Renter-Occupied Housing Units*	40.9%	40.9%	30.1%
Year Structure Built**			
1999 to March 2000	5.5%	7.1%	6.1%
1995 to 1998	22.5%	23.0%	20.1%
1990 to 1994	20.9%	18.2%	16.2%
1980-1989	19.0%	20.6%	20.8%
1970-1979	13.2%	17.2%	19.3%
1960-1969	10.9%	8.6%	9.5%
1940-1959	7.4%	4.7%	6.3%
1939 or earlier	0.6%	0.5%	1.7%
Number of Rooms per Housing Unit**			
1	4.3%	3.5%	3.5%
2	6.5%	7.1%	6.8%
3	12.8%	12.7%	12.1%
4	15.8%	17.4%	17.1%
5	21.3%	21.1%	21.2%
6	18.2%	17.4%	18.0%
7	10.6%	10.4%	10.7%
8	5.7%	5.8%	6.0%
9 or more	4.7%	4.6%	4.7%
Median Number of Rooms per Housing Unit**	5.0	4.9	5.0

* Universe includes all occupied housing units.

** Universe includes all housing units (occupied and unoccupied).

Source: U.S. Census Bureau, 2000.

were mobile homes. According to the 2000 U.S. Census, approximately 49 percent of the housing units were built after 1990. Median monthly housing costs for renters in 2000 was \$699.

3. City of North Las Vegas

There are approximately 64,000 housing units in the City of North Las Vegas, of which 91 percent (58,240 units) were occupied and nine percent (5,760 units) were vacant. Of the occupied units, approximately 68 percent (39,603 units) were owner-occupied and 32 percent (18,637 units) were renter-occupied. Of the total housing units, approximately 51,840 (81 percent) were single-unit structures, 11,520 (18 percent) were multi-unit structures, and 1,280 (two percent) were mobile homes. According to the U.S. Census, 78 percent of the housing units were built after 1990. Median monthly housing costs for renters was \$982.

4. Moapa Valley

The 2000 U.S. Census indicated that there were a total of 2,343 housing units in Moapa Valley of which 2,025 (87.2 percent) were occupied and 318 (12.8 percent) were vacant. Of the occupied units, 1,646 (81 percent) were owner-occupied and 379 (19 percent) were renter-occupied. Of the total housing units, approximately 50 percent were single-unit structures, and 7.2 percent were multi-unit structures, and 42.8 percent of these units were mobile homes. According to U.S. Census information, 37.9 percent of the housing units were built after 1990. Median monthly housing cost for renters was \$620.

5. Nye County

The U.S. Census indicates that in 2000 there were a total of 15,934 housing units in Nye County, of which 13,309 (84 percent) were occupied and 2,625 (16 percent) were vacant. Of the occupied units, 10,162 (approximately 76.4 percent) were owner-occupied and 3,147 (approximately 23.6 percent) were renter-occupied. The median value for the owner occupied units for Nye County in 2006 was estimated to be of \$122,100. The median monthly rent in Nye County was of \$541.

6. Town of Pahrump

According to the U.S. Census there were 11,669 housing units in Pahrump in 2000, of which 10,192 were occupied and 1,477 (12.9 percent) were vacant. Of the occupied units, 8,170 (approximately 80 percent) were owner-occupied and 2,022 (approximately 20 percent) were renter-occupied. Of the total housing units, approximately 42.5 percent were single-unit structures, five percent were multi-unit structures, and 48.8 percent of these units were mobile homes. According to U.S. Census information, 60.3 percent of the housing units were built after 1990. The U.S. Census in 2000 indicated that the median monthly housing cost for renters was of \$612.

M. COMMUNITY SERVICES

1. Clark County

The Las Vegas Metropolitan Police Department provides police services to the City of Las Vegas as well as unincorporated Clark County with support, as necessary, from the Nevada State Highway Patrol. Individually and in concert, these law enforcement agencies provide police protection and coverage throughout the 7,500-square miles comprising the county including the areas comprising the two alternative sites. The Las Vegas Metropolitan Police Department employs approximately 2,650

police officers in addition to corrections officers and civilian employees. Law enforcement operations include the Central Patrol Division, Valley Patrol Division, Investigative Services Division, Special Operations Division, and Homeland Security Division. Command centers are located throughout the region with one such center located in Overton.

Fire protection throughout Clark County is provided by the Clark County Fire Department which employs over 600 paid firefighters and 350 volunteer firefighters operating from some 38 stations strategically located throughout the county. Fire Station 57, located at East Azure Avenue in Las Vegas and Fire Station 72 operating from a facility along Nevada Highway 168 in Moapa are the stations located closest to the Apex Industrial Use Zone Site A. Fire Station 72 is also located approximately three miles from the Moapa Site. Approximately six volunteer firefighters man operate from Fire Station 72, relying upon an engine truck, a brush vehicle, an ambulance, and a squad truck along with other firefighting equipment.

With the fifth largest public school system in the U.S., the Clark County School District operates some 325 elementary, middle and high schools with a reported enrollment during the 2006-2007 school year of over 300,00 students. The District employs approximately 32,161 staff including full-time, part-time, substitute, temporary and student employees. The general operating fund budget for the 2004-2005 school year was \$1.6 billion, with a per pupil expenditure of approximately \$5,805.

In response to the rapid population growth experienced in Las Vegas and surrounding communities in Clark County, the District is involved in the near continuous task of constructing new public schools. Over 20 new elementary, middle and high schools have recently opened or will soon open to accommodate the growth of the school age population. Public schools located in the vicinity of the proposal Clark County sites include an elementary school located north of Nevada Highway 168 in Moapa, a middle school and high school located in Overton and numerous elementary, middle and high schools in Las Vegas.

Clark County is the location of numerous hospitals, medical centers, and related health care facilities with the majority of these facilities concentrated in and around Las Vegas. The Mike O'Callaghan Federal Hospital at Nellis Air Force Base is among the facilities located closest to the alternative Clark County sites. The 114-bed hospital provides general and emergency medical services to active duty members, their dependents and retirees. Other nearby hospitals include the North Vista Hospital with 185 licensed beds and over 600 employees and Mesa View Regional Medical Center, a critical access facility with 25 licensed beds. Other medical clinics serving Clark County include the Veterans Administration Ambulatory Care Center in Las Vegas, University Medical Center in Las Vegas, Summerlin Hospital Medical Center in Las Vegas, and the Sunrise Hospital and Medical Center in Las Vegas.

2. Nye County

Law enforcement in Nye County is provided by the Nye County Sheriff's Office with support, as necessary, from the Nevada State Highway Patrol. Individually and in concert, these law enforcement agencies provide police protection throughout the county including the Town of Pahrump within which two alternative sites are located. The Sheriff's Office employs approximately 150 officers and civilian employees organized into various law enforcement operations including a Special Tactics and Rescue Team, a K-9 Unit, School Resource Officer, a Street Crime Unit, Crime Analysis Unit, and Narcotics and Criminal Investigation Units. The Sheriff's Office maintains one of its three command stations on E. Basin Avenue in Pahrump with the other command stations located in Beatty and Tonopah. The Nevada State Highway Patrol also maintains an office on E. Postal Road Drive in Pahrump.

Fire protection throughout Pahrump is provided by the Pahrump Valley Fire Rescue Service which operates four fire stations along Nevada Highway 160, W. Bell Vista Avenue, E. Kellogg Road and

Harris Farm Road. Approximately 27 firefighters, paramedics, Emergency Medical Technicians and support personnel are employed in firefighting activities in Pahrump.

The major health care facility serving the Pahrump area is the Desert View Regional Medical Center. The center is a 24-bed critical access facility with a 24-hour emergency room located on S. Lola Lane in Pahrump.

The Nye County Public School System operates 18 elementary, middle and high schools and reported a student enrollment of approximately 6,500 students during the 2006-2007 school year. Of the 18 schools, six are located in Pahrump (four elementary schools serving grades K-5, one middle school serving grades 6-8 and one high school serving grades 9-12) which together have an enrollment of approximately 5,208 students in 2007. Each of the public schools is located west of Nevada Highway 160 in proximity to the concentration of residents and away from the two alternative sites. The rapid population growth experienced in Pahrump over the past decade has resulted in a commensurate increase in school enrollments with plans being considered for additional elementary, middle and high schools as the need develops and funds become available.

N. LAND USE

1. 630 East Parque Avenue Site

The 40-acre 630 East Parque Avenue Site is located just beyond the eastward extent of development within the Town of Pahrump. The site is currently undeveloped and is surrounded on all sides by similarly undeveloped properties. Located approximately 8,000 feet to the west is Nevada Highway 160 along which commercial development is concentrated. The nearest residential developments are found approximately 2,600 feet to the south and west while the majority of residential developments in Pahrump are located west of Nevada Highway 160. The 630 East Parque Avenue Site and lands located north, east and west are proposed for future rural residential development involving large lots while lands to the immediate south are proposed for medium density residential development. Future commercial and industrial developments are planned for areas to the west of the site in the vicinity of Nevada Highway 160. On July 19, 2007, the Nye County Board of Commissioners held a public hearing to consider Master Plan and Zoning District changes involving the 630 East Parque Avenue Site and subsequently approved such changes to allow for detention facility development, with conditions, at such time this site is selected for project development.

2. 2250 East Mesquite Avenue Site

The 120-acre 2250 East Mesquite Avenue Site is located along the eastward extent of development within Pahrump. As with most properties in this area of the town, the site is undeveloped and surrounded on all sides by similarly undeveloped properties. Commercial development is concentrated along Nevada Highway 160, which is located approximately 8,000 feet to the west, while light industrial uses are located to the east and west. The Pahrump Valley landfill located approximately 1,500 feet to the southwest.

The nearest residential developments are located to the east and northeast of the site with the majority of the residential developments in Pahrump found west of Nevada Highway 160. The 2250 East Mesquite Avenue Site and lands located north, east and west are proposed for future general commercial uses, mixed uses and medium density residential development. Future commercial and industrial developments are planned for areas to the west of the site in the vicinity of Nevada Highway 160. On July 19, 2007, the Nye County Board of Commissioners held a public hearing to consider Master Plan and Zoning District changes involving the 2250 East Mesquite Avenue Site and

subsequently approved such changes to allow for detention facility development, with conditions, in the event this site is selected for project development.

3. Apex Industrial Use Zone Site A

The 90-acre Apex Industrial Use Zone Site A is located in a relatively isolated area of unincorporated Clark County and north of the concentrations of residential, commercial and industrial developments found in Las Vegas and North Las Vegas. As with much of unincorporated Clark County, the site is undeveloped. Principal land uses surrounding this site include the former Kerr McGee ammonium perchlorate blending facility, dating to 1989 and located to the north, and a Nevada Power Company generating station dating to 1995 located to the east. With the exception of these industrial uses, there are no other developments located in proximity to the site. The Apex Industrial Use Zone Site A is also located within the Apex Industrial Zone; an area planned for future industrial uses. The site and a large area surrounding the site have been zoned for heavy industrial development.

4. Moapa Site

The 80-acre Moapa Site is also located in a sparsely developed area of unincorporated Clark County and well north of the dense concentrations of residential, commercial and industrial developments found in Las Vegas and North Las Vegas. As with much of this region of Clark County, the site is undeveloped. Surrounding land uses are dominated by a Nevada Power Company generating station and its support infrastructure of transmission equipment, fly ash disposal areas and evaporative ponds found to the east and south. A Union Pacific railroad line also adjoins the site to the east.

Principal land uses in the surrounding area include the Moapa Band of the Paiutes Reservation located to the north and west. A mix of scattered residential, commercial and agricultural uses and undeveloped properties are found to the north and northwest. Vast areas surrounding the Moapa Site are devoted to a variety of federal, state and municipal parks and recreational facilities. The Moapa Valley National Wildlife Refuge, established to protect endangered species habitats, is located within six miles of the site while the Desert National Wildlife Range, established to provide similar habitat protection, is found approximately 17 miles from the site. The Valley of Fire State Park, comprising approximately 35,000 acres and devoted to environmental protection, is located six miles southeast of the Moapa Site. Lastly, within three miles of the site is found Moapa City Park. According to the Clark County Comprehensive Planning Land Use map, the site and its surroundings are planned for industrial development and have been zoned M-1 and M-2 to allow for industrial uses.

O. UTILITY SERVICES

1. 630 East Parque Avenue Site

Potable water supply service is currently unavailable to the 630 East Parque Avenue Site with the water supply system located closest to the site operated by Utilities, Inc. of Central Nevada (Utilities, Inc.). This private utility, serving approximately 4,200 water customers, owns and operates a system consisting of multiple service districts supplied by groundwater wells, treatment facilities, storage tanks and distribution mains. The proposed 630 East Parque Avenue Site is reportedly located beyond the tariff area of Utilities, Inc. and, therefore, it would be necessary to file an annexation application with the Nevada Public Utilities Commission (PUC) prior to extending water supply service to the site. Residents and businesses not served by a water utility provider in Pahrump rely upon individual wells for their potable supply.

The water distribution line located in the vicinity of the 630 East Parque Avenue Site is an eight-inch line located approximately 6,500 feet from the site. Representatives of Utilities, Inc. reported that this line was installed to provide service to future residential development in the area and do not believe that the line has sufficient capacity to meet the needs of large-scale commercial, industrial or institutional developments. The line extends westward along Parque Avenue, crossing Nevada Highway 160 and eventually connecting to the distribution network, approximately 9,100 feet from the site. All water lines in this area of Pahrump are reportedly eight inches in diameter or less.

It should be noted that the majority of the surface water resources within Nye County have already been appropriated; groundwater resources represent the only remaining source of water that is available to support the future water needs of the county. Existing groundwater allocations (vested rights plus permits plus certificated rights) exceed the perennial yield of the Pahrump Basin (Nye County Water Resources Plan, 2004). The effects of groundwater pumping in the Pahrump Valley have been well documented and include the lowering of static and pumping water levels, reductions or elimination of spring discharges, and subsidence (Nye County Water Resources Plan, 2004).

Nye County projects a population of approximately 162,000 by the year 2050, with about 150,000 projected to reside within the Town of Pahrump. Current per capita water demands would result in a total water demand by the year 2050 of about 58,000 acre-feet per year for residential purposes. Additional uses for commercial, industrial, and public uses would result in an annual demand of up to 80,000 acre-feet per year by the year 2050. The existing surface and groundwater sources have a published perennial yield of 19,000 acre-feet per year and a published sustained yield of 26,000 acre-feet per year. Based upon these values, a shortfall of 54,000 to 61,000 acre-feet per year is projected by the year 2050. Recent re-evaluations of water budgets in southern Nevada suggest that the perennial yield of Pahrump Valley could be higher, on the order of 30,000 acre-feet per year or more. However, even if the perennial yield were 38,000 acre-feet per year (double the USGS estimate), there is still insufficient recharge to meet the projected demand.

Wastewater collection and treatment service in Pahrump is also provided by Utilities, Inc. which services customers located within its tariff area. At the present time wastewater collection service is not available to this alternative site which is also not located within the Utilities, Inc. tariff area. Therefore, it would be necessary for Utilities, Inc. to file an annexation application with the Nevada PUC prior to extending wastewater collection service to the site. Residents and businesses not served by Utilities, Inc. rely upon individual on-site septic and other disposal systems.

The wastewater collection line located in proximity to the 630 East Parque Avenue Site consists of an eight-inch line located approximately 6,500 feet from the site. Representatives of Utilities, Inc. reported that this wastewater collection main was installed to provide service to future residential development in the area and do not believe that the line has sufficient capacity to meet the needs of large-scale commercial, industrial or institutional developments. The main extends westward along Parque Avenue, crosses Nevada Highway 160, and eventually connects to the collection system approximately 9,100 feet from the site. All wastewater collection lines in this area of Pahrump are reportedly eight inches in diameter or less.

Wastewater treatment service to the area of the 630 East Parque Avenue Site is provided via a package treatment plant designated as WWTP-F. This facility was recently upgraded and now has the capacity to treat approximately 50,000 gallons per day (gpd) with expansion potential of up to 100,000 gpd. WWTP-F is located at the intersection of North Leslie Street and West Avellaneda Street, approximately four miles from the site.

Electric power service to residents and businesses in Pahrump is provided by the Valley Electric Association, a member-owned and non-profit organization providing electric service to portions of

Clark County, Nye County and Esmeralda County in southwest Nevada. Transmission lines carry power to the area and connect to several substations, one of which is located east of Nevada Highway 160 and north of Park Retiro and Carrizo Lane. Three-phase power service is currently not available to the site. Natural gas service is not available to the Pahrump area.

Nye County provides solid waste disposal service in the Pahrump area via the Pahrump Valley landfill. The landfill, operated for Nye County by Southwest Environmental Services, Inc., serves approximately 40,000 county residents and during 2006, accepted approximately 85,000 tons of household wastes, construction and demolition debris, and bio-wastes for disposal. The landfill is located east of Nevada Highway 160 at 1410 East Mesquite Avenue several miles south of the site.

Under past disposal practices, the landfill would likely have reached its capacity within the next several years. However, implementation of recycling programs along with more effective utilization of the landfill itself is expected to allow for operation of the landfill through the year 2020. Nonetheless, consideration is being to alternative disposal options to meet the area's long-term disposal needs. Solid waste collection in Pahrump is carried out by a private waste carter, Pahrump Valley Disposal, under contract to the town.

2. 2250 East Mesquite Avenue Site

At the present time potable water supply service is not available to the 2250 East Mesquite Avenue Site. The water supply system located closest to the site is operated by Utilities, Inc. This proposed site is reportedly located beyond the tariff area of Utilities, Inc. and, therefore, it would be necessary to file an annexation application with the Nevada PUC prior to extending water supply service to the site.

Water distribution service in the vicinity of the 2250 East Mesquite Avenue Site is found at the intersection of East Mesquite Avenue and North Blagg Road, approximately 2.1 miles from the site. At this location is found a 16-inch line completed in 2007 to support a 400-unit residential subdivision. This portion of the water distribution system also includes two water storage tanks, each containing one million gallons of storage volume.

At the present time wastewater collection service is not available to the 2250 East Mesquite Avenue Site which is located outside the Utilities, Inc. tariff area. Therefore, it would be necessary to file an annexation application with the Nevada PUC prior to extending wastewater collection service to the site.

Wastewater collection lines in the vicinity of the 2250 East Mesquite Avenue Site are also located in the vicinity of the East Mesquite Avenue and North Blagg Road intersection, approximately 2.1 miles from the site. This area is served by a recently expanded treatment facility, designated as WWTP-3 which was completed in 2006. This facility has a capacity of approximately 1.5 million gpd with approximately 1.0 million gpd allocated to current customers.

As noted earlier, electric power service in Pahrump is provided by the Valley Electric Association. Transmission lines carry power to the area and connect to several substations, one of which is located east of Nevada Highway 160 and north of Park Retiro and Carrizo Lane. Three-phase power service is currently not available to the site while natural gas service is not available to the Pahrump area.

As noted above, Nye County provides solid waste disposal service in the Pahrump area via the Pahrump Valley landfill. The landfill, operated for Nye County by Southwest Environmental Services, Inc., serves approximately 40,000 county residents and during 2006, accepted approximately 85,000

tons of household wastes, construction and demolition debris, and bio-wastes for disposal. The landfill is located east of Nevada Highway 160 at 1410 East Mesquite Avenue just southeast of the site.

Under past disposal practices, the landfill would likely have reached its capacity within the next several years. However, implementation of recycling programs along with more effective utilization of the landfill itself is expected to allow for operation of the landfill through the year 2020. Nonetheless, consideration is being given to alternative disposal options to meet the area's long-term disposal needs. Solid waste collection in Pahrump is carried out by a private waste carter, Pahrump Valley Disposal, under contract to the town.

3. Apex Industrial Use Zone Site A

Water supply to the area of the Apex Industrial Use Zone Site A is provided by facilities operated by the City of North Las Vegas. A 12-inch water line located approximately 1,000 feet north of the site provides water supply to currently and future developments within the planned industrial park. Dry Lake Water Company LLC is the water supply provider to the Apex Industrial Park.

The Apex Industrial Use Zone Site A is not located in close proximity to any public wastewater collection and treatment system and there is no plan to extend public service to the site at this time.

Electric power service to the area is provided by Nevada Power Company. Transmission lines carry power to the area and connect to several substations. Three-phase power service is currently available to the site. Natural gas service to the area of the Apex Industrial Use Zone Site A is available from Southwest Gas Corporation. A gas main is located approximately 1,000 feet east of the site. There are no known limitations to the provision of gas service in the area of the site.

Solid waste disposal service in the unincorporated area of Clark County including the area of the Apex Industrial Use Zone Site A is provided by Republic Services. Republic Services collects solid wastes for disposal at the Apex Regional landfill. The landfill, located on U.S. Route 93 in Apex, is among the largest in the U.S. and has an estimated capacity of approximately 785 million cubic yards and an operating life in excess of 75 years.

4. Moapa Site

Water supply service to the Moapa area is provided by the Moapa Valley Water District. The District operates four wells, water treatment facilities and over 100 miles of distribution mains. The wells and other water sources supply approximately 2.4 million gallons of water daily and are located in the headwaters of the Muddy River northwest of the Moapa Site. An eight-inch water line, operated by the District is located in the northeast corner of the site.

The Moapa Valley wastewater collection system currently serves approximately 2,300 residential and 65 commercial customers primarily in the Overton area located approximately 12 miles south of the Moapa Site. Plans are being developed to either upgrade the existing treatment facility or replace the plant with a new facility capable of treating five million gallons of wastewater daily. The Moapa Site is not located in close proximity to any public wastewater collection and treatment system and there is no plan to extend public service to the site at this time.

Electric power service to residents and businesses in Moapa is provided by the Overton Power District #5. The site is also located adjacent to a Nevada Power Company generating station. Transmission lines carry power to the area and connect to several substations. Three-phase power service is

currently available to the site. At this time natural gas service is not available to the area of the Moapa Site.

Solid waste disposal service in the unincorporated area of Clark County including the Moapa area is provided by Republic Services. Republic Services collects solid wastes for disposal at the Apex Regional landfill. The landfill, located on U.S. Route 93 in Apex, is among the largest in the U.S. and has an estimated capacity of approximately 785 million cubic yards and an operating life in excess of 75 years.

P. TRANSPORTATION SYSTEMS

1. 630 East Parque Avenue Site

Motor vehicle access to the Town of Pahrump is via a network of federal and state highways. Primary regional access to Pahrump, located approximately 65 miles northwest of downtown Las Vegas, is via Nevada Highway 160 from its intersection with I-15 south of the city. Nevada Highway 160 is a state-designated route providing convenient north-south access through Pahrump, connecting the town to I-95 located to the north and, in turn, much of northern and western Nevada. The roadway is a two-lane thoroughfare along much of its length, widening to four and five lanes through the more densely developed portion of the town. Nevada Highway 372, which intersects with Nevada Highway 160, provides east-west access through Pahrump. The current Level of Service (LOS) for the affected portion of Nevada Highway 160 is LOS A. LOS information for Nevada Highway 372 at its intersection with Nevada Highway 160 is not readily available, but it is reasonable to assume that the LOS for this area is comparable to the mainline Nevada Highway 160 LOS (NDOT Safety Traffic, 2008).

Access to the 630 East Parque Avenue Site is via Nevada Highway 160 northward for a distance of approximately eight miles beyond the Nevada Highway 372 intersection before turning eastward along Parque Avenue for approximately 8,000 feet. Parque Avenue is an unimproved gravel road for its entire length east of Nevada Highway 160. The condition of the road and the absence of development along much of its length results in very low traffic volumes along this segment of the road.

Most commercial flights originating in southern Nevada occur at McCarran International Airport which is located approximately 65 miles from Pahrump in Las Vegas. McCarran International Airport provides direct and connecting service to most major U.S. cities and many international destinations.

2. 2250 East Mesquite Avenue Site

Access to the 2250 East Mesquite Avenue Site in Pahrump is also via Nevada Highway 160 northward from the Las Vegas area. Upon reaching Pahrump, the site is accessed by traveling approximately two to three miles north beyond the Nevada Highway 372 intersection before turning eastward along East Mesquite Avenue for approximately 8,000 feet. East Mesquite Avenue is a local roadway having a paved surface for approximately one mile beyond its intersection with Nevada Highway 160. For the remaining distance, East Mesquite Avenue is unpaved and unimproved and carries low volumes of traffic due primarily to the condition of the roadway and the sparsely developed nature of the site and its surroundings.

3. Apex Industrial Use Zone Site A

Regional motor vehicle access to the area of the Apex Industrial Use Zone Site A is via a network of federal and state highways. Primary access to the site from downtown Las Vegas is via U.S. Route 93 northward from its intersection with I-15. I-15, located just to the east of the site, is a major north-south interstate highway connecting California, Nevada, Arizona, Utah, Idaho and Montana with Canada and carrying large volumes of auto and truck traffic between and within these states. U.S. Route 93 is a federally-designated route providing convenient north-south access through central Clark County and connecting the county and Arizona to the south with northern and eastern Nevada and Idaho.

Access to the Apex Industrial Use Zone Site A is via U.S. Route 93 northward for approximately three miles from its intersection with I-15. The roadway consists of two travel lanes along its length in the area of the site. From U.S. Route 93, access is via an improved local access road southward for approximately one mile with the remaining distance over an unpaved road. Both U.S. Route 93 and the access road carry relatively low volumes of traffic largely due to the sparsely developed nature of the area.

Most commercial flights originating in southern Nevada occur at McCarran International Airport. McCarran International Airport provides direct and connecting service to most major U.S. cities and many international destinations.

4. Moapa Site

Motor vehicle access to the area of the Moapa Site is via a network of federal and state highways. Primary regional access to the site, which is located approximately 50 miles northeast of downtown Las Vegas, is via I-15. Located east of the site, I-15 is a major north-south interstate highway connecting California, Nevada, Arizona, Utah, Idaho and Montana with Canada and carrying large volumes of auto and truck traffic between and within these states.

From I-15 access to the Moapa Site is via several alternative routes. One route involves Nevada Highway 168, a state-designated roadway providing an east-west connection between I-15 to the east and U.S. Route 93 to the west. From Nevada Highway 168, the site is reached by traveling southward along Reservation Road to Lincoln Avenue which bisects the site. Access is also available via Nevada Highway 168 to Hidden Valley Road and then Lincoln Avenue. Each of the access roads leading to the site is lightly traveled with limited use due in part to the condition of the roadways and the sparsely developed nature of the site and its surroundings.

McCarran International Airport is located approximately 55 miles south of the Moapa Site with most commercial flights originating in southern Nevada originating at McCarran International Airport.

Q. METEOROLOGICAL CONDITIONS

The climate of the Nye County/Clark County region is characterized by low humidity, abundant sunshine, mild winters and hot dry summers. Due to the "rain shadow" effect of the Sierra Nevada and Spring Range to the west, moisture associated with storms originating in the Pacific Ocean rarely reaches the Las Vegas area, hence, average annual precipitation in the area is approximately four inches.

Winter rainfall is usually gentle and characterized by limited runoff on native soils. In summer and early fall, local thunderstorms with intense rainfall can cause flash floods. Winter and spring weather patterns typically have west or northwest winds. Summer and early fall weather patterns may have south winds, which may bring moisture for thunderstorm development.

Dry air masses move over the area resulting in clear to partly cloudy skies with 85 percent sunshine in an average year. The arid climate of the area is characterized by warm, dry summers and cool winters. The hottest months of the year are July and August where daily temperatures rise to the low 100s and drop to the high 70s. During the winter months, daily highs seldom exceed 60° F and freezing temperatures at night are not unusual although extremes of cold are rare. Temperatures range from an average daily minimum of 36° F in February to an average daily maximum of 99° F in July. The relative humidity in the area averages approximately 40 percent in the morning and decreases to an average daily low of approximately 21 percent in the late afternoon.

R. AIR QUALITY

1. Overview

The U.S. Environmental Protection Agency (EPA) defines ambient air in CFR 40, Part 50, as *"that portion of the atmosphere, external to buildings, to which the general public has access."* In compliance with the 1970 Clean Air Act (CAA) and the 1977 and 1990 Amendments (CAAA), the U.S. EPA has promulgated ambient air quality standards and regulations. The National Ambient Air Quality Standards (NAAQS) were enacted for the protection of the public health and welfare, allowing for an adequate margin of safety. To date, the EPA has established NAAQS for six criteria pollutants: carbon monoxide (CO), sulfur dioxide (SO₂), particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀), ozone (O₃), nitrogen dioxide (NO₂), and lead (Pb). The health and welfare effects of the criteria pollutants are listed in Exhibit III-37.

There are two types of standards: primary and secondary. Primary standards are designed to protect sensitive segments of the population from adverse health effects, with an adequate margin of safety, that may result from exposure to criteria pollutants. Secondary standards are designed to protect human health and welfare and, therefore, in some cases, are more stringent than the primary standards. Human welfare is considered to include the natural environment (vegetation) and the manmade environment (physical structures). Areas that are below the standards are in "attainment" while those that equal or exceed the standards are in "non-attainment."

2. Regulatory Responsibilities

Although the EPA has the ultimate responsibility for protecting air quality, each state and local government has the primary responsibility for air pollution prevention and control. The CAA requires that each state prepare and submit a plan (State Implementation Plan) describing how the state will attain and maintain air quality standards in non-attainment areas. In order for projects to comply with the CAA and the CAAA, they must conform with attainment plans documented in the State Implementation Plan. Air quality standards are enforced by both counties under the authority of the Clean Air Act.

With regard to fugitive dust, the EPA regulates the emission of particulate matter smaller than ten microns in diameter (PM₁₀). The EPA has set 24-hour and annual standards for the concentration of PM₁₀ in the air to ensure that the air is not unhealthy. In order to achieve the federal PM₁₀ standards,

EXHIBIT III-37

DESCRIPTION OF NAAQS CRITERIA POLLUTANTS

Sulfur Dioxide (SO₂): A toxic, colorless gas with a distinctly detectable odor and taste. Oxides of sulfur in the presence of water vapor, such as fog, may result in the formation of sulfuric acid mist. Human exposure to SO₂ can result in irritation to the respiratory system, which can cause both temporary and permanent damage. SO₂ exposure can cause leaf injury to plants and suppress plant growth and yield. SO₂ can also cause corrosive damage to many types of manmade materials.

Particulates (PM₁₀): The PM₁₀ standard refers to inhalable particulate matter, which is defined as particulate matter less than 10 microns (0.01 millimeter) in diameter. The prior standard for Total Suspended Particulates (TSP) referred to airborne particulates less than 100 microns in diameter. Particulates originate from a variety of natural and anthropogenic sources. Some predominant anthropogenic sources of particulates include combustion products (wood, coal and fossil fuels), automotive exhaust (particularly diesels), and windborne dust (fugitive dust) from construction activities, roadways and soil erosion. Human exposure to inhalable particulate matter affects the respiratory system and can increase the risk of cancer and heart attack. Small particulates affect visibility by scattering visible light and when combined with water vapor can create haze and smog.

Carbon Monoxide (CO): A colorless, odorless, tasteless and toxic gas formed through incomplete combustion of crude oil, fuel oil, natural gas, wood waste, gasoline and diesel fuel. Most combustion processes produce at least a small quantity of this gas, while motor vehicles constitute the largest single source. Human exposure to CO can cause serious health effects before exposure is ever detected by the human senses. The most serious health effect of CO results when inhaled CO enters the bloodstream and prevents oxygen from combining with hemoglobin, impeding the distribution of oxygen throughout the bloodstream. This process significantly reduces the ability of people to do manual tasks, such as walking.

Nitrogen Dioxide (NO₂): A reddish-brown gas with a highly detectable odor, which is highly corrosive and a strong oxidizing agent. Nitric oxide (NO) and nitrogen dioxide (NO₂) constitute what is commonly referred to as nitrogen oxides (NO_x). NO_x are formed by all combustion and certain chemical manufacturing operations. During combustion, nitrogen (N) combines with oxygen (O) to form NO. This combines with more oxygen to form NO₂. Under intense sunlight, NO₂ reacts with organic compounds to form photochemical oxidants. Oxidants have a significant effect on atmospheric chemistry and are gaseous air pollutants that are not emitted into the air directly. They are formed through complex chemical reactions which involve a mixture of NO_x and reactive hydrocarbons (HC) in the presence of strong sunlight. Human exposure to NO₂ can cause respiratory inflammation at high concentrations and respiratory irritation at lower concentrations. NO is not usually considered a health hazard. NO_x reduce visibility and contribute to haze. Exposure to NO_x can cause serious damage to plant tissues and deteriorate manmade materials.

Ozone (O₃): An oxidant that is a major component of urban smog. O₃ is a gas that is formed naturally at higher altitudes and protects the earth from harmful ultraviolet rays. At ground level, O₃ is a pollutant created by a combination of HC, NO_x and sunlight, through photochemistry. Ground-level O₃ is odorless and colorless, and is the predominant constituent of photochemical smog. Human exposure to O₃ can cause eye irritation at low concentration and respiratory irritation and inflammation at higher concentrations. Respiratory effects are most pronounced during strenuous activities. O₃ exposure will deteriorate manmade materials and reduce plant growth and yield.

Lead (Pb): Lead is in the atmosphere in the form of inhalable particulates. The major sources of atmospheric lead are motor vehicles and lead smelting operations. The U.S. EPA estimates that ambient concentrations have decreased dramatically in recent years (a drop of 70 percent since 1975) largely due to the decreasing use of leaded gasoline. Health effects from atmospheric lead occur through inhalation and consequent absorption into the bloodstream. Excessive lead accumulation causes lead poisoning with symptoms such as fatigue, cramps, loss of appetite, anemia, kidney disease, mental retardation, blindness and death.

Source: The Louis Berger Group, Inc., 2008.

the Town of Pahrump, Nye County, and the Nevada Division of Environmental Protection (NDEP) have signed a Memorandum of Understanding (MOU) with the goal of demonstrating attainment of the federal standards by 2009. The MOU is an agreement to develop and implement a Clean Air Action Plan (CAAP) for the Pahrump Valley. The term Pahrump Valley, in this context, refers to that portion of the geographic Pahrump Valley that falls within Nye County, Nevada. The CAAP is the area's official air quality improvement plan, with quantified emission-reduction measures. The CAAP contains elements of a comprehensive air quality plan, but is intended to meet local needs. The dust control program also defines the responsibilities of agencies related to dust control and includes the dust control regulations as provided in the Nye County Ordinance No. 289. The program created local standards that are enforced in addition to existing EPA regulations (Nevada Division of Environmental Protection, Division of Air Quality Planning, 2003).

3. Existing Air Quality

In 2004, Nevada saw major gains in air quality from the previous several years. Clark County went from eight days exceeding the PM₁₀ health standard in 2002 to zero in 2004 as a result of dust-control measures in the county's EPA-approved particulate pollution control plan. In 2003, EPA made a finding of attainment for Clark County for CO, since the area had been consistently meeting the CO health standard. However, data for 2007 (EPA Green Book, October 2007), shows Clark County as non-attainment for pollutants including CO, eight-hour Ozone and particulates (PM₁₀).

Alternative project sites in Clark County lie within the northeastern portion of the Las Vegas Valley. Among the DAQEM air quality monitoring stations operating in the area is the Craig Road monitoring station, located at 4701 Mitchell Street. The Craig Road station monitors ozone, CO, PM₁₀, and PM_{2.5} and Exhibit III-38 presents a summary of the highest pollutant values recorded at this station for three recent years.

In Nye County, the Pahrump area exceeded the EPA 24-hour ambient air standard on 27 days in 2001, and according to a 2003 NDEP Division of Air Quality Planning memorandum, the Town of Pahrump exceeded the EPA 24-hour and annual standards based on current PM₁₀ monitoring. Most of the PM₁₀ emissions are from fugitive dust sources, such as roads (paved or unpaved), vacant lands (disturbed or stabilized), and construction sites (residential, commercial or highways).

The Bureau of Air Quality Planning (BAQP) has been monitoring the ambient air quality in the Town of Pahrump since January 2001. The BAQP recently expanded the monitoring network in the Pahrump Valley to four sites: the Willow Creek Golf Course, the Community Pool site, the "Our Lady of the Valley Roman Catholic Church" on Gamebird and a background site on Linda Street (Nevada Division of Environmental Protection, Division of Air Quality Planning, 2003).

According to the BAQP, an Air Quality Index (AQI) value of 100 corresponds to the national air quality standard for the pollutant, which is the level EPA has set to protect public health. AQI values below 100 are generally thought of as satisfactory. In 2002, on 13 days AQI values from the Pahrump Monitoring Station did not meet the national air quality standard. Located at 1500 Red Butte Road in Pahrump, the Willow Creek Golf Course station monitors PM₁₀. Exhibit III-39 provides a summary of the highest pollutant values recorded at this station for three recent years.

EXHIBIT III-38
AIR QUALITY MONITORING DATA - CLARK COUNTY, NEVADA

Pollutant	Averaging Time	Federal Primary Standards	Maximum Concentrations (a)			Number of Days Exceeding Federal Standard (b)		
			2001	2002	2003	2001	2002	2003
Ozone	1 hour	0.12 ppm	0.102	0.097	0.111	0	0	0
	8 hours	0.08 ppm	0.078	0.089	0.089	0	1	1
Carbon Monoxide	1 hour	35 ppm	3.5	2.3	1.5	0	0	0
	8 hours	9 ppm	2.4	1.8	0.9	0	0	0
PM _{2.5}	24 hours	65 $\mu\text{g}/\text{m}^3$	25	53	47	0	0	0
	Annual	15 $\mu\text{g}/\text{m}^3$	12.0	13.0	13.0	0	0	0
PM ₁₀	24 hours	150 $\mu\text{g}/\text{m}^3$	151	535	230	0	3	1
	Annual	50 $\mu\text{g}/\text{m}^3$	43.0	50.3	45.8	0	0	0

Source: U.S. EPA Air Quality System Quick Look Report (APM450), 2003.

Notes:

- a Concentration units for CO and ozone are in ppm; Concentration units for PM_{2.5} and PM₁₀ are in $\mu\text{g}/\text{m}^3$.
- b For annual standards, a value of 1 indicates that the standard has been exceeded.

EXHIBIT III-39
AIR QUALITY MONITORING DATA - NYE COUNTY, NEVADA

Pollutant	Averaging Time	Federal Primary Standards	Maximum Concentrations (a)			Number of Days Exceeding Federal Standard (b)		
			2005	2006	2007	2005	2006	2007
PM ₁₀	24 hours	150 $\mu\text{g}/\text{m}^3$	79	212	231	0	1	2
	Annual	50 $\mu\text{g}/\text{m}^3$	25	29	26	0	0	0

Source: U.S. EPA Air Quality System Quick Look Report (APM450), 2007.

Notes:

- a Concentration units for PM₁₀ are in $\mu\text{g}/\text{m}^3$.
- b For annual standards, a value of 1 indicates that the standard has been exceeded.

S. NOISE

Noise is traditionally defined as any unwanted sound. It is emitted from many sources including aircraft, industrial facilities, railroads, power generating stations, and motor vehicles. Among the most common, motor vehicle noise is usually a composite of noises from engine, exhaust, and tire-roadway interaction. The magnitude of sounds, whether wanted or unwanted, is usually described by sound pressure, i.e., a dynamic variation in atmospheric pressure. The human auditory system is sensitive to fluctuations in air pressure above and below the barometric static pressure. These fluctuations are defined as sound when the human ear is able to detect pressure changes within the audible frequency range.

Since the range of sound pressure varies greatly, a logarithmic scale is used to relate sound pressures to a common reference level and is represented as the decibel (dB). The decibel is the standard unit for sound measurement and represents acoustical energy present in the environment. Humans are capable of hearing only a limited frequency range of sound; generally, humans can hear frequencies ranging from 20 hertz (Hz, cycle per second) to 20,000 Hz; however, they do not hear all frequencies equally well. As a result, a frequency weighting, known as A-weighting, is commonly applied to the sound pressure level, which approximates the frequency response of the human ear by placing most emphasis on the frequency range of 1,000 to 6,000 Hz. Because this A-weighted scale closely describes the response of the human ear to sound, it is most commonly used in noise measurements. Exhibit III-40 provides examples of common sounds and noise levels expressed on the A-weighted decibel scale.

Exhibit III-40 indicates that most individuals in urbanized areas are exposed to fairly high noise levels from many sources as they go about their daily activities. The degree of disturbance or annoyance of unwanted sound depends upon several key factors: the amount and nature of the intruding noise; the relationship between background noise and the intruding noise; and the type of activity occurring where the noise is heard. In considering the first of these factors (the amount and nature of the intruding noise), it is important to note that individuals have different sensitivities to noise. Loud noises bother some more than others and some patterns of noise also enter into an individual's judgment of whether or not a noise is offensive. For example, noises occurring during sleeping hours are usually considered to be more of a nuisance than the same noises during the daytime hours.

With regard to the second factor (the relationship between background noise and the intruding noise), individuals tend to judge the annoyance of an unwanted noise in terms of its relationship to noise from other sources (background noise). For instance, the blowing of a car horn at night when background noise levels are typically about 45 dBA, would generally be more objectionable than the blowing of a car horn in the afternoon when background noises are likely to be 60 dBA or higher.

The third factor (the type of activity occurring where the noise is heard) is related to the interference of noises with activities of individuals. In a 60 dBA environment, normal work activities requiring high levels of concentration may be interrupted by loud noises, while activities requiring manual effort may not be interrupted to the same degree.

Since sound is described in a logarithmic scale (i.e., dBs) sound levels cannot be added by ordinary arithmetic means. In fact, a doubling of the noise source produces only a three dB increase in the sound pressure (noise) level. Studies have shown that this increase is barely perceptible to the human ear, whereas a change of five dB is readily perceptible. As a general rule, an increase or decrease of 10 dBs in noise level is perceived by an observer to be a doubling or halving of the sound, respectively.

EXHIBIT III-40 COMMON SOUNDS EXPRESSED IN DECIBELS

A-Weighted Sound Level in Decibels (dBA)		
A-Weighted	Overall Level	Noise Environment
120	Uncomfortably loud (32 times as loud as 70 dBA)	Military jet aircraft takeoff at 50 feet
100	Very loud (8 times as loud as 70 dBA)	Jet flyover at 1,000 feet Locomotive pass-by at 100 feet
80	Loud (2 times as loud as 70 dBA)	Propeller aircraft flyover at 1,000 feet Diesel truck at 40 mph at 50 feet
70	Moderately loud	Freeway at 50 feet from pavement edge at 10 AM Vacuum cleaner (indoor)
60	Relatively quiet (½ as loud as 70 dBA)	Air conditioner unit at 100 feet Dishwasher at 10 feet (indoor)
50	Quiet (1/4 as loud as 70 dBA)	Large transformers Small private office (indoor)
40	Very quiet (1/8 as loud as 70 dBA)	Bird calls Lowest limit of urban ambient sound
10	Extremely quiet	Just audible (1/64 as loud as 70 dBA)
0	--	Threshold of hearing

Source: Federal Agency Review of Select Airport Noise Analysis Issues, 1992.
Modified by The Louis Berger Group, Inc.

The sound level at a particular instant is not likely to be a good measure of noise levels that vary with time over a wide range, e.g., noise from vehicular movement. To better accommodate and to assess the time varying noise levels typically associated with traffic patterns, a time-averaged, single-number descriptor known as the "Level equivalent" (L_{eq}) is employed. The L_{eq} is expressed in dBA and represents the average energy content of sounds over a specified time period. It includes both steady background sounds and transient, short-term sounds. It represents the level of steady sound which, when averaged over the same sampling period, is equivalent in energy to the time-varying (fluctuating) sound level over the same period of time.

Noise may be more objectionable at certain times. This has lead to the development of a measure known as the Day-Night Average Sound Level (L_{dn} or L_{10}). L_{dn} or L_{10} is a 24-hour average sound level that includes a penalty (10dB) to sound levels during the night (10:00 PM to 7:00 AM). This measurement is often used to determine community noise levels and is endorsed by such agencies as the EPA, the U.S. Department of Transportation, the U.S. Department of Housing and Urban Development, and the U.S. Department of Defense.

1. 630 East Parque Avenue Site

The 630 East Parque Avenue Site is currently undeveloped and is surrounded on all sides by similarly undeveloped properties. In addition, the site is located some 8,000 feet west of Nevada Highway 160 and beyond the eastward extent of development within Pahrump. The nearest residential developments are approximately 2,600 feet to the south and west while the majority of residential developments in Pahrump are located west of Nevada Highway 160.

By virtue of its relative isolation, noise sources affecting the site are largely confined to motor vehicle operations along Nevada Highway 160. Sporadic bird and wildlife calls and aircraft overflights contribute only slightly to background noise levels. Observations in and around the site during recent field investigations reveal that noise levels are, for the most part, low, due to an absence of dense commercial or industrial development, high-volume roadways, and other traditional noise sources. Noise from motor vehicle traffic on East Parque Avenue and nearby roadways is not significant, and is barely audible within interior portions of the site, given the low volumes of traffic on such roadways and the site's distance from Nevada Highway 160. The undeveloped nature of surrounding properties also limits the number of potential sensitive noise receptors found in the vicinity of the site.

2. 2250 East Mesquite Avenue Site

The 2250 East Mesquite Avenue Site is currently undeveloped and is surrounded by similarly undeveloped properties. The site is also located some 8,000 feet west of Nevada Highway 160 and along the eastward extent of development within Pahrump with light industrial uses found to the east and west and the Pahrump Valley landfill located to the southwest. The nearest concentrations of residential developments are several hundred feet to the west while the majority of residential developments in Pahrump are located west of Nevada Highway 160.

By virtue of its relative isolation, noise sources affecting the site are largely confined to motor vehicle operations along Nevada Highway 160. Sporadic bird and wildlife calls and aircraft overflights contribute only slightly to background noise levels. Observations in and around the site during recent field investigations reveal that noise levels are, for the most part, low, due to an absence of dense commercial or industrial development, high-volume roadways, and other traditional noise sources. Noise from motor vehicle traffic on East Mesquite Avenue and other nearby roadways and from activities associated with the nearby landfill operation is not significant, and is barely audible within interior portions of the site, given the low volumes of traffic on such roadways and the site's distance from Nevada Highway 160. The undeveloped nature of surrounding properties also limits the number of potential sensitive noise receptors found in the vicinity of the site.

3. Apex Industrial Use Zone Site A

The Apex Industrial Use Zone Site A is located in a sparsely developed area of Clark County and well away from the concentrations of urban development found in Las Vegas, North Las Vegas and other

population centers. As with much of unincorporated Clark County, the site is undeveloped although it adjoins the former Kerr McGee facility and a Nevada Power Company generating station. With the exception of these uses, there are no other developments located in proximity to the site including any considered to be noise sensitive.

Observations in and around the area during recent field investigations reveal that noise levels are low due largely to a lack of commercial or industrial development, major roadways, and other traditional noise sources. By virtue of its relative isolation, noise sources observed in the area are largely associated with motor vehicle operations along I-15 and U.S. Route 93 located to the north and east. Sporadic bird and wildlife calls and aircraft overflights associated with nearby commercial airports contribute only slightly to background noise levels. Operation of the adjoining power generating station is not a significant contributor to noise at the site.

Located to the southeast of the site is Nellis Air Force Base. Noise from military aircraft-related training and related activities associated with this major U.S. Air Force installation occurs at irregular intervals, as the Apex Industrial Use Zone Site A is located under the primary live ordnance flight path of Nellis Air Force Base. However, such activities are not a significant contributor to noise levels experienced at the site.

4. Moapa Site

The Moapa Site is also located in a sparsely developed area of Clark County and away from the concentrations of urban development found in Las Vegas, North Las Vegas and other population centers. As with much of unincorporated Clark County, the site is undeveloped although it adjoins a Nevada Power Company generating station and a Union Pacific railroad line. With the exception of these uses, there are no other developments adjoining the site including any considered to be noise sensitive.

Principal land uses in the surrounding area include the Moapa Band of the Paiutes Reservation located to the north and west. A mix of scattered residential, commercial and agricultural uses and undeveloped properties are found to the north and northwest. Vast areas surrounding the Moapa Site are devoted to a variety of federal, state and municipal parks and recreational facilities.

Observations in and around the area during recent field investigations reveal that noise levels are low due largely to a lack of dense commercial or industrial developments, major roadways, and other traditional noise sources. By virtue of its relative isolation, noise sources observed in the area are largely associated with motor vehicle operations along Lincoln Avenue, Reservation Road, Hidden Valley Road, and Nevada Highway 168 located to the north, east and west. Operation of the adjoining power generating station is not a significant contributor to noise in the vicinity of the site. Sporadic bird and wildlife calls, aircraft overflights associated with nearby commercial airports and occasional railroad operation contribute only slightly to background noise levels.

Located to the southeast of the site is Nellis Air Force Base. Noise from military aircraft-related training and related activities associated with this major U.S. Air Force installation occur at irregular intervals throughout the region. However, such activities are not a significant contributor to noise levels experienced at the site.

**IV. ENVIRONMENTAL CONSEQUENCES:
IMPACTS AND MITIGATIONS**

IV. ENVIRONMENTAL CONSEQUENCES: IMPACTS AND MITIGATIONS

A. INTRODUCTION

The National Environmental Policy Act (NEPA) regulations direct federal agencies to discuss any direct and/or indirect, or cumulative adverse environmental effects which cannot be avoided should the proposed action be implemented, and the means to mitigate such adverse impacts if they occur. The NEPA regulations instruct federal agencies to consider both beneficial and adverse impacts of the proposed project in terms of public health, unique features of the geographic area, the precedential effect of the action, public opinion concerning the action, and the degree to which the impacts are uncertain. Mitigation measures are identified as those actions that would reduce or eliminate potential environmental impacts that could occur as a result of construction or operation of the proposed project. Mitigation, as defined by the NEPA regulations, includes:

- *"Avoiding the impact altogether by not taking a certain action or parts of an action";*
- *"Minimizing impacts by limiting the degree or magnitude of the action and its implementation";*
- *"Rectifying the impact by repairing, rehabilitating, or restoring the affected environment";*
- *"Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action";* and
- *"Compensating for the impact by replacing or providing substitute resources or environments."*

The U.S. Department of Justice, via the OFDT and USMS, is proposing to house under contract, approximately 1,000 to 1,500 individuals having business before the federal courts in the Las Vegas, Nevada region in a Contractor-Owned/Contractor-Operated detention facility. For the past several decades, the USMS has relied upon local and county jail facilities to house a large portion of the federal detainee population in the Las Vegas, Nevada area. Through a combination of facilities located within the cities of Las Vegas and North Las Vegas, the USMS had access to sufficient numbers of beds for its use. By 2005, the USMS was housing over 700 federal prisoners in the Las Vegas area. However, the continued growth in the federal detainee population and reductions in available bedspace in Las Vegas required use of Contractor-Owned/Contractor-Operated detention facilities located in Arizona and New Mexico. The great distances between Las Vegas and facilities located in Arizona and New Mexico make the task of transporting detainees to and from Las Vegas for court appearances more costly, time-consuming, and potentially more risky. Implementation of the proposed action addressed by this EIS would allow for the housing of federal detainees at a Contractor-Owned/Contractor-Operated detention facility located in proximity to the United States Courthouse in Las Vegas, while meeting the need for expanded bedspace capacity in the Las Vegas metropolitan region.

The analyses which follow address the potential impacts associated with the proposed action to develop a detention facility capable of housing approximately 1,000 to 1,500 federal detainees. Potential impacts and measures to mitigate potential adverse impacts associated with the proposed action are discussed under the same headings and in the same order as the preceding description of the Affected Environment.

B. TOPOGRAPHY

1. Potential Impacts Common to All Alternative Sites

Construction activities associated with development of the proposed Contractor-Owned/Contractor-Operated detention facility would require varying degrees of clearing, excavation, and grading for building construction, which would reshape topographic conditions within a portion of the selected site. More steeply sloping areas would be avoided where possible. Building locations and extent of the construction disturbance varies widely according to the prospective contractor and its proposed design, layout, site features, access routes and utility corridors, etc. The details of the development plan would be determined once a decision to proceed with the proposed action is reached and a detailed development plan of the selected site is finalized. While topographic changes resulting from construction of the proposed detention facility are unavoidable, the changes, in general, are not expected to produce significant adverse long-term impacts at any of the alternative project sites. Virtually all such impacts would be confined to the area proposed for development. Appropriate soil erosion and sediment control measures would also be employed during construction to minimize any short-term impacts resulting from site preparation activities.

2. Potential Impacts - 630 East Parque Avenue Site

The 630 East Parque Avenue Site lies at an elevation of approximately 2,840 to 2,950 feet above msl with surface topography exhibiting a slight slope from northeast to southwest. Several small washes bisect the site from northeast to southwest, a feature which is typical of the surrounding landscape. Development of the proposed detention facility at the 630 East Parque Avenue Site would require clearing and grading of approximately 28 to 35 acres of the 40-acre site.

There are only slight variations in elevation found within the 630 East Parque Avenue Site and therefore, extensive site alterations are not anticipated in order to develop the proposed project at this site. The near level terrain would serve to minimize the potential impacts to topographic conditions resulting from development of the proposed project (an approximately three to four percent slope extends across the site). Extensive alterations are not anticipated in order to develop the proposed project at this site. Filling and grading would be limited to establishing level building sites, parking areas and associated development and to allow for effective stormwater management. Any off-site activities associated with access road improvements and utility extensions are similarly not expected to result in significant re-grading or additional topographic alterations.

While topographic changes resulting from construction of the proposed detention facility are unavoidable, the changes are not expected to produce significant adverse long-term impacts at this site. Additional re-grading activities or other topographic changes are not expected to occur following completion of detention facility construction.

3. Potential Impacts - 2250 East Mesquite Avenue Site

The 2250 East Mesquite Avenue Site lies at an elevation of approximately 2,845 to 2,940 feet above msl. Surface conditions are generally level or exhibit a slight slope (approximately four percent) from the northeast corner of the property to the center of the site. Several small washes bisect the site (from northeast to southwest) which is typical of the surrounding landscape. Development of the proposed detention facility at the 2250 East Mesquite Avenue Site would require clearing and grading of approximately 30 to 40 acres of the 120-acre site.

There are only slight variations in elevation found within the 2250 East Mesquite Avenue Site and therefore, extensive site alterations are not anticipated in order to develop the proposed project at this site. The level terrain within the site would serve to minimize the potential impacts to topographic conditions resulting from development of the proposed project (an approximately three to four percent slope extends across the site). Variations in elevation of the site are relatively minor and, therefore, extensive site alterations are not anticipated. Filling and grading would be limited to establishing level building sites, parking areas and to allow for effective stormwater management. Any off-site improvements associated with access road improvements and utility extensions are not expected to result in significant grading work or additional topographic alterations.

While topographic changes resulting from construction of the proposed detention facility are unavoidable, the changes are not expected to produce significant adverse long-term impacts at this site. Additional re-grading activities or other topographic changes are not expected to occur following completion of detention facility construction.

4. Potential Impacts - Apex Industrial Use Zone Site A

The Apex Industrial Use Zone Site A consists of approximately 90 acres of vacant, undeveloped land. Much of the site is generally level or gently sloping with moderate to steeply sloping terrain found to the southwest, northwest and east. The site lies at approximately 2,240 feet above msl. Development of the proposed detention facility at the Apex Industrial Use Zone Site A would require clearing and grading of approximately 30 to 40 acres of the 90-acre site.

A large portion of this site exhibits only slight or modest variations in topography and therefore, extensive site alterations are not anticipated in order to develop the proposed project. The relatively level terrain within much of the site would serve to minimize the potential impacts to topographic conditions resulting from project development. Filling and grading would be limited to establishing level building sites, parking areas and to allow for effective stormwater management. The more steeply sloping portions of the site would be avoided where possible. Off-site improvements associated with extending road access to the site together with utility extensions and similar improvements are not expected to result in significant grading work or additional topographic alterations.

While topographic changes resulting from construction of the proposed detention facility are unavoidable, the changes are not expected to produce significant adverse long-term impacts at this site. Additional re-grading activities or other topographic changes are not expected to occur following completion of construction.

5. Potential Impacts - Moapa Site

The Moapa Site is located in a gently sloping area near the Muddy River. Elevations range from approximately 1,635 feet above msl in the northeast corner of the site to 1,575 feet above msl in the southwest corner. The site generally slopes south-southwest towards the Muddy River and several ephemeral channels or washes bisect the site from north to south-southwest towards the Muddy River. Development of the proposed detention facility at the Moapa Site would require clearing and grading of approximately 30 to 40 acres of the 80-acre site.

There are only slight topographic variations within the Moapa Site which would serve to minimize the potential impacts to topographic conditions resulting from development of the proposed project. Variations in elevation of the site are relatively minor and, therefore, extensive site alterations are not anticipated. Filling and grading would be limited to establishing level building sites, parking areas and associated development and to allow for effective stormwater management. Any off-site improvements

associated with access road improvements and utility extensions are not expected to result in significant grading or additional topographic alterations.

While topographic changes resulting from construction of the proposed detention facility are unavoidable, the changes are not expected to produce significant adverse long-term impacts at this site. Additional re-grading activities or other topographic changes are not expected to occur following completion of detention facility construction.

6. Recommended Mitigation

To minimize potential adverse topographic impacts, the selected detention facility contractor would prepare a development plan that would locate building footprints, parking lots and internal roadways, utility corridors, and drainage facilities in a manner compatible with existing topography and drainage patterns. Doing so would serve to unify the architectural design of the facility while minimizing earth disturbance and topographic alterations. Areas to be excavated, re-graded, or otherwise disturbed for detention facility construction would be either built upon or stabilized. Where feasible, all re-grading and subsurface excavations would be performed using conventional equipment, however, the potential exists to utilize other means to carry out site preparation activities. Appropriate soil erosion and sediment control measures would be employed throughout the construction phase to minimize soil losses and similar short-term impacts resulting from site preparation and development activities. No other mitigating measures for topographic impacts are warranted.

7. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to topographic features would not occur and mitigation measures would not be required.

C. GEOLOGY

1. Potential Impacts Common to All Alternative Sites

a. Geologic Features

Development of the proposed detention facility would require excavations for building footings and foundations, parking lots and internal access roads, underground utilities, stormwater management facilities, etc. As a result, minor adverse effects to subsurface conditions would be expected to occur at the selected project site. Disturbance of natural geologic features would be limited to only those areas where excavations for footings and foundations would occur. There are no plans to undertake groundwater or mineral extraction or conduct subsurface waste disposal activities that could adversely affect underlying geologic features. Construction activities associated with proposed project are not expected to result in significant adverse impacts to pre-existing geologic features and conditions at any of the alternative sites.

Geologic hazards such as landsliding, erosion and subsidence have a low probability of impacting any of the alternative sites. Slopes within each proposed site are generally low in height with shallow inclinations. In addition, none of the sites are susceptible to undue erosion and there is a low potential for landsliding under normal conditions. Subsidence beneath any alternative site from oil or groundwater withdrawal is also considered unlikely.

b. Seismic Hazards

Potential seismic hazards affecting the proposed project sites are discussed below.

- **Ground Shaking.** The potential for any of the alternative sites to experience ground shaking is moderate. The intensity of the ground shaking is highly dependent upon a site's distance to a fault, the magnitude of the earthquake and the soil conditions beneath the site. The alternative project sites are located in an area of moderate seismic active, hence, the potential for ground shaking is also moderate.
- **Primary Ground Rupture.** Primary ground rupture is ground deformation that occurs along the surface trace of the causative fault during an earthquake. None of the proposed sites are located on or near a known active fault and, therefore, the sites are not susceptible to primary ground rupture.
- **Liquefaction.** Liquefaction is defined as the transformation of a cohesionless (sandy) soil from a solid to a liquid state caused by an increase in pore pressure and a reduction in effective stress. It can occur when sandy soils are subjected to strong ground shaking. Because the proposed sites are not located in areas likely to undergo strong ground shaking, the potential for liquefaction is low.
- **Seismically-Induced Settlement and Differential Compaction.** Seismically-induced settlement and differential compaction occur when relatively soft or loose soils experience a reduction in strength caused by strong ground motion. Because each of the proposed sites is not located in an area likely to undergo strong ground motion, seismically-induced settlement is not likely to occur.
- **Other Phenomena.** Other phenomena include earthquake-induced flooding and tsunamis. Because the proposed sites are not located near any major lakes, dams or other large surface water bodies, these phenomena are not likely to occur.

2. Recommended Mitigation

The alterations to geologic conditions from development of the proposed facility would not be expected to result in significant adverse impacts at the selected site. However, because the proposed sites are located in areas of moderate seismic potential, attention to engineering designs and construction practices that account for seismic conditions will be important. Therefore, following a decision to proceed, and prior to design and construction of the proposed facility, various subsurface engineering investigations and analyses would be undertaken at the selected site in order to ensure that appropriate design standards and sound building construction practices are implemented. No other mitigating measures involving geologic conditions or hazards are warranted.

3. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to geologic features would not occur and mitigation measures would not be required.

D. SOILS

1. Potential Impacts Common to All Alternative Sites

Construction activities associated with site preparation (i.e., clearing, excavation, grading, etc.) at the selected site would directly affect those native soils found within the limits of the construction zone as well as along internal and external access roads, utility corridors, stormwater management facilities, etc. The large area of ground clearing and grading necessary to construct the proposed detention facility would expose soils to potential wind and water erosion although the relatively level topography found over much of the alternative sites would minimize potential erosion hazards. Nonetheless, some slight adverse effects to native soils would be expected during the detention facility's construction phase. In addition, soils would have an increase susceptibility to erosion after construction until vegetation is reestablished.

During construction, soil in portions of the selected site would also undergo compaction and be covered with impervious surfaces. Some portion of the soils will be excavated and may also be redistributed on site as fill. Long-term impacts would occur in those areas where soils would be compacted or covered by buildings, internal roads, walkways, support structures, and parking lots. It should be noted that none of the alternative sites have been under cultivation in the recent past or are currently used for agricultural purposes and, therefore, development of the proposed project should pose no significant adverse impact to agricultural activities or prime farmland soils. Additional earth disturbing activities are not expected to occur following completion of construction and significant adverse impacts to soils are not expected to result during operation of the proposed detention facility.

2. Recommended Mitigation

Prior to initiating detention facility construction, detailed engineering studies would be conducted to ensure proper building layout and design. During these studies, particular attention would be directed toward the engineering characteristics and erosion potential of the affected soils within the selected project site.

As a means to minimize potential adverse impacts to native soils and the erosion and sedimentation which can result from large-scale development projects, appropriate soil erosion and sedimentation control measures would be employed throughout the construction phase. Among the temporary soil erosion and sediment control measures to be considered for use would be sediment basins, fabric (silt) fencing, inlet protection, stabilized construction entrances, etc. Among the permanent erosion control measures would be maintained native landscaping, discharge pipe aprons, pipe outlet channels, and stormwater detention facilities.

A soil erosion and sediment control plan would be prepared for review and approval by the appropriate review authority. Upon approval, the plan would be deployed prior to, during, and following earth disturbance activities with a copy of the plan to be maintained at the project site throughout the period of construction. Temporary and permanent erosion control measures would also be inspected periodically and replaced or repaired as required. It would be the responsibility of the construction contractor, with appropriate oversight and monitoring, to install and maintain soil erosion and sedimentation pollution control measures such as those described below.

- **Construction Entrances.** A stabilized construction entrance would be installed at the selected project site and be inspected periodically during construction. Additional stone would also be available so that the minimum dimensions can be maintained throughout construction. The

entrance to the work site would be maintained to ensure that sediment from construction vehicles is not tracked onto nearby roadways.

- **Sediment Basins.** Sediment basins, if utilized, would be inspected periodically. Dimensions of the basins should be maintained throughout construction and sediment removed when it reaches the clean-out elevation and placed on the soil stockpile. Stone filters around riser pipes should also be maintained.
- **Filter (Silt) Fence.** Filter fabric (silt) fences should be installed where and when appropriate. The filter fabric fence should also be inspected periodically. Sediment should be removed and placed on a soil stockpile when the build up reaches approximately one-half the height of the fence. Filter fabric fences that are damaged should be replaced in-kind.
- **Swales and Berms.** Swales and berms, if utilized, should be inspected periodically to ensure proper functioning. Proper berm heights and swale depths should also be maintained throughout construction.
- **Inlet Protection.** Stormwater inlets should be inspected periodically during construction. Sediment should be removed and placed on the soil stockpile when the build up reaches approximately half the height of the gravel filter. Additional stone should be available so that the minimum dimensions can be maintained throughout construction.

During trenching or other excavation work, soil should be deposited on the upgrade side of the excavation where feasible in order to minimize soil migration from excavated areas. Soil preparation, fertilizing and temporary and permanent stabilization should follow construction as soon as practicable. If seasonal restrictions affect plantings, exposed earth should be covered with hay, straw mulch or other suitable protective covering. No other mitigation measures to minimize potential soil impacts appear warranted.

3. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to soils would not occur and mitigation measures would not be required.

E. WATER RESOURCES

1. Potential Impacts Common to All Alternative Sites

Development of the proposed detention facility at any of the alternative sites would result in an increase in stormwater runoff resulting from construction of buildings, internal roadways, parking areas, and walkways and the impervious surfaces associated with each. At this time, the absence of a fully developed and detailed site development plan for the proposed facility makes it difficult to predict the volumes of stormwater runoff resulting from construction of the proposed facility at the alternative sites. Nonetheless, a preliminary evaluation has been conducted in order to predict the potential stormwater runoff impacts associated with the proposed facility.

Development of the proposed facility would generally consist of large areas of impervious surfaces which together could comprise approximately 28 to 40 acres with the remainder of the selected site remaining in its current undeveloped condition. Similar detention facilities incorporate a combination

of sheet flow over undeveloped areas, shallow concentrated flows in shallow swales, and/or shallow concentrated flows over paved areas along curbs and gutters. As a result, the time of concentration calculated for the proposed development is estimated to increase.

2. Potential Impacts - 630 East Parque Avenue Site

Development at the 630 East Parque Avenue Site would result in an increase in stormwater runoff resulting from construction of buildings, internal patrol roads and external access roadways, parking areas, and walkways and the impervious surfaces associated with each. To control such runoff, a stormwater management system will be provided that would collect, store, and slowly release stormwater flows so as to avoid adversely affecting downslope properties. In addition, a grading plan would be developed during the engineering design stage that would seek to maintain, to the degree feasible, the existing hydrologic drainage patterns and provide gentle slopes that are properly vegetated and stabilized. By doing so, runoff velocities would be reduced and the potential for soil erosion would be minimized. No additional hydrologic alterations are expected to occur at the site once construction is completed.

The 630 East Parque Site lies entirely outside the 100-year flood hazard zone with no direct impact upon flood-prone areas resulting from development at this site. Hence, no direct impacts to flood prone areas are anticipated. In addition, there is no plan to utilize an on-site groundwater supply source in developing or operating the proposed facility at this site. Long-term adverse impacts to ground or surface waters resulting from construction and operation of the proposed facility are not anticipated.

3. Potential Impacts - 2250 East Mesquite Avenue Site

Project development at the 2250 East Mesquite Avenue Site would result in an increase in stormwater runoff resulting from construction of buildings, internal patrol roads and external access roadways, parking areas, and walkways and the impervious surfaces associated with each. To control such runoff, a stormwater management system will be provided that would collect, store, and slowly release stormwater flows so as to avoid adversely affecting downslope properties. In addition, a grading plan would be developed during the engineering design stage that would seek to maintain, to the degree feasible, the existing hydrologic drainage patterns and provide gentle slopes that are properly vegetated and stabilized. By doing so, runoff velocities would be reduced and the potential for soil erosion would be minimized. No additional hydrologic alterations are expected to occur at the site once construction is completed.

The 2250 East Mesquite Site lies entirely outside the 100-year flood hazard zone with no direct impact upon flood-prone areas resulting from development at this site. Hence, no direct impacts to flood prone areas are anticipated. In addition, there is no plan to utilize an on-site groundwater supply source in developing or operating the proposed facility at this site. No long-term adverse impacts to ground or surface waters resulting from construction and operation of the proposed facility are anticipated.

4. Potential Impacts - Apex Industrial Use Zone Site A

Development at the Apex Industrial Use Zone Site A would result in an increase in stormwater runoff resulting from construction of buildings, internal patrol roads and external access roadways, parking areas, and walkways and the impervious surfaces associated with each. To control such runoff, a stormwater management system will be provided that would collect, store, and slowly release stormwater flows so as to avoid adversely affecting downslope properties. In addition, a grading plan would be developed during the engineering design stage that would seek to maintain, to the degree feasible, the existing hydrologic drainage patterns and provide gentle slopes that are properly vegetated

and stabilized. By doing so, runoff velocities would be reduced and the potential for soil erosion would be minimized. No additional hydrologic alterations are expected to occur at the site once construction is completed.

The Apex Industrial Use Zone Site A lies entirely outside the 100-year flood hazard zone with no direct impact upon flood-prone areas resulting from development at this site. Hence, no direct impacts to flood prone areas are anticipated. In addition, there is no plan to utilize an on-site groundwater supply source in developing or operating the proposed facility at this site. No long-term adverse impacts to surface or groundwaters resulting from construction and operation of the proposed facility are anticipated.

5. Potential Impacts - Moapa Site

Project development at the Moapa Site would result in an increase in stormwater runoff resulting from construction of buildings, internal patrol roads and external access roadways, parking areas, and walkways and the impervious surfaces associated with each. To control such runoff, a stormwater management system will be provided that would collect, store, and slowly release stormwater flows so as to avoid adversely affecting downslope properties. In addition, a grading plan would be developed during the engineering design stage that would seek to maintain, to the degree feasible, the existing hydrologic drainage patterns and provide gentle slopes that are properly vegetated and stabilized. By doing so, runoff velocities would be reduced and the potential for soil erosion would be minimized. No additional hydrologic alterations are expected to occur at the site once construction is completed.

Approximately 10 acres comprising the southern and western portions of the Moapa Site lie within Zone AE, the 100-year floodplain as determined by FEMA. A small area, located in the southwest corner, is also designated as a floodway. However, the Moapa Site is sufficiently large so as to be able place the proposed facility on lands located outside the flood zone. Consequently, there would be no direct impact upon flood-prone areas resulting from development of the facility at the Moapa Site. There is no plan to utilize an on-site groundwater supply source in developing or operating the proposed facility at this site. No long-term adverse impacts to surface or groundwaters resulting from construction and operation of the proposed facility are anticipated.

6. Recommended Mitigation

As a result of amendments to the federal Clean Water Act, the EPA adopted regulations that require permits for a number of stormwater discharges. The federal regulations require permits for stormwater discharges associated with construction activities disturbing one or more acres of land and discharges associated with certain industrial activities. This definition does not include all industries that discharge stormwater; it only includes those expressly defined and included in the regulations, primarily through the use of Standard Industrial Classification codes.

The goal of the federal Stormwater Permit Program is to improve water quality by preventing pollutants from entering surface waters through stormwater discharges. The principal emphasis of this program is the use of source reduction and pollution minimization as the primary stormwater control techniques. The methods used for administering/implementing the permit program are based on the following objectives:

- Maximum use of pollution prevention and source controls to minimize or eliminate contact between rainfall and potential pollution sources; and

- Cooperative development of permit conditions with the appropriate regulatory authorities to ensure implementation of permit requirements.

Efforts to manage stormwater runoff would seek to conform to applicable federal, state, county and/or local regulations including those of the Nevada Pollutant Discharge Elimination System (NPDES) as well as Clark County or Nye County stormwater management and drainage requirements. In doing so, a stormwater collection system would be established at the selected site which may involve use of detention basins that would attenuate the intensity of the flow discharged to the receiving waterways and allow for suspended solids to settle out prior to discharge. Vegetated or riprap-lined channels that reduce stream flow velocities and protect water quality will also be considered as may be appropriate to site conditions and local regulations.

Recommendations contained in the USDA document entitled *"Water Management and Sediment Control for Urbanizing Areas"* would be considered in planning for stormwater management as would other EPA stormwater guidance materials and measures required by applicable federal and State of Nevada regulations including use of appropriate best management practices; a grading plan that maintains the existing hydrologic drainage patterns where possible and provides for slopes that can be properly vegetated and stabilized; and sufficient and adequately designed discharge outfalls to avoid erosive point discharge conditions.

Hydraulic and hydrologic analyses would be performed to assess any possible runoff impacts and mitigation requirements prior to construction. Other than implementing best management practices and avoiding/ minimizing the disturbance and/or modification of drainageways and existing culverts and other stormwater control devices and facilities, additional mitigation measures do not appear warranted.

7. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to water resources and hydrologic conditions would not occur and mitigation measures would not be required.

F. BIOLOGICAL RESOURCES

1. Potential Impacts Common to All Alternative Sites

- **Species of Special Status**

Development of the proposed facility has the potential to disturb habitat suitable for those rare, threatened, or endangered species that occupy the desert habitat found within each alternative site. To minimize the potential for adverse impacts, various measures will be considered including requiring construction personnel involved in site preparation activities to participate in environmental educational training prior to the groundbreaking. Such training would address the identification of potential species of special status, legal protections, reporting requirements and protection and avoidance measures. Such training would be instituted in accordance with USFWS and NDOW guidance and requirements. Environmental compliance documentation will also be provided to the selected contractor, to be maintained on-site throughout construction, to facilitate ready access to regulatory requirements, policies and procedures for responding to incidents which may occur during the construction phase.

Desert Tortoise: Construction and operation of the proposed detention facility has the potential to impact desert tortoise and its habitat. Injury or mortality resulting from direct contact with

construction equipment, collapsed burrows, vehicle strikes, increased levels of noise and falling into active construction trenches could occur. The OFDT will ensure the selected contractor complies with applicable environmental protection measures to minimize potential impacts to the desert tortoise and may include measures described in the *Guidelines for Handling Desert Tortoises During Construction Projects* (The Desert Tortoise Council, 1999).

Development proposed for either alternative project site located within Clark County would fall under the Multiple Species Habitat Conservation Plan (MSHCP, Clark County, 2000) which authorizes the incidental take of desert tortoise on privately-owned land. Consultations between the OFDT, the selected contractor and the USFWS would occur as necessary pursuant to Section 7 of the Endangered Species Act and incidental take authorization for the project would be obtained through that process. In accordance with the Desert Conservation Plan (Clark County, 2000), mitigation fees may also be applicable.

Banded Gila Monster: The OFDT will ensure the selected contractor complies with applicable avoidance and minimization measures such as those outlined in the *Gila Monster Status, Identification and Reporting Protocol for Observation* (NDW Southern Region, 2007) and *Gila Monster Protocol for Minimizing Impacts in the Construction Site* (NDW Southern Region, 2005).

Burrowing Owls: The OFDT will ensure the selected contractor complies with avoidance and minimization measures such as those outlined in *Protecting Burrowing Owls at Construction Sites in Nevada's Mojave Desert Region* and *Avoid Unnecessary Construction Delays, and Help Protect Burrowing Owls in Clark County* (USFWS).

Migratory Birds: The OFDT will ensure the selected contractor complies with applicable avoidance and minimization measures advocated by the USFWS concerning migratory species protected under the Migratory Bird Treaty Act.

2. Recommended Mitigation

The most important consideration in mitigating impacts to biological resources associated with construction of the proposed detention facility is to minimize disturbance to existing vegetation. Removal of vegetation would be restricted to areas proposed for necessary structures, internal roads, parking areas, etc. Restoration of disturbed areas would begin immediately following construction and would include reestablishing pre-existing topographic conditions, seeding and planting of native plant species, control of invasive and nuisance weeds and monitoring success of revegetation.

3. Potential Impacts - 630 East Parque Avenue Site

There are no wetlands located within the 630 East Parque Avenue Site and no wetlands would be adversely affected by off-site improvements associated for road improvements and the extension of utility services, etc.

The potential exist for the proposed project to disturb habitat suitable for the desert tortoise and/or other rare, threatened, or endangered species. As noted earlier, consultations between the OFDT, the selected contractor, the USFWS and/or NDW would be undertaken as necessary pursuant to Section 7 of the Endangered Species Act if the project may adversely affect a listed species or critical habitat. If required, the selected contractor will conduct pre-construction surveys for special status species and mitigation measures, as applicable would be instituted. The proposed project is not expected to adversely impact any National or State Wildlife Refuges or Management Areas.

4. Potential Impacts - 2250 East Mesquite Avenue Site

There are no wetlands located within the 2250 East Mesquite Avenue Site and no wetlands would be adversely affected by off-site improvements associated for road improvements and the extension of utility services, etc.

Due to the presence of suitable habitat for the desert tortoise within the Agency Preferred Alternative, the proposed project may affect a listed species and as required by the Endangered Species Act, the OFDT is currently preparing a Biological Assessment for the desert tortoise. The Biological Assessment will assist the USFWS in its determination of the proposed project's effect on the desert tortoise at this location. If the USFWS determine the proposed project is "*likely to adversely affect*" the desert tortoise, formal consultation is required pursuant to the Endangered Species Act. Formal consultation cannot be initiated until the Biological Assessment is submitted to the USFWS. Formal consultation is not required if the USFWS determines the proposed project "*may affect, but is not likely to adversely affect*" a listed species. Formal consultation determines whether the proposed project is likely to jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat and can last up to 90 days. The USFWS will issue a Biological Opinion stating its findings. If required, the selected contractor will conduct pre-construction surveys for special status species and mitigation measures, as applicable, would be instituted. The proposed project is not expected to adversely impact any National or State Wildlife Refuges or Management Areas.

5. Potential Impacts - Apex Industrial Use Zone Site A

There are no wetlands located within the Apex Industrial Park Zone Site A and no wetlands would be adversely affected by off-site improvements associated for road improvements and the extension of utility services, etc.

The potential exists for the proposed project to disturb habitat suitable for the desert tortoise and/or other rare, threatened, or endangered species. Consultations between the OFDT, the selected contractor, the USFWS and/or NDOW would be undertaken as necessary pursuant to Section 7 of the Endangered Species Act if the project may adversely affect a listed species or critical habitat. If required, the selected contractor will conduct pre-construction surveys for special status species and mitigation measures, as applicable, would be instituted. The proposed project is not expected to adversely impact any National or State Wildlife Refuges or Management Areas.

6. Potential Impacts - Moapa Site

Wetlands are confined to a portion of this 80-acre site thereby allowing facility construction and operation to occur outside the limits of such wetlands and avoid direct impacts. Development and operation of the proposed wastewater treatment facility has the potential to directly impact a small area of wetlands while the potential for indirect impacts resulting from the discharge of stormwater runoff also exists. Prior to undertaking any activities that would impact wetlands, the selected contractor will submit an application for a Department of the Army Jurisdictional Determination and secure all applicable federal and state permits in compliance with the Clean Water Act.

Stormwater runoff and effluent from the proposed wastewater treatment plant may be discharged to the Muddy River. Discharges originating from the wastewater treatment plant would be required to meet effluent limits established by the NPDES permit from the Nevada DEP along with periodic monitoring in accordance with such permit. Therefore, it is not expected that the Virgin River chub would be adversely affected by the proposed discharge from the wastewater treatment plant and the stormwater runoff from the facility. No alterations to the Muddy River channel are anticipated.

The proposed project would obtain potable water from the MVWD and therefore no impacts to the Moapa Dace or its habitat are expected. The proposed project site is also located downstream of the Moapa Dace habitat.

When possible, construction activities should avoid impacts to Phainopepla habitat, including mesquite bosques and mistletoe infestations.

In addition, the potential exists for the proposed project to disturb habitat suitable for the desert tortoise and/or other rare, threatened, or endangered species. Consultations between the OFDT, the selected contractor, the USFWS and/or NDOW would be undertaken as necessary pursuant to Section 7 of the Endangered Species Act if the project may adversely affect a listed species or critical habitat. If required, the selected contractor will conduct pre-construction surveys for special status species and mitigation measures, as applicable, would be instituted. The proposed project is not expected to adversely impact any National or State Wildlife Refuges or Management Areas.

7. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to biological resources would not occur and mitigation measures would not be required.

G. CULTURAL RESOURCES

1. Potential Impacts - 630 East Parque Avenue Site

There are no recorded archaeological sites within the proposed project area or within a one-mile Area of Potential Effect (APE). In addition, there are no standing structures older than 50 years within or near the property. According to the Nye County Assessor's records there are no structures greater than 40 years old located within a one-mile radius, with the oldest recorded structure dating to 1975. Responses were received from the Hopi and Cocopah Native American tribal representatives, neither of whom expressed concerns with this particular site. Because there is no reason to expect adverse effects on National Register-listed or National Register-eligible historic properties (pending formal concurrence by the Nevada SHPO), mitigation for cultural resource impacts associated with this alternative site is not likely to be necessary.

2. Potential Impacts - 2250 East Mesquite Avenue Site

There are no recorded archaeological sites within the proposed project area or within a one-mile APE. In addition, there are no standing structures older than 50 years within or near the property. According to the Nye County Assessor's records there are no structures greater than 40 years old within a one-mile radius, with the oldest recorded structure dating to 1975. Responses were received from the Hopi and Cocopah Native American tribal representatives, neither of whom expressed concerns with this particular site. Because there is no reason to expect adverse effects on National Register-listed or National Register-eligible historic properties (pending formal concurrence by the Nevada SHPO), mitigation for cultural resource impacts associated with this alternative site is not likely to be necessary.

3. Potential Impacts - Apex Industrial Use Zone Site A

The only recorded archaeological resource that has been inventoried within the proposed project area is a single isolated occurrence that has been determined non-significant by the BLM. There are no standing structures older than 50 years within or near the property. According to the Clark County Assessor's records there is only one structure (dating to 1946) that is greater than 40 years old within a one-mile radius. Responses were received from the Hopi and Cocopah Native American tribal representatives, neither of whom expressed concerns with this particular site. Because there is no reason to expect adverse effects on National Register-listed or National Register-eligible historic properties (pending formal concurrence by the SHPO), mitigation for cultural resource impacts associated with this alternative site is not likely to be necessary.

4. Potential Impacts - Moapa Site

As a result of a Class III cultural resources survey conducted in 2007, Knight & Leavitt Associates identified four previously-recorded archaeological sites within the project area. Development of the proposed detention facility at the Moapa Site has the potential to physically impact these resources. The largest and most significant collection of resources on the property is the West Point Mormon Settlement, which Knight & Leavitt has recommended as eligible for listing in the National Register of Historic Places. Knight & Leavitt has also recommended the remains of the Perkins family dwelling eligible for listing in the National Register. Notable cultural resources outside the project area but within the APE include West Point Cemetery. Visual and other impacts of the proposed project on these and other known sites must be assessed once more detailed plans of the facility are available. Current public access to West Point Cemetery is via Lincoln Avenue, which bisects the northeast corner of the project area. There are three ca. 1930s wood frame structures located outside the boundaries of the site but within the one-mile APE radius that have not been inventoried; the proposed access road would be within sight of these structures. The proposed access road and any associated infrastructure may potentially affect these resources if they are determined eligible.

The Nevada SHPO has stated that final APE concurrence will not be available until more definitive information on the proposed detention facility, including design features such as lighting and signage, access roads, etc. becomes available. A profile drawing/schematic of the proposed detention facility plus its associated structures and access road depicting the height of all structures must be submitted for SHPO review. Responses were received from the Hopi and Cocopah Native American tribal representatives in January 2008. The Cocopah tribe expressed its deference to and support of local tribes on any sensitive cultural resource issues, and requested that it be kept informed and continue to be part of the consultation process. The Hopi tribe, which claims cultural affiliation to prehistoric culture groups in southern Nevada, requested additional consultation should the Moapa Site be selected for project development and if prehistoric sites, which may be adversely affected, are identified in the project area. The tribe has requested copies of the cultural resource survey report for the area of potential effects as well as proposed draft treatment plans.

According to the Clark County Assessor's records there is only one structure (dating to 1965) that is greater than 40 years old within a one-mile radius. Dates of construction for all power lines within a one-mile radius of the Moapa Site were obtained from Nevada Power, and the only identified lines greater than 40 years old are the Harry Allen-Reid Gardner #1 and #2 230kV lines. Originally called the Pecos-Reid Gardner 230kV (North and South Lines), these were constructed between 1964 and 1967.

5. Recommended Mitigation

If the Moapa Site is selected for project development, additional archaeological survey and analysis will be necessary. The purpose of the survey would be to identify unrecorded buried archaeological sites and determine their eligibility for listing in the National Register of Historic Places. Determinations of eligibility should also be made for all above-ground resources, including those enumerated in Knight & Leavitt's Class III cultural resource inventory. As noted earlier, supplemental information in the form of relevant correspondence and a Cultural Resources Summary has been prepared. However, given that this documentation comprises sensitive information, it has been provided only to the Nevada SHPO, the official reviewing agency. Additionally, National Register eligibility determinations should be made for all resources within the APE. Issues that will need to be addressed include visual and other impacts (noise, light, etc.) on any eligible archaeological or architectural resources within the APE of the facility or the proposed access road, continued public access to West Point Cemetery, and how existing resources within the project area will be protected. Steps should be taken to resolve adverse effects to historic properties in consultation with the SHPO, THPOs or other representatives of interested Native American tribes, and the Nevada Archaeological Association (as recommended by the SHPO).

6. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to cultural resources would not occur and mitigation measures would not be required.

H. CONTAMINATED MATERIALS

1. Potential Impacts Common to All Alternative Sites

Activities associated with detention center construction would require the use and storage of potentially hazardous materials (e.g., solvents, fuel oils, lubricants, etc.). To avoid potential releases of such materials into the environment, a temporary staging area within the construction site would be designated for the storage of such materials. Stored materials would be removed from this area by authorized personnel only, and removals would be properly recorded by on-site personnel overseeing construction of the institution. Liquid storage areas would have secondary containment systems in place to reduce the risk of potential spillage. The storage of hazardous materials on-site during construction would be minimized or avoided where practicable (e.g., fuel oil for construction and other equipment would be transported to the site by fuel trucks as needed).

Wastes considered hazardous that are generated during construction (i.e., fuel oils, spent lubricants, solvents, etc.) and operation (i.e., spent lubricants, solvents, batteries, medical waste, etc.) would be handled, stored and disposed of in accordance with applicable state and federal regulations. The amount of waste generated during detention facility construction and operation should not be substantial and should pose no significant adverse impact on the ability or availability of waste handlers to collect and properly dispose of such wastes.

2. Potential Impacts - 630 East Parque Avenue Site

There is no history of hazardous materials usage or contamination at the 630 East Parque Avenue Site. A commercially-prepared review of regulatory agency databases also indicated that it is not likely that this site would be adversely affected by any site listed in any federal or state database. No surficial

evidence of contamination or obvious indication of the use or disposal of hazardous substances was noted during field investigations conducted in support of EIS preparation.

While the operation of the proposed facility at this site will involve the routine use of minimal amounts of hazardous materials such as paints, solvents, batteries, etc., significant adverse impacts resulting from the use, handling or storage of hazardous substances are not anticipated. No adverse impacts associated with hazardous materials are anticipated as a result of detention facility development at this site.

3. Potential Impacts - 2250 East Mesquite Avenue Site

There is no history of hazardous materials usage or contamination at the 2250 East Mesquite Avenue Site. A commercially-prepared review of regulatory agency databases also indicated that it is not likely that this site would be adversely affected by any site listed in any federal or state database. No surficial evidence of contamination or obvious indication of the use or disposal of hazardous substances was noted during field investigations conducted in support of EIS preparation.

While the operation of the proposed facility at this site will involve the routine use of minimal amounts of hazardous materials such as paints, solvents, batteries, etc., significant adverse impacts resulting from the use, handling or storage of hazardous substances are not anticipated. No adverse impacts associated with hazardous materials are anticipated as a result of detention facility development at this site.

4. Potential Impacts - Apex Industrial Use Zone Site A

There is no history of hazardous materials usage or contamination at the Apex Industrial Use Zone Site A. A commercially-prepared review of regulatory agency databases also indicated that it is not likely that this site would be adversely affected by any site listed in any federal or state database. No surficial evidence of contamination or obvious indication of the use or disposal of hazardous substances was noted during field investigations conducted in support of EIS preparation.

While the operation of the proposed facility at this site will involve the routine use of minimal amounts of hazardous materials such as paints, solvents, batteries, etc., significant adverse impacts resulting from the use, handling or storage of hazardous substances are not anticipated. No adverse impacts associated with hazardous materials are anticipated as a result of detention facility development at this site.

5. Potential Impacts - Moapa Site

There is no history of hazardous materials usage or contamination at the Moapa Site. A commercially-prepared review of regulatory agency databases also indicated that it is not likely that this site would be adversely affected by any site listed in any federal or state database. No surficial evidence of widespread contamination or obvious indication of the use or disposal of hazardous substances was noted during field investigations conducted in support of EIS preparation. The site is the location of miscellaneous debris, scattered glass, metal and wood wastes, and a number of foundations for structures that once existed within the site.

While the operation of the proposed facility at this site will involve the routine use of minimal amounts of hazardous materials such as paints, solvents, batteries, etc., significant adverse impacts resulting from the use, handling or storage of hazardous substances are not anticipated. No adverse impacts associated with hazardous materials are anticipated as a result of detention facility development at this site.

6. Recommended Mitigation

Any hazardous materials utilized during construction and operation of the proposed detention facility would be handled and stored in accordance with applicable regulations. Beyond this, no mitigation measures are necessary.

7. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, the alternative sites would remain in their current condition and there would be no concern for the generation of hazardous substances during construction and operation of the proposed facility. No mitigation measures are warranted.

I. VISUAL AND AESTHETIC RESOURCES

1. Potential Impacts Common to All Alternative Sites

Immediately following the onset of construction of the proposed detention facility, and throughout the construction period, the aesthetic features and characteristics of a portion of the selected site would be permanently altered. The use of construction equipment, the delivery and stockpiling of construction materials, building construction, infrastructure installation, etc. would disrupt the current site environment and landscape. The duration of such impacts would extend for the period of time devoted to facility construction (estimated at approximately 12 to 15 months).

Following completion of construction, the principal visual features of the proposed detention facility would comprise groups of buildings developed in a compact campus plan arrangement. The principal groupings would consist of detainee housing units; administrative, program, and support buildings; indoor and outdoor recreational facilities; internal roadways, parking areas, and pedestrian walkways; support and storage buildings; security fencing, lighting fixtures and signs collectively organized into an overall architectural composition. Such a composition would present a visually simplified and unified image that would be generally compatible with its surroundings in terms of site arrangements, building scale and form, and materials. For example, the structures comprising the facility would be low-rise (one- to four-stories in height) and, to the degree feasible, be designed to be unobtrusive. Visually sensitive vantage points (i.e., public roadways, etc.) would be given attention during the planning and design process.

The principal building groupings, internal roadways and parking areas would be designed, constructed and maintained to a high standard. While the land area required for actual detention facility development (estimated to range between 28 and 40 acres depending upon the selected site and final design of the facility) would comprise varying portions of the overall site (depending upon the selected site), the visual features comprising the overall facility would remain as permanent additions to the landscape. An undeveloped area surrounding the proposed facility would also remain, serving as a buffer between the detention facility and adjoining properties, nearby public roads, etc. Available preliminary concept development plans and facility images are included in Appendix E.

Potential visual and aesthetic impacts associated with detention facility operation would primarily result from the use of lighting equipment needed to illuminate the grounds, parking lots and internal access roads. These lights would be both building- and pole-mounted and would provide approximately 1.5-foot candles of illumination within and immediately surrounding the grounds of the facility. Standards for lighting at similar secure facilities housing federal inmates and detainees involve up to 100-foot poles with high-pressure sodium and metal halide fixtures. Actual pole height, the number of light

fixtures and the mix of light sources used to illuminate the facility are selected for the ability to relight the institution quickly in the event of a power outage and vary according to location conditions and the individual facility design.

2. Potential Impacts - 630 East Parque Avenue Site

During construction of the proposed detention facility, a portion of the 630 East Parque Avenue Site will be disrupted. Following completion of construction, the visual and aesthetic characteristics of a relatively large portion of the site would be permanently changed from an undeveloped tract containing scattered high desert native vegetation and exposed earth to an intensively developed site. Depending upon one's vantage point, it can be expected that portions of the proposed facility would be within public view during daylight hours.

The land area required for actual development would comprise approximately 30 acres of the 40-acre site. A small undeveloped area would remain around the facility serving as a buffer between the facility and adjoining properties. Topographic conditions and the absence of dense vegetation within and around this site would allow for a largely unobstructed view of the proposed facility from adjoining properties and by travelers using Nevada Highway 160 and the network of paved and unpaved roads located east of Nevada Highway 160. This site is located approximately 1.5 miles from the nearest homes and businesses that border on Nevada Highway 160. While the potential for visual impact is somewhat greater at the 630 East Parque Avenue Site due to its proximity to the highway and small land area which would place the facility in close proximity to neighboring properties, the views and vistas available to and from the 630 East Parque Avenue Site, while attractive, are not unique within Pahrump or Nye County.

Nighttime operation of the facility at the 630 East Parque Avenue Site would be visible from adjoining properties as well as higher elevations found to the west. Although the facility would be visible at night and, therefore, pose impacts to aesthetics and visual resources, these impacts would be minimized to the extent possible using the design features described below.

3. Potential Impacts - 2250 East Mesquite Avenue Site

During construction of the proposed detention facility, a portion of the 2250 East Mesquite Avenue Site will be disrupted. Following completion of construction, the visual and aesthetic characteristics of a relatively small portion of the site would be permanently changed from an undeveloped tract containing high desert native vegetation to an intensively developed site. Depending upon one's vantage point, it can be expected that portions of the proposed facility would be within public view during daylight hours.

The land area required for actual development would comprise approximately 30 to 40 acres of the 120-acre site. A relatively large undeveloped area would remain around the facility serving as a buffer between the facility and adjoining properties. Topographic conditions and the absence of dense vegetation within and around this site would allow for a largely unobstructed view of the proposed facility from adjoining properties and by travelers using Nevada Highway 160 and the network of paved and unpaved roads located east of Nevada Highway 160. This site is located approximately 1.5 to 2.0 miles from the nearest homes and businesses that border on Nevada Highway 160. However, the potential for visual impact is somewhat lessen at this site as a result of its relatively large land area which allows for a greater degree of buffering from adjoining properties. In addition, views and vistas available to and from the 2250 East Mesquite Avenue Site, while attractive, are also not unique within Pahrump or Nye County.

Nighttime operation of the facility at the 2250 East Mesquite Avenue Site would be visible from adjoining properties as well as higher elevations found to the west. Although the facility would be visible at night and, therefore, pose impacts to aesthetics and visual resources, these impacts would be minimized to the extent possible using the design features described below.

4. Potential Impacts - Apex Industrial Use Zone Site A

During the approximately 12 to 15-month period associated with construction of the proposed detention facility, a portion of the Apex Industrial Use Zone Site A will be disrupted. Following completion of construction, the visual and aesthetic characteristics of a relatively small portion of the site would be permanently changed from an undeveloped tract containing high desert native vegetation to an intensively developed site. Depending upon one's vantage point, it can be expected that portions of the proposed facility would be within public view.

The land area required for actual development would comprise approximately 40 acres of the 90-acre site. A relatively large undeveloped area would remain around the facility serving as a buffer between the facility and adjoining properties. Topographic conditions and the absence of dense vegetation within and around this site would allow for a largely unobstructed view of the proposed facility from adjoining properties and by travelers using U.S. Route 93 located to the north and I-15 to the east.

This site is located within the Apex Industrial Park, an area comprising approximately 3,250 acres which has been planned and zoned for industrial development. While the site itself is undeveloped, a large generating facility operated by Nevada Power is found to the east. In addition, a former industrial facility used to blend various chemicals (which closed in 1997) is located to the north. These current and former industrial operations have already altered the natural landscape of the area and lessen the potential for adverse visual impacts attributable to the detention facility at this site. Development of additional industrial operations within the Apex Industrial Park in the future will further diminish the potential for adverse visual and aesthetic impacts resulting from detention facility development at this site.

Nighttime operation of the proposed facility at the Apex Industrial Use Zone Site A would be visible from adjoining properties and roadways as well as higher elevations found to the south and southwest. Although the facility would be visible at night and, therefore, pose impacts to aesthetics and visual resources, these impacts would be minimized by the adjacent industrial operations and by employing the design features described below.

5. Potential Impacts - Moapa Site

During the 12 to 15-month period associated with construction of the proposed detention facility, a portion of the Moapa Site will be disrupted. Following completion of construction, the visual and aesthetic characteristics of a portion of the site would be permanently changed from an undeveloped tract containing high desert native vegetation to an intensively developed site. Depending upon one's vantage point, it can be expected that portions of the proposed facility would be within public view.

The land area required for actual development would comprise approximately 35 acres of the 80-acre site. A relatively large undeveloped area would remain around the facility serving as a buffer between the facility and adjoining properties. Particular attention will also be devoted to the avoidance of sensitive environmental and cultural resources during the site planning process. Topographic conditions and the absence of dense vegetation within and around this site would allow for a largely unobstructed view of the proposed facility from adjoining properties and by travelers using Nevada Route 168, Reservation Road, Hidden Valley Road and Lincoln Avenue to the north, west and east.

While the site itself is undeveloped, a Nevada Power Company generating station and associated support infrastructure is found to the south and east along with a Union Pacific rail line. These existing uses lessen the potential for adverse visual and aesthetic impacts resulting from detention facility development at this site.

Nighttime operation of the proposed facility at the Moapa Site would be visible from adjoining properties and roadways. Although the facility would be visible at night and, therefore, pose impacts to aesthetics and visual resources, these impacts would be minimized to the extent possible using the design features described below.

6. Recommended Mitigation

Potential visual and aesthetic impacts would be mitigated by implementing design features that are sensitive to the visual resources and landscapes of Nye County and Clark County. These features include a low-rise and compact development in a campus plan arrangement with undeveloped land to surround the proposed facility in an effort to limit, to the degree feasible, views from public roadways and adjoining properties. It is recognized that the night sky is an important component of the visual and aesthetic environment within which the proposed sites are located and that operation of the detention facility would have the potential to impact the night sky. While the precise details of the lighting plan to be employed at the selected site have not yet been determined, modern detention facility design incorporates many of the most effective measures to limit unwanted light. This includes use of full cutoff luminaries for all high-mast security lights which provide complete concealment of the light source above the rim of the fixture. By incorporating such fixtures, the light emitted is projected below the horizontal plane of the lowest point of the fixture and results in the maximum "downlighting" effects while upward distribution of light into the sky is minimized. In addition to security lighting, the facility will employ common parking lot and roadway lighting which should also include use of full cutoff luminaries to further minimize potential lighting impacts.

In recognition of the potential impacts associated with use of security lighting, including impacts to the nighttime sky, additional measures have been identified which could be employed to further reduce potential impacts. Among the measures to be considered involve use of shorter light poles (50 to 60 feet) rather than 75 to 100-foot poles which are often employed at facilities housing federal inmates and detainees.

Analyses performed by the BOP concerning use of high-mast lighting (100-foot poles) involving its correctional facilities has also been examined to determine whether a reduction in pole height would serve to reduce the potential light impacts. Lighting engineers consulted by the BOP have found that while a reduction in the height of the light poles would reduce the perception of light impacts by reducing the amount of perceptible direct viewing of the light source, lowering the height of the perimeter security lights would not reduce the actual amount of potential light from the proposed facility. Reducing the pole height would also result in an increase in pole locations to provide the equivalent illumination necessary for security operations.

While use of full cutoff luminaries on all fixtures would address most concerns, additional measures will also be considered to minimize unwanted light including:

- Employing full cutoff fixtures for wall pack lighting in all applications.
- Using houseside shields on luminaries in which light trespass may be an issue. Houseside shields are not normally recommended for use at detention facilities since spill light is beneficial to serve as transition lighting for security purposes.

- Employing low-reflectance surface materials where practical to minimize the upward reflection of light. An example of a low-reflectance surface material would be use of asphalt rather than concrete for parking areas, walkways, etc.

The selected contractor will be encouraged to consider these and other measures during design of the lighting plan for the proposed facility.

Because the impacts to visual and aesthetic conditions resulting from development of the proposed project are not expected to result in significant adverse impacts, and given the quality approach to be taken in the design, construction and operation of the proposed facility, no additional mitigation actions beyond sensitive architectural design, site planning, and the adherence to standards of quality for construction and maintenance of facilities and grounds would be required.

7. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, the alternative sites would remain in their current condition and there would be no impacts to aesthetic conditions and visual resources. In the absence of impacts to aesthetic conditions, no mitigation measures are warranted.

J. DEMOGRAPHIC CHARACTERISTICS

1. Potential Impacts Common to All Alternative Sites

Development of the proposed detention center has the potential to attract new residents to both Nye County and Clark County. Any potential increase in population during the construction phase is dependent on the duration of construction, the number of construction jobs created, and the ability of the local labor market to fill those positions. Experience in developing projects of a similar nature and scale indicates that most construction jobs are likely to be filled by current residents of the two-county region.

A small percentage of jobs (consisting primarily of managerial and supervisory positions) are likely to be filled by individuals currently residing outside the two-county region who would be assigned to the construction project and, therefore, would relocate to the area on a temporary basis. Any such relocations are likely to be temporary because of the limited period devoted to construction (estimated at approximately 12 to 15 months) and the nature of the managerial and supervisory positions. The individuals who fill these positions are typically transferred to subsequent projects elsewhere following completion of construction and, as a result, family members of those in managerial and supervisory positions are less likely to permanently relocate. As a result, permanent population impacts directly attributable to the construction phase are expected to be minimal. Lastly, no sensitive population groups, (i.e., children, minorities, seniors, etc.) are expected to be adversely affected during the construction phase and no individuals, families or other population groups will be displaced as a result of construction.

2. Induced Population Impacts During Construction and Operation

Both the construction and operating phases have the potential to lead to population impacts through in-migration of detention facility employees and their dependents as well as greater population retention due to increased economic activity and employment opportunities. As noted above, the approximately

12 to 15-month construction phase is expected to lead to the creation of temporary employment as a result of the direct hiring of construction workers, the spin-off or "multiplier effects" of construction payrolls, as well as expenditures for materials, equipment and supplies. While these impacts would last only for the duration of construction, any induced population impacts during the operating phase would be continuous, lasting throughout the duration of the contract to house federal detainees. A review of data concerning the area's labor force, age and educational attainment data, and trends in unemployment suggests that there is an adequate labor pool within the Nye County/Clark County region to support the demands created as a result of facility construction and operation.

3. Employees Attracted or Transferred to the Region During Operation

Operation of the detention facility is expected to employ approximately 200 to 250 permanent workers (with the variation in permanent employment reflecting the differences in facility design, staffing plans and management policies among the prospective contractors). It should be expected that most of the 200 to 250 employees would be new hires while a small number would be current employees of the selected contractor who will be transferred from other locations to the two-county region. This approach to staffing serves to ensure that the new facility has a core group of experienced employees upon operation.

Given the labor force and demographic characteristics of Clark County (where approximately 69 percent of the population and 71 percent of the labor force within the State of Nevada resides), it is reasonable to assume that approximately 80 percent of the new contractor employees (or 160 to 200 persons) would be current residents of Clark County. By residing within commuting distance of the selected site (each site is located within 75 miles of the U.S. Courthouse in downtown Las Vegas), these employees would not require provision of new housing. A small portion (approximately two to four percent) of these employees would reside within the same household as another contractor employee similarly reducing the potential for adverse impacts.

Operation of the proposed detention facility is also anticipated to result in approximately 40 to 50 contractor employees relocating to Nye County and Clark County from outside the two-county region. These persons are expected to be accompanied by dependents when they relocate and, therefore, a multiplier of 2.61 persons per household has been utilized (based on U.S. Bureau of the Census national estimates of average household size from the U.S. Census *Profile of General Demographic Characteristics, 2000*). On this basis, operation of the proposed detention facility is expected to add approximately 104 to 130 persons to the total population of the two-county region. Compared to the 2006 population of Nye County (42,693) and Clark County (1,777,539), the addition of approximately 104 to 130 persons (contractor employees and dependents) would represent a population increase of 0.3 percent to Nye County and 0.007 percent to Clark County (an amount less than the average daily population increase experienced over the preceding decade in Clark County). Any resulting induced population impacts during the facility's operating phase are expected to be minimal. Impacts, if any, to area schools, community services, and housing markets resulting from these potential demographic impacts are discussed elsewhere in this chapter.

4. Addition of Federal Detainees to the Resident Population

Federal inmates and detainees are considered to be residents of the area in which they are housed and are counted as such by the U.S. Census Bureau at the time of the decennial census. Therefore, federal detainees, when housed within a local jurisdiction during the decennial census, can act to increase a host community's population without consuming any housing or increasing the burden on local services and resources. In addition, such an increase may benefit the host community in some state and federal aid programs. With the proposed project sites located within the unincorporated areas of Nye County

and Clark County, any benefits which may result from housing the detainee population at the proposed facility would be limited by state and federal laws and the requirements and regulations governing particular aid programs. No significant adverse impacts are anticipated as an outcome of hosting the proposed detention facility.

Given the temporary nature of federal detention, dependents of detainees generally do not relocate to the site of detention. Therefore, the direct impact of federal detainees upon the host community population would be limited to the number housed in the facility (approximately 1,000 to 1,500).

5. Recommended Mitigation

With the majority of direct and induced (indirect) employment opportunities resulting from the proposed action expected to be filled by the current labor pool within the Nye County/Clark County region, any resulting population impacts are likely to be minimal. The population of Clark County alone, totaling approximately 1,375,765 (or almost 69 percent of the population of Nevada), should easily accommodate the nature and scale of any demographic impacts without significant adverse impacts or to require mitigation actions.

6. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, the sites would remain in their current condition and there would be no impacts to the demographic characteristics of either Nye County or Clark County. In the absence of impacts to demographics, no mitigation measures are warranted.

K. ECONOMIC CHARACTERISTICS

1. Potential Construction-Related Impacts Common to All Alternative Sites

Development of the proposed detention facility would generate a number of impacts to the regional economy. The project's construction budget, ranging from approximately \$65 to \$100 million (2007 dollars), would generate construction employment and materials purchases which, although temporary in nature (approximately 12 to 15 months), would involve both manpower and monetary resources from the region. (The range in estimated construction costs reflects the differences in facility siting, design, infrastructure improvements, and construction practices which vary among the various sites and prospective contractors.) Use of these resources would generate further spending while supporting indirect employment. The economic activity that will result from construction spending is considered beneficial to the local and regional economy and a positive impact.

2. Recommended Mitigation

The potential economic impacts resulting from project construction are considered to be beneficial by providing employment and economic opportunities to residents and business owners within the Nye County/Clark County region. Because economic impacts resulting from construction of the proposed project would be beneficial regardless whether development occurs at the Nye County or Clark County sites, no mitigation measures are required.

3. Potential Operation-Related Impacts Common to All Alternative Sites

The budget devoted to annual operation of the detention facility is expected to range from approximately \$25 to \$40 million. (The range in annual operating costs reflects differences in facility staffing, management policies, and operating procedures which vary among the prospective contractors.) This level of expenditure for detention center operation would continue throughout the duration of the contract to house federal detainees.

Potential economic impacts on the regional economy are generated through direct employment and labor expenditures associated with detention center operations as well as expenditures on utility services, food and other supplies and services. Estimates of the employment and expenditures associated with operation of the proposed facility are summarized below:

- ▶ The proposed facility would employ approximately 200 to 250 individuals to supervise and manage the detainee population with the variation in employment reflecting differences in facility staffing and management plans among the prospective contractors;
- ▶ A payroll ranging from approximately \$17.5 to \$28 million annually. Take-home wages would constitute approximately 70 percent of the total payroll with the remainder accounted for by federal, state, local and social security tax deductions, as well as other employee benefits;
- ▶ Other expenditures ranging from approximately \$7.5 to over \$12 million annually, comprising primarily expenditures for food, utilities, and other goods and services; and
- ▶ Annual property tax payments to the host community or taxing jurisdiction (as applicable).

Current unemployment rates and the characteristics of the labor force in the Nye County/Clark County region suggest that there is an ample labor force available to fill many of the positions at the proposed facility. The nature of those positions, the benefits to the selected contractor of hiring staff locally, and the vast land area represented by Nye County and Clark County allows one to conclude that virtually all employees will eventually reside in the two-county region. With a 2006 labor force of over 940,000 in the two counties and an unemployment rate of approximately 4.2 percent (representing approximately 39,500 workers), it can be expected that the majority of the new positions will be filled from the labor force currently residing within the two-county region. Lastly, no businesses or other economic activities will be displaced or eliminated at any of the alternative sites as a result of the proposed action.

4. Recommended Mitigation

The potential economic impacts resulting from detention facility operation are expected to benefit the region by providing substantial employment and economic opportunities to residents and business owners within Nye County and Clark County. Because economic impacts resulting from operation of the proposed facility would be beneficial, no mitigation measures are required.

5. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Therefore, there would be no impacts to economic conditions in either Nye County or Clark County. In the absence of economic impacts, no mitigation measures are warranted.

L. HOUSING CHARACTERISTICS

1. Potential Construction-Related Impacts Common to All Alternative Sites

Approximately 200 to 250 contractor employees would supervise and manage the detainee population of which approximately 40 to 50 employees are expected to relocate to the Nye County/Clark County region upon facility operation (projected for 2009). As a result, the potential exists for the proposed action to impact the regional housing market in Nye County and Clark County. However, the addition of approximately 40 to 50 new employee households to the two-county region in 2009 (the anticipated activation date) represents less than 0.006 percent of the region's estimated 2006 housing stock (772,150 units).

As reported earlier, the housing vacancy rate was approximately 16.5 percent in Nye County in 2000 (representing 2,625 units) and 12 percent in Clark County in 2006 (representing 90,708 units). Based on the approximate number of vacant housing units in this two-county region (93,333 units), the addition of approximately 40 to 50 new contractor employee households to the region in 2009, and the resulting demands for housing, should not pose a significant adverse impact. Rather, the demand for housing from relocating contractor employees is expected to help support the regional housing market.

2. Recommended Mitigation

Relocating, permanent contractor employees should not encounter undue difficulties in finding adequate housing nor should their limited housing demands unduly impact housing availability or costs in Nye County or Clark County. The supply of available housing in any one county should easily accommodate the demands resulting from the proposed project. Because the proposed project would have no significant adverse impact on the regional housing market, no mitigation measures are required.

3. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Therefore, there would be no impacts to housing markets within the Nye County/Clark County region. In the absence of housing market impacts, no mitigation measures are warranted.

M. COMMUNITY SERVICES AND FACILITIES

1. Potential Impacts Common to All Sites

Given the limited duration of the construction phase (approximately 12 to 15 months) and the transient nature of the construction workforce, construction activities are not expected to result in significant adverse impacts to local and regional public service agencies. For example, during the construction phase, site security, the installation of temporary utility services, traffic control and similar requirements would be the responsibility of the construction contractor. Doing so would minimize the potential burden and impacts upon local public service agencies. Nonetheless, construction activities near the selected site, including the extension of temporary or permanent utilities, temporary roadway closures, access improvements, etc. would require notification of local law enforcement officials and traffic control agencies and personnel to ensure the safety of the workers and public. Potential impacts to public service agencies resulting from development of the proposed project are discussed below.

2. Potential Impacts Common to Nye County Sites

▶ Law Enforcement

Law enforcement in Nye County is provided by the Nye County Sheriff's Office with support, as necessary, from the Nevada State Highway Patrol. Individually and in concert, these law enforcement agencies provide police protection throughout the county including the area of the two alternative sites in Pahrump where the Sheriff's Office maintains a station on E. Basin Avenue.

As noted above, construction activities associated with development of the proposed detention facility at either of the alternative Nye County sites are not expected to result in a significant adverse impact to law enforcement resources and capabilities in the area. Public roadways in the area of the selected Nye County site (i.e., Nevada Highway 160, East Parque Avenue, East Mesquite Avenue, etc.) would remain open, accessible, and available for police emergency response during this time. There is no reason to expect that construction of the proposed facility would place an undue burden upon law enforcement agencies and personnel serving residents and businesses in Nye County and the Town of Pahrump.

Prior to initiating operation of the proposed detention facility, the selected contractor would be required to prepare and implement an OFDT-approved contingency plan for responding to emergencies. Such a plan would address a variety of topic areas including measures for responding to fires, riot control, escapes, internal hostage, external hostage, bomb threats, adverse weather conditions, labor and food strikes, civil disturbance, evacuation, detainee transportation, etc. Public safety and security is the primary objective in operating the proposed facility.

The proposed detention facility would be equipped to handle virtually all emergency situations arising during operation. For example, facility administrators and staff would have primary responsibility for ensuring overall institution security and would be the first to respond to an incident or if a detainee is reported missing. Nonetheless, in the event of an emergency, the facility operator would also have county, state, and federal law enforcement agencies and resources available to support its staff. For example, it is the responsibility of the USMS to apprehend a detainee in the event of an escape. The Nye County Sheriff's Department and other area law enforcement agencies would also be advised of incidents involving the institution and the detainee population and would be requested to assist as necessary.

From experience operating similar facilities housing federal inmates and detainees, the mere presence of a detention facility would not result in an increase in the rate of crime within the host community. Rather, the presence of contractor correctional officers and other staff working and residing in and around the selected site would likely provide added support in such areas.

As a result of these measures, plans and procedures, significant adverse impacts on city and county public safety and law enforcement agencies are not anticipated as a result of the proposed action. In the absence of significant adverse impacts to law enforcement services as a result of the proposed facility, no mitigating measures, outside of the need for facility managers to coordinate and communicate with the appropriate county and state law enforcement agencies, would be warranted.

▶ Fire Protection

Fire protection in the vicinity of the alternative sites is provided by the Pahrump Valley Fire Rescue Services which operates four fire stations along Nevada Highway 160, W. Bell Vista Avenue, E. Kellogg Road and Harris Farm Road. Construction activities would not be expected to adversely affect

fire protection services and capabilities in the area of the selected site. Public roadways leading to and from the selected site would remain open, accessible, and available for fire department response during construction. There is no reason to expect that construction activities would place an undue burden upon fire protection companies serving the Pahrump area.

To guard against fire emergencies during facility operation, the selected detention center operator would also undertake stringent precautions. The proposed facility would be operated and managed in compliance with applicable fire and life safety codes and would guard against fire emergencies via facility policies and procedures; periodic inspections; fire prevention, control and evacuation planning; among other activities. The contractor would also provide fire suppression equipment and capabilities on-site while relying upon local fire protection companies as necessary. At this time there is no reason to expect such situations would place an undue burden upon Nye County fire protection companies or resources. Significant adverse impacts to fire protection services are not anticipated as a result of the construction and operation of the proposed project. Hence, no mitigating measures, outside of the need to coordinate and communicate project construction and operating activities with the appropriate fire protection organizations, are warranted.

► Public Education

The Nye County Public School System operates 18 elementary, middle and high schools and reported a student enrollment of approximately 6,500 students during the 2006-2007 school year. Of the 18 schools, six are located in Pahrump (four elementary schools, one middle school and one high school) which together have an enrollment of approximately 5,208 students.

For purposes of assessing potential impacts to the public school system, it is assumed that approximately 40 to 50 employees would relocate into the region to operate the proposed center. As stated earlier, these employees are expected to bring dependents when they relocate. A multiplier of 2.61 persons per household is assumed, (based on U.S. Census estimates), resulting in approximately 104 to 130 persons who would relocate into the region.

To estimate the number and age of school-aged children included among the total number of dependants accompanying those relocating employees, further consideration has been given to the age characteristics of migrating households. The derivation of a dependency ratio relating the total number of migrating individuals of school age (5 to 17 years) to all in-migrants of working age (18 years to 65 years) has been calculated. The application of this ratio, 0.2264, to the total number of persons anticipated to migrate (104 to 130 persons) results in approximately 24 to 30 school-aged children. A further breakdown of in-migrant school-aged children by grade is estimated as follows:

Grades	Number of School-Aged Children
K to 5	11 - 13
6 to 8	8 - 11
9 to 12	5 - 6

Assuming that all transferring employees relocate to Nye County and all school-age children enroll in Pahrump schools only (both highly conservative assumptions), the result would represent an approximately 0.4 percent increase in enrollment in the Nye County Public School System and 0.6 percent increase to the Pahrump schools. The addition of approximately 24 to 30 students alone to the public school systems should not require new school construction or other improvements to accommodate these students.

The number of school-age children of relocating employees is a small percentage of the school system's enrollment and because these children would be distributed among several schools in the county, the resulting impact is not expected negatively affect public school operations in the region. As a result, potential impacts to public schools resulting from implementation of the proposed action at either alternative site in Nye County are expected to be manageable and not to result in significant adverse impacts. Consequently, no mitigating measures are warranted.

▶ **Medical Facilities**

While the major health care facility in the Pahrump area is the Desert View Regional Medical Center, the proposed detention facility would have its own on-site medical staff and equipment to provide routine examinations and medical care to federal detainees. Instances where outside medical assistance would be required are anticipated to be infrequent and would be addressed via contracts for service with the Desert View Regional Medical Center and/or other local and regional health care providers. On this basis, operation of the proposed facility is not expected to pose a significant adverse impact to medical facilities and health care providers serving the county.

The addition of all 104 to 130 transferring employees and dependents to Nye County (a highly conservative and unlikely outcome) is also not expected to result in a significant adverse impact to medical facilities and health care services available in the area. Compared to the 2006 population of Nye County (42,700), the addition of approximately 104 to 130 persons would represent an increase of only 0.3 percent, and pose little or no adverse impact to health care facilities and services available in the county. Because no significant adverse impacts to regional medical facilities and services are anticipated, no mitigation measures are required.

3. Potential Impacts Common to Clark County Sites

▶ **Law Enforcement**

Law enforcement in Clark County is provided by the Las Vegas Metropolitan Police Department with support, as necessary, from the Nevada State Highway Patrol. Individually and in concert, these law enforcement agencies provide police protection and coverage throughout the 7,500-square miles comprising the county including the areas comprising the two alternative sites.

As noted earlier, construction activities associated with development of the proposed detention facility at either of the alternative Clark County sites are not expected to adversely affect law enforcement resources and capabilities in the area. Public roadways in the area of the selected site (I-15, U.S. 93, Reservation Road, Hidden Valley Road, Lincoln Avenue, etc.) would remain open, accessible, and available for police emergency response during this time. There is no reason to expect that construction of the proposed facility would place an undue burden upon law enforcement agencies and personnel serving residents, businesses and public institutions in Clark County.

Prior to activating the proposed detention facility, the selected contract operator would be required to prepare and implement an OFDT-approved contingency plan for responding to emergencies. To ensure public safety, such a plan would address a variety of topic areas including measures for responding to fires, riot control, escapes, internal hostage, external hostage, bomb threats, adverse weather conditions, labor and food strikes, civil disturbance, evacuation, detainee transportation, etc.

During operation, the proposed detention facility would also be equipped to handle virtually all emergency situations. For example, the selected contractor's administrators and staff would have primary responsibility for ensuring overall institution security and would be the first to respond to an

incident or if a detainee is reported missing. It is also the responsibility of the USMS to apprehend a detainee in the event of an escape. The Las Vegas Metropolitan Police Department and other law enforcement agencies would also be advised of incidents involving the institution and the detainee population and would be requested to assist as necessary.

As a result of these measures, plans and procedures, significant adverse impacts on city and county public safety and law enforcement agencies and resources are not anticipated. Nonetheless, in the event of an emergency, the facility operator would also have local, state, and federal law enforcement agencies and resources available to support its staff. In addition, from experience operating similar facilities housing federal inmates and detainees, the mere presence of a detention facility would not result in an increase local crime rates within the host community. Rather, the presence of contractor correctional officers working and residing in and around the selected site would likely provide added support in such areas.

Significant adverse impacts to law enforcement agencies and services serving Clark County would not occur as a result of the proposed action. In the absence of significant adverse impacts to law enforcement services as an result of the proposed facility, no mitigating measures, outside of the need for facility operating personnel to coordinate and communicate with the appropriate county and state law enforcement agencies, would be warranted.

▶ **Fire Protection**

Fire protection in the vicinity of the alternative sites is provided by the Clark County Fire Department which operates some 38 stations throughout the county with Fire Station #57 located closest to the Apex Industrial Park Zone Site A and Fire Station #72 located closest to the Moapa Site. Construction activities would not be expected to adversely affect fire protection services and capabilities in the area of the selected site. Public roadways leading to and from the alternative sites would remain open, accessible, and available for fire department response during construction. There is no reason to expect that construction activities would place an undue burden upon fire protection companies serving Clark County.

The selected detention center operator would also undertake stringent precautions to guard against fire emergencies within the facility. The proposed facility would be operated and managed in compliance with all applicable fire and life safety codes and would undertake stringent precautions to guard against fire emergencies via facility policies and procedures; periodic inspections; fire prevention, control and evacuation planning; among other activities. The contractor would also provide fire suppression equipment and capabilities on-site while relying upon local fire protection companies as necessary. At this time there is no reason to expect such situations would place an undue burden upon Clark County fire protection companies or resources. Significant adverse impacts to fire protection services and facilities are not anticipated as a result of the construction and operation of the proposed project. Hence, no mitigating measures, outside of the need to coordinate and communicate project construction and operating activities with the appropriate fire protection organizations are warranted.

▶ **Public Education**

With the fifth largest public school system in the U.S., the Clark County School District operates some 325 elementary, middle and high schools with a reported enrollment during the 2006-2007 school year of over 300,00 students. Furthermore, in response to the rapid population growth experienced in the City of Las Vegas and surrounding communities in Clark County, the District is involved in the near continuous task of constructing new public schools. Over 20 new elementary, middle and high schools have recently opened or will soon open to accommodate the growth of the school age

population. Public schools located in the vicinity of the proposal Clark County sites include an elementary school in Moapa, a middle school and high school located in Overton and several elementary, middle and high schools in Las Vegas.

As noted earlier, approximately 104 to 130 employees and dependents are expected to relocate into the region for facility operation of which approximately 24 to 30 will be school-aged children. Assuming that all transferring employees relocate to Clark County and all school-age children enroll in District schools (a highly conservative assumption), the result would represent an approximately 0.01 percent increase in school enrollments.

The number of school-age children of relocating employees is a small percentage of the District's enrollment and because these children would be distributed among numerous schools in the county, the resulting impact is not expected to negatively affect public school operations in the region. The addition of approximately 24 to 30 students to the public school system alone should not require new school construction or other improvements to accommodate these students. As a result, potential impacts to public schools resulting from implementation of the proposed action at either alternative site in Clark County are expected to be manageable and not result in significant adverse impacts. Consequently, no mitigating measures appear warranted.

► **Medical Facilities**

While Clark County is the location of numerous hospitals, medical centers and related health care facilities (with the majority of these facilities concentrated in and around Las Vegas) the proposed detention facility would have its own on-site medical staff and equipment to provide routine examinations and medical care to federal detainees. Instances where outside medical assistance would be required are anticipated to be infrequent and would be addressed via contracts for service with local and regional health care providers as necessary. On this basis, operation of the proposed facility is not expected to pose a significant adverse impact to medical facilities and health care providers serving the county.

The addition of all 104 to 130 transferring employees and dependents to Clark County (a highly conservative assumption) is also not expected to result in a significant adverse impact to medical facilities and health care services available in the area. Compared to the 2006 population of Clark County (1,777,539), the addition of approximately 104 to 130 persons would represent an increase of 0.009 percent, and posing little or no adverse impact to health care facilities and services available in the county. Because no significant adverse impacts to regional medical facilities and services are anticipated, no mitigation measures are required.

4. Recommended Mitigation

Relocating, permanent contractor employees and their dependents are not expected to pose significant adverse impacts to police and fire protection, health care services or public education systems. Community services and systems should accommodate any small demands resulting from the proposed project. Because the proposed project is not expected to pose significant adverse impacts to community services and facilities, no mitigation measures are required.

5. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Therefore, there would be no impacts to community facilities and services within the Nye County/Clark County region. In the absence of impacts, no mitigation measures are warranted.

N. LAND USE

1. Potential Impacts Common to All Sites

■ Potential Direct Impacts Common to All Alternative Sites

The proposed action would have a direct impact on land use at the selected site by transforming a portion of an undeveloped site into an institutional use. However, the self-contained nature of the proposed detention facility would limit any potential direct impacts to the selected site with few, if any, impacts to adjoining land uses.

■ Potential Indirect/Secondary Impacts Common to All Alternative Sites

The degree to which infrastructure improvements would affect future development is considered to be an indirect or secondary impact. For purposes of this assessment, indirect or secondary impacts are expected to occur extending for the life of the proposed facility and any infrastructure improvements. The proposed project and any indirect/secondary impacts that may result are considered to be consistent with land use and economic development goals and objectives of the area. Inputs from local economic development officials have confirmed the importance of the proposed project and any associated infrastructure improvements in achieving the social, economic and land use development goals within Nye County and Clark County.

■ Potential Impacts on Property Values Common to All Alternative Sites

Studies on the impact of detention and correctional facilities on surrounding land values have shown that significant adverse impacts to property values are not expected to occur. In fact, many similar facilities built on the outskirts of communities have seen development occur right up to the facility property lines, and studies of federal, state and local correctional and detention facilities have revealed that residential and commercial properties actually increased in value in some instances, as a result of improvements to infrastructure as well as increased demands for housing and commercial services.

Many such studies have focused on residential land uses, which are generally considered the most sensitive to impacts. The studies analyzed property values adjacent to a given facility in comparison to a control group of properties of similar value and style, located away from such as facility, but still in the same community. These studies include a nationwide survey in which real estate brokers and appraisers were contacted in communities containing detention and correctional facilities.

The results of these studies indicate that other variables of equal or greater importance may determine the assessed value of properties, not simply the property's proximity to a detention or correctional facility. Such variables include:

- The location of the facility relative to surrounding land uses;
- Values and marketability of properties in the area prior to construction of the facility;
- Economic outlook—e.g., interest rates and unemployment — and resultant ability of new homeowners to purchase housing;
- Spatial distribution and availability of housing in a variety of price ranges within commuting distance of the facility;
- Community and economic growth relative to and independent of the detention facility; and
- Other factors that may influence the desirability of a particular location, e.g., availability of public transportation, close proximity to recreational opportunities, quality of public schools, etc.

In light of these studies, surveys and past experiences, the proposed detention facility is not anticipated to adversely affect land uses at the selected site or property values in the surrounding area. Rather, if any effects were to be experienced to adjacent property values, it would likely be the result of other unrelated factors. An annotated bibliography of studies addressing the impact of prisons on property values is included as Appendix C.

2. Recommended Mitigation

Because no significant adverse impacts to area land use goals and objectives are anticipated, no mitigation measures are required.

3. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Therefore, there would be no impacts to existing or planned land uses within the Nye County/Clark County region. In the absence of land use impacts, no mitigation measures are warranted.

O. UTILITY SERVICES

1. Potential Impacts Common to Alternative Sites

Average daily water demand generated by the proposed detention facility (housing approximately 1,000 to 1,500 detainees) ranges from 150,000 to 225,000 gallons daily based on a water demand coefficient of approximately 150 gallons per detainee per day. This coefficient accounts for the water supply requirements associated with housing the detainee population along with water demands associated with facility operating staff, maintenance activities, etc. Approximately 90 percent of all the water consumed at the facility (approximately 135,000 to 202,500 gallons per day) will be returned as wastewater flows requiring treatment and disposal. Variations in water supply demands and wastewater flows may also occur reflecting differences in facility design, staffing, and operating policies and procedures which vary among the prospective detention contractors. Operation of the proposed facility is also expected to generate an average of four pounds of solid waste per detainee per day. The demands for electric power and other energy resources have not been estimated at this time.

2. Potential Impacts – 630 East Parque Avenue Site and 2250 East Mesquite Avenue Site

At the present time potable water supply service is not available to either alternative site located within Pahrump. The water supply system located closest to both sites is operated by Utilities, Inc. of Central Nevada (Utilities, Inc.). Water distribution lines in the vicinity of the alternative sites are located in the vicinity of Nevada Highway 160. While potable water service is currently unavailable, service could be provided by extending a water main from a sufficiently sized connection point to the selected site along with provision of additional raw water supply and storage. The precise location of the connection point and the size and alignment of the any main extension will be determined by Utilities, Inc. and the selected detention contractor prior to facility development. Other system improvements involving raw water supplies (well), water rights, water storage requirements, etc. will similarly be determined by Utilities, Inc. and the selected detention contractor prior to development although preliminary indications are that service can be provided with only modest investments. Utilities, Inc. has also expressed an interest and willingness to accommodate the water supply needs of the proposed

facility (see Appendix B). Provision of water supply service by Utilities, Inc. is also subject to approval by the Nevada PUC for annexation of the selected site within the company's service territory.

Temporary impacts such as construction-related noise, dust, erosion and traffic would result from extending water service to the site. It is not expected that the proposed project would have a significant adverse impact on current water system customers.

Wastewater collection service is also unavailable to either alternative site at the present time and neither site is located within the Utilities, Inc. tariff area. While wastewater collection service is not currently available to either site, service could be provided by extending a wastewater collection line from a sufficiently sized connection point to the selected site. The precise location of the connection point and the size and alignment of the any extension will be determined by Utilities, Inc. and the selected detention contractor prior to facility development. Other system improvements involving pump stations, treatment plant expansion, etc. will similarly be determined by Utilities, Inc. and the selected detention contractor prior to development although preliminary indications are that wastewater service can be provided with only modest investments. Utilities, Inc. has also expressed an interest and willingness to accommodate the wastewater service needs of the proposed facility (see Appendix B). Provision of wastewater service by Utilities, Inc. is also subject to approval by the Nevada PUC for annexation of the selected site within the company's service territory.

In the event that it is not cost-effective to connect to the public water supply and wastewater collection systems or in doing so the project development schedule could not be achieved, development of an on-site water supply and/or wastewater treatment system would need to be considered. Under such a scenario, the selected contractor would purchase the "fan" water rights in order to develop a well system. Preliminary studies also indicate there is suitable soil and sufficient land to operate a wastewater treatment and disposal system. All applicable approvals from the Nevada DEP and Nye County would be secured by the detention contractor.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from extending wastewater collection service to the site, no significant adverse impacts are associated with providing wastewater service to this site. It is not expected that the proposed project would have a significant adverse impact on current customers of the wastewater treatment system.

Electricity is provided to the area by Valley Electric Association. While there are no known limitations to the provision of electric power service in the area of the proposed sites, various system improvements would likely be necessary including extension of three-phase service. The need for other improvements, if any, will be determined in conjunction with Valley Electric Association at such time the facility's power requirements have been determined.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from any necessary system extensions and improvements, no significant adverse impacts are associated with providing electric power service to this site. It is not expected that the proposed project would have a significant adverse impact on current electric system customers.

Construction and operation of the proposed detention facility would generate solid waste requiring collection and disposal by one of the private waste haulers which serve Nye County. During the construction phase, solid waste in varying quantities would be generated by the building of structures, utilities, internal roadways and parking areas, etc. The disposal of construction-derived wastes would be the responsibility of the construction contractors involved in the project. The quantity of construction wastes cannot be estimated at this time. However, based upon projects of similar scale, it is not expected that the volume of construction waste would result in significant adverse impacts to solid waste collection and disposal operations currently underway in the region.

Operation of the proposed facility would generate approximately two tons of solid waste per day (based on a typical generation of four pounds per detainee per day), or approximately 60 tons per month. (Operation of a 1,500-bed facility would generate approximately three tons of solid waste per day or approximately 90 tons per month.) Disposal of solid wastes would be the responsibility of the waste carter selected by the detention contractor upon activation of the proposed facility. Waste generated during operation of the facility would be stored in on-site self-contained dumpsters until collection (on a regular schedule), then transported by licensed haulers to a transfer station or disposal site (landfill). The volume of solid waste generated by the proposed facility would not represent a significant proportion of the total load accepted for disposal in the region. Landfills serving the Nye County region are expected to accommodate this volume of waste without significant adverse impact. Included as part of proposed facility operation would be a recycling program to further reduce the amount of solid waste requiring disposal. Furthermore, any toxic or hazardous wastes generated by the operation of the proposed facility would be handled and disposed of according to applicable regulations.

3. Potential Impacts – Apex Industrial Use Zone Site A

The Apex Industrial Use Zone Site A is located within the Garnet Valley watershed. Water resource studies performed by the USGS in this region in 1960 estimated the annual yield of the basin at approximately 400 acre-feet or 130 million gallons. At present, the Nevada Division of Water Resources reports the active annual duty (approved water use) within the basin to be approximately 3,900 acre-feet, or 1.3 billion gallons and the pending annual duty to be approximately 44,500 acre-feet, or 14.5 billion gallons. The Division of Water Resources has classified this basin as “Designated (PUID)” indicating that all of the available water rights have been allocated with provision of water supply to new developments expected to involve acquisition of water rights.

Water supply to the area of the Apex Industrial Use Zone Site A is currently provided by the Dry Lake Water Company LLC. The Dry Lake Water Company, LLC is reportedly relinquishing its water rights to the Southern Nevada Water Authority and may exit the water supply business in the future. The Southern Nevada Water Authority has a plan for a major groundwater development project in the area involving extension of a pipeline from Snake and Spring Valleys (passing through the Garnet Valley basin) to a proposed reservoir in the Las Vegas Valley along with an undetermined number of groundwater wells.

The City of North Las Vegas also operates a water supply system nearby that relies primarily on water obtained from the Colorado River at Lake Mead (95 percent) and supplements that source with groundwater during periods of peak demand (5 percent). The average annual water usage by City customers is approximately 50,000 acre-feet or approximately 44 million gallons per day. The city owns annual water rights to approximately 5,700 acre-feet or 1.9 billion gallons within the Garnet Valley basin in addition to its Lake Mead allocation.

A 12-inch water line located approximately 1,000 feet north of the site is available to provide water supply to current and future developments within the planned industrial park. Provision of water supply to the proposed site will require installation of a water main extending from the existing line to the project site. The precise location of the connection point and the size and alignment of any water main extension will be determined by the water purveyor and the selected detention contractor prior to facility development. Other system requirements and improvements involving water rights, water supply capacity, water storage requirements, etc. will similarly be determined by the water purveyor and the selected detention contractor prior to development.

Temporary impacts such as construction-related noise, dust, erosion and traffic disruption would result from extending water service to the site. It is not expected that the proposed project would have a significant adverse impact on current water system customers.

The Apex Industrial Use Zone Site A is not located in close proximity to any public wastewater collection and treatment system and there is no plan to extend public service to the site at this time. Instead, development and operation of an on-site package treatment facility is proposed to treat wastewaters originating from the proposed detention center. The location for such a treatment facility, its operational requirements including capacity, influent and effluent characteristics, discharge location among similar features will be determined by the selected detention contractor during the facility design and permitting process.

Electric power service to the area is provided by Nevada Power Company and three-phase power service is currently available to the site. While there are no known limitations to the provision of electric power service in the area of the proposed site, various system improvements would likely be necessary including extension of three-phase service. The need for other improvements, if any, will be determined in conjunction with the Nevada Power Company at such time the facility's power requirements have been determined.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from any necessary system extensions and improvements, no significant adverse impacts are associated with providing electric power service to this site. It is not expected that the proposed project would have a significant adverse impact on current electric system customers.

Natural gas service to the area of the Apex Industrial Park is available from Southwest Gas Corporation with a gas main located approximately 1,000 feet east of the site. While there are no known limitations to the provision of natural gas service in the area of the proposed site, an extension of gas service will be necessary with service requirements determined by the selected detention contractor in conjunction with Southwest Gas Corporation at such time the facility's natural gas requirements have been determined.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from extension of gas service to the site, no significant adverse impacts are associated with providing natural gas power service to this site. It is not expected that the proposed project would have a significant adverse impact on current gas system customers.

Solid waste disposal service in the unincorporated area of Clark County is carried by Republic Services which utilizes the Apex Regional landfill for solid waste disposal purposes. The landfill, located on U.S. Route 93 in Apex, is among the largest in the U.S. and has an estimated operating life in excess of 75 years.

Construction and operation of the proposed detention facility would generate solid waste requiring collection and disposal by private haulers serving Clark County. During the construction phase, solid waste in varying quantities would be generated by the building of structures, utilities, internal roadways and parking areas, etc. The disposal of construction-derived wastes would be the responsibility of the construction contractors involved in the project. While the quantity of construction wastes cannot be estimated at this time, on the basis of projects of similar scale, it is not expected that the volume of construction waste would result in significant adverse impacts to solid waste collection and disposal operations currently underway in the county.

Operation of the proposed facility would generate approximately two tons of solid waste per day (based on a typical generation of four pounds per detainee per day), or approximately 60 tons per month.

(Operation of a 1,500-bed facility would generate approximately three tons of solid waste per day or approximately 90 tons per month.) Disposal of solid wastes would be the responsibility of the waste carter selected by the detention contractor upon activation of the proposed facility. Waste generated during operation of the facility would be stored in on-site self-contained dumpsters until collection (on a regular schedule), then transported by licensed haulers to a transfer station or disposal site (landfill). The volume of solid waste generated by the proposed facility would not represent a significant proportion of the total load accepted for disposal in the region. Landfills serving the Clark County region have sufficient long-term capacity to accommodate this volume of waste without significant adverse impact. Included as part of proposed facility operation would be a recycling program to further reduce the amount of solid waste requiring disposal. Furthermore, any toxic or hazardous wastes generated by the operation of the proposed facility would be handled and disposed of according to applicable regulations.

4. Potential Impacts – Moapa Site

The Moapa Site lies within the California Wash watershed. This basin has also been classified as “Designated (PUID)” by the Nevada Division of Water Resources indicating that all of the available water rights have been allocated and that provision of water supply to new developments would involve acquisition of water rights. According to the Nevada Division of Water Resources, the basin has an annual yield of 2,200 acre-feet or approximately 717 million gallons. At present, the active annual duties (approved water use) total approximately 3,100 acre-feet or 1.0 billion gallons, and the pending annual duty is approximately 42,500 acre-feet or 14.0 billion gallons.

Water supply service to the Moapa area is provided by the Moapa Valley Water District. The District maintains three groundwater wells, ranging in depth from 560 feet to 900 feet, and three springs with a total production capacity of approximately 5.5 million gallons per day. The Moapa Valley Water District has an average daily demand of approximately 2.4 million gallons per day which implies an excess capacity of approximately 2.1 million gallons per day. The Moapa Site is located adjacent to the Nevada Power Company generation plant which is served by an eight-inch water main, which according to District officials, has a static operating pressure of approximately 99 pounds per square inch. Although a hydraulic analysis has not been performed on this water main, District representatives are confident that the main has sufficient capacity to accommodate the proposed development. Provision of water supply service will require a water main extension to the proposed facility. The precise location of the connection point and the size and alignment of any water main extension will be determined by the District and the selected detention contractor prior to facility development. Other system requirements and improvements involving water rights, water supply capacity, water storage requirements, etc. will similarly be determined by the District and the selected detention contractor prior to development.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from extending water service to the site, no significant adverse impacts are associated with providing water service to the site. It is not expected that the proposed project would have a significant adverse impact on current water system customers.

The Moapa Site is not located in close proximity to any public wastewater collection and treatment system and there is no plan to extend public service to the site at this time. Instead, development and operation of an on-site package treatment facility is proposed to treat wastewaters originating from the proposed detention center. The location for such a treatment facility, its operational requirements including capacity, influent and effluent characteristics, discharge location among similar features will be determined by the selected detention contractor during the facility design and permitting process.

Electric power service to residents and businesses in Moapa is provided by the Overton Power District #5. The site is also located adjacent to a Nevada Power Company generating station. Transmission lines carry power to the area and connect to several substations. Three-phase power service is currently available to the site.

While there are no known limitations to the provision of electric power service in the area of the proposed site, various system improvements would likely be necessary including extension of three-phase service to a connection point within the project site. The need for other improvements, if any, will be determined in conjunction with the power company at such time the facility's power requirements have been determined.

Other than temporary impacts such as construction-related noise, dust, erosion and traffic disruption resulting from any necessary system extensions and improvements, no significant adverse impacts are associated with providing electric power service to this site. It is not expected that the proposed project would have a significant adverse impact on current electric system customers.

Solid waste disposal service in the unincorporated area containing the alternative Clark County sites is provided by Republic Services. Republic Services provides collects solid wastes for disposal at the Apex Regional landfill. The landfill, located on U.S. Route 93 in Apex, is among the largest in the U.S. and has an estimated capacity of approximately 785 million cubic yards and an estimated operating life in excess of 75 years.

Construction and operation of the proposed detention facility would generate solid waste requiring collection and disposal by one or more of the private haulers which serve Nye County or Clark County. During the construction phase, solid waste in varying quantities would be generated by the building of structures, utilities, internal roadways and parking areas, etc. The disposal of construction-derived wastes would be the responsibility of the construction contractors involved in the project. The quantity of construction wastes cannot be estimated at this time. However, based upon projects of similar scale, it is not expected that the volume of construction waste would result in significant adverse impacts to solid waste collection and disposal operations currently underway in the region.

Operation of the proposed facility would generate approximately two tons of solid waste per day (based on a typical generation of four pounds per detainee per day), or approximately 60 tons per month. (Operation of a 1,500-bed facility would generate approximately three tons of solid waste per day or approximately 90 tons per month.) Disposal of solid wastes would be the responsibility of the waste carter selected by the detention contractor upon activation of the proposed facility. Waste generated during operation of the facility would be stored in on-site self-contained dumpsters until collection (on a regular schedule), then transported by licensed haulers to a transfer station or disposal site (landfill). The volume of solid waste generated by the proposed facility would not represent a significant proportion of the total load accepted for disposal in the region. Landfills serving the Clark County region have sufficient long-term capacity to accommodate this volume of waste without significant adverse impact. Included as part of proposed facility operation would be a recycling program to further reduce the amount of solid waste requiring disposal. Furthermore, any toxic or hazardous wastes generated by the operation of the proposed facility would be handled and disposed of according to applicable regulations.

5. Recommended Mitigation

The demand for water service would be mitigated by the proper planning, design, scheduling and installation of improvements to the water system required to serve the proposed facility. Temporary impacts such as noise, dust, erosion and traffic disruption may occur due to construction of system

improvements to serve the facility. These can be minimized by ensuring that construction periods are kept to the shortest extent possible and effective traffic control, dust control and suppression, and soil erosion control practices are implemented. The design and construction of water system improvements would be subject to applicable local and state regulations and permitting procedures.

The provision of wastewater service would similarly be mitigated by the proper planning, design, scheduling and construction of wastewater collection and/or treatment improvements required to serve the proposed facility. Temporary impacts such as noise, dust, erosion and traffic disruption may occur due to construction of wastewater system improvements to serve the facility. These can be minimized by ensuring that construction periods are kept to the shortest extent possible and effective traffic control, dust control and suppression, and soil erosion control practices are implemented. The design and construction of wastewater system improvements would be subject to applicable local and state regulations and permitting procedures.

Provision of electric power and natural gas service would also be mitigated by the proper planning, design, scheduling and installation of improvements required to serve the proposed facility. Recommended mitigation measures would include ensuring that any power system improvements and gas service extensions are carried out in conformance with applicable regulations, and with minimum disruption of existing service during installations. Any disruptions that might occur as a result of power and gas service connections and/or extensions would be mitigated through careful coordination among participating parties and agencies. Disruptions in service during the facility's construction phase would be temporary and kept to the shortest duration possible. Any requirements for additional easements would be coordinated with other utility services (water, wastewater, etc.) to minimize the need for additional easements.

Residual waste generated during construction would be disposed of only at sites permitted to accept construction and demolition wastes. Solid waste disposal service required during facility operation is not anticipated to result in significant long-term impacts to the current or future capacity in area landfills. Solid waste generated by the facility would be stored in on-site self-contained dumpsters until collection (on a regular schedule), then transported by private haulers to licensed disposal sites. The solid waste load from the facility would not be a significant proportion of the total load accepted in landfills serving Nye County and Clark County. In addition, any toxic or hazardous wastes generated by the operation of the proposed facility would be handled and disposed of according to applicable regulations. No other mitigation measures are necessary.

6. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Therefore, there would be no impacts to utility system providers serving Nye County and Clark County. In the absence of impacts to utility systems and providers, no mitigation measures are warranted.

P. TRANSPORTATION SYSTEMS

Potential transportation system impacts may occur from construction activities and motor vehicle traffic traveling to and from the facility during operation. These potential impacts and mitigation recommendations, if necessary, are discussed below and address construction and operating activities as they may potentially affect transportation systems serving the alternative sites.

1. Potential Construction-Related Impacts Common to All Alternative Sites

Construction of the proposed facility is expected to increase traffic volumes in the vicinity of the selected site as a result of worker trips to and from the site as well as the movement of materials, supplies, and equipment that collectively would be assigned to the local highway network. The number of construction workers on-site at any one time would vary depending on the construction methods used, the stage of construction, etc. Truck movements would be distributed throughout the work day and would generally occur between the hours of 6:30 A.M. and 4:30 P.M., depending on the stage of construction during the 12 to 15-month schedule.

2. Recommended Mitigation

As a matter of general practice, permissible traffic movements into and out of the selected site and matters of temporary construction access (i.e., permits and approvals) would be coordinated with the appropriate State of Nevada, county and/or local transportation agencies and officials during each stage of development. While some minor impacts to traffic operations on local roadways would be expected during peak travel periods while construction is underway, any disruptions to normal traffic operations would be kept to the shortest duration possible. In addition, construction activities near the selected site, including any temporary access movements or traffic disruptions associated with the utility extensions, would be coordinated with local law enforcement and traffic control agencies to ensure public safety. No other mitigation measures for construction traffic, other than coordination and communication between the construction contractor and the appropriate transportation agencies and adherence to any applicable permit conditions, would be warranted.

3. Potential Operations-Related Impacts Common to All Alternative Sites

Vehicular traffic, pedestrian and bicycle traffic, public transit and public parking facilities were considered in assessing potential transportation impacts associated with the proposed project. However, in establishing baseline transportation conditions, it was determined that there are no public transit routes, public parking facilities or pedestrian and bicycle destinations or crossings located at or near the alternative sites. In addition, since the proposed detention facility is self-contained, interactions with any off-site pedestrian, bicycle, transit or parking activities is not anticipated. The generally isolated and suburban (Nye County) and rural (Clark County) contexts of the alternative project sites further minimizes direct or indirect interaction between project elements and off-site pedestrian and bicycle circulation, parking and transit operations. No further analysis of potential impacts on these transportation elements is, therefore, warranted.

Operation of the proposed detention facility would generate additional traffic on the roadways leading to the selected site consisting of trips by contractor employees, visitors, service (delivery) vehicles, and vehicles involved with occasional detainee movements. A greater number of trips by contractor employees traveling to and from the facility would occur during typical weekdays than weekend days as trips by some administrative personnel, service and delivery vehicles, and detainee movements to the United States Courthouse do not occur on weekends. Therefore, the traffic analyses on area roadways were conducted for typical weekday operations.

■ Employee Trips

Operation of the proposed detention facility is expected to employ approximately 200 to 250 permanent workers. The variation in operating employment reflects the differences in facility staffing and

management plans which vary among the prospective contractors. Given the facility's 24-hour operation, employment would be distributed among three shifts estimated (for purposes of this analysis) as: 7:00 A.M. to 3:00 P.M. (Shift 1); 3:00 P.M. to 11:00 P.M. (Shift 2); and 11:00 P.M. to 7:00 A.M. (Shift 3). From information gathered from similar facilities housing federal inmates and detainees, it is anticipated that approximately 50 percent of the staff (approximately 100 to 125 employees) would be assigned to Shift 1, 35 percent (70 to 88 employees) to Shift 2, and 15 percent (30 to 37 employees) to Shift 3. It should be noted that actual shift staffing, shift hours, etc. varies reflecting the differences in facility staffing and management policies and procedures among the prospective contractors which cannot be fully accounted for in this analysis.

The highest projected number of vehicles arriving and departing the facility would be occur from 2:30 P.M. to 3:30 P.M., during which the Shift 1 staff would exit the facility and Shift 2 staff would enter the facility. Assuming a scenario involving only single occupancy vehicles, there would be approximately 100 to 125 vehicles exiting the facility and 70 to 88 vehicles entering the facility during the afternoon peak hour for a total of approximately 170 to 213 vehicles (Exhibit IV-1).

EXHIBIT IV-1 PROJECTED PEAK HOUR TRIPS DURING OPERATION

Employee Shifts	Percent of Work Trips	Number of Vehicles	AM Peak Enter	AM Peak Exit	PM Peak Enter	PM Peak Exit
Shift 1: 7 AM to 3 PM	50%	100-125	100-125	0	0	100-125
Shift 2: 3 PM to 11 PM	35%	70-88	0	0	70-88	0
Shift 3: 11 PM to 7 AM	15%	30-37	0	30-37	0	0
Peak Hour Volumes	---	---	100-125	30-37	70-88	100-125

Source: The Louis Berger Group, Inc., November 2007.

■ Visitor Trips

The number of visits by detainee friends, family members and other relatives, attorneys and others to the proposed detention facility are based largely on operating policies and regulations set by the prospective contractor and its management staff. In setting such rules, the operator seeks to balance many day-to-day management considerations, including public safety and security of the facility, the physical limitations of the institution's visiting area, etc., resulting in wide latitude in visitation patterns. Variations in visiting policies and patterns make it difficult to apply experience at other facilities directly to projected visitation rates at the proposed facility. In general, federal detainees are housed at detention facilities for relatively short periods reducing opportunities for visitation.

Social visiting hours are typically scheduled to avoid shift changes and peak hour traffic impacts and conflicts. As a result, arrivals and departures of visitors are generally distributed throughout off-peak hour travel periods, lessening the volume of traffic on primary access routes. As a result, significant contributions of visitor traffic during peak hours are not anticipated.

■ Service Vehicle Trips

Other trips generated by the proposed facility include those required to obtain the supplies and provisions necessary for day-to-day operation along with those required for waste pick-up and removal. Based on experiences from similar detention facilities, these service trips would also be confined largely to off-peak travel periods. As a result, significant contributions of service vehicle traffic during

peak hours are not anticipated. Nonetheless, for purposes of this analysis five service vehicles entering and exiting the facility during both the AM and PM peak hours has been assumed.

■ Detainee Movements

Among the responsibilities of the USMS and the contract operator would be to transport detainees to medical, judicial, and/or other detention or correctional facilities. While it is not expected that these trips would occur during peak hours, to best present a conservative estimate, it has been assumed that, on average, five buses/vans would exit the facility during the AM peak hour and return during the PM peak hour. A summary of project-generated trips are shown in Exhibit IV-2.

EXHIBIT IV-2 PROJECTED VEHICLE TRIPS DURING OPERATION

Trip Type	No. of Vehicles	6:30 AM Enter	7:30 AM Exit	2:30 PM Enter	3:30 PM Exit
<i>Employee Trips</i>					
Shift 1: 7:00 AM-3:00 PM	100-125	100-125	0	0	100-125
Shift 2: 3:00 PM-11:00 PM	70-88	0	0	70-88	0
Shift 3: 11:00 PM-7:00 AM-7:00 AM	30-37	0	30-37	0	0
<i>Visitor Trips (P.C.E.)*</i>	0	0	0	0	0
<i>Service/Delivery Vehicle Trips (P.C.E.)*</i>	5	5	0	0	5
<i>Detainee Movements (P.C.E.)*</i>	5	0	5	5	0
<i>Total Peak Hour Trips</i>	---	105-130	35-42	75-93	105-130

* P.C.E.: Passenger car equivalent.

Source: The Louis Berger Group, Inc., November 2007.

4. Potential Impacts - 630 East Parque Avenue Site

Primary access to the 630 East Parque Avenue Site is via Nevada Route 160. Nevada Highway 160 intersects with East Parque Avenue approximately 1.5 miles west of the site. To determine potential transportation impacts, the results of the trip generation analysis have been assigned to the roadway network leading to the site. Recent observations of traffic conditions along East Parque Avenue revealed low volumes of traffic owing to the road's poor riding surface, the lack of development in the area, and the availability of well-maintained alternative routes. From information gathered during field investigations and from reviewing information concerning the location and concentration of urban development, population distribution, and traffic information, trip distributions for vehicles traveling to this site have been assigned as shown below.

Morning Peak Hour:

- From City of Pahrump and points south via Nevada Highway 160 northbound - 90 percent
- From City of Pahrump and points north via Nevada Highway 160 southbound - 10 percent

Afternoon Peak Hour:

- To City of Pahrump and points south via Nevada Highway 160 southbound - 90 percent
- To City of Pahrump and points north via Nevada Highway 160 northbound - 10 percent

Development of the proposed project at the 630 East Parque Avenue Site has the potential to impact traffic operations on Nevada Highway 160 by the addition of employee, visitor, service vehicle, and other traffic. Based on the estimated volume of project-related traffic entering and exiting the facility during the PM peak hour, approximately 162 to 201 vehicles would be added to Nevada Highway 160 in the southbound direction (south of East Parque Avenue) and approximately 18 to 22 vehicles would be added in the northbound direction (north of East Parque Avenue).

The analysis for AM and PM peak hours indicated that operational conditions of the key intersection leading to the site (i.e., Nevada Highway 160 and East Parque Avenue) would not be adversely impacted as a result of detention facility operation. Furthermore, no significant adverse impacts to traffic flow conditions or overall Level of Service at the key intersection are anticipated. General traffic conditions, in terms of access, circulation, and capacity would not be adversely affected within the vicinity of the 630 East Parque Avenue Site.

5. Recommended Mitigation

Development of the proposed project at the 630 East Parque Avenue Site would pose potential impacts, albeit slight, to existing traffic operations on Nevada Highway 160 by the addition of employee, visitor, service vehicle, and other traffic. Roadway widening and other improvements to Nevada Highway 160 are not anticipated to carry the projected volume of traffic to and from the proposed site. The volume of traffic traveling along this route in the vicinity of the site are not approaching design capacity and the addition of relatively low volumes of traffic (distributed over a 24-hour period) should not adversely affect safe and efficient operation of this route. In addition, the volume of traffic along Nevada Highway 160 and that projected to enter and exit the proposed detention facility site is not expected to require installation of additional traffic control measures at the intersection of East Parque Avenue. However, the need for such improvements should be re-examined periodically in the context of other future developments which may occur in the area.

Permissible traffic movements into and out of the site would be coordinated with the appropriate state, county and/or local transportation agencies to ensure compliance with applicable permits and approvals with improvements to East Parque Avenue determined in concert with local officials. Entrance drive construction leading from East Parque Avenue to the proposed facility would be the responsibility of the facility developer. No other mitigation measures are required.

6. Potential Impacts - 2250 East Mesquite Avenue Site

Primary access to the 2250 East Mesquite Avenue Site is via Nevada Route 160. Nevada Highway 160 intersects with East Mesquite Avenue approximately 1.5 miles west of the site. To determine the potential transportation impacts, the results of the trip generation analysis have been assigned to the roadway network leading to the site. Recent observations of traffic conditions along East Mesquite Avenue revealed low volumes of traffic owing to the road's poor riding surface, the lack of development in the area, and the availability of well-maintained alternative routes. From information gathered during field investigations and from reviewing information concerning the location and concentration of urban development, population distribution, and traffic information, trip distributions for vehicles traveling to this site have been assigned as shown below.

Morning Peak Hour:

- From City of Pahrump and points south via Nevada Highway 160 northbound - 90 percent
- From City of Pahrump and points north via Nevada Highway 160 southbound - 10 percent

Afternoon Peak Hour:

- To City of Pahrump and points south via Nevada Highway 160 southbound - 90 percent
- To City of Pahrump and points north via Nevada Highway 160 northbound - 10 percent

Development of the proposed project at the 2250 East Mesquite Avenue Site has the potential to impact traffic operations on Nevada Highway 160 by the addition of employee, visitor, service vehicle, and other traffic. Based on the estimated volume of project-related traffic entering and exiting the facility during the PM peak hour, approximately 162 to 201 vehicles would be added to Nevada Highway 160 in the southbound direction (south of East Mesquite Avenue) and approximately 18 to 22 vehicles would be added in the northbound direction (north of East Mesquite Avenue).

The analysis for AM and PM peak hours indicated that operational conditions of the key intersection leading to the site (i.e., Nevada Highway 160 and East Mesquite Avenue) would not be adversely impacted as a result of detention facility operation. Furthermore, no significant adverse impacts to traffic flow conditions or overall Level of Service at the key intersection are anticipated. General traffic conditions, in terms of access, circulation, and capacity would not be adversely affected within the vicinity of the 2250 East Mesquite Avenue Site.

7. Recommended Mitigation

Development of the proposed project at the 2250 East Mesquite Avenue Site would pose potential impacts, albeit slight, to existing traffic operations on Nevada Highway 160 by the addition of employee, visitor, service vehicle, and other traffic. Roadway widening and other improvements to Nevada Highway 160 are not anticipated in order to carry the projected volume of traffic to and from the proposed site. The volume of traffic traveling along this route in the vicinity of the site is not approaching design capacity and the addition of relatively low volumes of traffic (distributed over a 24-hour period) should not adversely affect safe and efficient operation of this route. In addition, the volume of traffic along Nevada Highway 160 and that projected to enter and exit the proposed detention facility site is not expected to require installation of additional traffic control measures at the intersection of East Mesquite Avenue. However, the need for such improvements should be re-examined periodically in the context of other future developments which may occur in the area.

Permissible traffic movements into and out of the site would be coordinated with the appropriate state, county and/or local transportation agencies to ensure compliance with applicable permits and approvals with improvements to East Mesquite Avenue determined in concert with local officials. Entrance drive construction leading from East Mesquite Avenue to the proposed facility would be the responsibility of the facility developer. No other mitigation measures are required.

8. Potential Impacts - Apex Industrial Park Zone Site A

Primary access to the Apex Industrial Park Zone Site A is via I-15. I-15 intersects with U.S. Route 93 approximately two miles east of the site and from U.S. Route 93 (westbound), vehicle access is via an existing unimproved road. To determine potential transportation impacts, the results of the trip

generation analysis have been assigned to the roadway network leading to the site. Recent observations of traffic conditions along U.S. Route 93 and the access road revealed low volumes of traffic owing to the lack of development in the area. From information gathered during field investigations and from reviewing information concerning the location and concentration of urban development, population distribution, and traffic information, trip distributions for vehicles traveling to this site have been assigned as shown below.

Morning Peak Hour:

- From the cities of Las Vegas and North Las Vegas and points southward via I-15 and U.S. Route 93 - 95 percent
- From the towns of Moapa and Overton and points northward via I-15 and U.S. Route 93 - 5 percent

Afternoon Peak Hour:

- To the cities of Las Vegas and North Las Vegas and points southward via U.S. Route 93 and I-15 - 95 percent
- To the towns of Moapa and Overton and points northward via U.S. Route 93 and I-15 - 5 percent

Development of the proposed project at the Apex Industrial Park Zone Site A has the potential to impact traffic operations on I-15 and U.S. Route 93 by the addition of employee, visitor, service vehicle, and other traffic. Based on the estimated volume of project-related traffic entering and exiting the facility during the PM peak hour, approximately 180 to 223 vehicles would be added to U.S. Route 93 in the eastbound direction with approximately 171 to 212 vehicles added to I-15 in the southbound direction and 9 to 11 vehicles in the northbound direction.

The analysis for AM and PM peak hours indicated that operational conditions of the key intersections leading to the site (i.e., I-15 and U.S. Route 93 and U.S. Route 93 and the access road) would not be adversely impacted as a result of detention facility operation. Furthermore, no significant adverse impacts to traffic flow conditions or overall Level of Service at the key intersections are anticipated. General traffic conditions, in terms of access, circulation, and capacity would not be adversely affected within the vicinity of the Apex Industrial Park Zone Site A.

9. Recommended Mitigation

Development of the proposed project at the Apex Industrial Park Zone Site A would pose potential impacts, albeit slight, to existing traffic operations on I-15 and U.S. Route 93 by the addition of employee, visitor, service vehicle, and other traffic. Roadway widening and other improvements to I-15 and U.S. Route 93 are not anticipated in order to carry the projected volume of traffic to and from the proposed site. The volumes of traffic traveling along these routes in the vicinity of the site are not approaching design capacity and the addition of relatively low volumes of traffic (distributed over a 24-hour period) should not adversely affect safe and efficient operation of these routes. In addition, the volume of traffic along U.S. Route 93 and that projected to enter and exit the proposed detention facility site is not expected to require installation of additional traffic control measures at the intersection of U.S. Route 93 and the access road. However, the need for such improvements should be re-examined periodically in the context of other future developments which may occur in the area.

Permissible traffic movements into and out of the site would be coordinated with the appropriate state and county transportation agencies to ensure compliance with applicable permits and approvals with

improvements to the access road determined in concert with county officials. Entrance drive construction leading to the proposed facility would be the responsibility of the facility developer. No other mitigation measures are required.

10. Potential Impacts - Moapa Site

Primary access to the Moapa Site is via I-15. I-15 intersects with Nevada Highway 168 approximately two miles east of the site and from Nevada Highway 168 (westbound), vehicle access will be via a new 1.6-mile roadway connecting the proposed facility directly with the highway and by-passing local roadways. To determine potential transportation impacts, the results of the trip generation analysis have been assigned to the roadway network leading to the site. Recent observations of traffic conditions along Nevada Highway 168 revealed low volumes of traffic owing to the rural character of the area. From information gathered during field investigations and from reviewing information concerning the location and concentration of urban development, population distribution, and traffic information, trip distributions for vehicles traveling to this site have been assigned as shown below.

Morning Peak Hour:

- From the cities of Las Vegas and North Las Vegas and points southward via I-15 and Nevada Highway 168 - 90 percent
- From the towns of Moapa and Overton and points northward via I-15 and Nevada Highway 168 - 10 percent

Afternoon Peak Hour:

- To the cities of Las Vegas and North Las Vegas and points southward via Nevada Highway 168 and I-15 - 90 percent
- To the towns of Moapa and Overton and points northward via Nevada Highway 168 and I-15 - 10 percent

Development of the proposed project at the Moapa Site has the potential to impact traffic operations on I-15 and Nevada Highway 168 by the addition of employee, visitor, service vehicle, and other traffic. Based on the estimated volume of project-related traffic entering and exiting the facility during the PM peak hour, approximately 180 to 223 vehicles would be added to Nevada Highway 168 in the eastbound direction with approximately 162 to 201 vehicles added to I-15 in the southbound direction and 18 to 22 vehicles in the northbound direction.

The analysis for AM and PM peak hours indicated that operational conditions of the key intersections leading to the site (i.e., I-15 and Nevada Highway 168 and the new access road and Nevada Highway 168) would not be adversely impacted as a result of detention facility operation. Furthermore, no significant adverse impacts to traffic flow conditions or overall Level of Service at the key intersections are anticipated. General traffic conditions, in terms of access, circulation, and capacity would not be adversely affected within the vicinity of the Moapa Site.

11. Recommended Mitigation

Development of the proposed project at the Moapa Site would pose potential impacts, albeit slight, to existing traffic operations on I-15 and Nevada Highway 168 by the addition of employee, visitor, service vehicle, and other traffic. Roadway widening and other improvements to I-15 and Nevada Highway 168 are not anticipated in order to carry the projected volume of traffic to and from the proposed site. The volumes of traffic traveling along these routes in the vicinity of the site are not

approaching design capacity and the addition of relatively low volumes of traffic (distributed over a 24-hour period) should not adversely affect safe and efficient operation of these routes.

Design and construction of the proposed access road and its intersection with Nevada Highway 168 would be carried out in conjunction with the appropriate state, county and/or local transportation agencies to ensure compliance with applicable permits and approvals. Construction of internal roadways would be the responsibility of the facility developer. No other mitigation measures are required.

Q. METEOROLOGICAL CONDITIONS

1. Potential Impacts Common to All Sites

Implementation of the proposed action has the potential to slightly alter the microclimate of wind and temperature at the selected site. Due to its scale relative to its environs, the proposed detention facility would not change the larger-scale climatology of the area or have a significant impact on neighboring properties.

Council on Environmental Quality (CEQ) guidelines suggest that two aspects of global climatic change should be considered in the preparation of environmental documents: the potential for federal actions to influence global climatic change, e.g., increased emissions of chlorofluorocarbons (CFCs), halons or greenhouse gases; and the potential for global climatic change to affect federal actions, e.g., feasibility of coastal projects in light of projected sea level changes. The proposed federal action addressed by this document is expected to result in no significant emission of CFCs, halons or greenhouse gases. In addition, the National Academy of Sciences estimates that an increase in carbon dioxide concentrations over the next 40 to 50 years would lead to global warming of 1.5 to 4.5 degrees Celsius (three to eight degrees Fahrenheit). It is expected that the proposed action addressed by this document would be unaffected by a potential climatic change of this magnitude. In addition, the proposed project sites are not located in coastal environments and, therefore, the proposed project would not be affected by changes in sea levels.

2. Recommended Mitigation

Measures to mitigate local weather modifications are not warranted. Any meteorological impacts resulting from the proposed action would be of a micro-climatic nature. The meteorological conditions found at the alternative project sites are such that no extraordinary design features are necessary to adapt the facility to local climatic conditions in Nye County or Clark County.

R. AIR QUALITY

Potential air quality impacts as a result of the proposed project may occur from construction activities, routine operations, and motor vehicle traffic associated with facility operation. These potential impacts and mitigation recommendations, if necessary, are discussed below and address construction and operating activities as it may potentially affect air quality at any of the alternative sites.

1. Potential Construction-Related Impacts Common to All Alternative Sites

The proposed project would include various construction activities extending over an approximate 12 to 15-month period. Construction methods, sequencing and duration for certain aspects are fairly well known as the OFDT and the prospective contractors have been actively and continuously involved in the development of similar detention facilities throughout the nation for the past decade. These actions include, for example, site security, preparation of the selected site for construction, utility connections, facility construction, etc. Reasonable assumptions have been made for construction methods, sequencing and schedule since the selected site and the specific design, materials and equipment are not fully known.

a. Construction Process

To understand potential air quality impacts associated with construction activities, one requires familiarity with the construction process itself. The following provides an overview of the construction process involving a typical detention facility housing federal detainees as it may potentially affect air quality. The construction process would be similar at any of the alternative sites.

■ Site Clearing and Preparation

Initial site clearing and preparation would involve the use of heavy equipment to remove all vegetation and carry out preliminary site grading within the construction zone so as to establish level building locations, parking lots, internal roadways, etc. Other necessary site preparation activities which would be undertaken during this stage include initial installation of underground utilities, soil erosion and sediment control measures, stormwater control measures, and similar preliminary site work.

■ Excavations and Foundations

Following initial site clearing and preparation, construction of the foundations and any below-grade components would commence. Excavation typically includes the use of heavy equipment to excavate and remove material in preparation for foundation construction. Foundation work would include preparation of forms and the pouring of concrete footings and the foundation slabs. Heavy trucks would deliver building materials and other supplies to the project site and licensed commercial carters would remove wastes for off-site disposal in a licensed disposal (i.e., landfill) or recycling facility.

■ Building Construction

This stage would include construction of the proposed structures (steel, concrete, reinforced concrete, etc.); the building facades (exterior walls and cladding); and roof. During this stage of construction, pouring of each structure's concrete floors would occur. Installation of each structure's core, which consists of vertical riser systems for mechanical, electrical, and plumbing, as well as the electrical and mechanical equipment rooms, individual cells, and plumbing facilities, would start during this stage and continue through the interior construction and finishing stage. These activities could require the use of cranes, derricks, exterior hoists, delivery trucks, fork lifts, man lifts, and other similar equipment. Cranes would be used to lift structural components, facade elements, large pieces of equipment, etc. Heavy trucks would continue to deliver construction materials and licensed commercial carters would continue to remove wastes and other debris. Construction of each structure's core and shell would be expected to overlap with interior construction and finishing.

■ Interior Construction and Finishing

Installation of interior mechanical, electrical, and plumbing systems would continue during this stage and include installation of heating, ventilation, and air conditioning equipment and ducting, installation of electric lines within the buildings, and interior installation of water supply and wastewater piping. Installation and checking of life safety systems would also take place at this time as would construction of interior walls systems and interior finishes (i.e., flooring, painting, etc.).

b. Typical Construction Equipment and Scheduling

Typical construction equipment used for site excavation and pouring foundations would include excavators, bulldozers, backhoes, tractors, hammers, cranes and concrete pumping trucks. Equipment that would be used in construction would include mobile cranes, hoist complexes, dump trucks and loaders, concrete trucks, backhoes, and other pieces of large equipment. Trucks would arrive at the project site with pre-mixed concrete and other building materials, and would remove any excavated material and construction debris. Typical equipment used during construction of building superstructures and framing would include cranes, compressors, hoists, and welding machines. During roof construction, hoists and cranes would continue to be used. Trucks would remain in use for material supply and construction waste removal.

Staging areas would be needed for all aspects of the construction phase and would be located within the site. While placement of individual equipment would not be determined until a detailed development program has been outlined, it is anticipated that all of the construction activity can be accommodated on-site, with no off-site staging.

c. Potential Air Quality Impacts

Construction-related impacts to air quality are generally limited to fugitive dust emissions that would occur in and around the selected project site resulting from site preparation and construction operations. Fugitive dust emissions typically occur during ground clearing and preparation, site grading, the stockpiling of materials, on-site movements of construction equipment, and the transportation of construction materials to and from the site. Actual quantities of fugitive dust emissions depend on the extent and nature of the clearing operations, the type of equipment employed, the physical characteristics of the underlying soil, the speed at which construction vehicles are operated, the type of fugitive dust control methods employed, and local meteorological conditions. Much of the fugitive dust generated by construction activity consists of relatively large-size particles. These particles would settle within a short distance from the construction work areas and, as a result, not significantly impact neighboring properties or residents of the vicinity of the selected site. The relatively sparse development found in proximity to the sites should further minimize the potential for off-site air quality impacts.

The potential for air quality impacts during construction would be temporary, occurring only while construction is in progress and during certain meteorological conditions. Fugitive dust emissions can occur during dry weather periods, periods of maximum construction activity, and high wind conditions. Any such impacts would be short-term and can be minimized if construction equipment is well maintained, operated in well-ventilated areas, and good engineering practices are followed. In addition, construction activities must be conducted in a manner that ensures compliance with all applicable local and state regulations governing fugitive dust control.

2. Recommended Mitigation

Construction activities would comply with all applicable Clark County air quality control regulations as well as the Pahrump Regional Planning District's Dust Control Program as established by the Memorandum of Understanding between Nye County and the Nevada Division of Environmental Protection, Bureau of Air Quality Planning. Construction activities would adhere to the defined responsibilities of agencies related to dust control and to applicable county ordinances (i.e., dust control regulations, etc.). In addition, construction activities would be conducted in a manner that ensures compliance with other applicable local, state and/or federal regulations governing air emissions and fugitive dust control. To this end, a Construction Mitigation Plan would be developed and implemented to address various construction activities. In developing the plan consideration would be given to implementation of the mitigation measures listed below.

■ Land Clearing and Earth Moving

- Apply water by means of trucks, hoses, and/or sprinklers at sufficient frequency and quantity prior to conducting, during, and after earth moving operations. Pre-apply water to the depth of the proposed cuts or equipment penetration.
- Grade each phase separately and time to coincide with the construction phase. Grade entire project but apply chemical stabilizers or ground cover to graded areas where construction is scheduled to begin more than 60 days after grading is complete.
- Apply chemical stabilizers per manufacturer's recommendations in areas that are not subject to daily disturbances.
- Use wind fencing to create three- to five-foot barriers with 50 percent or less porosity, adjacent to roadways or urban areas, in conjunction with watering or chemical stabilization, and use trees and shrubs for long-term sites.
- In operating on-road haul vehicles, cover entire surface of hauled material once vehicle is full, mix material with water prior to loading, and/or to entire surface of material after loading, do not overload haul vehicle, remove spillage from body of truck before/after loading or unloading, empty loader slowly and keep bucket within 12 inches of the truck while dumping, and apply water as necessary during loading operation. In operating off-road haul vehicles mix material with water prior to loading, and/or to entire surface of material after loading, empty loader slowly and keep bucket within 12 inches of the truck while dumping, and apply water as necessary during loading operation. In operating alternative haul vehicles use bottom-dumping haul vehicles.
- During periods of high winds apply chemical stabilizers per manufacturer's directions, and prior to expected wind events, apply water as necessary and stop work activities except for watering disturbed areas.

■ Storage Piles

- Apply water by means of spray bars, hoses or water trucks.
- Install three-sided barriers for effective wind sheltering, with no more than 50 percent porosity, equal to material height.
- Use chemical stabilizers on storage piles subject to infrequent disturbances.
- Alter loading and unloading procedures by confining loading and unloading procedures to the downwind side of storage piles.
- Use tarps, plastic, or other material as a temporary covering and ensure stable anchoring to prevent wind from removing them.

- During periods of high winds apply chemical stabilizers per manufacturer's directions, and prior to expected wind events, apply water as necessary and prior to expected wind events and install temporary covers.
- Disturbed Areas or Inactive Construction Sites
 - Use chemical stabilization on areas where active operations have ceased and apply per manufacturer's recommendations.
 - Apply water at sufficient frequency and quantity to develop a surface crust.
 - Use three- to five-foot barriers for wind sheltering with 50 percent or less porosity located adjacent to roadways or urban areas.
 - Establish vegetation as quickly as possible when active operations have ceased.
 - Prevent access by installing fencing around the perimeter of property and install "No Trespassing" signs.
- Unpaved Roads and Shoulders
 - Routinely sweep street if subject to material accumulation.
 - Do not use chemical stabilization for high volume or heavy equipment traffic use and apply per manufacturer's recommendations.
 - Use sufficient quantities of water to keep the surface moist.
 - Eliminate unnecessary travel, restrict access or redirect traffic to reduce vehicle traffic and reduce vehicle traffic speeds.
 - Maintain gravel and recycled asphalt to a size and depth effective in controlling dust.
 - Locate haul roads as far from existing housing as possible.
 - Stay on established routes.
 - During periods of high winds apply chemical stabilizers per manufacturer's directions, and prior to expected wind events, apply water as necessary, and prior to expected wind events and stop work and vehicle activity.
- Paved Road Track-Out
 - Install a gravel pad or grizzly at the access point to site, designate a single site entrance and exit and stay on established routes.
 - Place wheel washers where vehicles exit unpaved areas onto paved areas.
 - Clean roadways using a street sweeper and use a high pressure washer to remove residual dust from the road.
 - During periods of high winds reduce traffic and traffic speed and clean streets with water flushing or street sweepers.
- Other
 - Maintain equipment in accordance with manufacturer's specifications to perform at EPA certification levels.
 - Employing periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained consistent with established specifications.
 - Prohibiting tampering with engines and require continuing adherence to manufacturers' recommendations.
 - Utilizing newer and cleaner equipment that meet stringent federal or state standards, if practicable.

- Developing a construction-traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Prohibiting the open burning of construction wastes on-site.
- Restoring the ground surface by the introduction of grass or native ground-cover following completion of construction.

3. Potential Operation-Related Impacts Common to All Alternative Sites

The following provides an overview of the potential air quality impacts associated with operation of the proposed detention facility which, regardless of the location of the selected site, would not vary. Systems for heat and hot water would be installed at the proposed facility and would be the primary stationary source of potential air quality impact. The final choice of fuel would be determined by fuel availability, costs, and other considerations. However, it is anticipated that the volume of combustion emission by-products from the selected fuel would not have a significant impact on air quality.

The proposed detention facility would also be equipped with one or more standby generators to produce electrical energy in the event of a power failure. The standby generator(s) would be installed in conformance with all applicable regulations for use on a contingency basis. Emissions from maintenance, periodic testing, and emergency operation of the generator(s) are not expected to exceed New Source Review requirements or result in a significant increase in CO or NO_x levels.

4. Recommended Mitigation

Other than selection of energy-efficient equipment that meets all applicable permitting and emission control standards, no mitigation measures are warranted. Potential air quality impacts during facility operation would be minimized by designing and constructing the facility to be energy-efficient, thereby minimizing the use of fossil fuels and the potential emission of air pollutants.

5. Potential Impacts - Transportation Activities

Motor vehicle operations represent an additional potential source of air quality impacts. For air quality assessments of motor vehicle emissions, the major issues are microscale impacts (localized areas immediately adjacent to the principal access roadways) and mesoscale impacts (the area comprising the entire region). The predominant air quality impacts associated with motor vehicle-related emissions are CO, HC, and NO_x with HC and NO_x emissions precursors for the formation of ozone. A review of the trip-generation tables (Exhibits IV-1 and IV-2) indicates that approximately 170 to 213 vehicle trips would be generated during the PM peak hour during weekday operation of the proposed facility, with most visitor and service/delivery vehicle traffic occurring during off-peak hours.

Given the low volumes of traffic associated with detention center operations, and the alternative sites' relative isolation from urban development, little if any adverse impact to air quality is anticipated from increased traffic volumes. Microscale modeling of vehicular emissions was not conducted because of the available capacity of the major regional roadways in Nye County and Clark County which would be used to travel to the alternative sites and the relatively low traffic volumes along the local routes leading to the alternative sites.

Reductions in vehicular emissions resulting from continually improving emissions-control technology further preclude the likelihood of any significant air quality impacts. Motor vehicle traffic associated with the proposed project is not expected to pose local or regionally significant adverse impacts to air quality.

6. Recommended Mitigation

Agencies of the federal government, including the OFDT and USMS, routinely encourage the formation of carpools and vanpools and, where available, the use of public transit to minimize the production of greenhouse gases and other air quality impacts from motor vehicle operations. Encouraging the use of carpools and vanpools offers a particularly viable option given the exclusive reliance on private auto use for accessing the alternative sites. The analysis of potential air quality impacts has indicated that no mitigation beyond these actions would be warranted.

7. Conformity Applicability Analysis

In order to ensure that federal activities do not hamper local efforts to control air pollution, Section 176(c) of the Clean Air Act prohibits federal agencies, departments, or instrumentalities from engaging in, supporting, licensing, or approving any action which does not conform to an approved state or federal implementation plan. The USEPA developed two major rules for determining conformity of federal activities: conformity requirements for transportation plans, programs and projects ("transportation conformity"—40 CFR, Part 51); and all other federal actions ("general conformity"—40 CFR, Part 93). These rules apply to projects located within NAAQS non-attainment areas. Nye County is designated an attainment area for all criteria pollutants while Clark County is designated as non-attainment for ground level ozone and particulate matter. Conformity regulations apply to non-attainment areas.

8. Federal Operating Permit (Title V)

All new and existing facilities are required to obtain a Federal Operating Permit, also known as Title V if potential and/or actual emissions of air contaminants exceed designated "major source" thresholds. Major source thresholds are determined based upon the attainment status of the area where the facility is located. For Nevada, major source thresholds are set at 100 tons per year (tpy) for all criteria pollutants and 25 tpy for all hazardous air pollutants (HAPs) or 10 tpy for each individual HAP. Additionally, pollutants designated as non-attainment may have more stringent thresholds based upon the designation. If the facility's potential and actual emissions were to exceed the Title V thresholds then the institution would be required to file a Title V application with the state.

Emissions from similarly-sized detention and correctional facilities fall below these limits and it is expected that emissions from the proposed facility would similarly fall below these thresholds. As such, the proposed facility is not expected to be a major Title V source and is not expected to file a Title V permit. The selected contractor would be required to file applications for authority to construct and operate for all individual sources as required by state and local regulation.

9. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to air quality would not occur and mitigation measures would not be required.

S. NOISE

Potential noise impacts resulting from the proposed project may occur from construction activities, routine operations, and motor vehicle traffic associated with facility operation. These potential impacts

and recommendations for mitigation, if necessary, are discussed below and address construction and operating activities as it may potentially affect noise levels at any of the alternative sites.

1. Potential Construction-Related Impacts Common to All Alternative Sites

Noise impacts would occur in the immediate vicinity of the selected project site as a result of construction activities. The magnitude of the potential impact will depend upon the specific types of equipment to be used, the construction methods employed, the locations within the site where construction is occurring, and the scheduling and duration of the construction work. Many of these details are not specified in contract documents, but are at the discretion of the construction contractor. This allows the contractor flexibility in using equipment and personnel in order to accomplish the work, maintain the schedule and control construction costs. However, general conclusions can be drawn based on the nature of construction work anticipated, the types of equipment involved in construction and their associated range of noise levels.

The various noise-generating activities that would take place during construction include site preparation and grading, excavations for foundations, construction of structures, paving of entrance roads, the perimeter security road, internal roadways and parking areas, utility installations, etc. Construction-related noise will occur only for the duration of the construction period and is usually limited to daylight hours. It is generally intermittent and depends on the type of operation, location and function of the equipment, and the equipment usage cycle. Exhibit IV-3 provides representative noise levels associated with equipment commonly used during construction.

Construction noise also attenuates quickly as the distance from the source increases. As shown in Exhibit IV-4, construction equipment noise levels at approximately 50 feet from the source diminish significantly at approximately 100 feet from the source. For example, noise levels resulting from use of an excavator during clearing and grubbing yield a Leq of approximately 80 dBA at 50 feet and 74 dBA at approximately 100 feet. Furthermore, these noise levels would continue to decrease by approximately three or four dBA with every doubling of distance and would drop to approximately 62 to 65 dBA at approximately 800 feet.

Noise resulting from construction of the proposed project is not anticipated to have a significant adverse effect on land uses surrounding any of the alternative sites. The relatively isolated locations of the sites, the distances to homes, businesses, schools, churches and other sensitive land uses and noise receptors in the vicinity of the sites, and background noise from neighboring roadways, wildlife calls, and aircraft overflights should allow construction to proceed while avoiding significant adverse impacts to adjoining properties. Following completion of construction, noise levels would return to near pre-construction levels.

2. Recommended Mitigation - Construction Activities

Potential noise impacts during the construction phase would be mitigated by confining construction to normal working hours and employing noise-controlled construction equipment to the extent feasible. Measures to further mitigate potential construction noise impacts may also include the following provisions:

■ Source Control

- Construction equipment would be equipped with appropriate noise attenuation devices,

EXHIBIT IV-3
TYPICAL NOISE LEVELS OF PRINCIPAL
CONSTRUCTION EQUIPMENT
 (Noise Level in dBA at 50 Feet)

CLEARING

Bulldozer	80
Front-end loader	72-84
Dump truck	83-94
Jackhammer	81-98
Crane with ball	75-87

GRADING AND COMPACTING

Grader	80-93
Roller	73-75

EXCAVATION AND EARTH MOVING

Bulldozer	80
Backhoe	72-93
Front end loader	72-84
Dump truck	83-94
Jackhammer	81-98
Scraper	80-93

PAVING

Paver	86-88
Truck	83-94
Tamper	74-77

STRUCTURE CONSTRUCTION

Crane	75-77
Welding generator	71-82
Concrete mixer	74-88
Concrete pump	81-84
Concrete vibrator	76
Air compressor	74-87
Pneumatic tools	81-98
Bulldozer	80
Cement and dump trucks	83-94
Front end loader	72-84
Dump truck	83-94
Paver	86-88

LANDSCAPING AND CLEANUP

Bulldozer	80
Backhoe	72-93
Truck	83-94
Front end loader	72-84
Dump truck	83-94
Paver	86-88

Source: U.S. Environmental Protection Agency, *Noise from Construction Equipment and Operations, Building Equipment and Home Appliances*, NJID, 300.1, December 31, 1971.

EXHIBIT IV-4
TYPICAL NOISE LEVELS GENERATED
BY CONSTRUCTION EQUIPMENT

No. of Items	Equipment Type	Maximum Equipment Noise Level at 15 meters, (dBA)	Hourly Equivalent Noise Levels at 15 meters, (dBA ¹)	Hourly Equivalent Noise Levels at 30 meters, (dBA ¹)
Clear and Grub				
1	Excavator	83	80	74
1	Backhoe	75	72	66
4	Heavy Duty Dump Trucks	73	70	64
		Overall L_{eq}(h)	82	76
Demolition				
1	Front Loader	76	73	67
1	Hoe Ram	89	86	80
2	Heavy Duty Dump Trucks	73	70	64
		Overall L_{eq}(h)	87	81
Retaining Walls				
1	Backhoe	75	72	66
1	Concrete Pump	74	71	65
1	Compressor	68	65	59
1	Ready Mix Trucks	72	69	63
2	Medium Duty Dump Trucks	77	74	68
1	Flatbed Truck	70	67	61
		Overall L_{eq}(h)	82	76
Paving				
1	Grader	75	72	66
1	Water Truck	77	74	68
1	Vibratory Roller	78	75	69
1	Compactor	76	73	67
1	Concrete Pump	74	71	65
1	Ready Mix Trucks	72	69	63
1	Asphalt Paver	79	76	70
1	Asphalt Roller	78	75	69
1	Sweeper	79	76	70
2	Medium Duty Dump Trucks	73	70	64
1	Flatbed Truck	70	67	61
		Overall L_{eq}(h)	84	78

EXHIBIT IV-4 (Continued)
TYPICAL NOISE LEVELS GENERATED
BY CONSTRUCTION EQUIPMENT

No. of Items	Equipment Type	Maximum Equipment Noise Level at 15 m, dBA	Hourly Equivalent Noise Levels at 15 m, dBA ¹	Hourly Equivalent Noise Levels at 30 m, dBA ¹
Earthwork				
1	Excavator	83	80	74
1	Backhoe	75	72	66
1	Front Loader	76	73	67
1	Dozer	85	82	76
1	Trencher	80	77	71
2	Heavy Duty Dump Trucks	73	70	64
		Overall Leq(h)	86	80
Structures				
1	Excavator	83	80	74
1	Backhoe	75	72	66
1	Soil Compactor	80	77	71
1	Crane	78	75	69
1	Concrete Pump	74	71	65
1	Compressor	68	65	59
1	Front Loader	76	73	67
1	Flatbed Truck	75	72	66
4	Medium Duty Dump Trucks	73	70	64
3	Ready Mix Trucks	81	78	72
		Overall Leq(h)	87	81
Miscellaneous				
1	Front Loader	76	73	67
1	Dozer	79	76	70
2	Medium Duty Dump Trucks	73	70	64
		Overall Leq(h)	79	73

Notes: Calculated construction noise levels assume that all equipment operates for six hours out of an eight-hour day. Calculations also assume that all equipment are operated at full load 70% of the time.

1 - Predicted noise levels are from the center of the construction activity.

Source: The Louis Berger Group, Inc., 2007.

- such as mufflers and engine housings.
- Exhaust systems would be maintained in good working order. Properly designed engine enclosures and intake silencers would be employed.
- Regular equipment maintenance would be undertaken.

- **Site Control**

- Stationary equipment would be placed as far away from sensitive receptors as possible (e.g., aggregate crushers, operators).
- Disposal sites and haul routes would be selected to minimize objectionable noise impacts.

- **Time and Activity Constraints**

- Operations would be scheduled to coincide with periods when people would least likely be adversely affected. Work hours and workdays would be largely confined to normal business hours.

- **Community Awareness**

- Public notification of construction operations would incorporate noise considerations and methods to handle complaints would be specified.

3. Potential Impacts - Operation

Chief among potential noise sources during facility operation is outdoor recreation activities. However, the frequency and duration of organized outdoor recreational activities is expected to be limited by the extreme weather conditions experienced in the Nye County/Clark County region, particularly during the summer months. Hence, noise commonly associated with outdoor recreation would be limited. The volume of motor vehicle traffic expected to arrive and depart the facility at any one time over the 24-hour period of operation is not expected to be significant and will result in only a slight and imperceptible increase to current background noise levels experienced along the principal access routes and properties adjoining the principal access routes. In the absence of noise-producing equipment, post-construction noise conditions should be similar to pre-construction conditions. In addition, the absence of development in areas surrounding the alternative sites, particularly the absence of sensitive receptors, should ensure that adjoining properties are not adversely affected.

Noise occurring during detention facility operation is not expected to result in a significant adverse impact. Any increase in noise levels resulting from the operation of the proposed facility at any of the alternative sites is expected to be slight and virtually imperceptible. Furthermore, the distances between the proposed facility and concentrations of homes, schools, parks and playgrounds, and other land uses should go far in attenuating any potential noise impacts.

4. Recommended Mitigation - Correctional Facility Operation

Given the lack of significant potential noise impacts during facility operation, the buffer zone to surround the proposed facility, the distance to sensitive receptors, and the background noise levels generated by adjoining roadways, no mitigation measures to control noise resulting from operation of the proposed project would be warranted.

5. No Action Alternative

Under the No Action Alternative, the proposed detention facility would not be developed at any of the alternative sites. Hence, impacts to noise conditions would not occur and mitigation measures would not be required.

T. SUMMARY OF ANY SIGNIFICANT IMPACTS AND REQUIRED MITIGATION

The proposed action to contract to house approximately 1,000 to 1,500 federal detainees in a Contractor-Owned/Contractor-Operated detention facility is expected to result in less-than-significant impacts to topographic conditions, geologic features, soils, hydrology, land uses, utility services, traffic and transportation movements, noise and air quality. Beneficial impacts would be realized through alleviation of overcrowded conditions in other detention facilities housing federal detainees and would provide a much-needed new facility to serve the needs of the U.S. Department of Justice in the Las Vegas metropolitan area. The proposed action, in concert with other actions, would contribute substantially to the implementation of national criminal justice initiatives in general and as it pertains to the western region of the country. Beneficial impacts on the Nye County/Clark County regional economy would also be realized by virtue of the facility's substantial construction and operating budgets.

U. RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

Regulations for the preparation of environmental impact studies require them to address the relationship between short-term use of the environment and the maintenance of long-term productivity. If the proposed action proceeds, the selected project site would be used as a construction site for an estimated 12 to 15 months following ground-breaking. Construction would involve clearing and grubbing, excavating, erecting structures, surfacing, paving, landscaping, installation of lighting, security fencing and signage, among other activities. Slight and temporary disruption of traffic patterns due to construction-related activities can be anticipated, however, any such disruptions would be brief. The construction period would also generate economic productivity in terms of the \$65 to \$100 million investment and the resulting construction jobs created, new payrolls, induced personal income, and the purchase of materials, supplies and services.

The economy of the Nye County/Clark County region in general, would benefit on an on-going basis by virtue of the employment opportunities available at the facility and the approximately \$25 to \$40 million annual operating budget. For the most part, these productivity gains would be long-term, given the projected duration of the contract to house federal detainees at the facility.

V. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Regulations for the preparation of environmental impact studies also require that they address irreversible and irretrievable commitments of resources associated with the proposed action. In this instance, implementation of the proposed action at any one of the Nye County or Clark County sites would result in both direct and indirect commitments of resources. In some cases, the resources committed would be recovered in a relatively short period of time. In other cases, resources would be irreversibly or irretrievably committed by virtue of being consumed or by the apparent limitlessness of the period of their commitment to a specific use. Irreversible and irretrievable commitments of resources can sometimes be compensated for by the provision of similar resources with substantially the same use or value.

The lands containing the facility could be considered irretrievably committed as well as various construction materials including cement, aggregate, steel, asphalt, lumber and other building materials. The capital and labor necessary to implement the proposed action are also irreversibly and irretrievably committed. The capital, labor and resources required to operate the proposed facility are also irreversibly and irretrievably committed.

Over the long-term, construction and operation of the proposed facility could result in an increase in the pace of development in Nye County or Clark County than would occur if the facility were not constructed. Although the nature of such secondary development can be controlled through the application of appropriate land use regulations, any induced land development is, for all practical purposes, an irreversible and irretrievable commitment of land and materials. Resources consumed as a result of detention facility development and operation would be offset by the creation of the facility and the resulting societal benefits.

W. CONSIDERATION OF SECONDARY AND CUMULATIVE IMPACTS

Construction and operation of the proposed detention facility would result in less-than-significant impacts to the selected site and the respective host community/county. Less-than-significant impacts are anticipated to topographic conditions, geologic features, soils, hydrology, land uses, utility services, traffic and transportation movements to and from the site, and noise and air quality characteristics. The proposed action, in concert with other actions, would contribute substantially to the efficient operation of the national criminal justice system. Secondary beneficial impacts on the region's economy would also be realized by virtue of the facility's construction and operating budgets. The compact, self-contained nature of the proposed facility would not have a significant affect on local land use patterns and would have little, if any, indirect impact on land uses in the area of the selected site.

The Apex Industrial Park Zone Site A is located within an area planned for large-scale industrial development. Development of the proposed project at this site should pose no unusual land use impacts. There are no other large-scale developments planned in and around the proposed project sites. Cumulative impacts are therefore not anticipated. Any resulting secondary impacts and other potentially adverse impacts could be controlled, mitigated and avoided. Secondary effects of the proposed action would include stimulation of the regional economy, as well as its contribution to the overall efficiency of the federal justice system in general and in the Las Vegas, Nevada region in particular.

V. REFERENCES

V. REFERENCES

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P.O. Box 3411
Pahrump, Nevada 89041

Ron Chiago, Development Analyst
Community Development Office
Salt River Pima-Maricopa Indian Community
10005 East Osborne Road
Scottsdale, Arizona 85256

Sherry Cordova
Fort Mojave Indian Tribe
County 15 and Avenue G
Somerton, Arizona 85350

Philbert Swain, Tribal Chairman
Moapa Band of Paiutes
P.O. Box 340
Moapa, Nevada 89025

Daniel Eddy, Jr., Chairman
Colorado River Indian Tribes
Route 1, Box 23-B
Parker, Arizona 85344

Joseph T. Joaquin, Cultural Affairs
Tohono O'odham Nation
P.O. Box 83
Sells, Arizona 86534

Joseph Kennedy
Timbisha Shoshane Tribe
P.O. Box 206
Death Valley, California 92328-0206

Leigh J. Kuwanwisiwma, Director
Office of Cultural Preservation
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Barnaby Lewis
Land and Water Resources
Gila River Indian Community
P.O. Box E
Sacaton, Arizona 85427

Dan Morgan
Tribal Cultural Resources Committee
Moapa Band of Paiutes
P.O. Box 340
Moapa, Nevada 89025

Kermit Palmer, Tribal Administrator
The Cocopah Indian Tribe
County 15 and Avenue G
Somerton, Arizona 85350

Elaine Peters, Director
Ak Chin Him-Dak
Ak Chin Indian Community
47685 Eco-Museum Road
Maricopa, Arizona 85239

L. OTHERS

E. Steven Afeman, Executive Vice President
Emerald Correctional Management
101 Park West Drive
Scott, Louisiana 70583

Victoria Balint
Southern Nevada Workforce Investment Board
2102 E. Calvada Boulevard
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Willie Lee Brown
P.O. Box 665
Inyo Kern, California 93527

Cheryl Case
P.O. Box 730
Moapa, Nevada 89025

Steven Chestnut, Atty.
Ziontz Chestnut Varnell Berley & Slonim
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Seattle, Washington 98121

Michael Di Massa, Associate Editor
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Vice President-Corporate Development
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1700 West Loop South, Suite 1500
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2391 E. McVicar Avenue
Kingman, Arizona 86409

Chris Ferrari
Ferrari Smith
9822 W. Charleston Boulevard
#2-858
Las Vegas, Nevada 89117

Maddie Gugino
Kummer, Kaempfer, Bonner, Renshaw &
Ferrario
3425 Cliff Shadows Parkway, Suite 150
Las Vegas, Nevada 89129

Shane C. Harlow
5516 West 14th Street
Dolan Springs, Arizona 86441

Damon Hininger, Vice President
Corrections Corporation of America
10 Burton Hills Boulevard
Nashville, Tennessee 37215

Jerry Haworth
P.O. Box 276
Logandale, Nevada 80021

Ian Frost, President
EEE Consulting, Inc.
17112 Mountain Road
Montpelier, Virginia 23192-0354

Bob Irving
P.O. Box 9583
Pahrump, Nevada 89048

Caroline Isaacs, Program Director
American Friends Service Committee
Arizona Area Program
103 N. Park Avenue, Suite 109
Tucson, Arizona 85719

Las Vegas Valley Water District
1001 S. Valley View Boulevard
Las Vegas, Nevada 89153

Corinna Leachman
P.O. Box 68
Moapa, Nevada 89025

Shari and Bob Lyman
P.O. Box 729
Moapa, Nevada 89025

Ron Maddux
The Geo Group, Inc.
One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

Beverly Madewell
P.O. Box 27
Moapa, Nevada 89025

Ron S. McMenemy
NAI Horizon
6725 Via Austi Parkway, Suite 300
Las Vegas, Nevada 89119

Moapa 80 LLC
8350 W. Sahara, #210
Las Vegas, Nevada 89117

Pamela Noffsinger
P.O. Box 538
Moapa, Nevada 89025

Daniel R. Patterson, Southwest Director and
Ecologist
Public Employees for Environmental
Responsibility
P.O. Box 172
Tucson, Arizona 85702

Jim Petell
P.O. Box 1582
Pahrump, Nevada 89041

Mary Peters
MBP Consulting, LLC
7772 High Chaparral Street
Las Vegas, Nevada 89113

David Rigdon, Government Affairs
Nevada Power Company
6226 West Sahara Avenue, M/S #3
Las Vegas, Nevada 89146

Bonnie Rinaldi
459 Briscoe Place
Ashland, Oregon 97520

Roadrunner Funding, LLC
2505 Anthem Village Drive, Suite E-580
Henderson, Nevada 89052

Tim Robison, News Editor
Moapa Valley Progress
P.O. Box 638
Logandale, Nevada 89021

Round Mountain Town Board
P.O. Box 1369
Round Mountain, Nevada 89045

Dan Schinhofen
2330 E. Shirley Street
Pahrump, Nevada 89048

Damon Shea, General Manager
Southwest Environmental Services, Inc.
P.O. Box 1310
Pahrump, Nevada 89041

A.J. Smith, Research Archaeologist
Southern Nevada Archaeological Archive
Harry Reid Center for Environmental Studies
Division of Cultural Resources
University of Nevada, Las Vegas
4504 Maryland Parkway
Las Vegas, Nevada 89154

Cathryn Cherry, Environmental Planner
Southern Nevada Water Authority
P.O. Box 99956
Las Vegas, Nevada 89193-9956

Karen Spaulding
Spaulding Homes/Spaulding Realty
2181 S. Contina Street
Pahrump, Nevada 89048

Bruce Stokes
P.O. Box 1811
Dolan Springs, Arizona 86441

Michael Sullivan
400 North Nevada Highway 160
Pahrump, Nevada 89060

Julie Thompson
P.O. Box 1672
Dolan Springs, Arizona 86441

Tonopah Town Board
P.O. Box 151
Tonopah, Nevada 89049

Stacie Truesdeu
3773 Howard Hughes
3rd Floor South
Las Vegas, Nevada 89169

Mark Waite, Reporter
Pahrump Valley Times
2160 East Calvada Boulevard
Pahrump, Nevada 89048

Carina N. Wells, Legal Secretary
Ballard, Spahr, Andrews & Ingersoll, LLP
Bank of America Plaza
300 S. Fourth Street, Suite 1201
Las Vegas, Nevada 89101

Wendy Wentz, Regional Director
Utilities, Inc. - Central Nevada
1240 E. State Street
Pahrump, Nevada 89048

Sherry White
Hometown Crier
5315 East Grossman
Kingman, Arizona 86401

T. W. Whitson
P.O. Box 570966
Las Vegas, Nevada 89157

Brent Williamson
Faulkner USA Cornell Corrections
31 Muirfield Greens
Lakeway, Texas 78738

Logandale Wards, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
3245 North Moapa Valley Boulevard
Logandale, Nevada 89021

Moapa Ward, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
Barlow Drive
Moapa, Nevada 89025

Overton Wards, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
226 W. Thomas Street
Overton, Nevada 89040

Moapa Valley Branch and Muddy River Branch
Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
1605 Hinckley Avenue
Logandale, Nevada 89021

Debbie Woodland
4-H Coordinator
1651 E. Calvada Boulevard
Pahrump, Nevada 89048

VIII. COMMENTS ON THE DRAFT EIS AND RESPONSES THERETO

A. INTRODUCTION

Council on Environmental Quality (CEQ) regulations require that "after preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

- Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.
- Request the comments of:
 - Appropriate state and local agencies which are authorized to develop and enforce environmental standards;
 - Native American tribes, when the effects may be on a reservation; and
 - Any agency which has requested that it receive statements on actions of the kind proposed.
- Request comments from the applicant, if any.
- Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected."

The regulations further require that an "agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively," and shall respond to those comments in a final document.

In keeping with these responsibilities, federal, state, county and municipal agencies were provided with copies of the Draft EIS. Comments from the public were also solicited. Three public scoping meetings were held prior to the commencement of the environmental analysis as described in Chapter I. Copies of the Draft EIS were also supplied to local libraries for review by the general public. The availability of the Draft EIS was also reported in multiple newspapers with local and region-wide distribution. Copies of written comments received from agencies, officials and the public in regard to the Draft EIS are reproduced in full in this section of the document, with responses to the substantive comments following each letter. A list of those individuals and agencies offering comments is provided in Exhibit VIII-1. Additional issues raised by an analysis of the transcript of the two public hearings, if any, are addressed in Section C. Collective consideration of the comments is provided in Section D.

B. WRITTEN COMMENTS AND RESPONSES THERETO

Written comments received from agencies, officials, organizations, and the public in regard to the Draft EIS are reproduced in their entirety on the following pages. Each transmittal is assigned a Document Number. Comments requiring a response are bracketed and assigned a Comment Number in the margin of the document. Responses to the comments are provided on the page(s) immediately following each document. A tabulation and enumeration of all written comments received is provided in Exhibit VIII-1.

**EXHIBIT VIII-1
WRITTEN COMMENTS RECEIVED ON THE DRAFT EIS**

DOCUMENT NUMBER	DATE	COMMENTING AGENCY OR INDIVIDUAL
1	January 2, 2008	Leigh J. Kuwanwisiwma, Director, Hopi Cultural Preservation Office, the Hopi Tribe, Kykotsmovi, Arizona
2	January 3, 2008	H. Jill McCormick, Cultural Resource Manager, the Cocopah Indian Tribe, Somerton, Arizona
3	January 9, 2008	Calvin and Norma Morrison, Residents, Pahrump, Nevada
4	January 14, 2008	Melissa K. Taylor, Progressive Choices, Inc., Las Vegas, Nevada
5	January 14, 2008	Pamela Noffsinger, Resident, Moapa, Nevada
6	January 14, 2008	Dean W. Noffsinger, Resident, Moapa, Nevada
7	January 16, 2008	Beverly and Vernon McDowell, Residents, Moapa, Nevada
8	January 16, 2008	Ronald Leachman, Resident, Moapa, Nevada
9	January 16, 2008	Colonel Michael L. Bartley, Department of the Air Force, Nellis Air Force Base, Nevada
10	January 16, 2008	Laurellyn Wren, Moapa Town Advisory Board, Moapa, Nevada
11	January 14, 2008	Residents of Pahrump, Nevada
12	January 14, 2008	Residents of Pahrump, Nevada
13	February 1, 2008	Melissa Plant, Owner, HCDC Mobile Chiropractic, Pahrump, Nevada
14	January 21, 2008	Property Owners and Investors, Moapa, Nevada

EXHIBIT VIII-1 (CONTINUED)
WRITTEN COMMENTS RECEIVED ON THE DRAFT EIS

DOCUMENT NUMBER	DATE	COMMENTING AGENCY OR INDIVIDUAL
15	January 14, 2008	John T. McDonald, Vice Chairman, Pahrump Town Board, Pahrump, Nevada
16	January 16, 2008	Shari Lee Wright Lyman, Ph.D., Resident, Moapa, Nevada
17	January 16, 2008	Rachel Wright, Resident, Moapa, Nevada
18	January 16, 2008	G. Robert Lyman, Resident, Moapa, Nevada
19	January 17, 2008	Hans Seibt, President, HSLV Development Corporation, Las Vegas, Nevada
20	January 18, 2008	Rebecca L. Palmer, Review and Compliance Officer, Archaeologist, Nevada State Historic Preservation Office, Carson City, Nevada
21	January 22, 2008	Moapa 80, LLC, Las Vegas, Nevada
22	January 23, 2008	Larry A. Miller, William Peccole Trust, Las Vegas, Nevada
23	January 23, 2008	Madone, LLC dba Stagecoach Depot, Moapa, Nevada
24	January 24, 2008	Tiffany Thomas, Secretary of Desert Oasis Management, Inc., Henderson, Nevada
25	January 24, 2008	Joseph Kissane, The Encore Group, Las Vegas, Nevada
26	January 28, 2008	Todd Larkin, Manager, South Fifteen, Henderson, Nevada
27	January 28, 2008	Krista Coulter, Nevada State Clearinghouse, Nevada Department of Administration, Carson City, Nevada
28	January 29, 2008	Lori Waters, Resident, Overton, Nevada
29	January 29, 2008	Kevin Waters, Resident, Overton, Nevada
30	January 29, 2008	Nova Blazej, Manager, Environmental Review Office, U.S. Environmental Protection Agency - Region IX, San Francisco, California
31	January 30, 2008	Glendale Holding Company, LLC, North Las Vegas, Nevada
32	January 31, 2008	Calvin and Norma Morrison, Residents, Pahrump, Nevada

**EXHIBIT VIII-1 (CONTINUED)
WRITTEN COMMENTS RECEIVED ON THE DRAFT EIS**

DOCUMENT NUMBER	DATE	COMMENTING AGENCY OR INDIVIDUAL
33	February 1, 2008	Krista Coulter, Nevada State Clearinghouse, Nevada Department of Administration, Carson City, Nevada
34	February 4, 2008	Juan Palmer, Field Manager, U.S. Department of the Interior, Bureau of Land Management, Las Vegas, Nevada
35	February 4, 2008	Ron Williams, Manager, Office of the Nye County Manager, Pahrump, Nevada
36	February 4, 2008	J.E. Holmgren, Resident, Pahrump, Nevada
37	February 4, 2008	Clifford M. Lawson, P.E., Technical Services Supervisor, Bureau of Water Pollution Control, Nevada Department of Environmental Protection, Carson City, Nevada
38	February 11, 2008	Rebecca L. Palmer, Review and Compliance Officer, Archaeologist, Nevada State Historic Preservation Office, Carson City, Nevada



Benjamin H. Nuvamsa
CHAIRMAN

Todd Honyama, Sr.
VICE-CHAIRMAN

DOCUMENT 1
Page 1 of 1

January 2, 2008

Robert J. Nardi, Project Manager
The Louis Berger Group, Inc.
2445 M Street, NW
Washington, DC 20037

Dear Mr. Nardi,

Thank you for your correspondence on behalf of the U.S. Department of Justice dated December 13, 2007, with an enclosed Draft Environmental Impact Statement, regarding a proposal to award a contract for a detention facility to be located at one of several sites in Nye or Clark County, Nevada. Because the Hopi Tribe claims cultural affiliation to prehistoric culture groups in southern Nevada, and the Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, we appreciate your solicitation of our input and your efforts to address our concerns.

1

Therefore, if the Moapa Site is selected for project development, and prehistoric sites are identified in the project area that will be adversely effected by project activities, we request additional consultation on this proposal. Please provide us with copies of the cultural resource survey report of the area of potential effect and any proposed draft treatment plans for review and comment.

2

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at tmorgart@hopi.nsn.us. Thank you for your consideration.

3

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Scott P. Stemer, Assistant Trustee-Procurement, US Department of Justice,
Office of Federal Detention Trustee, 4801 North Fairfax Dr. 9th Floor, Arlington, VA 22203

Response to:

DOCUMENT 1

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office
The Hopi Tribe
Kykotsmovi, Arizona

Comment	Response
1.	Noted. The interest and comments offered by Leigh J. Kuwanwisiwma and the Hopi Tribe concerning the proposal to house federal detainees in the Las Vegas, Nevada area are acknowledged.
2.	Noted. The Moapa Site is not considered the Agency Preferred Alternative for development of the proposed detention facility. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. Therefore, no adverse impacts to cultural resources which exist at the Moapa Site are expected as a result of the proposed action. All available cultural resource surveys and documentation concerning the Moapa Site were included as Appendix D of the Draft EIS.
3.	Noted. The offer of assistance by the Hopi Tribe is gratefully acknowledged.



THE COCOPA INDIAN TRIBE
Cultural Resource Department
County 15th & Avenue G
Somerton, Arizona 85350
Telephone (928) 627-2102
Fax (928) 627-3173

CCR-052-07-001

January 3, 2008

H. Jill McCormick
Cocopah Tribe
County 15 & Avenue G
Somerton, AZ 85350
928-503-2291

DOCUMENT 2
Page 1 of 1

Mr. Scott P. Stermer
Assistant Trustee Procurement
U.S. Dept. of Justice
4601 North Fairfax Dr. 9th Fl.
Arlington, Virginia 22203

RE: Draft EIS - Proposed Detention Facility - Las Vegas, Nevada Area

Dear Mr. Stermer:

The Cultural Resources Department of the Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted our department on this issue for the purpose of solicitation of our input and to address our concerns on this matter. At this time we wish to make no comments on the development of the project. We defer the decision making process regarding the sensitive cultural resources of the area to the most local tribe(s) and support their determinations on these issues. However, we would like to continue to be kept informed on the situation and be a part of the consultation process in the future.

If you have any questions or need additional information please feel free to contact the cultural resource department. We will be happy to assist you with any and all future concerns or questions.

Sincerely,

H. Jill McCormick
Cultural Resource Manager

Response to:

DOCUMENT 2

H. Jill McCormick, Cultural Resource Manager
The Cocopah Indian Tribe
Somerton, Arizona

Comment Response

1. Noted. The interest and comments offered by H. Jill McCormick and the Cocopah Indian Tribe concerning the proposal to contract with a detention contractor to house federal detainees the Las Vegas, Nevada area are acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. As a result, no adverse impacts to cultural resources are expected as a result of the proposed action.

2. Noted. The offer of assistance by the Cocopah Indian Tribe is gratefully acknowledged.

Calvin and Norma Morrison
5591 Oakridge Ave
Pahrump, Nevada 89048
Tel: (775) 727 1752
calandnorma@sbcglobal.net
January 9, 2008

Mr. Scott Stermer (Scott.Stermer2@usdoj.gov)
Assistant Trustee of Procurement
U. S. Department of Justice
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, Ninth Floor
Arlington, VA. 22203

DOCUMENT 3
Page 1 of 1

Subject: Location of Detention Center for Las Vegas Area.

Dear Mr. Stermer:

Enclosed is an article from the December 26, 2007 Pahrump Valley Times entitled "Detention center sites gain environmental OK". Two of the sites are in Pahrump, one is at Apex, and one is at Moapa Valley. | 1

Potable water, sewer, and electric service are not available at either site in Pahrump and the water table has been falling at least one foot a year with the present population. Water and electricity are available at the Moapa Valley site. Water, three phase electricity, and natural gas are all available at the Apex Industrial site. | 2

The Apex site is close to Las Vegas and near Interstate 15. Utilities are at the site and a large skilled labor force and specialized medical facilities are readily available. Please advise why Apex is not the best location for the new Detention Center to serve the Las Vegas Area. | 3

Sincerely,


Calvin and Norma Morrison

Response to:

DOCUMENT 3

Calvin and Norma Morrison, Residents
Pahrump, Nevada

Comment Response

1. Noted. The interest and comments offered by Calvin and Norma Morrison concerning the proposal to contract with a detention contractor to house federal detainees in the Las Vegas, Nevada area are acknowledged. At the time the Draft EIS was published in December 2007, four alternative sites in Nye County and Clark County were under active consideration as locations for the proposed contractor detention facility.
2. Noted. Following publication of the Draft EIS, the Apex Industrial Use Zone Site A was withdrawn from consideration by the detention contractor which initially proposed that site. As a result, three alternative sites remained as possible locations for the proposed facility.
3. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The interests and concerns identified by Calvin and Norma Morrison are gratefully acknowledged.



Corporate Office	2880 W. Meade Ave., Suite #203, Las Vegas, NV 89103 – (702)-248-9484
Alexander Training Center	2937 East Alexander Road, North Las Vegas, NV 89030 – (702)-644-5850
Pahrump Training Center	4760 Pahrump Valley Blvd. #9, Pahrump, NV 89048 – (775)-751-5221
Rigel Training Center	3002A Rigel Ave., Las Vegas, NV 89102 – (702)-212-0294

January 14, 2008

Scott Stermer, Assistant Trustee

Office of the Federal Detention Trustee

4601 N. Fairfax Drive, 9th Floor

Arlington, VA 22203

Dear Trustee Stermer,

DOCUMENT 4
Page 1 of 1

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site. 1

Since the beginning of your assessment process nearly one year ago, Pahrump has been working closely with all of the companies bidding on your project. These are some of the steps we have taken in our community to show our interest in the project:

- Passed zoning approvals to allow all of the sites under consideration to be considered;
- The Pahrump Town Board passed a resolution in support of the Detention Center;
- At a meeting last week, the Town Board approved the Pahrump Alliance Valley Economic Development to serve as the liaison between the town and the county, to determine the best way to meet the Detention Center's water and wastewater needs. 2

We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility. 3

Thank you for your consideration.

Sincerely,
Melissa K. Taylor
Melissa K. Taylor, Progressive Choices, Inc.

3002 Rigel Avenue, Las Vegas, NV 89102

Response to:

DOCUMENT 4

Melissa K. Taylor
Progressive Choices, Inc.
Las Vegas, Nevada

Comment Response

1. Noted. The support expressed by Melissa K. Taylor and Progressive Choices, Inc. for the proposal to contract with a detention contractor to house federal detainees at one of the two alternative sites in Pahrump, Nevada is gratefully acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
2. Noted. The OFDT is aware of and acknowledges the actions undertaken by the Town of Pahrump to support its selection as the site of the proposed detention facility. Such actions will facilitate development of the proposed facility at the 2250 East Mesquite Avenue Site.
3. Noted. Community acceptance and support is an important factor to the overall success of the proposed action. The support offered by Melissa K. Taylor and others for selection of Pahrump and the 2250 East Mesquite Avenue Site is greatly appreciated.

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203


DOCUMENT 5
Page 1 of 1

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Moapa as your site. | 1

Since the beginning of your assessment process more than a year ago, the Moapa community has been working closely with Corrections Corporation of America. Just last week, the Moapa Town Board recommended approval of a zoning change that would allow the project to go forward. | 2

We believe that the economic and growth benefits this project offers are right for our community. Thank you for your consideration. | 3

Sincerely, 

Name *PAMELIA Noffsinger*
Address *BOX 538 - DON GRADY 735*
City, State Zip *MOAPA, NV. 89025*

cc: Clark County Commissioner Tom Collins

Response to:

DOCUMENT 5

Pamela Noffsinger Resident
Moapa, Nevada

Comment Response

1. Noted. The support expressed by Pamela Noffsinger for selection of the Moapa Site as the location the proposed detention facility to house federal detainees is gratefully acknowledged.

2. Noted. The OFDT is aware of and acknowledges the actions undertaken by the Town of Moapa to facilitate its selection as the site of the proposed detention facility. However, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. The OFDT appreciates the support offered by Pamela Noffsinger for selection of the Moapa Site.

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 6
Page 1 of 1

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Moapa as your site. | 1

Since the beginning of your assessment process more than a year ago, the Moapa community has been working closely with Corrections Corporation of America. Just last week, the Moapa Town Board recommended approval of a zoning change that would allow the project to go forward. | 2

We believe that the economic and growth benefits this project offers are right for our community. Thank you for your consideration. | 3

Sincerely, *Dean W. Hoffinger*

Name *Dean Hoffinger*
Address *735 Don Grady - Box 538*
City, State Zip *Moapa, NV. 89025*

cc: Clark County Commissioner Tom Collins

Response to:

DOCUMENT 6

Dean W. Noffsinger Resident
Moapa, Nevada

Comment Response

1. Noted. The expression of support by Dean W. Noffsinger for selection of the Moapa Site as the location the proposed detention facility to house federal detainees is gratefully acknowledged.

2. Noted. The OFDT is aware of and acknowledges the actions undertaken by the Town of Moapa to facilitate its selection as the site of the proposed detention facility. However, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. The support offered by Dean W. Noffsinger for selection of the Moapa Site is greatly appreciated.

January 16, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 7
Page 1 of 1

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Moapa as your site. | 1

Since the beginning of your assessment process more than a year ago, the Moapa community has been working closely with Corrections Corporation of America. Just last week, the Moapa Town Board recommended approval of a zoning change that would allow the project to go forward. | 2

We believe that the economic and growth benefits this project offers are right for our community. | 3

Thank you for your consideration.

Sincerely,

Bernard Akedell
Bernard Akedell

cc: Clark County Commissioner Tom Collins

Response to:

DOCUMENT 7

Beverly and Vernon McDowell, Residents
Moapa, Nevada

Comment Response

1. Noted. The expressions of support from Beverly and Vernon McDowell for selection of the Moapa Site as the location the proposed detention facility to house federal detainees is gratefully acknowledged.

2. Noted. The OFDT is aware of and appreciates the actions undertaken by the Town of Moapa to facilitate its selection as the site of the proposed detention facility. However, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. The OFDT appreciates the support offered by Beverly and Vernon McDowell for selection of the Moapa Site.

January 16, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 8
Page 1 of 1

Dear Trustee Stermer,

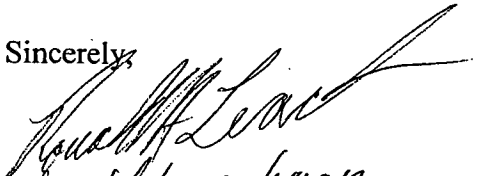
I write to you in support of the proposed Federal Detention Center, and request that you choose Moapa as your site. 1

Since the beginning of your assessment process more than a year ago, the Moapa community has been working closely with Corrections Corporation of America. Just last week, the Moapa Town Board recommended approval of a zoning change that would allow the project to go forward. 2

We believe that the economic and growth benefits this project offers are right for our community. 3

Thank you for your consideration.

Sincerely,


Ronald Leachman
P.O. 68 Moapa Nev. 89025

cc: Clark County Commissioner Tom Collins

Response to:

DOCUMENT 8

Ronald Leachman, Resident
Moapa, Nevada

Comment Response

1. Noted. The support offered by Ronald Leachman for selection of the Moapa Site as the location the proposed detention facility to house federal detainees is gratefully acknowledged.

2. Noted. The OFDT is aware of and appreciates the actions undertaken by the Town of Moapa to facilitate its selection as the site of the proposed detention facility. However, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. The support expressed by Ronald Leachman for selection of the Moapa Site is greatly appreciated.



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS 99TH AIR BASE WING (ACC)
 NELLIS AIR FORCE BASE, NEVADA



16 JAN 2008

Colonel Michael L. Bartley
 Commander
 4430 Grissom Ave, Ste 101
 Nellis AFB NV 89191-6520

Scott P. Sterner
 Office of the Federal Detention Trustee
 4601 North Fairfax Drive, 9th Floor
 Arlington VA 22203

DOCUMENT 9
 Page 1 of 1

Dear Mr. Sterner

I am in receipt of the Draft Environmental Impact Statement for the Proposed Contractor Detention Facility in the Las Vegas area. Nellis Air Force Base (AFB) is concerned with Apex Industrial Zone Site A and B and requests that these sites be eliminated from further consideration. Nellis AFB is the premier Air Force testing and training facility and plays a critical role in the readiness of our Air Force. It is imperative that the critical capabilities that Nellis AFB and the Nevada Test and Training Range (NTTR) provide are preserved well into the future.

1

The two sites identified in the Apex area are of concern to Nellis AFB as the development of a federal detention facility is inconsistent with the land use conditions set forth by P.L. 101-67 § 4 which created the Apex Industrial Park. Congress authorized the sale of Apex to Clark County subject to the conditions of § 4, including the county designating the land as a heavy-use industrial zone, the county adopting a plan for the development of the land as a heavy-use industrial zone and the county consulting with Nellis AFB on any proposed sales concerning potential impacts to the Nellis mission. A federal detention facility is not consistent with a heavy industrial land use, represents an unnecessary risk to public safety, and adversely affects Nellis AFB operations.

2

The impact to Nellis AFB stems from the proposed location. The sites are located beneath our primary live ordnance flight path. A federal detention facility located in the area is an unacceptable safety risk as it will place a significant population density beneath our live ordnance departure area and set a precedent for overnight stays in the area. As the amount of developable land in the Las Vegas valley dwindles, there is increasing pressure for incompatible development around the base. Nellis AFB has consistently explained to developers and zoning officials our concerns regarding overnight stays in the Apex area. A federal detention facility located in Apex sets a precedent for developers to justify further incompatible land uses such as hotels. This is unacceptable; if incompatible development occurs at Apex, the ability for Nellis AFB and the NTTR to conduct our critical mission would be degraded.

3

It is for these reasons that I request Apex Industrial Use Zone A and B be removed from further consideration for the construction and operation of a contract federal detention facility. Nellis AFB has no concerns with the other proposed alternatives, as they pose no impact to our operations. My point of contact for this issue is Ms. Deborah MacNeill who may be reached at (702) 652-7777. I thank you for the opportunity to comment and urge you to consider these valid concerns.

4

Sincerely

MICHAEL L. BARTLEY
 Colonel, USAF
 Commander

Response to:

DOCUMENT 9

Colonel Michael L. Bartley
Department of the Air Force
Nellis Air Force Base, Nevada

Comment Response

1. Noted. The comments of Colonel Michael L. Bartley and the Department of the Air Force regarding the contractor detention facility proposed for the Las Vegas, Nevada area are acknowledged. The OFDT appreciates learning of the concerns by the Department of the Air Force and Nellis Air Force Base regarding the Apex Industrial Zone Sites A and B which have been offered as possible locations for the proposed detention facility.

2. Noted. As mentioned in the Draft EIS, the Apex Industrial Use Zone Site B was withdrawn by the prospective detention contractor soon after the June 2007 public scoping meetings and prior to Draft EIS publication. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Use Zone Site A informed the OFDT that it had withdrawn the site from consideration as a possible location for the proposed detention center. Therefore, both Apex Industrial Use Zone Sites A and B have been eliminated as a possible locations for the proposed detention facility.

3. Noted. The withdrawal of both Apex sites as possible locations for the proposed detention facility should eliminate any potential conflicts and concerns of Nellis Air Force Base regarding the Nevada Test and Training Range and its overall mission. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

4. Noted. The interest and support of the Department of the Air Force is greatly appreciated.

Laurellyn Wren

I have a concern regarding the EIS summary for economic impact. According to the EIS, approximately 80 percent of new hires would commute from larger, metropolitan areas negating the need for new housing in the host community. This is contrary to the information that has been provided to the community during Moapa Town Advisory Board meetings. The community was assured that there would be a beneficial economic impact through the creation of new jobs and the development of new business. The EIS projects that "any resulting induced population impacts during the facility's operating phase are expected to be minimal." This statement is in sharp contrast to promises of an increased population base that would entice new business startups for Moapa. The "little to no impact" finding does seem to play out in other rural host communities. A look at population trends in 44 rural areas where similar offerer operations are in place finds a pattern of little change. This seems to indicate a less than positive economic outlook for the Moapa community if selected as the project area. An issue that would further degrade the economic data for Moapa will be the non contributing population of the detention center. This may create eligibility for federal assistance grants as outlined in the EIS, but it is also the kind of economic data that appears to discourage business growth beyond the prison industry. I found the research used to support the no impact finding for economic impact extremely dated. The most current research cited in the EIS bibliography on impact to property values is a 1990 literature review summarizing the findings of studies dating as far back as 1978 and only current to 1987. I have to question why these particular studies were used to support the EIS conclusions regarding economic impact when there is an abundance of current research available including a growing body of evidence that contradicts some of these earlier findings.

1

2

3

I have a concern regarding the no impact finding for **emergency services**: The EIS identifies "Fire Station #72 as located closest to the Moapa Site." The EIS, however, fails to identify that Station #72 is manned and operated by volunteers from the community. The current roster of five (5) volunteers provides both fire and medical emergency services to the Moapa, Warm Springs, Hidden Valley, Coyote Springs and the Moapa Band of Paiute communities as well as fire and medical emergencies occurring on Interstate 15 and Hwy 168. As this small group of volunteers is not always available to respond, the community then relies on the Logandale Volunteer Fire Department and on some occasions the Overton Volunteer Fire Department for emergency services. Depending on the timing of a call out and the available unit, response time can vary greatly. Contrary to the EIS findings, fire and medical emergencies during construction and facility operation carry a real potential to create an undue burden on the Moapa Volunteer Fire Department. Information provided in the EIS regarding security for the community in the event of an escape indicates that it would be the USMS that would assume responsibility for locating and apprehending. Considering the distance and travel time from metropolitan Las Vegas, an escape has the potential to place the community at risk and in a lockdown situation for extended periods of time. The EIS considers the possibility of relying on emergency action plans with other agencies to protect the community during potential violent or dangerous incidents at the center. Again, response time is critical. There is a single resident police officer assigned to Moapa who covers jurisdictional responsibilities in neighboring communities as well Moapa. There is a real potential that police coverage will also be inadequate.

4

5

I have a concern about the close proximity of the site to **Federal Trust Lands**. According to the 7.5 Minute USGS Topographic Quadrangle, Moapa West, Nevada 1983 mapping, the site location is in very close proximity to the residential housing, community buildings, and the Boys and Girls club of the Moapa Band of Paiutes. In a justification letter sent to Al Laird, Principal Planner, Clark County Current Planning from LAS Consulting, the Moapa 80 site is described as located in a "fairly isolated area" adjacent to BLM land and a power plant. Contained within the Clark County staff summary for upcoming BCC action item is a comparison between the Moapa site and the correctional campus located near Indian Springs. Residential development within Indian Springs is approximately nine (9) miles, within Cold Creek it is approximately twelve (12) miles, and within Corn Creek it is approximately 14 miles from the Indian Springs correctional campus. I find no mention in the EIS of the site's close proximity to or potential impact on the Native American community in Moapa.

6

I have a concern about the **Biological Impact** summary: The EIS identifies both wetland and desert habits within the proposed site which have the potential to support a number of sensitive and listed species. Although biological impacts may be mitigated through the Clark County Multi Species Habitat Conservation Plan, it must be noted that the Moapa site may contain an unusual and highly concentrated population of desert tortoise. While visiting the site in December 2007, I observed four tortoise burrows located within a three meter area. As an undergraduate research assistant involved with several survey projects for the UNLV biology department in the early 1970's, I can advise that finding this kind of species concentration is a strong indicator of a significantly large population. The vegetation type and friable soil would indicate that habitat components are present to support this kind population. The nearby water source of the Muddy River would also facilitate a habitat that could support an unusually high population of desert tortoise. The MSHCP was developed to balance the need to protect sensitive and listed species while protecting the ability of Clark County to develop and grow. However, I do not believe it was the intention of the plan to create a situation where concentrated populations of a listed species would be decimated. I request that the biology of the site be given a closer examination and other mitigation action pursued if warranted.

7

DOCUMENT 10

Page 3 of 5

I have a concern about the **Cultural and Historical** resources located at the site. The Class III cultural resources survey conducted last year by Knight and Leavitt Associates identified a substantial inventory of historic and prehistoric activity at the Moapa site—four archaeological sites and 37 structures or foundations were recorded. Included in the inventory are the remains of the Perkins family dwelling dating to 1930 which is recommended by Knight and Leavitt as eligible for the National Register of Historic Places. The EIS, however, fails to describe the full scope of historical relevance. Not only are the documented resources significant in terms of their historical value, they are significant in terms of their connection to Perkins' family generations who currently reside in the Moapa area. Also not cited in the EIS is the unique connection between the Moapa Band of Paiutes and the Perkins family which was established during the early part of the last century and which continues to this day. The most significant collection of resources that was identified on the property site are associated with the West Point Mormon Settlement, the boundaries which overlap with approximately 75% of the Moapa site. The EIS concludes that facility construction on the Moapa 80 site appears likely to affect historic properties and recommends a complete inventory of all cultural resources within the APE, including subsurface geo-morphological testing within the project area to determine whether buried archaeological resources exist on the site. I feel that in view of the scope of the religious and cultural resources at the project area and within the APE, that the Moapa 80 site should receive full consideration for further evaluation. Even with a possible time extension to 18 months for project completion as set by the federal contract, it is my fear that if selected, the Moapa site will not receive a carefully conducted cultural assessment but will be subjected to what is referred to as "backhoe" archaeology to meet mandated operational deadlines.

8

DOCUMENT 10

Page 4 of 5

I have a concern regarding **Executive Order 12898**. During the scoping meeting held in Moapa, representatives from the Moapa Band of Paiutes spoke out in opposition to the proposed detention center. Since the scoping meeting, they have also presented their opposition to the site at two separate meetings of the Moapa Town Advisory Board. Issues of critical importance to the members of the Paiute community have been brought to these public forums and include the the location of the site and its close proximity to the Paiute community—to their homes and residents. They have voiced their concerns regarding the future of ancestral as well as current cultural and religious practices related to the site and its surrounding area. They have voiced their concerns regarding the cultural artifacts present at the site that connect their community and culture to the early Mormon settlers and their descendants. They have voiced their concerns for the burial sites at the West Point Cemetery. They have voiced their concerns about the significance of the desert tortoise and other protected species ^{that share their environ} ~~to their members~~. All of these concerns were clearly articulated at three public meetings. Yet, the EIS finds “no impact” related to EO 12898 even though the impacts to social & ^{cultural} characteristics of minority populations are a consideration under the executive order.

9

In view of the scope of potential impacts to the Moapa community and identified site elements, I request that the Moapa 80 site be withdrawn from consideration at this time.

10

DOCUMENT 10
Page 5 of 5

Response to:

DOCUMENT 10

Laurellyn Wren
Moapa Town Advisory Board
Moapa, Nevada

Comment Response

1. Noted. The interest and concerns of Laurellyn Wren regarding selection of the Moapa Site as the location the proposed detention facility to house federal detainees are gratefully acknowledged. Regarding the potential economic impacts associated with facility operations, the EIS authors anticipate detention center employment requirements that emphasize education and past experience together with rigorous personal and financial background checks as a condition of employment. As a result, and assuming a conservative estimate, only a relatively small portion of the Moapa resident population would qualify for employment at the proposed facility. The relatively small pool of potential job applicants able to meet the rigorous employment requirements will likely result in a small number of hires from Moapa proper. With the majority of Nevada's population residing in and around the City of Las Vegas, it is likely that much of the initial workforce at the proposed facility would originate from the Las Vegas area. It should be noted that the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. Therefore, the Moapa Site has been eliminated from consideration as the location for the proposed detention facility.
2. Noted. The economic benefits of the proposed project extend beyond the workforce to include revenues resulting from real property payments and other taxes, payments for utility services, the purchase of goods and services, among others. As noted earlier, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
3. Noted. Appendix C, "The Impact of Prisons on Property Values", was included to provide the reader with a representative sample of research documents addressing the potential for property value impacts associated with prison siting. The information represented by Appendix C is not intended to support the analysis of potential economic impacts.
4. Noted. While the Moapa Site has been eliminated from consideration as the location of the proposed detention facility, implementation of the daily and emergency operating plans and procedures should serve to avoid significant adverse impacts to fire protection resources serving the host community (i.e., the Town of Pahrump).
5. Noted. Although the Moapa Site has been eliminated from consideration as the location of the proposed detention facility, implementation of the daily and emergency operating plans and procedures should serve to avoid significant adverse impacts to police protection resources serving the host community (i.e., the Town of Pahrump).
6. Noted. Biological resources found within and around the Moapa Site have been thoroughly investigated and the potential for adverse impacts to common and special

status species have been well documented. However, with elimination of the Moapa Site as the location of the proposed facility, potential adverse impacts to such resources will be avoided.

7. Noted. With elimination of the Moapa Site from further consideration as the location of the proposed detention facility, potential adverse impacts to Federal Trust Lands will be avoided.
8. Noted. The Moapa Site is not considered the Agency Preferred Alternative for development of the proposed detention facility. Therefore, no adverse impacts to cultural resources which exist at the Moapa Site are expected as a result of the proposed action.
9. Noted. OFDT and USMS officials have met with representatives of the Moapa Band of Paiutes to discuss issues of concern involving detention center development and operation. With elimination of the Moapa Site from consideration, any potential impacts to the Paiute community will be avoided.
10. Noted. The comments and concerns expressed by Laurellyn Wren regarding the proposed project and the Moapa Site are gratefully acknowledged.

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 1 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East
Parque Ave, Pahrump as your site. 1

Since the beginning of your assessment process nearly one year ago, Pahrump has been working closely
with all of the companies bidding on your project. These are some of the steps we have taken in our
community to show our interest in the project:

- Passed zoning approvals to allow all of the sites under consideration to be considered; 2
- The Pahrump Town Board passed a resolution in support of the Detention Center;
- At a meeting last week, the Town Board approved the Pahrump Alliance Valley Economic
Development to serve as the liaison between the town and the county, to determine the best way
to meet the Detention Center's water and wastewater needs.

We have been told that community acceptance is a key component for your projects. As evidenced
above, our community is excited about the opportunity to host your facility. 3

Thank you for your consideration.

Sincerely,

Name
Address
City, State Zip

Chris Kelley
567A. S. ALICIA
PAHRUMP NV 89048
CL Kelley

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 2 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

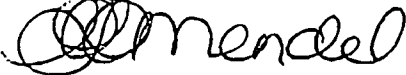
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Thank you for your consideration.

Sincerely,



Name Aleana Mendel
Address P.O.B 5147 / 870 Florida Street
City, State Zip Pahrump NV ~~89041~~ 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Page 3 of 67

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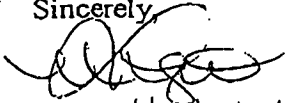
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Thank you for your consideration.

Sincerely,



Name Michele Liquori
Address 1971 S. Page St
City, State Zip Pahrump NV 89048

January 14, 2008

Scott Sterner, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 4 of 67

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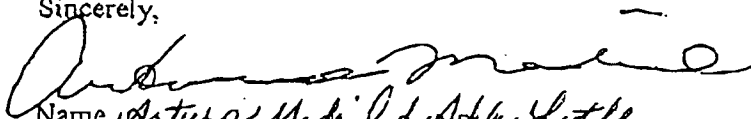
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Thank you for your consideration.

Sincerely,


Name Arturo Madrid & Ashley Dytelle
Address 4431 N. Serenity Ct
City, State Zip Pahrump, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Page 5 of 67

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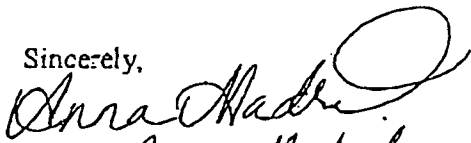
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name Anna Madrid
Address 1671 E. Brian Rd
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203.

DOCUMENT 11
Page 6 of 67

Dear Trustee Stermer,

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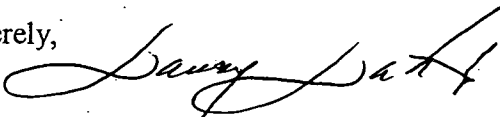
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- At a meeting last week, the Town Board approved the Pahrump Alliance Valley Economic Development to serve as the liaison between the town and the county, to determine the best way to meet the Detention Center's water and wastewater needs.

We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name *Sammy Saldana*
Address *348 Verde St*
City, State Zip *Pahrump N.V 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11

Page 7 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name ROBERT TAYLOR
Address 2201 S. Pampa
City, State Zip PAHRUMP, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 8 of 67

Dear Trustee Stermer,

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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely, *Ann Marie Taylor*

Name ANN MARIE TAYLOR
Address 2201 S. PAMPA
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 9 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely, *Larry Mafziger*

Name *LARRY MAFZIGER*
Address *1350 CAVALRY*
City, State Zip *PAHRUMP, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 10 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Name *Timothy R. Frazier*
Address *1121 Sierra Vista Cir South*
City, State Zip *Pahrump NV. 89060*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Page 11 of 67

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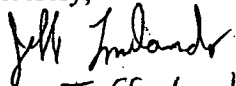
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Thank you for your consideration.

Sincerely,



Name Jeff Lombardo
Address P.O. Box 5680
City, State Zip Pahrump, NV 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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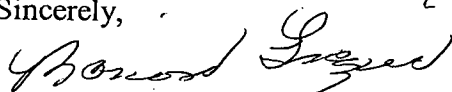
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Thank you for your consideration.

Sincerely,



Name MARION FRAZIER
Address PO BOX 6660
City, State Zip PAHRUMP NV 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 13 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

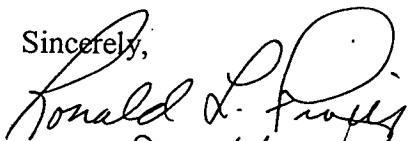
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,


Name Ronald L. Frazier
Address P.O. Box 6260
City, State Zip Pahrump, NV 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,

Celia J. Kent

Name CELIA J. KENT
Address 4230 ALA AVE.
City, State Zip PAHRUMP, NV. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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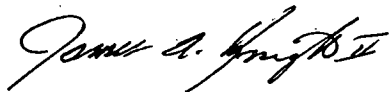
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Thank you for your consideration.

Sincerely,



Name JAMES A. KNIGHT II
Address 421 BEL AIR AVE.
City, State Zip PAHRUMP, NV - 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name LINDA CONSTANTACOS
Address 941 E LONE PINE RD
City, State Zip PAHRUMP NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name *Pete Constantacos*
Address *641 E Lone Pine Rd.*
City, State Zip *PAHRUMP NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name Robert Lurker
Address 5450 Lincoln wood Ct.
City, State Zip Pahrump, NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name

Address

City, State Zip

820 Fort Carson Ln
Pahrump NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name Edward R. Hansen
Address 4301 Adley Ave
City, State Zip Pahrump, NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name *ROXANNE R. BLUM*
Address *3791 S. ROSEO AVE*
City, State Zip *PAHRUMP, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name CHARLES A. GRONDA
Address 2218 N. BALZAR ST.
City, State Zip PAHRUMP NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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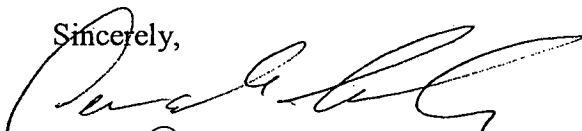
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Thank you for your consideration.

Sincerely,



Name Cassandra Selbach
Address 3200 Winery Rd
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name Michael S. Selbach
Address 3200 Winery Rd.
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,

Claudette B Crooks
Name *2015 Beauty Zone & Day Spa*
Address *1231 E. Basin Ste 3*
City, State Zip *Pahrump, NV 89060*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Sincerely,



Name *Robert K. Abenke*
Address *3300 Rainbow Ave*
City, State Zip *Pahrump, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Sincerely,

Tonya M. Blum

Name *Tonya M. Blum*

Address *201 E Jaybird Dr*

City, State Zip *Pahrump, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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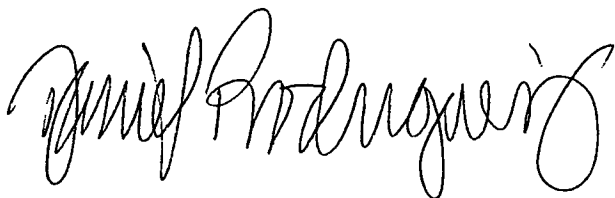
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Sincerely,



Name
Address
City, State Zip

Don Rodriguez
3600 E. Vineyard Dr.
Pahrump, NV 89049

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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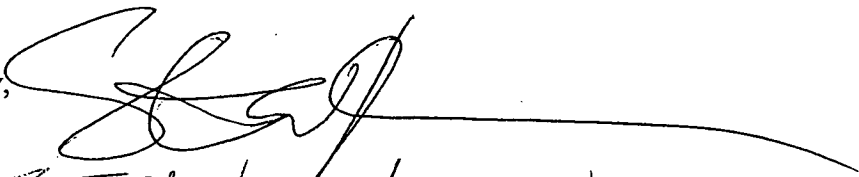
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Sincerely,



Name STEVEN W. JOHNSON
Address 471 W. WILSON RD #36
City, State Zip PAHRUMP, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,



Name **DAN SCHINDLER**
Address **2330 SHILLEY**
City, State Zip **PAHRUMP NV 89048**

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.



Sincerely,

Name

M E FRILOT

Address

1830 W LABRADOR

City, State Zip

PAHRUMP, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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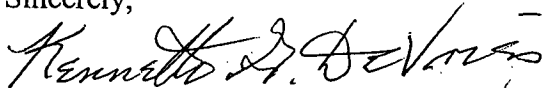
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Thank you for your consideration.

Sincerely,



Name

Address 4831 W. BELL VISTA

City, State Zip PAHRUMP, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,

Name *Mary Ann Gastvoort*
Address *2480 E Gayne St*
City, State Zip *Pahrump, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Dear Trustee Stermer,

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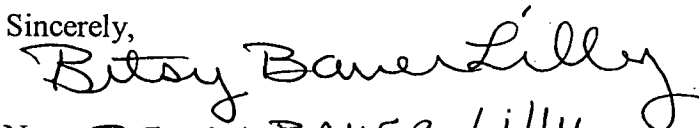
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Thank you for your consideration.

Sincerely,



Name Betsy Bauer-Lilly
Address 1891 E. LAS CASITAS STR
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely, *Mayola Luster*

Name *MAYOLA LUSTER*
Address *160 E Ironton St*
City, State Zip *Pahrump NV 89048*

January 14, 2008

Scott Sterner, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Dear Trustee Sterner,

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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name

WILLIE L. LUSTER

Address

160 EAST IRINGTON ST.

City, State

Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 37 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

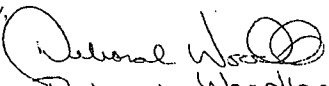
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Thank you for your consideration.

Sincerely,


Name Deborah Woodland
Address 871 Buol Lane
City, State Zip Pahrump, NV. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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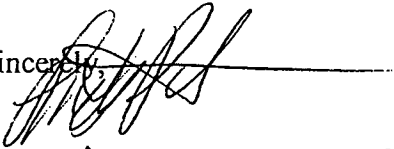
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name ~~Linda Peterson~~ Linda Peterson
Address P.O. Box 3610
City, State Zip
Pahrump, NV 89041
59060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,



Name Kim FANCHER
Address 2311 E. SILVER ST.
City, State Zip PAHRUMP NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name *AL BALLESTER*
Address *2220 Silver St*
City, State Zip *Pahrump, NV, 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Shelley A. Floyd

Name *Shelley Floyd*

Address *PO Box 1184*

City, State Zip *Pahrump NV 89041*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,

Name
Address
City, State Zip

BRENDA MAGRUDER
P.O. BOX
PAHRUMP NV. 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 43 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name *IRENE A. CROSS*
Address *1810 N. J. 11 AVE*
City, State Zip *PAHRUMP NV. 89040*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 44 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Dwight S. Lilly
Dwight S. Lilly

Name

Address

City, State Zip

1891 LAS CASITAS ST
Pahrump, NV. 89041

January 14, 2008

Scott Sterner, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Sterner,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,

Karen Spalding

Name *Karen Spalding*
Address *2181 S. Conlin St*
City, State Zip *Pahrump, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,



Name WALT KUPER
Address 2560 N. BALZAR ST.
City, State Zip PAHRUMP, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 47 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,

Name *Jocune Schlapa*
Address *781 Bourbon St #C-5*
City, State Zip *Pahrump, NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 48 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Lisa E. Bond.

Address 661 W. Garden Ln

City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 49 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Erin E. Forte

Name

Address

City, State Zip

*4980 Bridgewood
Pahrump NV 89061*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 50 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Name *Mark Johnson*
Address *3061 Margarita Ave*
City, State Zip *Pahrump NV. 89060*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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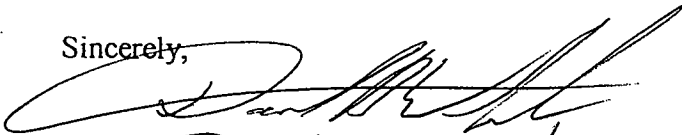
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Thank you for your consideration.

Sincerely,



Name *David B White*
Address *P.O. Box 3375*
City, State Zip *Pahrump, NV. 89041*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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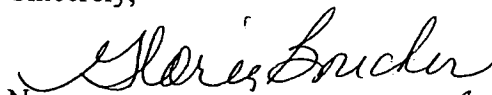
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Thank you for your consideration.

Sincerely,


Name
Address 3211 S Joyce Rd
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Willi Baer
Name
Address 4141 E. Winterwood St
City, State Zip Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 54 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Name *Eric Grundy*
Address *3980 So Oakridge Ave.*
City, State Zip *Pahrump NV. 89048.*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 55 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely, *C. Doré Foskey*

Name *C. Doré Foskey*
Address *3691 So. Vanguard Ave*
City, State Zip *Pahrump, NV. 89048*

Ronda Onbas
381 S. Round Up Ct
Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 56 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Name
Address
City, State Zip

Julie Grundy
3980 S. Oakridge Ave.
Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11

Page 57 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,



Name

Cathy Pennington

Address

2821 Rio Rico Dr.

City, State Zip

Pahrump, N.V. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 58 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

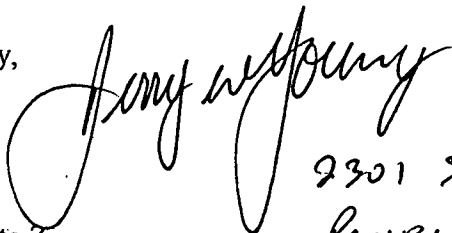
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Thank you for your consideration.

Sincerely,



Name
Address
City, State Zip

2301 S. WAGON AVE
PAHRUMP NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 59 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name

Elke C Switzer

Address

P.O. Box 3037

City, State Zip

Pahrump, NV. 89041

→

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 60 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

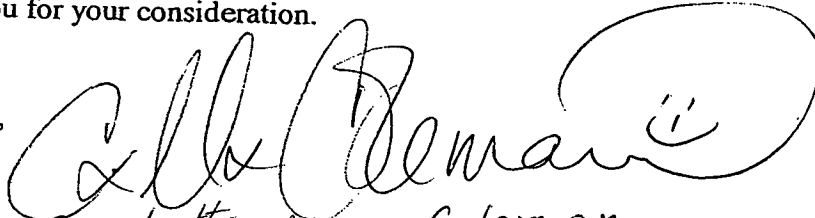
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name Carletta May Coleman
Address 5898 AL FRESCO
City, State Zip Pahrump NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 61 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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Thank you for your consideration.

Sincerely,



Name

Bonnie M Green

Address

3420 Marylou

City, State Zip

PAHRUMP NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely *Jessica Fancher*

Name *Jessira Fancher*
Address *2311 E. Silver St.*
City, State Zip *Pahrump, NV 89048*



January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 63 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name
Address
City, State Zip

Kimberly Almiral-Jones
4240 E. Laute Drive
Pahrump NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 64 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Name

Address 5406

City, State Zip

Foni Gilman
E. Carrara Pt SA
Pahrump, NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 65 of 67

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Jeanette Squidri

Address 3921 Windsong

City, State Zip

Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
Page 66 of 67

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.

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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,

Name *JAMIE ROSTER*
Address *791 MORGAN*
City, State Zip *PAHRUMP NV 89060*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 11
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Dear Trustee Stermer,

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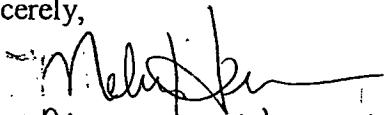
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Thank you for your consideration.

Sincerely,



Name *Melissa Herbeck*
Address *2311 E SILVER ST*
City, State Zip
PAHRUMP, NV 89061

Response to:

DOCUMENT 11

Letters from Residents of Pahrump, Nevada

Comment Response

1. Noted. The support of residents of Pahrump for selection of the 630 East Parque Avenue Site in Pahrump as the location of the proposed contractor-owned/operated detention facility is acknowledged. The OFDT also acknowledges receipt of 49 identical letters from residents of Pahrump, Nevada and while individual responses have not been prepared for each letter, all 49 have been reproduced here.

2. Noted. The OFDT is aware of and appreciates the actions undertaken by the Town of Pahrump to facilitate its selection as the site of the proposed detention facility. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. Community acceptance and support is an important factor to the overall success of the proposed action. The support offered by residents of Pahrump for the proposal to house federal detainees in a contractor-owned/operated detention facility in Pahrump is greatly appreciated.

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 1 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site. 1


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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility. 3

Thank you for your consideration.

Sincerely,


Name Joni Jones
Address 1380 E Bank
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 2 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

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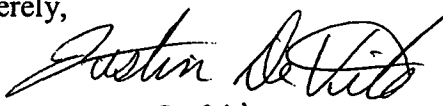
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,

Name
Address
City, State Zip


JUSTIN DeVITO
1821 E. CALVADA BLVD #3
PAHRUMP, NV, 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 3 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name *LINDA K. HOOPER*
Address *P.O. Box 1686*
City, State Zip *PAHRUMP, NV 89041*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Connie E. Hooten

Name *Connie Hooten*
Address *6931 Sandpebble St*
City, State Zip *Pahrump, NV. 89061*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely,

Renee Ramsey

Name Renee Ramsey
Address P.O. Box 9002
City, State Zip Pahrump, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely,

Diana L. Tate

Name *Diana Tate*
Address *10 N David St*
City, State Zip

Pahrump Nevada 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 7 of 33

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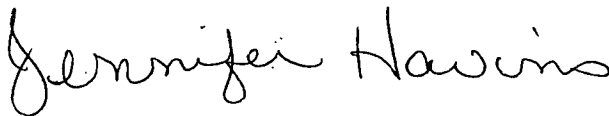
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Thank you for your consideration.

Sincerely,



Name Jennifer Hawkins
Address 2831 E Danedlion St #47
City, State Zip
Pahrump Nevada 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 8 of 33

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Thank you for your consideration.

Sincerely, 

Name APRIL D. HOLMES
Address P.O. BOX 634
City, State Zip
PAHRUMP, N.V. 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely, 

Name JEFF RASCON
Address PO BOX 634
City, State Zip PAHRUMP, NV
89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely,



Name *Devin Schneider*
Address *1921 E. Heritage*
City, State Zip *Pahrump NV, 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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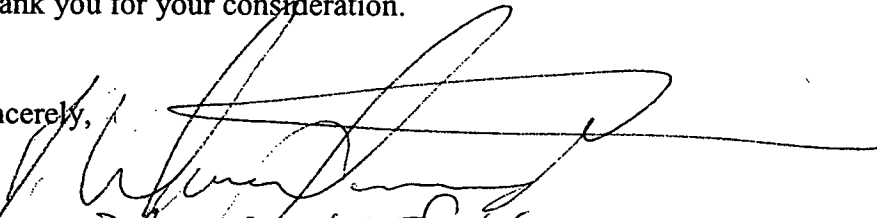
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Thank you for your consideration.

Sincerely,



Name Dawn Westfield
Address 220 Happy Ln
City, State Zip Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name **DAVID HINCHCLIFFE**
Address **P.O. Box 9478**
City, State Zip **PAHRUMP NV. 89060**

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name JAYNE PUBH
Address 351 E. STAGECOACH Rd. PAHRUMP, NV 89060
City, State Zip

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 14 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

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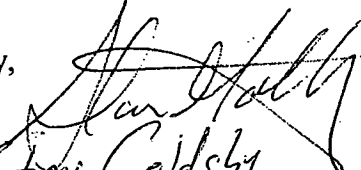
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Thank you for your consideration.

Sincerely,

Name
Address
City, State Zip


Jim Goldsby
P.O. BOX 2331
Pahrump, NV 89041

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12 Page 15 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Nancy J. Petersen

Name *Nancy J. Petersen*

Address *P.O. Box 5096*

City, State Zip *Pahrump, Nv. 89041-5096*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 16 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

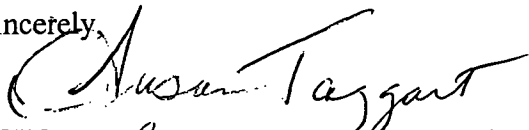
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We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,



Name Susan Taggart
Address 581 W Amarillo Ave
City, State Zip Pahrump, NV 89148

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 17 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

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Thank you for your consideration.

Sincerely,

Sarah M. Bourque

Name Sarah M. Bourque
Address 1835 Calrada Apt. 1
City, State Zip pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 18 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Adam Hadband
Address 4300 E. Turner Blvd.
City, State Zip Pahrump, NV 89061

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12

Page 19 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Erika Ballari

Address 410 East Gamebird Road

City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12

Page 20 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

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Thank you for your consideration.

Sincerely,



Name BETH ANNA Stirland
Address 410 E. Gamebird
City, State Zip Pahrump NV. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12

Page 21 of 33

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

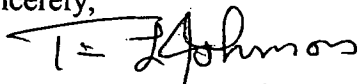
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Thank you for your consideration.

Sincerely,



Name Tim Johnson

Address 831 DAVID ADAM Rd.

City, State Zip Pahrump NV. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 22 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,

Tiffany Molitor

Name Tiffany Molitor
Address 1280 W. Bunarch
City, State Zip
Pahrump NV 89020

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12

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Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose Pahrump as your site.

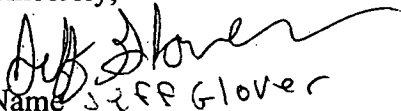
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Thank you for your consideration.

Sincerely,



Name Jeff Glover

Address 1280 W. Bunch

City, State Zip Pahrump, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 24 of 33

Dear Trustee Stermer,

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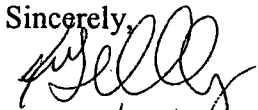
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Thank you for your consideration.

Sincerely,



Name *Ken Shackley*
Address *2101 E CALVADA BLVD.*
City, State Zip *Pahrump NV 89048*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 25 of 33

Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Lauralye Weidinger
Address 1981 W. Wilson
City, State Zip Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Dear Trustee Stermer,

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Thank you for your consideration.

Sincerely,



Name Amy Dillon
Address 1981 W. Wilson
City, State Zip pahrump NV. 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 27 of 33

Dear Trustee Stermer,

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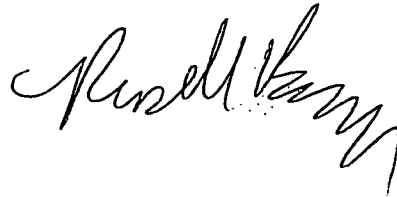
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Thank you for your consideration.

Sincerely,



Name Russell Barnum
Address 310 Lafayette
City, State Zip Pahrump NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 28 of 33

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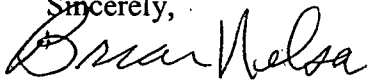
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Thank you for your consideration.

Sincerely,



Name BRIAN NELSON
Address 4451 W Chenerton Park
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

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Thank you for your consideration.

Sincerely,

Terrie D. Devito
Name *TERRIE D. DEVITO*
Address *1821 E. CALVADA BLVD #3*
City, State Zip *PAHRUMP NV. 89048.*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
Page 30 of 33

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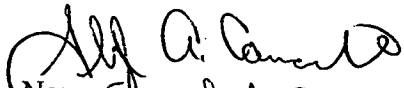
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Thank you for your consideration.

Sincerely,


Name Sheryl A. Carmachto
Address 351 W. Simkins Rd
City, State Zip Pahrump, NV 89060

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely,

Name Louis Woodland
Address 871 Buol Lane
City, State Zip Pahrump, NV 89048

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12

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Thank you for your consideration.

Sincerely,

Name *Sylvia Carlson-Roberts*
Address *5101 NW Valero Ct*
City, State Zip *Pahrump, NV 89060*

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 12
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Thank you for your consideration.

Sincerely,



Mary Balloqui
2220 Silver St
Pahrump NV 89048
775 537 1104

Response to:

DOCUMENT 12

Letters from Residents of Pahrump, Nevada

Comment Response

1. Noted. The support of residents of Pahrump for selection of Pahrump, Nevada as the location of the proposal contractor-owned/operated detention facility is acknowledged. The OFDT also acknowledges receipt of 33 identical letters from residents of Pahrump, Nevada and while individual responses have not been prepared for each letter, all 33 have been reproduced here.

2. Noted. The OFDT is aware of and acknowledges the actions undertaken by the Town of Pahrump to facilitate its selection as the site of the proposed detention facility. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. Community acceptance and support is an important factor to the overall success of the proposed action. The support offered by residents of Pahrump for the proposed contractor-owned/operated detention facility to be located in Pahrump is greatly appreciated.

Nardi, Robert

From: Stermer, Scott [Scott.Stermer2@usdoj.gov]
Sent: Friday, February 01, 2008 7:42 AM
To: Nardi, Robert
Subject: Fw: federal detention center pahrump nevada

DOCUMENT 13

Page 1 of 1

----- Original Message -----

From: Melissa Plant <drmplant@earthlink.net>
To: Stermer, Scott
Sent: Thu Jan 31 19:20:09 2008
Subject: federal detention center pahrump nevada

I started a petition against the federal detention center last year. It was too much leg work for me to accomplish. I did get several pages worth of signatures before I quit. There was a newspaper article regarding my petition. No one I have spoken to is in favor of the federal detention center. I was unaware of all three public hearings. Nothing was posted on the sign outside the community center. I have lived in this Valley for 23 years and a federal detention center is not where this town should be going. No one will ever convince me this is a good idea. If this detention center happens, I will uproot my family and leave. I will take my business elsewhere. I have worked a long time toward my degree and safeguarding my family. I like this rural setting I grew up in and I think a detention center will ruin it all. Also I live less than five miles from the proposed site on mesquite, which! is just icing on the cake. I have a lot more to say on the subject, but anything further would be ranting. Thank you for your time.

Dr. Melissa Plant
Owner HCDC Mobile Chiropractic
Coordinator and Sponsor Kids Day America Coordinator Pahrump Valley Health Fair Member
Pahrump Valley Chamber of Commerce Class of 1991 PVHS

Melissa Plant
drmplant@earthlink.net
EarthLink Revolves Around You.

Response to:

DOCUMENT 13

Melissa Plant, Owner
HCDC Mobile Chiropractic
Pahrump, Nevada

Comment Response

1. Noted. The opposition by Melissa Plant to selection of Pahrump as the location the proposed contractor-owned/operated detention facility to house federal detainees is acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. Prior to initiating preparation of the Draft EIS, the OFDT held public scoping meetings in Pahrump, Nevada on June 19, 2007; in Moapa, Nevada on June 20, 2007; and in Kingman, Arizona on June 21, 2007 to inform the public and solicit input concerning the proposal to house federal detainees in a contractor-owned/operated detention facility. The date, time and location of each scoping meeting was advertised in multiple newspapers serving Nye County and Clark County, Nevada and Mohave County, Arizona (in English and Spanish) in the weeks leading up to the meetings. In addition, OFDT distributed some 200 letters inviting federal, state and local elected and appointed officials and agency representatives, interest groups, Native American organizations, the media and others to attend the public scoping meetings. Furthermore, the public scoping period extended for several weeks following the meetings to allow for public comment and input.

3. Noted. Opposition to selection of Pahrump expressed by Melissa Plant is acknowledged.

To: Scott Stermer
 Assistant Trustee-Procurement
 U.S. Department of Justice,
 Office of Federal Detention Trustee
 4601 North Fairfax Drive, 9th Floor
 Arlington, VA 22203

DOCUMENT 14
Page 1 of 5

Re: Proposed Contract Detention Facility in Moapa, NV

Date: January 21, 2008

As owners and investors in various properties in Moapa, Nevada we were very interested to learn of the proposal to build a facility to house 1,000 to 1,500 federal detainees on the Moapa 80 property. We are very familiar with the Moapa area and feel that the Moapa 80 site is an excellent choice for such a facility. While it is close enough to developed parts of the community to provide a convenient source of employment, its visual impact to the community is minimized by the surrounding hills and the Reid Gardner power plant. Highway 168 and I-15 provide good access to the site. Utilities are readily available. The surrounding industrial and BLM properties will be compatible neighbors and will reduce concerns about security for the area.

We are very much in favor of the selection of the Moapa 80 site for the proposed Contract Detention Facility.

Signature	Printed Name	Investment Group
	Marcie Goodin	
	Eric Gill	South Fifteen, Choo Choo Express
	STAN NIELSON	More Choo Choo, South Fifteen
	Steve Tarantino	South Fifteen
	JOSEPH PASTORE	South Fifteen, Choo Choo Exp
	WILLIAM ROOT	Choo Choo Express
	Patricia M. Pastore	Choo Choo Express
	Catherine J. Root	Choo Choo Express
	Tiffany Thomas, LLC	South Fifteen, LLC
	PATRICIA A. GILL	Choo Choo Express
	Callie J. Gill	Choo Choo Express
	swiss Invest Hilster Robert	Choo Choo + Durpele

To: Scott Stermer
 Assistant Trustee-Procurement
 U.S. Department of Justice,
 Office of Federal Detention Trustee
 4601 North Fairfax Drive, 9th Floor
 Arlington, VA 22203

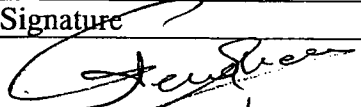
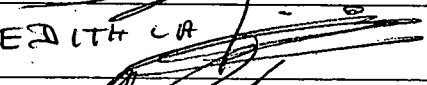


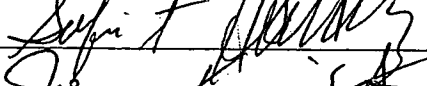
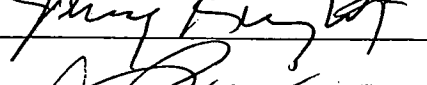


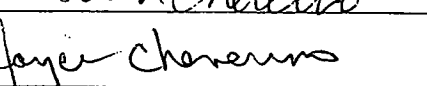
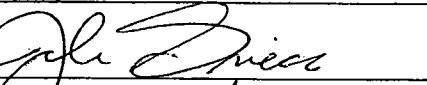


DOCUMENT 14
 Page 2 of 5

Re: Proposed Contract Detention Facility in Moapa, NV

Date: January 21, 2008

As owners and investors in various properties in Moapa, Nevada we were very interested to learn of the proposal to build a facility to house 1,000 to 1,500 federal detainees on the Moapa 80 property. We are very familiar with the Moapa area and feel that the Moapa 80 site is an excellent choice for such a facility. While it is close enough to developed parts of the community to provide a convenient source of employment, its visual impact to the community is minimized by the surrounding hills and the Reid Gardner power plant. Highway 168 and I-15 provide good access to the site. Utilities are readily available. The surrounding industrial and BLM properties will be compatible neighbors and will reduce concerns about security for the area.

We are very much in favor of the selection of the Moapa 80 site for the proposed Contract Detention Facility.

Signature	Printed Name	Investment Group
	ANNE PERDREAU	DURPER / choo choo
EDITH LA 	EDITH LA FORGE	DURPER / choo choo
	PIERRE LA FORGE	DURPER / choo choo
	Christina Yap	Durper / Choo choo
	SOFIA HERNANDEZ	Durper / choo choo
	Jerry Knight	choo choo / more choo
	Jorge Paz	Choo Choo / more Choo
	RON L. PETRONI	Choo Choo Express
	William Cherven	330th 15 choo choo
	Joyce Cherven	" "
	JOHN GRECCO	Citochoo / COK
	ROBERT SCHIRVI	" "

To: Scott Stermer
 Assistant Trustee-Procurement
 U.S. Department of Justice,
 Office of Federal Detention Trustee
 4601 North Fairfax Drive, 9th Floor
 Arlington, VA 22203

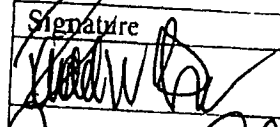
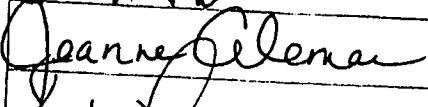
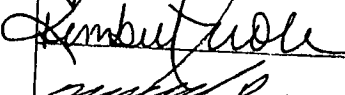
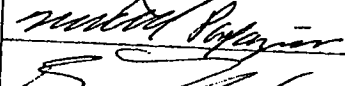
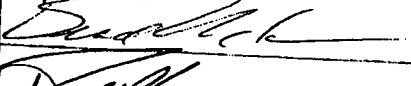

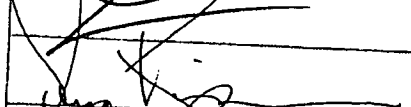
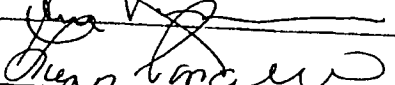
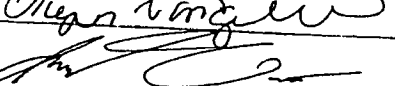

DOCUMENT 14
Page 3 of 5

Re: Proposed Contract Detention Facility in Moapa, NV

Date: January 21, 2008

As owners and investors in various properties in Moapa, Nevada we were very interested to learn of the proposal to build a facility to house 1,000 to 1,500 federal detainees on the Moapa 80 property. We are very familiar with the Moapa area and feel that the Moapa 80 site is an excellent choice for such a facility. While it is close enough to developed parts of the community to provide a convenient source of employment, its visual impact to the community is minimized by the surrounding hills and the Reid Gardner power plant. Highway 168 and I-15 provide good access to the site. Utilities are readily available. The surrounding industrial and BLM properties will be compatible neighbors and will reduce concerns about security for the area.

We are very much in favor of the selection of the Moapa 80 site for the proposed Contract Detention Facility

Signature	Printed Name	Investment Group
	Randel W Aleman	Choo Choo to many to List- Riverview, SoIS
	Jeanne Aleman	Choochoo
	Kimberly Nolan	Choo Choo
	Manuel Papazian	Riverview
	Brad Nelson	Choo Choo
	PAUL KENNER	CHOO CHOO
	Anthony Barry	Choo Choo
	JOE KISSANE	SoIS, Choo Choo
	Lynn Pagallo	Stash Buck, LLC
	Justin Orians	Moapa Industries LLC

Response to:

DOCUMENT 14

Property Owners and Investors
Moapa, Nevada

Comment Response

1. Noted. The support of property owners and investors in Moapa, Nevada for development of the proposed contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. The OFDT also acknowledges receipt of 38 signatures from various owners and investors with all signatures reproduced here.

2. Noted. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate employment and business activity in the Moapa area. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Site in Pahrump, Nevada. The OFDT appreciates the interest and support expressed on behalf of the Moapa Site.

January 14, 2008

Scott Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 15
Page 1 of 1

Dear Trustee Stermer,

I write to you in support of the proposed Federal Detention Center, and request that you choose 630 East Parque Ave, Pahrump as your site.


Since the beginning of your assessment process nearly one year ago, Pahrump has been working closely with all of the companies bidding on your project. These are some of the steps we have taken in our community to show our interest in the project:

- Passed zoning approvals to allow all of the sites under consideration to be considered;
- The Pahrump Town Board passed a resolution in support of the Detention Center;
- At a meeting last week, the Town Board approved the Pahrump Alliance Valley Economic Development to serve as the liaison between the town and the county, to determine the best way to meet the Detention Center's water and wastewater needs.

We have been told that community acceptance is a key component for your projects. As evidenced above, our community is excited about the opportunity to host your facility.

Thank you for your consideration.

Sincerely,


John T. McDonald, Vice Chairman
Pahrump Town Board
2170 Scales Way
Pahrump NV 89060

Response to:

DOCUMENT 15

John T. McDonald, Vice Chairman
Pahrump Town Board
Pahrump, Nevada

Comment Response

1. Noted. The support of John T. McDonald and the Pahrump Town Board for selection of the 630 East Parque Avenue Site as the location of the proposed contractor-owned/operated detention facility is acknowledged.

2. Noted. The OFDT is aware of and acknowledges the actions undertaken by the Town of Pahrump to facilitate its selection as the site of the proposed detention facility. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. Community acceptance and support are important factors to the overall success of the proposed action. The support offered by Mr. McDonald, the Pahrump Town Board and others for the proposal to house federal detainees in a contractor-owned/operated detention facility to be located in Pahrump is greatly appreciated.

January 16, 2008

I oppose a Federal Detention Facility at the Moapa site.

My family has a significant history of being part of and contributing to the Moapa community. This makes my family significant to the area of potential effect (APE) and decisions concerning the future of Moapa.

My grandmother Sophia Samson attended elementary school at the old school house still located on Postal Road. She was a classmate and attended school with Lenore Perkins Clay, as well as many other historical Moapa family members.

My great grandfather, grandfather, and brother worked the Union Pacific Railroad from Arden, Nevada to Elgin and Caliente, Nevada, including the Moapa Depot. My great grandfather worked this line from the 1920s. Until the 1980s, I had a family member working and involved with the Moapa railroad line.

Throughout the 1950s and 1960s, my great grandmother, Elaine Samson, helped "Grandma" Ella Potten with her health care and running Ely's Bar. Ella and her husband had the 100 year license for the bar and passed that on to Great Grandma Elaine upon their deaths. My grandfather, H.J. Schlarman, and my grandmother, Sophia Samson Schlarman, purchased the bar licenses upon Great Grandma Elaine's death. They ran the Moapa Bar until the 1980s.

My great grandmother Rachel Schlarman was a midwife along the railroad. She helped many moms deliver their babies and take care of their children, including the birth of Marge Henrie and many of the Perkins clan. There is an historical connection between the Perkins family, the Moapa Band of Paiutes, and the Moapa Bar families. They protected this community, cared for each other, and took care of each other together. I am doing my best to continue this community bond; however, your proposed federal detention center at the Moapa site has the potential to destroy the history, the families, the community, and the culture of this great town.

From the 1940s, my mom, and from the 1960s, I spent my childhood in Moapa at the Warm Springs swimming holes, the Moapa Bar, and along the rails between Arden and Elgin, including Moapa.

My husband, G. Robert Lyman, has extended family that is part of the Mormon pioneers who settled this area. The family history on the Lyman side is very significant to the development of Moapa and the Moapa Valley.

Several generations of my family - including my grandfather, father, mother, and brother - served on the Moapa Volunteer Fire Department. My grandfather and father were founding members of the Moose Lodge.

Much of the Moapa history has been bulldozed, but the memories, stories, and ideals continue with each generation. However, the implementation of a detention center/prison in Moapa will destroy this Moapa. My opposition is based on many factors including, but not necessarily limited to the following issues involved with the Moapa site. All of these issues can be mitigated by placing the Federal Detention Facility at the Apex site instead of destroying the Township of Moapa.

-in a rural community destroying our rural lifestyle, atmosphere, animal life, plant life, wetlands, and future.

-the inefficient, inappropriate, and destructive use of our resources and industry/market base potential. Once we are saddled with a "Prison Town" image, we will not be able to attract other positive development and growth from business and industry that would otherwise be attracted to our town due to the fact we have the following assets working in our favor:

I-15

Union Pacific Railroad

Highway 168

Highway 93

Open lands

Fiber Optic corridor

Kern River gas pipeline

Nevada Power grid corridor

Moapa Band of Paiutes

Pristine desert wildlife and plant life

Historically significant lands to the Mormon pioneers, Paiutes, Railroad, and early man

Water sources

-negative psychological effects of growing up and living in a prison town.

-negative psychological effects due to the possible terror associated with what if someone escapes and things go wrong.

-in extremely close proximity to Perkins Elementary School creating potential risks to students, faculty, staff, parents, and the community at large.

-in extremely close proximity to the Moapa Band of Paiute Indian Reservation including homes, Boys and Girls Club, and businesses.

-in extremely close proximity to rural homes, farms, and ranches to the West, North, and East.

-in extremely close proximity to the historical Mormon Pioneer cemetery at West Point.

-in extremely close proximity to the Union Pacific Railroad.

-in extremely close proximity to Highway 168 and Interstate 15.

-increased population threatening the rural community.

-increased traffic congestion and safety issues.

-increased crime threatening our precarious rural community security.

-increased demand for police, fire, ambulance, and other emergency services.

As it is now, we have a significant response time for police. We have a minimum of 1 hour, possibly hours, days, and weeks for Metro to respond to a situation, if they respond at all.

-increased demand for Public Works Improvement projects.

-increased risk of accidents, closures, and hazards on the already congested Interstate 15 and Highway 168 which are not adequate for the growth in the Northeastern Clark County area as is.

-increased risk of accidents, closures, and hazards on Interstate 15 which is a significant traffic corridor for commerce and private travel from Canada to California.

-increased risk of dangerous individuals imported into our community due the fact they are unable to make bail and/or are denied bail.

-increased risk of dangerous individuals imported into our community due the fact they are terrorists, drug dealers, murderers, kidnappers, child molesters, rapists, etc.

No amount of benefit that Corrections Corporation of America (CCA), the US Federal Government, the Clark County Government, Clark County Commissioner Tom Collins, or the Moapa Town Advisory Board suggests and promises the citizens of the Township of Moapa can outweigh the significant risks, costs, and destruction to our society. We are fighting to preserve our rural lifestyle on a daily basis. We cannot allow this Detention Center to threaten and destroy our lives and our future.

Shari Lee Wright Lyman, Ph.D.

Shari Lee Wright Lyman, Ph.D.
P.O. Box 729, 1480 East Isola Road
Moapa, NV 89025

Home Phone: 702-864-2219

Cell Phone: 702-306-2029

e-mail: moapa@comnett.net

Response to:

DOCUMENT 16

Shari Lee Wright Lyman, Ph.D., Resident
Moapa, Nevada

Comment Response

1. Noted. Shari Lee Wright Lyman's opposition to selection of the Moapa Site as the location the proposed detention facility to house federal detainees is acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
2. Noted. The OFDT acknowledges the long and influential association of the Wright and Lyman families and their predecessors with the Moapa area.
3. Noted. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Use Zone Site A informed the OFDT that it had withdrawn the site from consideration as a possible location for the proposed detention center.
4. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. Any potential environmental, social, economic, transportation and other impacts, both positive and negative, which would result from development of the proposed project at the Moapa Site will be avoided.
5. Noted. As noted above, with selection of the 2250 East Mesquite Avenue Site in Pahrump, Nevada as the Agency Preferred Alternative, any potential environmental, social, economic, transportation and other impacts resulting from development of the proposed project at the Moapa Site will be avoided.
6. Noted. The comments and concerns expressed by Shari Lee Wright Lyman concerning selection of the Moapa Site are gratefully acknowledged.

January 16, 2008

I oppose a Federal Detention Facility at the Moapa site.

My family has a significant history of being part of and contributing to the Moapa community. This makes my family significant to the area of potential effect (APE) and decisions concerning the future of Moapa.

My mother Sophia Samson attended elementary school at the old school house still located on Postal Road. She was a classmate and attended school with Lenore Perkins Clay, as well as many other historical Moapa family members.

My grandfather, father, and son worked the Union Pacific Railroad from Arden, Nevada to Elgin and Caliente, Nevada, including the Moapa Depot. My grandfather worked this line from the 1920s. Until the 1980s, I had a family member working and involved with the Moapa railroad line.

Throughout the 1950s and 1960s, my grandmother, Elaine Samson, helped "Grandma" Ella Potten with her health care and running Ely's Bar. Ella and her husband had the 100 year license for the bar and passed that on to Grandma Elaine upon their deaths. My dad, H.J. Schlarman, and my mother, Sophia Samson Schlarman, purchased the bar licenses upon Grandma Elaine's death. They ran the Moapa Bar until the 1980s.

My grandmother Rachel Schlarman was a midwife along the railroad. She helped many moms deliver their babies and take care of their children, including the birth of Marge Henrie and many of the Perkins clan. There is an historical connection between the Perkins family, the Moapa Band of Paiutes, and the Moapa Bar families. They protected this community, cared for each other, and took care of each other together. I am doing my best to continue this community bond; however, your proposed federal detention center at the Moapa site has the potential to destroy the history, the families, the community, and the culture of this great town.

From the 1940s, I spent my childhood and children spent their childhoods in Moapa at the Warm Springs swimming holes, the Moapa Bar, and along the rails between Arden and Elgin, including Moapa.

My son-in-law, G. Robert Lyman, has extended family that is part of the Mormon pioneers who settled this area. The family history on the Lyman side is very significant to the development of Moapa and the Moapa Valley.

Several generations of my family - including my father, husband, son, and myself - served on the Moapa Volunteer Fire Department. My father and husband were founding members of the Moose Lodge.

Much of the Moapa history has been bulldozed, but the memories, stories, and ideals continue with each generation. However, the implementation of a detention center/prison in Moapa will destroy this Moapa. My opposition is based on many factors including, but not necessarily limited to the following issues involved with the Moapa site. All of these issues can be mitigated by placing the Federal Detention Facility at the Apex site instead of destroying the Township of Moapa.

-in a rural community destroying our rural lifestyle, atmosphere, animal life, plant life, wetlands, and future.

-the inefficient, inappropriate, and destructive use of our resources and industry/market base potential. Once we are saddled with a "Prison Town" image, we will not be able to attract other positive development and growth from business and industry that would otherwise be attracted to our town due to the fact we have the following assets working in our favor:

I-15

Union Pacific Railroad

Highway 168

Highway 93

Open lands

Fiber Optic corridor

Kern River gas pipeline

Nevada Power grid corridor

Moapa Band of Paiutes

Pristine desert wildlife and plant life

Historically significant lands to the Mormon pioneers, Paiutes, Railroad, and early man
Water sources

-negative psychological effects of growing up and living in a prison town.

-negative psychological effects due to the possible terror associated with what if someone escapes and things go wrong.

-in extremely close proximity to Perkins Elementary School creating potential risks to students, faculty, staff, parents, and the community at large.

-in extremely close proximity to the Moapa Band of Paiute Indian Reservation including homes, Boys and Girls Club, and businesses.

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-in extremely close proximity to the historical Mormon Pioneer cemetery at West Point.

-in extremely close proximity to the Union Pacific Railroad.

-in extremely close proximity to Highway 168 and Interstate 15.

-increased population threatening the rural community.

-increased traffic congestion and safety issues.

-increased crime threatening our precarious rural community security.

-increased demand for police, fire, ambulance, and other emergency services.

As it is now, we have a significant response time for police. We have a minimum of 1 hour, possibly hours, days, and weeks for Metro to respond to a situation, if they respond at all.

-increased demand for Public Works Improvement projects.

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-increased risk of accidents, closures, and hazards on Interstate 15 which is a significant traffic corridor for commerce and private travel from Canada to California.

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No amount of benefit that Corrections Corporation of America (CCA), the US Federal Government, the Clark County Government, Clark County Commissioner Tom Collins, or the Moapa Town Advisory Board suggests and promises the citizens of the Township of Moapa can outweigh the significant risks, costs, and destruction to our society. We are fighting to preserve our rural lifestyle on a daily basis. We cannot allow this Detention Center to threaten and destroy our lives and our future.

Rachel Wright

Rachel Wright
P.O. Box 98, 1380 East Isola Road
Moapa, NV 89025

Home Phone: 702-864-2205
e-mail: moapa@comnett.net

Response to:

DOCUMENT 17

Rachel Wright, Resident
Moapa, Nevada

Comment Response

1. Noted. Rachel Wright's opposition to selection of the Moapa Site as the location the proposed detention facility to house federal detainees is acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
2. Noted. The OFDT acknowledges the long and influential association of the Wright and Lyman families and their predecessors with the Moapa area.
3. Noted. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Use Zone Site A informed the OFDT that it had withdrawn the site from consideration as a possible location for the proposed detention center.
4. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. Any potential environmental, social, economic, transportation and other impacts, both positive and negative, which would result from development of the proposed project at the Moapa Site will be avoided.
5. Noted. As noted above, with selection of the 2250 East Mesquite Avenue Site in Pahrump, Nevada as the Agency Preferred Alternative, any potential environmental, social, economic, transportation and other impacts which may result from development of the proposed project at the Moapa Site will be avoided.
6. Noted. The comments and concerns expressed by Rachel Wright concerning selection of the Moapa Site are gratefully acknowledged.

January 16, 2008

My opposition to the Moapa site is based on many factors including, but not necessarily limited to the following issues involved with the Moapa site. All of these issues can be mitigated by placing the Federal Detention Facility at the Apex site instead of destroying the Township of Moapa.

-in a rural community destroying our rural lifestyle, atmosphere, animal life, plant life, wetlands, and future.

-the inefficient, inappropriate, and destructive use of our resources and industry/market base potential. Once we are saddled with a "Prison Town" image, we will not be able to attract other positive development and growth from business and industry that would otherwise be attracted to our town due to the fact we have the following assets working in our favor:

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No amount of benefit that the US Federal Government, the Clark County Government, or Moapa Town Advisory Board suggests and promises the citizens of the Township of Moapa would incur with this action can outweigh the significant risks and costs to our society. We are fighting to preserve our rural lifestyle on a daily basis. We cannot allow this Detention Center to threaten and destroy our lives and our future.



G. Robert Lyman
P.O. Box 729, 1480 East Isola Road
Moapa, NV 89025

Home Phone: 702-864-2219
e-mail: moapa@comnett.net

Response to:

DOCUMENT 18

G. Robert Lyman, Resident
Moapa, Nevada

Comment Response

1. Noted. The opposition of G. Robert Lyman to selection of the Moapa Site as the location the proposed detention facility to house federal detainees is acknowledged. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Use Zone Site A informed the OFDT that it had withdrawn the site from consideration as a possible location for the proposed detention center. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. Any potential environmental, social, economic, transportation and other impacts, both positive and negative, which may result from development of the proposed project at the Moapa Site will be avoided.

3. Noted. As noted above, with selection of the 2250 East Mesquite Avenue Site in Pahrump, Nevada as the Agency Preferred Alternative, any potential environmental, social, economic, transportation and other impacts resulting from development of the proposed project at the Moapa Site will be avoided.

4. Noted. The comments and concerns expressed by G. Robert Lyman concerning selection of the Moapa Site are gratefully acknowledged.



Development Corporation

8645 West Sahara Ave.
Las Vegas, Nevada, 89117

Phone: (702) 254-6613
Fax: (702) 240-2073

January 17, 2008

DOCUMENT 19

Page 1 of 2

2008 JAN 23 PM 3:20

U.S. Department of Justice
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, Ninth Floor
Arlington, VA 22203

Attention: Scott Stermer, Assistant Trustee of Procurement

Dear Mr. Stermer:

It bothers me seeing public officials promoting to build a jail close to East Road Runner on top of a beautiful hill claiming to create economic prosperity. Nearby, several large developers have purchased large lots of land for future developments. Once the jail goes up, these developments will be cancelled. Pahrump has to decide whether it can afford to deter tourism and upscale housing developments to be dominated by an industry that incarcerates people.

My development companies spent in excess of \$40 Million in the vicinity of the prospective prison. If this development were to occur, the financial damage to my companies would be substantial – which would force me to take legal action against Nye County. I have been told by other developers and by homeowners that they would participate in a class action suit against Nye County.

Furthermore, find enclosed a few internet reports about the benefits of living within a prison community.

Sincerely,

Hans Seibt
President

Cc: Commissioner Joni Eastley, Commissioner Roberta Carver, Commissioner Andrew Borasky,
Commissioner Gary Hollis, Commissioner Peter Liakopolous, Town Manager David Richards,
Nevada State Assembly Man Ed Goedhart

1

2

3

Are prisons the clean, prosperous industries that prison proponents promise?

Prisons use a lot of water, often drawn from dwindling or endangered sources. There's waste water too and a public authority must regulate the disposal or recycling of any toxic wastewater. The community pays for these environmental burdens caused by the unsustainable density of prisons.

A new prison in your region also changes the way that people think about your town. Tourists aren't generally attracted to a correctional complex.

Prisons are closed, guarded, sad places. People who co-mingle and endure this controlled, depressing social environment are made physically, emotionally and mentally worse by the experience.

Do prisons have an effect on public health?

Mental health issues aside, a new or expanding prison in your area will put extra burdens on local emergency and hospital services. Insurance company restrictions on reimbursement inhibit local regions' ability to expand or improve local medical services, while sub-standard care can lead to costly litigation. Personal abuse and medical neglect flourish in prisons.

Communicable diseases can flourish in prisons too. There are documented, high rates of preventable tuberculosis, HIV/AIDS and hepatitis infections discovered in many prison populations.

Local authorities should know and monitor the health of released prisoners, but it's a seldom-practiced, though routine, procedure. Adding to wider contagion possibilities, guards return home after their eight-hour shift inside prison.

If you are a person who agrees it's impossible to separate environmental sustainability from public health, we think you will oppose prison expansion.

What relationship do prisons have with race and class distinctions?

Affluent communities don't build prisons in their backyards. Prisons, public and private are started and expanded into mostly impoverished rural areas.

Source: <http://www.nonewprisons.org/prisons>

Response to:

DOCUMENT 19

Hans Seibt, President
HSLV Development Corporation
Las Vegas, Nevada

Comment

Response

1. Noted. The opposition of Hans Seibt and the HSLV Development Corporation to selection of Pahrump as the location the proposed detention facility to house federal detainees is acknowledged. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
2. Noted. The concerns associated with developing the proposed detention facility in Pahrump are acknowledged.
3. Noted. The concerns expressed by Hans Seibt regarding selection of a site in Pahrump for the proposed facility are gratefully acknowledged.

Rebecca Palmer

From: Nevada State Clearinghouse [Clearinghouse@budget.state.nv.us]
Sent: Wednesday, December 26, 2007 12:57 PM
To: Rebecca Palmer
Subject: E2008-294 Draft EIS for 1,500 bed contractor operated federal detention center -

<http://budget.state.nv.us/images/state_seal.jpg> NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0209 Fax (775) 684-0260

RECEIVED

JAN 27 2008

TRANSMISSION DATE: 12/26/2007

DOCUMENT 20
Page 1 of 1

State Historic Preservation Office

Nevada SAI # E2008-294

Project: Draft EIS for 1,500 bed contractor operated federal detention center

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

E2008-294 <<http://budget.state.nv.us/clearinghouse/Notice/2008/E2008-294.pdf>>

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Friday, January 25, 2008.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Questions? Krista Coulter, (775) 684-0209 or clearinghouse@state.nv.us
<<mailto:clearinghouse@budget.state.nv.us>>

This is a very large file. If you have trouble downloading this document, email Clearinghouse and we will mail you a CD.

No comment on this project Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

1/18/08

The SHPO reviewed the subject document. As discussed with the preparers, the cultural resources inventory report needs to be removed from the draft EIS and the text of the document edited to remove all sensitive information. With these changes, the SHPO would support the document and its conclusions. If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

1
2

Response to:

DOCUMENT 20

Rebecca L. Palmer
Review and Compliance Officer, Archaeologist
Nevada State Historic Preservation Office
Carson City, Nevada

Comment Response

1. Noted. The comments of Rebecca L. Palmer and the Nevada State Historic Preservation Office concerning the proposed action are gratefully acknowledged. At the request of the Nevada State Historic Preservation Office, the cultural resources inventory report (Appendix D) has been removed from the Final EIS with the text of the main document edited to remove potentially sensitive information. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. The OFDT appreciates the cooperation and assistance of Rebecca L. Palmer and the staff of the Nevada State Historic Preservation Office during preparation of the Draft and Final EISs.



A Leader in Diversified Real Estate Development

January 22, 2008

Scott Stermer
Assistant Trustee-Procurement
U.S. Department of Justice,
Office of Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, VA 22203

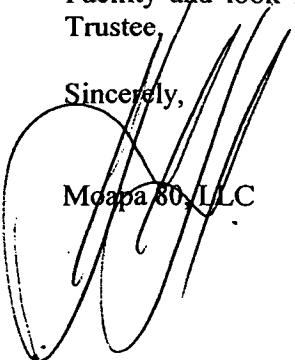
DOCUMENT 21
Page 1 of 1

Re: Proposed Contract Detention Facility in Moapa, NV

Moapa 80, LLC is the owner of one of the sites being considered for a contract federal detention facility near Las Vegas, NV. We are, of course, in favor of the Moapa 80 site being selected. In addition to meeting all the necessary criteria for such a facility, we feel that this location allows for superior access to the courthouse in Las Vegas via Highway 168 and I-15. Further, the location in the industrial area of the town of Moapa assures that surrounding land uses will be compatible with a detention facility.

We are very much in favor of the selection of the Moapa 80 site for the proposed Contract Detention Facility and look forward to working with the successful contractor and Office of Federal Detention Trustee.

Sincerely,


Moapa 80, LLC

Response to:
DOCUMENT 21

Moapa 80, LLC
Las Vegas, Nevada

Comment Response

1. Noted. The support of Moapa 80, LLC for development of the proposed contractor-owned/ operated detention facility at the Moapa Site is gratefully acknowledged. While there are benefits and advantages associated with the Moapa Site, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. The OFDT appreciates the support expressed by Moapa 80, LLC on behalf of the Moapa Site.



**PECCOLE
NEVADA**

January 23, 2008

Mr. Scott Stermer,
Assistant Trustee – Procurement
U. S. Department of Justice
Office of Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 22
Page 1 of 1

RE: Proposed Contract Detention Facility in Moapa, Nevada

Dear Mr. Stermer,

I am writing to express my support of the Moapa 80 property for the site of the proposed Contract Detention Facility to house 1,000 to 1,500 federal detainees.

The William Peccole Trust owns two 40 acre parcels in the Moapa area, one of which is approximately one mile from the Moapa 80 site. The Moapa 80 site is perfectly situated for this type of facility and the Moapa community would benefit from its location there.

Sincerely,

Larry A. Miller
William Peccole Trust

LAM/d

1
2

Response to:

DOCUMENT 22

Larry A. Miller
William Peccole Trust
Las Vegas, Nevada

Comment Response

1. Noted. The support of Larry A. Miller and the William Peccole Trust for development of the proposed contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged.

2. Noted. While there are benefits and advantages associated with the Moapa Site, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The OFDT appreciates the support expressed by Larry A. Miller and the William Peccole Trust on behalf of the Moapa Site.

Madone, LLC dba Stagecoach Depot
2300 E. Glendale Blvd
Moapa, Nevada 89025
702-864-2277 Phone
702-864-2410 Fax

January 23, 2008

Mr. Scott Stermer
Assistant Trustee-Procurement
U.S. Department of Justice,
Office of Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 23
Page 1 of 1

Re: Proposed Contract Detention Facility in Moapa, NV

Dear Mr. Stermer,

Madone, Inc. is the owner of the Broken Spoke Saloon, the Stagecoach Depot café and the motel located in Moapa, NV. We want to go on record as being in favor of the proposed federal (contract) detention facility in Moapa. We feel that it would provide much needed jobs for the residents of our community. We feel that it would also be to our personal advantage in that it has the potential to increase business at our gas station, café and motel.

The proposed Moapa 80 site is in an excellent location for a detention facility and the access to the site to and from the federal courthouse in Las Vegas is superior.

We are very much in favor of the selection of the Moapa 80 for the proposed Contract Detention Facility.

Sincerely,


Madone, Inc.

Corporate address
7272 S. El Capitan Way #2
Las Vegas, NV 89148
702-579-3300 Ext 106

1
2
3

Response to:

DOCUMENT 23

Madone, LLC dba Stagecoach Depot
Moapa, Nevada

Comment Response

1. Noted. The support of Madone, LLC dba Stagecoach Depot for development of the proposed contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate additional employment and business activities in the Moapa area.

2. Noted. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. The support expressed by Madone, LLC dba Stagecoach Depot on behalf of the Moapa Site is gratefully acknowledged.

Rivers View, LLC
1000 N. Green Valley Parkway
#440-350
Henderson, NV 89074-6170

January 24, 2008

Scott P. Stermer
Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 24
Page 1 of 1

RE: Proposed Detention Facility in Moapa, NV

Dear Mr. Stermer,

I am writing today to express my support of the proposed Detention Facility in Moapa, NV. As an owner and manager of Rivers View, LLC which owns property in Moapa, I do not see any downside with having the Detention Facility as our neighbor. We are excited about the jobs the Detention Facility will create and the economic boost it will bring to the local Moapa area.

Sincerely,



Tiffany Thomas, Secretary of
Desert Oasis Management, Inc.,
Manager of Rivers View, LLC

Response to:

DOCUMENT 24

Tiffany Thomas
Secretary of Desert Oasis Management, Inc.
Henderson, Nevada

Comment Response

1. Noted. The support of Tiffany Thomas and Desert Oasis Management, Inc., for the proposal to house federal detainees in a contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate increased employment and business activities in the Moapa area. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.



THE ENCORE GROUP

January 24, 2008

Scott P. Stermer
Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 25.
Page 1 of 1

RE: Proposed Detention Facility in Moapa, NV

Dear Mr. Stermer,

I am writing to express my support of the proposed Detention Facility in Moapa, NV. Encore Homes owns property in Moapa and we look forward to having the Detention Facility as our neighbor. The proposed location in Moapa is ideal for the community. It is ideal for the Office of the Federal Detention Trustee as well in that it affords excellent access to the federal courthouse in Las Vegas. We are excited about the jobs the detention facility will create and the economic boost it will bring to the local Moapa area.

Sincerely,


Joseph Kissane

Response to:

DOCUMENT 25

Joseph Kissane
The Encore Group
Las Vegas, Nevada

Comment Response

1. Noted. The support of Joseph Kissane and the Encore Group for the proposal to house federal detainees in a contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to increase employment and business opportunities in the Moapa area. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

SOUTH FIFTEEN
1000 N. GREEN VALLEY PARKWAY
#440-350
HENDERSON, NV 89074-6170

January 28, 2008

Scott P. Stermer
Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

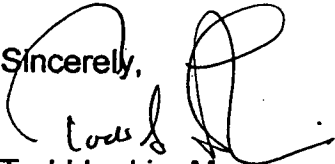
DOCUMENT 26
Page 1 of 1

RE: Proposed Detention Facility in Moapa, NV

Dear Mr. Stermer,

I am writing to express my support of the proposed Detention Facility in Moapa, NV. South Fifteen owns property in Moapa and we look forward to having the Detention Facility as our neighbor. The proposed location in Moapa is ideal for the community and it affords excellent access to the courthouse in Las Vegas. We are excited about the jobs the Detention Facility will create and the economic boost it will bring to the local Moapa area.

Sincerely,


Todd Larkin, Manager
South Fifteen

Response to:

DOCUMENT 26

Todd Larkin, Manager
South Fifteen
Henderson, Nevada

Comment Response

1. Noted. The support of Todd Larkin and South Fifteen for the proposal to award a contract to house federal detainees in a contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to increase employment and business opportunities in the Moapa area. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

JIM GIBBONS
Governor

STATE OF NEVADA

ANDREW K. CLINGER
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222
Fax (775) 684-0260
<http://www.budget.state.nv.us/>

January 28, 2008

Scott Stermer
US Department of Justice
Office of the Federal Detention Trustee
4601 North Fairfax Drive
9th Floor
Arlington, VA 22203

DOCUMENT 27
Page 1 of 5

Re: SAI NV # E2008-294

Reference:

Project: Draft EIS for 1,500 bed contractor operated federal detention center

Dear Scott Stermer:

Enclosed are comments from the agencies listed below regarding the above referenced document. Please address these comments or concerns in your final decision.

Division of Water Resources

Natural Heritage Program

State Historic Preservation Office

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372. If you have questions, please contact me at (775) 684-0209.

Sincerely,

A handwritten signature in black ink, appearing to read "Krista Coulter".

FOA Krista Coulter
Nevada State Clearinghouse

Division of Water Resources

Nevada SAI # E2008-294

Project: Draft EIS for 1,500 bed contractor operated federal detention center

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

[E2008-294](#)

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Friday, January 25, 2008.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Questions? Krista Coulter, (775) 684-0209 or clearinghouse@state.nv.us

No comment on this project Proposal supported as written

AGENCY COMMENTS:

Comment from the Division of Water Resources for the proposed action:

All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.

The State Engineer must permit all water used on the described project, unless water is provided by a municipal water service entity.

Water wells must be permitted, Monitor wells may require a Waiver from the State Engineer's Office, boreholes are not regulated but must be plugged within sixty (60) days after being drilled as required by NAC 534.4371. Abandoned wells must be plugged as required in NAC Chapter 534.

Any drillholes (water or monitor wells or boreholes) that may be located on either acquired or transferred lands are ultimately the responsibility of the owner of the property and must be plugged and abandoned as required in the Nevada Administrative Code (NAC), Chapter 534.

Signature: Hamilton Reed, P.E. , Staff Engineer

Date: January 3, 2008

Nevada State Clearinghouse

From: James Morefield [jdmore@heritage.nv.gov]
Sent: Friday, January 25, 2008 5:22 PM
To: Nevada State Clearinghouse
Subject: RE: E2008-294 Draft EIS for 1,500 bed contractor operated federal detention center -

Below are the comments of the Nevada Natural Heritage Program on the above referenced project.

--Jim Morefield

~~~~~  
 James D. Morefield, Ph.D., Supervisory Botanist & Webmaster  
 State of Nevada  
 Department of Conservation & Natural Resources  
 Nevada Natural Heritage Program  
 Richard H. Bryan Building  
 901 South Stewart Street, suite 5002  
 Carson City NV 89701-5245 U.S.A.

direct tel: (775) 684-2902  
 general tel: (775) 684-2900  
 email: [jdmore@heritage.nv.gov](mailto:jdmore@heritage.nv.gov)  
 web: <http://heritage.nv.gov>  
 ~~~~~

From: Nevada State Clearinghouse [mailto:Clearinghouse@budget.state.nv.us]
Sent: 26 December 2007 12:57
To: James Morefield
Subject: E2008-294 Draft EIS for 1,500 bed contractor operated federal detention center -



NEVADA STATE CLEARINGHOUSE
 Department of Administration, Budget and Planning Division
 209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
 (775) 684-0209 Fax (775) 684-0260

TRANSMISSION DATE: 12/26/2007

Natural Heritage Program
 Nevada SAI # E2008-294
Project: Draft EIS for 1,500 bed contractor operated federal detention center

Follow the link below to download an Adobe PDF document concerning the above-mentioned project

1/28/2008

DOCUMENT 27
Page 4 of 5

for your review and comment.

E2008-294

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Friday, January 25, 2008.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Questions? Krista Coulter, (775) 684-0209 or clearinghouse@state.nv.us

This is a very large file. If you have trouble downloading this document, email Clearinghouse and we will mail you a CD.

No comment on this project Proposal supported as written

AGENCY COMMENTS:

The draft EIS provides insufficient information and analysis with which to determine actual or potential impacts to special-status and other sensitive plant and animal species, and we cannot support the document as currently written. "Reconnaissance-level" field surveys were mentioned for some (not all) of the proposed site alternatives, but we cannot determine whether these surveys were conducted by qualified individuals and at times of year sufficient to reliably detect the presence of any species of concern.

3

For each alternative site, the DEIS states that "If required, the selected contractor will conduct pre-construction surveys for special status species and mitigation measures, as applicable, would be instituted." Unless such surveys are conducted for each site prior to site selection, an informed decision on which site would involve the fewest impacts to the environment cannot be made. After site selection is too late, and in any case the language used throughout the DEIS commits the proponent neither to such surveys, nor to mitigation measures sufficient to avoid significant impacts. Statements such as "To minimize the potential for adverse impacts, various measures will be considered including...." (page IV-10) are entirely inadequate. Specific impacts must be identified, and specific measures committed to mitigate those impacts, for each site analyzed before selecting a preferred alternative.

4

Signature:

James D. Morefield

Date:

25 January 2008

Distribution: Sandy Quilici, Department of Conservation & Natural Resources
Alan Di Stefano, Economic Development
Kathy Agee, Economic Development
Jodi Stephens, Governor's Office

DOCUMENT 27
Page 5 of 5

Stan Marshall, State Health Division
Karen Beckley, State Health Division
Sherry Rupert, Indian Commission
Skip Canfield, AICP, Division of State Lands
Anthony Grossman, Department of Wildlife, Director's Office
D. Bradford Hardenbrook, Department of Wildlife, Las Vegas
Robert Martinez, Division of Water Resources
James D. Morefield, Natural Heritage Program
Steve Weaver, Division of State Parks
Rebecca Palmer, State Historic Preservation Office
Krista Coulter, zzClearinghouse
Reese Tietje, zzClearinghouse -Reese
Maud Naroll, zzClearinghouse-Maud

Response to:

DOCUMENT 27

Krista Coulter
Nevada State Clearinghouse
Nevada Department of Administration
Carson City, Nevada

Comment Response

1. Noted. The interest and comments of the Nevada State Clearinghouse concerning the proposal to house federal detainees in a contractor-owned/operated detention facility to be developed at a site located in Nye or Clark counties are gratefully acknowledged.

2. Noted. The OFDT appreciates the comments offered by the Division of Water Resources concerning use of state water resources, regulatory authority governing such resources and their use, permit requirements, etc. The OFDT will communicate such information to the selected detention contractor to ensure compliance with all applicable State of Nevada regulations and requirements pertaining to water resources.

3. Noted. Field surveys were conducted at all alternative sites throughout 2007 (summer, fall and early winter). The surveys identified the presence of ephemeral washes, vegetative communities and potential habitat for species of special concern. If deemed necessary, additional field investigations including up-to-date species specific surveys will be performed at the preferred alternative site.

4. Noted. Throughout the environmental study process, the OFDT, the prospective detention contractors and their respective environmental consultants communicated and coordinated with USFWS, NDW, and NNHP officials to ensure that the proper attention was devoted to wildlife and wildlife habitats including special status species. Recently, additional documentation regarding endangered species habitats has been developed for each of the alternative sites. If required by the USFWS, NDW and/or the NNHP, protocol-level surveys for special status species will be performed within the preferred alternative site prior to construction to ensure compliance with applicable regulations governing protection of special status plant and wildlife species.

Lori Waters
PO Box 1323
Overton, NV 89040
702-274-3247
loriwaters@mvdsl.com

January 29, 2008

Scott P. Stermer
Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 28
Page 1 of 1

RE: Proposed Detention Facility in Moapa, NV

Dear Mr. Stermer,

I am writing you today in support of the proposed Detention Facility in Moapa, NV. I am a property owner and a resident of Moapa. I am excited about the jobs the Detention Facility will create and the economic boost it will bring to the local Moapa area. We do not see any downside with having the Detention Facility as our neighbor. We fully understand that this is a holding facility for federal detainees awaiting court appearances in US Courthouse in Las Vegas, not a long term prison for hardened criminals.

Please feel free to contact me if there are any questions or comments.

Sincerely,

Lori Waters
Lori Waters

1

2

Response to:

DOCUMENT 28

Lori Waters, Resident
Overton, Nevada

Comment Response

1. Noted. The expression of support by Lori Waters for development of the proposed contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate additional employment and business activities in and around Moapa. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. The OFDT appreciates the support of Lori Waters on behalf of the Moapa Site.

Kevin Waters
PO Box 1323
Overton, NV 89040
702-236-4856
kevscameo@yahoo.com

January 29, 2008

Scott P. Stermer
Assistant Federal Detention Trustee, Procurement
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 29
Page 1 of 1

RE: Proposed Detention Facility in Moapa, NV

Dear Mr. Stermer,

I am writing you today in support of the proposed Detention Facility in Moapa, NV. I am a property owner and a resident of Moapa. I am excited about the jobs the Detention Facility will create and the economic boost it will bring to the local Moapa area. We do not see any downside with having the Detention Facility as our neighbor. We fully understand that this is a holding facility for federal detainees awaiting court appearances in US Courthouse in Las Vegas, not a long term prison for hardened criminals.

Please feel free to contact me if there are any questions or comments.

Sincerely,



Kevin Waters

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Response to:

DOCUMENT 29

Kevin Waters, Resident
Overton, Nevada

Comment Response

1. Noted. The support of Kevin Waters for the proposed development of a contractor-owned/operated detention facility at the Moapa Site is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate increased employment and business activities in and around Moapa. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

2. Noted. The OFDT appreciates the support expressed by Kevin Waters on behalf of the Moapa Site.



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

January 29, 2008

Scott P. Stermer
Assistant Trustee-Procurement
U.S. Department of Justice
Office of the Federal Detention Trustee
4601 North Fairfax Dr., 9th Floor,
Arlington, Virginia 22203

DOCUMENT 30
Page 1 of 8

Subject: Draft Environmental Impact Statement - Proposed Contractor-
Owned/Contractor-Operated Detention Facility, Las Vegas, Nevada Area
[CEQ #20070527]

Dear Mr. Stermer:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority Section 309 of the Clean Air Act (CAA).

The Draft Environmental Impact Statement (DEIS) assesses a proposal to award a contract to house 1,000 to 1,500 federal detainees within a Contractor-Owned/Contractor-Operated detention facility within a 75-mile radius of Las Vegas, Nevada. Four alternative sites were examined in detail within the DEIS.

We commend the preparers of the document for publishing a clear and thorough analysis of the alternatives. Based on our review of the document, we have rated this DEIS as EC-2, Environmental Concerns - Insufficient Information (See attached "Summary of EPA Rating System"). We are concerned about the potential impacts of the proposed project on water resources and air quality. We recommend that the Final Environmental Impact Statement (FEIS) clarify whether a jurisdictional delineation will be required at each of the sites and discuss the availability of water resources in greater detail, as well as design features that have been incorporated to maximize water conservation. To minimize air quality impacts during construction, we recommend incorporating additional mitigation measures, as described in our detailed comments. We also recommend that the contractor consider incorporating energy efficient, "green" building design and operation concepts.

We appreciate the opportunity to review this DEIS and request a copy of the FEIS when it is officially filed with our Washington, D.C. office. If you have any questions, please call me at (415) 972-3846, or have your staff contact Ann McPherson at (415) 972-3545 or mcperson.ann@epa.gov.

4

Sincerely,



Nova Blazej, Manager
Environmental Review Office

Enclosures: Summary of Rating Definitions
EPA Detailed Comments

Cc: Mike Jewell, U.S. Army Corps of Engineers
Steven Roberts, U.S. Army Corps of Engineers
Tracy Taylor, Nevada State Engineer
Brad Huza, Moapa Valley Water District

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACTS OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impact that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

¹ From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

**EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT –
PROPOSED CONTRACTOR OWNED/CONTRACTOR OPERATED DETENTION FACILITY,
LAS VEGAS AREA, NEVADA, JANUARY 29, 2008**

Project Description:

During the past two decades, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. The U.S. Department of Justice (DOJ), via the Office of the Federal Detention Trustee (OFDT) and the U.S. Marshals Service (USMS) have determined that there is an immediate and long-term need to house federal detainees within a facility located in proximity to Las Vegas, Nevada. The OFDT solicited proposals in early 2007 from contractors interested in housing these individuals. Five contractors offered 11 alternative sites for development of the detention facility. Ten of the eleven sites were located within a 75-mile radius of the United States Courthouse in downtown Las Vegas, Nevada. Four of these sites were determined to warrant further consideration in the Draft Environmental Impact Statement (DEIS).

Water Resources

Clean Water Act Section 404

On page III-23, the DEIS states that, “*Small washes characterized by low volume, infrequent or short duration of flow are not considered jurisdictional waters.*”

Recommendations:

This statement is incorrect. Many ephemeral washes may, in fact, be regulated through the establishment of a significant nexus. In determining whether these waters are jurisdictional, the U.S. Army Corps of Engineers, in consultation with the U.S. Environmental Protection Agency, conducts an analysis according to the *Memorandum Regarding Clean Water Act Jurisdiction Following Rapanos v. United States and the Memorandum for the Field: Coordination on JDs under CWA Section 404 in light of SWANNC and Rapanos Supreme Court Decisions*. We recommend that the Final Environmental Impact Statement (FEIS) clarify whether or not such an analysis has been completed at each of the sites and provide additional information on the determination as to whether a jurisdictional delineation will be required, respectively.

If jurisdictional waters are found at the proposed sites, the FEIS should demonstrate compliance with the Clean Water Act Section 404(b)(1) Guidelines.

Water Supply

EPA is concerned about the general uncertainty of the water supply for this project. For the two sites located within Pahrump, Nevada, the DEIS states that potable water supply service and wastewater collection service is currently unavailable, although

service could be provided by extending a water main and wastewater collection line to the selected site. The majority of surface water resources within Nye County have already been appropriated and existing groundwater allocations exceed the perennial yield of the Pahrump Basin. Based on recent projections, a shortfall of 65,000 to 61,000 acre-feet per year is projected by the year 2050 (pgs. IV-32, 33).

For the Moapa Site, water supply service is provided by the Moapa Valley Water District. The DEIS states that District representatives are confident that the main has sufficient capacity to accommodate the proposed development. However, the DEIS also states that all of the available water rights have been allocated. The basin has an annual yield of 2,200 acre-feet. Presently the active annual duties (approved water use) total approximately 3,100 acre-feet; however, pending annual duty is approximately 42,500 acre-feet (pg. IV-36). The DEIS states that the demand for water service would be mitigated by proper planning, design, scheduling and installation of improvements to the water system required to serve the proposed facility (pg. IV-37).

Recommendations:

EPA recommends the FEIS clearly demonstrate whether there is sufficient water supply for the lifetime of this project and other reasonably foreseeable projects in the study area. We also recommend that FEIS address what measures would be taken, and by whom, should groundwater or surface water resources in the basin become overextended due to additional growth, continued drought, and the utilization of existing or pending water rights in the basin(s).

The FEIS should clarify whether the annual yield is accurately documented for the Moapa Valley Water District, and whether annual duty refers to groundwater, surface water, or some combination thereof.

EPA recommends the cumulative impacts analysis for groundwater include a discussion of the potential effect of future climate change on the proposed project and groundwater development. We recommend this discussion provide a short summary of the climate change studies specific to the project area and Colorado River Basin¹, including their findings on potential environmental and water supply effects and their recommendations for managing these effects.

To clarify the regulatory structure for protecting groundwater and surface water, we recommend the FEIS describe the water right permitting process and the role of the Nevada State Engineer in protecting beneficial uses, human health, and the environment. This would include, for example, describing whether water right permits include special conditions; measures to mitigate direct, indirect, and cumulative impacts; and provisions for monitoring and adaptive management.

¹ A number of studies specific to the Colorado River Basin indicate the potential for significant environmental impacts as a result of changing temperatures and precipitation (Colorado River Basin Water Management: Evaluating and Adjusting to Hydroclimatic Variability, National Research Council, 2007).

EPA recommends that the FEIS detail project design features that demonstrate maximum water conservation strategies².

13

Air Quality Impacts

The DEIS includes an evaluation of existing air quality within the geographic scope of the project (pgs. III-79 to 81) and examines the potential air quality impacts that may occur from construction activities, routine operations, and traffic. The DEIS states that construction-related impacts are generally limited to fugitive dust emissions and that impacts would be temporary, occurring only while construction is in progress and during certain meteorological conditions (pg. IV-48). To mitigate potential air quality impacts during construction, best management practices would be incorporated within standard operating procedures (pg. IV-48).

Recommendation:

EPA recommends that the FEIS incorporate a Construction Mitigation Plan. All applicable state and local requirements and the following additional and/or revised measures should be incorporated into the Construction Mitigation Plan.

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

14

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations
- If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

² For reference, see EPA's Water Sense program at <http://www.epa.gov/watersense/>.

Administrative Controls:

- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible.
- Develop a construction-traffic and parking management plan that minimizes traffic interference and maintain traffic flow.

14

Energy Efficient Design - Green Building Standards

EPA would like to encourage the DOJ to consider energy efficient design and green building standards in conjunction with the design and construction of the detention facility. Although the facility will be a contractor-owned/contractor-operated facility, the DOJ should have the opportunity to provide input to the contractors regarding the construction of the facility. Site plans and facility renderings can be found Appendix E; however, more detailed information was not included in the DEIS.

15

The United States Green Building Council (USGBC) is a nonprofit organization committed to expanding sustainable building practices. The USGBC works to advance structures that are environmentally responsible, profitable and healthy places to live and work. The USGBC utilizes the *Leadership in Energy and Environmental Design* (LEED) Green Building Rating System design criteria to help apply principles of sustainable design and development to facilities projects. Using LEED ensures that sustainable strategies are considered in the development of building projects. LEED also serves as a means of evaluating and measuring green building achievements.

Recommendations:

EPA recommends that the DOJ strive for LEED Certification when considering design alternatives for the proposed detention facility. The new facility should incorporate design features that maximize green technology, including the use of recyclable materials, natural lighting, energy conservation, and alternative fuel utilization. The new facility should also include provisions for sustainable landscape design. The DOJ should encourage the facility to provide environmental education on features associated with the project.

16

For questions on green building, please contact Timonie Hood with EPA Region 9's Solid Waste Office at 415-972-3282.

17

We also recommend that the FEIS discuss Executive Order 13148, *Greening the Government through Leadership and Environmental Management* (April 21, 2000)³ and demonstrate how the proposed project will be consistent with this Executive Order.

18

Alternatives Analysis

The DEIS states that the Preferred Alternative is for the OFDT to award a contract to house federal detainees within a Contractor-Owned/Contractor-Operated detention facility. Eleven alternative sites for development of the facility were considered initially; however, only four sites were determined to be worthy of further evaluation in the DEIS. According to a news release on January 23, 2008, one of the four sites (the Apex site) has been withdrawn because it is too close to the Nellis Air Force Base.

19

Under the National Environmental Policy Act (NEPA), the DOJ is required to identify the agency's preferred alternative in the FEIS, unless another law prohibits the expression of such a preference (40 CFR 1502.14(e)). The Record of Decision (ROD) must state what the decision is (i.e., select an alternative) pursuant to 40 CFR 1505.2(a) and must also identify the environmentally-preferred alternative (40 CFR 1505.2(b)).

20

Recommendation:

EPA recommends that the FEIS and the ROD clearly identify the agency's preferred alternative, as well as the environmentally-preferred alternative.

³ See <http://www.nepa.gov/nepa/regs/eos/eo13148.html>.

Response to:

DOCUMENT 30

Nova Blazej, Manager
Environmental Review Office
U.S. Environmental Protection Agency - Region IX
San Francisco, California

Comment Response

1. Noted. The interest and comments of Nova Blazej and the U.S. Environmental Protection Agency concerning the proposal to house federal detainees in a contractor-owned/operated detention facility to be developed at a site located in Nye or Clark counties are gratefully acknowledged.
2. Noted. Five prospective contractors initially offered 11 alternative sites for development of the proposed contractor-owned/operated detention facility. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in Las Vega, Nevada (a minimum requirement for consideration). Six of the ten sites were withdrawn by the prospective contractors prior to preparation of the Draft EIS and a seventh site (the Apex Industrial Zone Site A) was withdrawn from further consideration following publication of the Draft EIS.
3. Noted. The Final EIS has been supplemented and further elaborations and clarifications provided regarding issues involving jurisdictional determinations, water resources and water conservation, air quality, energy conservation among other topics.
4. Noted. The OFDT appreciates the comments and recommendations offered by the U.S. Environmental Protection Agency and will ensure that the agency continues to receive relevant documents including the Final EIS upon publication.
5. Noted. There is a critical need to provide the bedspace necessary to house federal detainees having business before the U.S. Courts in the Las Vegas metropolitan area; implementation of the proposed action would serve to meet that need. As noted earlier, eight of the 11 alternative locations proposed by various detention contractors were eliminated or withdrawn from consideration leaving three sites as possible locations for development of the proposed detention facility.
6. Noted. The EIS has been revised to incorporate additional information concerning the presence of swales and erosional features which may be located within the alternative sites. Review of available aerial photography and site observations of the ephemeral washes within the 2250 East Mesquite Avenue and 630 East Parque Avenue sites indicate that that channels do not directly connect to any known down-gradient traditional navigable waters. In addition, the ephemeral washes do not appear to have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters. Ephemeral washes within the Apex Industrial Use Zone Site A also do not have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters. The Corps, Sacramento District, St. George Regulatory Office has concurred that the ephemeral washes within the Apex Industrial Use Zone Site A are not jurisdictional waters of the

United States. Wetlands within the Moapa Site are under the jurisdiction of the Corps as they directly abut a non-navigable tributary (Muddy River) of a traditional navigable water (Lake Meade). Ephemeral washes which exhibit an ordinary high water mark and defined channel geomorphology will be considered jurisdictional if a significant nexus exists with Muddy River.

7. Noted. Prospective detention contractors have been communicating and coordinating their unique project construction and operating requirements to applicable state, county and local agencies and utility providers with the selected contractor responsible for ensuring that all applicable permits, approvals, and agreements are secured to allow for construction and operation of the proposed facility. To date, prospective contractors have been working with applicable jurisdictions and in anticipation of selection have already secured master plan and zoning district amendments for the alternative sites. As part of that effort, communication and coordination with public utility providers has also been initiated to ensure that the necessary utility infrastructure, including water supply and wastewater treatment services, will be available throughout the duration of project operation. While the proposed detention facility will be designed, constructed, operated and maintained by the selected detention contractor, the OFDT will ensure that the contractor has secured or can successfully acquire all necessary development permits and approvals and utility commitments prior to contract award.
8. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada with the Moapa Site eliminated from further consideration as a possible location for development of the proposed detention facility. Issues regarding the availability and provision of water supply to the Moapa Site are moot.
9. Noted. As noted above, the selected detention contractor is responsible for coordinating with public utility providers to ensure that the necessary infrastructure, including water supply and wastewater treatment services, will be available throughout the duration of project operation. As one of several thousand residential, commercial and institutional customers in Pahrump, the detention facility operator will rely upon the utility provider(s) to offer services within the limits of authorized service territories and capabilities. Discussions have been initiated with Utilities Inc. to provide water supply and wastewater service to the proposed facility. The Utilities, Inc. system has a tie-in point for water supply and wastewater collection near Mesquite Avenue and Blagg Avenue. The proposed detention facility sites in Pahrump are currently located outside of Utilities Inc.'s service area, and would need to be annexed into the service area to be serviced. The process of annexation involves the Nevada PUC with review and approval of an annexation application requiring up to six months. Utilities Inc. reports that it has adequate water supply and wastewater capacity to serve the proposed project and is willing to support an annexation application for the extension of their service area. In the event that it is not cost-effective to connect to the public water supply and wastewater collection systems or in doing so the project development schedule could not be achieved, development of an on-site water supply and/or wastewater treatment system would need to be considered. Under such a scenario, the selected contractor would purchase the "fan" water rights in order to develop a well system. Preliminary studies also indicate there is suitable soil and sufficient land to operate a wastewater treatment and disposal system. All applicable approvals from the Nevada DEP and Nye County would be secured by the detention contractor.

10. Noted. As noted above, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada with the Moapa Site eliminated from further consideration as a possible location for development of the proposed detention facility. Issues regarding the availability and provision of water supply to the Moapa Site are moot.
11. Noted. As noted earlier, the proposed detention facility will be one of several thousand residential, commercial and institutional customers in Pahrump, relying upon public utility provider(s) to offer services within the limits of authorized service territories and capabilities. The OFDT will ensure that the contractor has secured or can successfully acquire all necessary utility commitments prior to contract award.
12. Noted. As noted earlier, the proposed detention facility is expected to rely upon utility provider(s) to offer services within the limits of authorized service territories and capabilities.
13. Noted. As noted earlier, the OFDT will have no direct role or responsibility for the design, construction, operation and maintenance of the proposed detention facility. Nonetheless, the OFDT is committed to ensuring that the proposed facility minimizes potential impacts to water resources and will encourage the selected detention contractor to consider the latest techniques, measures and devices to reduce water consumption and wastewater generation in the design and operation of the facility.
14. Noted. The EIS has been revised to incorporate additional information concerning potential air quality impacts and measures to mitigate such impacts consistent with the EPA's recommendations.
15. Noted. As noted earlier, the OFDT will have no direct role or responsibility for the design, construction, operation and maintenance of the proposed detention facility. Nonetheless, the OFDT is committed to ensuring that the proposed facility minimizes energy demands and will encourage the selected detention contractor to consider energy efficient design and green building standards in the design and operation of the facility. In the absence of a contractor award, none of the prospective detention contractors has undertaken the costly effort to complete an engineering design of the proposed facility, hence, the absence of more detailed facility plans and drawings within Appendix E.
16. Noted. As noted earlier, the OFDT will have no direct role or responsibility for the design, construction, operation and maintenance of the proposed detention facility. Nonetheless, the OFDT is committed to ensuring that the proposed facility minimizes energy demands and will encourage the selected detention contractor to consider energy efficient design and green building standards in the design and operation of the facility.
17. Noted. The OFDT will communicate such information with the selected detention contractor.
18. Noted. As noted earlier, the OFDT will have no direct role or responsibility for the design, construction, operation and maintenance of the proposed detention facility. Nonetheless, the OFDT is committed to ensuring that the proposed facility minimizes energy demands and will encourage the selected detention contractor to consider energy efficient design and green building standards in the design and operation of the facility.

19. Noted. As noted earlier, five prospective contractors initially offered 11 alternative sites for development of the proposed contractor-owned/operated detention facility. Ten of the 11 sites are located within a 75-mile radius of the United States Courthouse in Las Vega, Nevada (a minimum requirement for consideration). Six of the ten sites were withdrawn by the prospective contractors prior to preparation of the Draft EIS and a seventh site (the Apex Industrial Zone Site A) was withdrawn from further consideration following publication of the Draft EIS.

20. Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.



Glendale Holding Company, LLC

January 30, 2008

Mr. Scott Stermer
Assistant Trustee-Procurement
U.S. Department of Justice,
Office of Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, VA 22203

DOCUMENT 31
Page 1 of 1

Re: Proposed Contract Detention Facility in Moapa, NV

Dear Mr. Stermer,

Glendale Holding Company, LLC is the owner of approximately 1500 acres in and around Moapa, Nevada. We have learned of the proposed facility to house 1,000 to 1,500 federal detainees and want to express our support of the Moapa 80 site. The Moapa 80 site is perfectly situated away from neighborhoods in an industrial area of the community. While it is remote enough to be secure, it has ready access to the freeway and to the federal courthouse in downtown Las Vegas. The Moapa community would benefit greatly from the additional employment opportunities that such a facility would offer.

We believe the Moapa 80 site is an excellent location for a detention facility and extend our full support.

Sincerely,

Glendale Holding Company, LLC

Table with 3 columns: Signature, Printed Name, Member LLC Name. Contains handwritten entries for Randal W. Ateman, Harry A. Miller, Wes Ramsey, and Todd Larkin.

Response to:

DOCUMENT 31

Glendale Holding Company, LLC
North Las Vegas, Nevada

Comment Response

1. Noted. The support of the Glendale Holding Company, LLC for selection of the Moapa Site as the location of the proposed contractor-owned/operated detention facility is gratefully acknowledged. There are benefits and advantages associated with use of the Moapa Site including the potential to stimulate employment, business and economic activities in and around Moapa.

2. Noted. While the Moapa Site offers positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The OFDT appreciates the support expressed by the Glendale Holding Company, LLC on behalf of the Moapa Site.

Calvin and Norma Morrison
5591 Oakridge Ave
Pahrump, Nevada 89048
Tel: (775) 727 1752
calandnorma@sbcglobal.net
January 31, 2008

Mr. Scott Stermer (Scott.Stermer2@usdoj.gov)
Assistant Trustee of Procurement
U. S. Department of Justice
Office of the Federal Detention Trustee
4601 N. Fairfax Drive, Ninth Floor
Arlington, VA. 22203

DOCUMENT 32
Page 1 of 1

Subject: Location of Detention Center for Las Vegas Area.

Dear Mr. Stermer:

As taxpayers and residents of Pahrump, Nevada, we believe the Detention Center for Las Vegas should be located at the Moapa Valley site for the following reasons:

1. The Moapa Valley site is close to Interstate 15 with all weather, easy access to Las Vegas for legal, medical, and technical support for the detainees.
2. Electricity and potable water are available at the Moapa Valley site. The water table in Pahrump has been falling at least one foot a year since the 1970's.
3. Work is available to clean up wind blown trash along Interstate 15. Make work projects could be created in Pahrump by BLM or the U. S. Forest Service.
4. A large work force is available in Las Vegas without hazardous driving on slick mountain roads. Pahrump has a limited work force.
5. Workers at Moapa Valley would have easy, all weather access to a variety of education facilities in Las Vegas.
6. Reasonably priced housing is already available in Las Vegas for workers. New housing for workers would have to be built in Pahrump.

Naturally the Pahrump contractors, the Chamber of Commerce, and the merchants would like the Detention Center located in Pahrump. One proposed site is located on land owned by the Town of Pahrump, and the other site is owned by Nye County.

A majority of the residents of Pahrump are retired senior citizens. If the Apex site is unsatisfactory because it is close to Nellis Air Force base, then both Pahrump sites are unsatisfactory because they would deplete the water supply in a retirement community.

Please save operating costs and taxpayer dollars by locating the Las Vegas Detention Center in Moapa Valley, Nevada.

Sincerely,


Calvin and Norma Morrison

Response to:

DOCUMENT 32

Calvin and Norma Morrison, Residents
Pahrump, Nevada

Comment Response

1. Noted. The support of Calvin and Norma Morrison for selection of the Moapa Site as the the proposal for development of the proposed contractor-owned/operated detention facility is gratefully acknowledged. The OFDT is familiar with the benefits and advantages associated with the Moapa Site for detention facility development as described by the Calvin and Norma Morrison.
2. Noted. Support for selection of Pahrump for detention facility development has been expressed among residents and community leaders as exhibited by the remarks of those attending the January 17, 2008 public hearing (see Appendix F) and the Draft EIS comment letters received by OFDT (see Documents 4, 11, 12 and 15).
3. Noted. Providing a dependable water supply to existing and planned developments throughout Clark County and Nye County is a long-term challenge facing water supply agencies and purveyors. The selected detention contractor will be responsible for procuring an agreement with the applicable water supply purveyor to ensure long-term water supply service.
4. Noted. The OFDT appreciates the support for selection of the Moapa Site expressed by Calvin and Norma Morrison. While the Moapa Site exhibits positive attributes, the Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

JIM GIBBONS
Governor

STATE OF NEVADA

ANDREW K. CLINGER
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222
Fax (775) 684-0260
<http://www.budget.state.nv.us/>

February 1, 2008

DOCUMENT 33
Page 1 of 14

Scott Stermer
Office of the Federal Detention Trustee
4601 North Fairfax Drive
9th Floor
Arlington, VA 22203

Re: SAI NV # E2008-294

Reference:

Project: Draft EIS for 1,500 bed contractor operated federal detention center

Dear Scott Stermer:

Enclosed are additional comments from the following agencies regarding the above referenced document:

Department of Wildlife, Las Vegas

These comments were received after our previous letter to you. Please incorporate these comments into your decision making process. If you have questions, please contact me at (775) 684-0209.

Sincerely,

Handwritten signature of Krista Coulter in cursive.
Krista Coulter
Nevada State Clearinghouse

Enclosure



DOCUMENT 33
Page 2 of 14

NEVADA DEPARTMENT OF WILDLIFE
SOUTHERN REGION
4747 W VEGAS DRIVE LAS VEGAS NV 89108
702-486-5127

FACSIMILE TRANSMITTAL SHEET

TO: KRISTA COULTER	FROM: BRAD HARDENBROOK
COMPANY: NEVADA STATE CLEARINGHOUSE	DATE: 31 JAN 2008
TELEPHONE NUMBER: 775-684-0260	TOTAL NO. OF PAGES INCLUDING COVER: 13
FAX NUMBER: 775-684-0209	SENDER'S TELEPHONE NUMBER: 702 486-5127 x 3600
E: 2008-294 : DRAFT EIS	SENDER'S FAX NUMBER: 702 486-5133
CONTRACTOR OPERATED Federal Prison	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

COMMENTS:

Hi KRISTA,
ORIGINAL LETTER & ENCLOSURES FOLLOWING
BY REGULAR MAIL.

CHEERS,
BRAD



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 698-1595

KENNETH E. MAY
Director

DOUG HUNT
Deputy Director

SOUTHERN REGION
4747 Vegas Drive
Las Vegas, Nevada 89108
(702) 486-5127 • Fax (702) 486-5133

January 31, 2008

NDOW-SR# 08-197
LVO-08-032

Ms. Krista Coulter
Nevada State Clearinghouse
209 East Musser Street, Room 200
Carson City, NV 89701-4298

DOCUMENT 33
Page 3 of 14

SAI #: E2008-294
Duc Date: January 25, 2008
Project: Draft EIS: 1,500 Bed Contractor Operated Federal Detention Center – Las Vegas,
Nevada Area

Dear Ms. Coulter:

Thank you for the opportunity to provide input to the proposed federal detention facility. Upon review of the Draft EIS the Nevada Department of Wildlife (Department) is happy to provide the following preliminary observations and comments.

Summary Page 4. Consideration of Secondary and Cumulative Impacts, 2nd ¶:

The relevancy of the statement, "There are no other large-scale developments planned in and around the proposed project sites." is unclear. There is planning for sequential habitat conservation plans under the Endangered Species Act for Pahump Valley and then southern Nye County. This would suggest significant development is on the horizon for this area of Nye County involving special status species. Additionally, cumulative effects analysis per NEPA would seem to include environmental effects by projects past, present and in the foreseeable future. From a wildlife resource perspective, the Department considers influences at site specific and landscape levels to wildlife resources by the proposed project and others. While the Department is not necessarily aware of the viability for several proposed projects which could influence cumulative impact analysis, several are known.

Because the project footprint is approximately 90 acres, and the project area is a 75-mile radius from the United States Courthouse in downtown Las Vegas, it may be reasonable that other projects within the project area of equal or greater size should be considered, especially as they relate to real or potential impacts to wildlife resources at the landscape level. For the Moapa and Apex Zone A sites, for example, these include but are not limited to: the proposed Coyote Springs Investment development encompassing over 42,000 acres north of the Apex Industrial Zone Site A, in extreme northern Clark County and southern Lincoln County; the Southwest Intertie Project (utility corridor), Alamo Land Sales, Coyote Springs Detention Basins #1 & #2, Kern River Gas Pipeline Expansion Project, UNEV Fuel Pipeline (Holly, Utah to Las Vegas), Sheep Mountain Parkway, SNWA Groundwater Project, Ash Grove Cement/Quarry Project, Toquop Energy Project, Mcadow Valley Gypsum Project, Logandale Trails Plan,

Southern Nevada Regional Transportation Plan 2009-2030, Majestic Decorative Rock Project, Mesquite Replacement Airport (Mormon Mesa), and Nevada Power Company's Reid Gardner Facility Pond and Landfill Expansion of 444 acres near Moapa.

Pages II-5 & 8, Preferred Alternative:

Of the four sites which remain under active consideration, the Department believes the alternative least detrimental to wildlife resources is the 2250 East Mesquite Avenue site. Relative to the other proposed sites, real or potential impacts to wildlife and habitat resources will be best minimized, avoided, or mitigated there.

Page III-22, Vegetation (continued from page III-21):

Creosote should be (*Larrea tridentata*).

Page III-22, Wildlife Habitats:

Second sentence, "sable" soils should read "stable" soils?

Page III-24, Species of Special Status, 4th ¶:

The last sentence directs the reader to section 6(d) for species specific to the Moapa property when this information is actually found in section 8, page III-42.

Page III-25, Exhibit III-12, Special Status Species – Clark and Nye County, Nevada:

- The federal and state status of the pygmy rabbit is listed as endangered in Exhibit III-12. As of January 8, 2008 the U.S. Fish and Wildlife Service announced that the pygmy rabbit *may* warrant federal protection as a threatened or endangered species following a review of a petition seeking to protect the species under the Endangered Species Act. In Nevada, the pygmy rabbit is State classified as a game species and in the State's Wildlife Action Plan is a species of conservation priority due to loss of habitat through fire, grazing, invasion of exotic annuals, and agricultural conversion.
- The Moapa White River springfish is not a State of Nevada protected species, but is considered a species of conservation priority. Conservation and management for Moapa White River springfish is incorporated into recovery implementation actions for the Moapa dace and other upper Muddy River species.

Page III-29, Species of Special Status – Description of Species (Western burrowing owl):

The statement, "Although the owls nest and roost in underground burrows, they do not create them." would more accurately read, "Although the owls nest and roost in underground burrows, they rarely excavate their own burrows, preferring to enlarge or modify existing burrows."

Page III-30, Species of Special Status:

As it pertains to Nevada and in the context of the use of desert scrub in this document, the statement that Ferruginous Hawks typically nest in grasslands and desert scrub vegetative communities is misleading. In southerly Nevada, Ferruginous Hawks typically nest in low trees, usually Pinyon Pine / Juniper stringers interfacing with sagebrush communities. No nesting at any of the proposed alternative sites has occurred to the Department's knowledge, although wintering birds do make use of the Moapa Valley. Perhaps a description indicating, "Habitat for the Ferruginous Hawk includes lower montane woodlands, sagebrush, cliffs and canyon, intermountain cold desert scrub and agricultural lands. Nesting occurs in and around the interface of pinyon juniper and sagebrush habitats."

Pages III-37 to 40, Apex Industrial Use Zone Site A. Faunal accounts for *Wildlife and Habitat and Species of Special Status* are deficient. The Department is concerned that this deficiency may have resulted in an inadvertently biased evaluation of resource values at this alternative site. The Apex Industrial Park area and the adjacent lands actually supported/support a variety of species. For example,

- Previous to the Apex Industrial Park becoming established through Act of Congress, the Bureau of Land Management (BLM) was the land steward on which the highest density population of desert tortoise in Nevada was known. The Industrial Park was established consequential to the Kerr-McGee industrial facility blowing up in the late 1980's resulting in substantial property damage to the encroaching City of Henderson, taking life and causing injury to workers and the public. The Department, BLM, and U.S. Fish & Wildlife Service all had roles in locating and moving tortoises out of harms way prior to construction of the new Kerr-McGee facility at Apex.
- Later construction of the Kern River Gas Pipeline in the 1990's resulted in an encounter with a Gila monster approximately 3 miles to the southwest of the Apex alternative project site.
- The Department responded to PBS&J's request of July 27, 2007 for species of concern in the area in a letter dated August 15, 2007 (enclosed). The letter included a table indicating species known to inhabit or potentially frequent the Apex alternative site. The Department's letter is not in Appendix B and may account for why the desert (=Nelson) bighorn sheep (*Ovis canadensis nelsoni*), a BLM Sensitive Species, as well as other species were not included in the subject section.
- Desert bighorn are intensively managed by the State and the Apex alternative site partially includes occupied habitat which continues into the hills surrounding the proposed Apex site.

Page IV-10 to 12, Biological Resources – Potential Impacts Common to All Alternative Sites and Recommended Mitigation:

In addition to mitigation measures for the desert tortoise, Gila monster and burrowing owl the Department recommends mitigation measures for migratory birds that may be breeding and nesting in the proposed project area(s). In general, construction activities should be scheduled outside bird breeding and nesting season which roughly occurs between March 15 and July 30. If this seasonal avoidance is not practicable, then the Department recommends a qualified biologist survey the project area for nests prior to commencement of any construction related activities. Surveys should include ground nesting migratory species additional to those nesting in shrubs, trees, or cliffs. In the event an active nest (containing eggs or young) is discovered, a buffer area around the nest appropriate for the involved species must be identified and avoided until young birds fledge. This measure would be consistent with preventive actions advocated by the U.S. Fish & Wildlife Service concerning migratory species protected under the Migratory Bird Treaty Act.

The Moapa site supports Phainopepla habitat and when possible, construction activities should avoid impacts to mesquite bosques, especially those that support mistletoe infestations. Breeding and nesting by the Phainopepla initiates earlier than for other migrants, and is usually underway by February.

Page IV-11, Species of Special Status:

In previous correspondence (January 9 and March 7 of 2007) the Department provided information on avoidance and minimization protocols for the Burrowing Owl and Gila monster. Avoidance and minimization measures for both species have been updated since then and are enclosed. Of special note, in the Mojave Desert portions of Clark, southern Lincoln and Nye counties, owls may use desert tortoise burrows for nesting and shelter. Desert tortoises are protected under the Endangered Species Act. Killing, harming, or harassing desert tortoises, including destruction of their nests with eggs, without prior authorization is prohibited by Federal law. Clark County holds a permit from the U.S. Fish & Wildlife Service authorizing "take" of desert tortoises during the course of otherwise legal activities on non-federal lands. In Clark County only, discouraging burrowing owls from breeding in the construction site on private property is allowed by collapsing tortoise burrow's during the owl's non-breeding season (September through February). This may help avoid construction delays. Prior to collapsing a burrow, always check for owls or other protected wildlife occupying the burrow for the winter. Call the Nevada Department of Wildlife at 702-486-5127 if a Gila monster is found as this is a State protected species.

Coulter, K. (E2008-294; SR#08-197)

4

Thank you again for this opportunity to provide input. Should there be questions or concerns, please do not hesitate to contact Habitat Biologist Tracy Kipke at the Department's Southern Region Office in Las Vegas. She can be contacted by phone at 702-486-5127 x3612, or by e-mail at tkipke@ndow.org

16

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

TK/DBH:tk/dbh

enclosures

cc: Files, NDOW



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MA
Director

DOUG HUNT
Deputy Director

SOUTHERN REGION
4747 WEST VEGAS DRIVE
LAS VEGAS, NEVADA 89108
(702) 486-5127; 486-5133 FAX

DOCUMENT 33
Page 7 of 14

August 15, 2007

NDOW-SR# 08-025

Ms. Holly Sanders, Environmental Scientist
PBS&J
2270 Corporate Circle Suite 100
Henderson, NV 89074-6382

Re: Species Request for the Proposed Clark County Prison, T18S; R63E, Section 14,
15, & 22, Clark County, Nevada

Dear Ms. Sanders:

Thank you for your letter of July 27, 2007 informing the Nevada Department of Wildlife (Department) of the proposed project. From map enclosures provided, the project's footprint is located on 90 acres in the central S½ of section 15, T18S; R63E MDM. Southeasterly portions of the project border a Bureau of Land Management (BLM) utility corridor. The subject parcel and other land immediately adjacent to it are on non-federal land, locally known as the Apex Industrial Park area. A summary of primary species of interest inhabiting or potentially frequenting the project area and proximate vicinity can be found in Table 1 attached.

Your letter indicated that the U.S. Fish & Wildlife Service would also be contacted for information. Additional to considerations for the desert tortoise, we would anticipate impact avoidance measures would be provided for the burrowing owl including an educational brochure. We also would expect recommendations for avoiding disturbance to breeding migratory birds consequential to construction activities. Generally, the time period is mid-March through mid-August and may vary depending on the species considered. This may be further elucidated by the U.S. Fish & Wildlife Service.

Protocols providing educational and guidance information in the event a Gila monster is encountered during construction or operation of the facility is enclosed. In the spirit of furthering knowledge and conservation of this rarely seen lizard, the Department encourages cooperation in reporting any encounters or observations.

The proposed project is in historical habitat of the desert bighorn sheep. Once part of the movement corridor connecting with ranges south of I-15, desert bighorn presently use the project area as cool-season habitat.

Sanders, H. (NDOW-SR# 08-025)

2

August 15, 2007

Should there be any need, please contact me at (702) 486-5127 x3600 or by e-mail at bhrdnbrk@ndow.org.

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

DBH: dbh

cc: NDOW, Files

Table 1. Wildlife Species of Priority Conservation Interest to the Nevada Department of Wildlife Inhabiting or Potentially Frequenting the Proposed Clark County Prison, T18S; R63E, Section 14, 15, & 22, Clark County, Nevada Project Area and Vicinity. MBTA = Migratory Bird Treaty Act of 1916, as amended; ESA = Endangered Species Act of 1973, as amended; NWAP = Nevada Wildlife Action Plan (online at <http://www.ndow.org/wild/conservation/cwvcs/>).

SPECIES	STATE OF NEVADA REGULATORY CLASSIFICATION	FEDERAL SPECIAL MANAGEMENT STATUS
Burrowing Owl	Protected	MBTA; BLM Sensitive Species
Loggerhead Shrike	Protected	MBTA; BLM Sensitive Species
LeConte's Thrasher	Protected	MBTA; BLM Sensitive Species
Crissal Thrasher	Protected	MBTA; BLM Sensitive Species
Bendire's Thrasher	Protected	MBTA; BLM Sensitive Species
Verdin	Protected	MBTA
Desert tortoise <i>(Gopherus agassizii)</i>	Protected, Threatened	MBTA
Gila monster <i>(Heloderma suspectum)</i>	Protected	ESA-Threatened; BLM Sensitive Species
Pallid bat <i>(Antrozous pallidus)</i>	Protected	BLM Sensitive Species
Townsend's Big-eared bat <i>(Corynorhinus townsendii)</i>	Protected, Sensitive	BLM Sensitive Species
Spotted bat <i>(Euderma maculatum)</i>	Protected, Threatened	BLM Sensitive Species
Fringed Myotis <i>(Myotis thysanodes)</i>	Protected	BLM Sensitive Species
Big free-tailed bat <i>(Nyctinomops macrotis)</i>	Unprotected; NWAP Conservation Priority Species	BLM Sensitive Species
Small-footed myotis <i>(Myotis ciliolabrum)</i>	Unprotected; NWAP Conservation Priority Species	BLM Sensitive Species
Desert pocket mouse <i>(Chaetodipus penicillatus)</i>	Unprotected; NWAP Conservation Priority Species	
Desert kangaroo rat <i>(Dipodomys deserti)</i>	Unprotected; NWAP Conservation Priority Species	
Desert (Nelson) Bighorn Sheep <i>(Ovis canadensis nelsoni)</i>	Big game mammal (NAC 502.020)	BLM Sensitive Species
Kit fox <i>(Vulpes velox)</i>	Fur-bearing mammal; NWAP Conservation Priority Species	



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U. S. Fish and Wildlife Service

Nevada Fish and Wildlife Office

*Conserving the Biological Diversity of Great Basin, Eastern Sierra
& Mojave Desert*

**PROTECTING BURROWING OWLS
AT CONSTRUCTION SITES
IN NEVADA'S MOJAVE DESERT REGION**



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DOCUMENT 33
Page 10 of 14

Burrowing owl numbers are declining despite protection under the Migratory Bird Treaty Act. Killing or possessing these birds or destruction of their eggs or nest is prohibited.

Be part of the solution; help these owls!



U.S. Fish and Wildlife Service
Nevada Fish and Wildlife Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
Phone: 702-515-5230
Fax: 702-515-5231

<http://www.fws.gov/nevada>

Though burrowing owls are capable of digging their own burrows, they often will use burrows of other animals for shelter and nesting. They will even adopt pipes or culverts 6" to 8" in diameter.

Tips for Protecting Burrowing Owls, Their Eggs and Young at Construction Sites:

Even though burrowing owls are often active during the day, always check burrows, cracks, and crevices for owls before beginning construction. Use of a fiber-optic scope or remote mini-camera to look into a burrow can help determine the presence of owls or nests. Ensure owls and eggs are not present in burrows when grading begins, to avoid burying them.

In southern Nevada, owls breed from about mid-March through August. If a burrow has an active nest, the site must be avoided until the chicks have fledged. To ensure that birds will not abandon the nest, a buffer of at least a 250-foot radius should be placed around the burrow, within which no construction should occur. It takes a minimum of 74 days from when eggs are laid until chicks are able to fly (fledge). After the young have fledged, check the nest burrow for any owlets before resuming construction.

The following owl behaviors may help determine breeding or the presence of an active nest:

- A pair of owls is initially observed at a site, then only one owl is observed. This may indicate that the pair has chosen a nest burrow, and the female has gone down into the burrow to lay and incubate eggs. Once incubation begins the female rarely leaves the burrow.
- An owl is frequently observed carrying food to the burrow. The male provides food for the female while she is incubating eggs. The best time of day to observe owls is dawn and dusk, but they may be active throughout the day. The male will most likely leave the food in front of the burrow and the female will come to the entrance to take

the food. This is probably the best indication that the owls have an active nest.

- Only one owl has been seen for a period of time; then, two owls are observed. This may indicate that either the nest has failed, or the eggs have hatched, and the female has emerged from the burrow to assist the male in hunting for food to feed the chicks. The chicks will appear at the burrow entrance when they are about 10 days old.

If you are unsure of breeding status, seek the assistance of a professional biologist or other knowledgeable person. Should breeding behavior be observed, presence of an active nest should be assumed and the area avoided until the chicks have fledged or the nest is no longer occupied.

IMPORTANT! In the Mojave Desert portions of Clark, southern Lincoln and Nye counties, owls may use desert tortoise burrows for nesting and shelter. Desert tortoises are protected under the Endangered Species Act. Killing, harming, or harassing desert tortoises, including destruction of their nests with eggs, without prior authorization is prohibited by Federal law.*

*** IF YOUR PROJECT IS IN CLARK COUNTY, PLEASE READ ON:**

Clark County holds a permit from the U.S. Fish & Service authorizing "take" of desert tortoises during the of otherwise legal activities on non-federal lands. In County only, discouraging burrowing owls from bree the construction site on private property is allow collapsing tortoise burrow's during the owl's non-b season (September through February). This may hel construction delays. Prior to collapsing a burrow, alway for owls or other protected wildlife occupying the bu the winter. Call the Nevada Department of Wildlife 486-5127 if a Gila monster is found as this is a State p species.

Thank you for your assistance in protecting migratory birds and Nevada's endangered and threatened species.



NEVADA DEPARTMENT OF WILDLIFE
Southern Region

4747 W. Vegas Drive, Las Vegas, Nevada 89108
Phone: 702-486-5127, Fax: 702-486-5133



1 November 2007

**GILA MONSTER STATUS, IDENTIFICATION AND
REPORTING PROTOCOL FOR OBSERVATIONS**

DOCUMENT 33

Page 12 of 14

Gila Monster Status

- Per Nevada Administrative Code 503.080, the Gila monster (*Heloderma suspectum*) is classified as a Protected reptile.
- Per Nevada Administrative Codes 503.090, and 503.093, no person shall capture, kill, or possess any part thereof of Protected wildlife without the prior written permission by the Nevada Department of Wildlife (NDOW).

This species is rarely observed relative to other species which is the primary reason for its Protected classification by the State of Nevada. The USDI Bureau of Land Management has recognized this lizard as a sensitive species since 1978. Most recently, the Gila monster was designated as an *Evaluation* species under Clark County's Multiple Species Habitat Conservation Plan (MSHCP). The evaluation designation was warranted because inadequate information exists to determine if mitigation facilitated by the MSHCP would demonstrably cover conservation actions necessary to insure the species' persistence without protective intervention as provided under the federal Endangered Species Act.

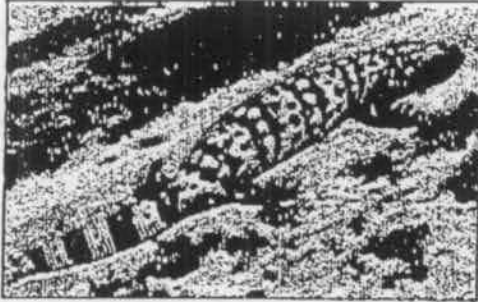
The banded Gila monster (*H.s. cinctum*) is the subspecies that occurs in Clark, Lincoln, and Nye counties of Nevada. Found mainly below 5,000 feet elevation, its geographic range approximates that of the desert tortoise (*Gopherus agassizii*) and is coincident to the Colorado River drainage. Gila monster habitat requirements center on desert wash, spring and riparian habitats that inter-digitate primarily with complex rocky landscapes of upland desert scrub. They will use and are occasionally encountered out in gentler terrain of alluvial fans (bajadas). Hence, Gila monster habitat bridges and overlaps that of both the desert tortoise and chuckwalla (*Sauromalus ater*). Gila monsters are secretive and difficult to locate, spending >95% of their lives underground.

The Gila monster is the only venomous lizard endemic to the United States. Its behavioral disposition is somewhat docile and avoids confrontation. But it will readily defend itself if threatened. Most bites are considered illegitimate and consequential to harassment or careless handling. These lizards are not dangerous unless molested or handled and should not be killed.

Scant information exists on detailed distribution and relative abundance in Nevada. The Nevada Department of Wildlife (NDOW) has ongoing management investigations addressing the Gila monster's status and distribution, hence additional distribution, habitat, and biological

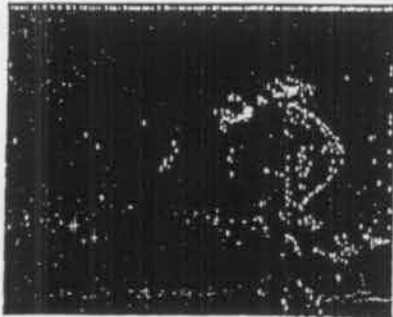
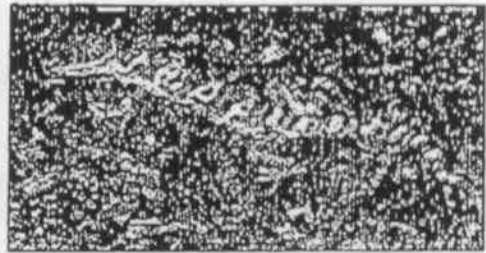
information is of utmost interest. In assistance to gathering additional information about Gila monsters in Nevada, NDOW will be notified whenever a Gila monster is encountered or observed, and under what circumstances (see Reporting Protocol below).

Identification



The Gila monster is recognizable by its striking black and orange-pink coloration and bumpy, or beaded, skin. In keeping with its namesake, the banded Gila monster retains a black chain-link, banded appearance into adulthood. Other lizard species are often mistaken for the Gila monster. Of these, the non-venomous western banded gecko (*Coleonyx variegatus*) and non-venomous chuckwalla are most frequently confused with the Gila monster. All three species share the same habitats.

The western banded gecko is often mistakenly identified as a baby or juvenile Gila monster. Western banded geckos do have a finely granular skin and pattern that can be suggestive of the Gila monster to the untrained eye. However, western banded gecko heads are somewhat pointed at the snout and the relatively large eyes have vertical pupils. Snouts of Gila monsters are bluntly rounded and the smallish eyes have round pupils. Newly hatched Gila monsters are about 5-6 inches long with a vivid orange and black, banded pattern. Adult western banded geckos are at best cream to yellow and brown in pattern and do not exceed 5 inches.



Both juvenile and adult chuckwallas are commonly confused with the Gila monster. Juvenile chuckwallas have an orange and black, banded tail. Although banding of the tail fades as chuckwallas mature, their large adult size (up to 17 inches) rivals that of the Gila monster. Adult chuckwallas have a body shape somewhat suggestive of the Gila monster, but they lack the coarsely beaded skin and black and orange body pattern of the Gila monster.

Reporting Protocol for Gila Monster Observations

Field workers and personnel in southern Nevada should at least know how to: (1) identify Gila monsters and be able to distinguish it from other lizards such as chuckwallas and western banded geckos (see Identification section above); (2) report any observations of Gila monsters to the Nevada Department of Wildlife (NDOW); (3) be alerted to the consequences of a Gila monster bite resulting from carelessness or unnecessary harassment; and (4) be aware of protective measures provided under state law.

- 1) Live Gila monsters found in harms way on the construction site will be captured and then

detained in a cool, shaded environment ($\leq 85^{\circ}\text{F}$) by the project biologist or equivalent personnel until a NDOW biologist can arrive for documentation, marking and obtaining biological measurements and samples prior to releasing. Despite that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (*Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points*). A clean 5-gallon plastic bucket w/ a secure, vented lid; an 18"x 18"x 4" plastic sweater box w/ a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying the mapped capture location, Global Positioning System (GPS) coordinates in Universal Transverse Mercator (UTM) using the North American Datum (NAD) 83 zone 11. Date, time, and circumstances (e.g. biological survey or construction) and habitat description (vegetation, slope, aspect, substrate) will also be provided to NDOW.

- 2) Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified of any injury to a Gila monster and which veterinarian is providing care for the animal. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, date, time, habitat, and mapped location (GPS coordinates in UTM using NAD 83 Z 11).
- 3) Should NDOW's assistance be delayed, biological or equivalent acting personnel on site should detain the Gila monster out of harms way until NDOW personnel can respond. **The Gila monster should be detained until NDOW biologists have responded.** Should NDOW not be immediately available to respond for photo-documentation, a digital (5 megapixel or higher) or 35mm camera will be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The pictures will be provided to NDOW at the address above or the email address below along with specific location information including GPS coordinates in UTM using NAD 83 Z 11, date, time and habitat description. Pictures will show the following information: (1) Encounter location (landscape with Gila monster in clear view); (2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); (3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus).

Please contact NDOW Biologist Polly Conrad at (702) 486-5127 x3718
or by e-mail at pconrad@ndow.org for additional information regarding these protocols.

Response to:

DOCUMENT 33

Krista Coulter
Nevada State Clearinghouse
Nevada Department of Administration
Carson City, Nevada

Comment	Response
1.	Noted. The additional comments provided by the Nevada State Clearinghouse concerning the proposed contractor-owned/operated detention facility to be developed in Nye County or Clark County are gratefully acknowledged.
2.	Noted. The OFDT appreciates the comments offered by the Nevada Department of Wildlife concerning the proposed project.
3.	Noted. The preferred site is located in an industrial area specifically chosen by local officials for such development.
4.	Noted. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Zone Site A withdrew the site from further consideration as a possible location for the proposed detention center. The Moapa Site has also been eliminated from consideration with the Agency Preferred Alternative to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
5.	Noted. As noted earlier, the Agency Preferred Alternative is development of the proposed facility at the 2250 East Mesquite Avenue Site.
6.	Noted. The EIS has been revised to reflect the correct spelling of " <i>Larrea tridentata</i> ."
7.	Noted. The EIS has been revised to reflect the correction spelling of "stable" soils.
8.	Noted. The EIS has been revised to direct the reader to the correct Section 8.
9.	Noted. The EIS has been revised to reflect the correct federal status of the pygmy rabbit and the state status of the Moapa White River springfish.
10.	Noted. The EIS has been revised to more accurately reflect utilization of underground burrows by Western burrowing owls.
11.	Noted. The EIS has been revised to more accurately describe habitat for Ferruginous Hawks.
12.	Noted. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Zone Site A withdrew the site from consideration as a possible location for the proposed detention center. The Moapa Site has also been eliminated from consideration as a possible development site. Potential impacts to natural resources in and around either Clark County site will not result as a consequence of the proposed

project. The Department's August 15, 2007 letter to PBS&J, previously unavailable to the OFDT, has been incorporated within Appendix B (Agency Coordination and Correspondence).

13. Noted. The EIS has been revised to include avoidance measures for migratory birds.
14. Noted. The Moapa Site has been eliminated from consideration for development of the proposed facility, hence, potential impacts to natural resources will not result as a consequence of the proposed project.
15. Noted. The EIS has been revised to include the updated avoidance and minimization protocols for the burrowing owl (*Protecting Burrowing Owls at Construction Sites in Nevada's Mojave Desert Region*) and the Gila monster (*Gila Monster Status, Identification and Reporting Protocol for Observation*).
16. Noted. The OFDT appreciates the comments and recommendations offered by the Nevada Department of Wildlife concerning common, special status and other sensitive plant and animal species.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Vegas Field Office
4701 North Torrey Pines Dr
Las Vegas NV 89130
www.nv.blm.gov



In Reply Refer to: 1792 (NV-050)

FEB 0 4 2008

Scott P. Stermer, Assistant Trustee-Procurement
U.S. Department of Justice
Office of the Federal Detention Trustee
4601 North Fairfax Dr. 9th Floor
Arlington, Virginia 22203

DOCUMENT 34
Page 1 of 1

Dear Mr. Stermer:

My staff completed review of the Proposed Contractor Detention Facility EIS. The following comments are provided for your consideration.

The alternatives should be developed to the point where we can make a determination of affects to public land managed by the BLM, even though the proposed sites are all on private lands. Connected actions that make the proposed sites feasible, such as roads or utilities should be included for each site. This information is critical for BLM to determine whether BLM rights-of-way are required. Staff determined in one case the access road to the Moapa site is on public land and it may be possible that there are other utility needs that require use of public lands. Therefore, BLM believes we should be invited as a cooperating agency due to our jurisdiction by law as well as special expertise in resource management of public lands.

Although all parcels are on private land, due to the federal nexus (Dept. of Justice funding) all parcels should have been evaluated for cultural resources. Any ancillary facilities or access roads located on public land will require a Class III cultural resource inventory if the land has not been previously inventoried.

If you have any questions, please direct them to Jeffrey G. Steinmetz at 702-515-5097.

Sincerely,

Juan Palma
Field Manager

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Response to:

DOCUMENT 34

Juan Palma, Field Manager
U.S. Department of the Interior
Bureau of Land Management
Las Vegas, Nevada

Comment Response

1. Noted. The interest and comments of Juan Palma and the U.S. Department of the Interior, Bureau of Land Management concerning the proposal to house federal detainees in a contractor-owned/operated detention facility are gratefully acknowledged.

2. Noted. Following publication of the Draft EIS, the detention contractor proposing the Apex Industrial Use Zone Site A in Clark County withdrew the site from further consideration as a possible location for the proposed detention center. The Moapa Site (also in Clark County) and the 630 East Parque Avenue Site in Pahrump, Nevada have also been eliminated from consideration with the Agency Preferred Alternative to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

3. Noted. Each of the four alternative sites described in detail within the Draft EIS were evaluated for cultural resources. With selection of the 2250 East Mesquite Avenue Site in Pahrump, Nevada as the Agency Preferred Alternative for project development, there is no expectation for any ancillary facilities or access roads to be located on public lands. Formal discussions with the Department along with all applicable cultural resource surveys will be conducted in the event public lands are needed for project development.

4. Noted. The OFDT appreciates the comments and recommendations offered by the U.S. Department of the Interior and will communicate and coordinate with the agency in the event questions arise.



Office of the County Manager
Administration Department
Pahrump, Nevada

Pahrump Office
1510 E Basin Ave
Pahrump, NV 89060
Phone (775) 751-7075
Fax (775) 751-7093

February 4, 2008

DOCUMENT 35
Page 1 of 8

Mr. Scott P. Stermer, Assistant Trustee
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, Virginia 22203

**Nye County, Nevada Comments on the Draft Environmental Impact Statement (DEIS)
Proposed Contractor Detention Facility, December 21, 2007**

Dear Mr. Stermer:

Nye County, Nevada is pleased to provide its comments for your consideration on the subject Department of Justice DEIS. My staff found the DEIS to be very informative and helpful in considering the potential effects of siting the proposed detention facility in the Town of Pahrump, located in Nye County, Nevada. Our review resulted in several technical and editorial comments; we have separated the comments into two sections for your convenience.

During the review, my staff identified some discrepancies and omissions from the sections that address the sites that are proposed in the Town of Pahrump. For your convenience, we have included the corrected or overlooked information, or identified the relevant information source, for incorporation into your final EIS.

Nye County appreciates the opportunity to participate in the National Environmental Policy Act process and is pleased that sites in our County are under consideration. Nye County is hopeful that one of the proposed sites in the Town of Pahrump will be selected for development, and look forward to working with you and the staff of the Office of the Federal Detention Trustee in the near future.

Please feel free to call me if you have questions regarding Nye County's comments, or if I can be of further assistance in this matter.

Sincerely,

Ron Williams, Manager
Nye County, Nevada

1
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3
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3. Document Title: Draft Environmental Impact Statement – Proposed Contractor Detention Facility			
4. Document No. /Rev: None			5. Date: FR Notice of Availability for the DEIS dated 12/21/07
6. Number	7. Sec/Para/Pg	8. COMMENT	9. SUGGESTED RESOLUTION
1. Editorial			Create a list of the acronyms and abbreviations used within the document and locate it in the front of the DEIS.
2. Editorial	Global	Change all "City" of Pahrump to "Town" of Pahrump.	
3. Editorial	Intro./I-8/Exhibit I-2	Unable to differentiate between colors (blues and violets) used on the graphs. Yellow is difficult to see.	
4. Editorial	Intro./I-8/Exhibit I-1	The title of the X axis has been cut off.	
5. Editorial	Intro. /I-9/Exhibit I-3	The title of the X axis has been cut off – is "Dail" the proper word?	
6. Editorial	Intro./I-9/Exhibit I-4	The title of the X axis has been cut off.	
7. Editorial	Intro./I-12/Exhibit I-5	Regional Location Map should reflect the locations with proximity to the United States Courthouse	Revise the exhibit to show the alternative sites.
8. Editorial	Intro./I-13	Document indicates that the four alternative sites are depicted on exhibit I-6. Exhibit I-6 shows all 10 sites.	Revise the exhibit to show only the four alternative sites.
9. Editorial	Intro./I-13	Section 3. Environmental Justice refers to EO – yet EO is not identified until page III-17.	Identify EO in the intro – create a list of acronyms
10.	Intro./B./pg.2	Document indicates that the 2871 E. Mesquite Avenue site is in Clark County.	This site is located within the Pahrump Regional Planning District, this should be corrected throughout the document where referenced.
11. Editorial	Sec. III/2 nd para/pg.III-18	Referencing the distance of the Amargosa River located "20 west of Pahrump"	Insert "miles"
12. Editorial	Sec.III/2 nd para./Pg. III-18	"Armagosa River" is misspelled.	Amargosa is the correct spelling – although enunciated by some as "Arm-a-gosa"

3. Document Title:

Draft Environmental Impact Statement – Proposed Contractor Detention Facility

4. Document No. /Rev:

None

5. Date:

FR Notice of Availability for the DEIS dated
12/21/07

6. Number	7. Sec/Para/Pg	8. COMMENT	9. SUGGESTED RESOLUTION
13. Editorial	Exhibit III-12/pg. III-26	For the woundfish the Federal Status is listed as XN. "Yes" and "G" are show in the State Status"	In the legend for the exhibit, there is no description for "XN". Include descriptions as to what "Yes" and "G" designate..
14.	Sec. III/pg. III-35	Refers to NNHP. This term also occurs in Sec. III page III-28	This term is not defined.
15.	Appendix D	Page numbering is the same as that used in Section III Affected Environment	
16. Editorial	Sec. III/pg. III-52	Mesquite Ave. site 2 nd paragraph, last sentence – is the word "are" missing from this sentence?	
17. Editorial	Sec. IV/pg. IV-26	4 th parag. The word "be" should be inserted into that sentence	
18. Editorial	Sec. IV/pg.IV-29	1 st parag. The word "be" should be inserted into that sentence	

3. Document Title:

Draft Environmental Impact Statement – Proposed Contractor Detention Facility

4. Document No. /Rev:

None

5. Date:

FR Notice of Availability for the DEIS dated 12/21/07

6. Number	7. Sec/Page/Para	8. COMMENT	9. SUGGESTED RESOLUTION
1.	General Comment	Site specific conditions of the affected environments in Nye County are not presented at a consistent level of detail compared to those sites in Clark County.	Make level of detail consistent by adding additional information for Nye County (Pahrump) sites.
2.	General Comment	Maps showing Nye County do not properly depict the 2-mile annexation area that took place in 2001.	
3.	Summary/3/5	The range of operating budgets is not bounded. How much is "greater than \$40M?"	Specify upper limit of the range.
4.	Summary/3 and 4/Findings	Because the analysis combines the economies of Clark and Nye Counties, the economic benefits to Nye County may be overstated. No discussion of cumulative impacts for sites other than Apex is included.	Revise analysis and update summary as appropriate. Identify cumulative impacts for all sites and include in Summary.
5.	II/2-5	Specific site requirements are not described. Amount of water demand, land disturbance, solid waste, and waste water is not presented anywhere in this DEIS.	Provide a summary of resource needs for the proposed action.
6.	II/5	This site is Nye County not Clark; specify that the Pahrump sites are in Nye County.	Correct text.
7.	III/7/1	Last sentence should acknowledge that this may affect drainage/engineering considerations for the sites in Pahrump.	
8.	III/16-18	FEMA/FIRM maps for Nye County sites are not included.	Include maps.
9.	III/16-18 16/3	No discussion of water demand for the proposed facility construction, operation is included. Text fails to note that Pahrump Artesion Basin 160 has been designated for special management consideration because of overappropriation. For this reason, a water reclamation should be included in the relevant Chapter IV discussions for mitigation.	Provided estimates of facility demand for each phase. Insert text; revise mitigation sections in Chapter IV.

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10.	III/16-18	Discussion incorrectly states that the aquifer (rather than the basin) has been designated. Although the aquifer is the only aquifer in use, it has not been designated as a sole-source aquifer.	Correct text.
11.	Sec. III/pgs III-60 to III-63	2006 Census data is quoted for City of Las Vegas, while 2000 Census data is used for the Town of Pahrump.	Use current data.
12.	III/63	The discussion does not include the criteria used to determine whether the percentages shown meet the criteria of Environmental Justice consideration.	Include the criteria used to establish the EJ thresholds.
13.	III/68	The discussion does not include the criteria used to determine whether the percentages shown meet the criteria of Environmental Justice consideration.	Include the criteria used to establish the EJ thresholds.
14.	III/75	Utilities – State the estimated water demand for the facility. Note that both sites lie outside the existing service area of the utility and that the PUC will need to approve the service area change.	
15.		Wastewater – satellite or central	Treatment and disposal of bio-solid should be addressed. Any trunk sewer and water mains should be oversized to accommodate future development. Cost sharing initiatives may be required to lessen infrastructure cost impact on spin off economic development near the site.
16.	III/76/1	Electric Power	Grid load burden to existing users, and should be supplemented with new capacity and/or renewable energy - solar
17.	III/77	I-95 s/b US 95; A map showing the actual road network would be useful. What are the current Levels of Service (LOS) for the affected portions of NV 160 and State Route 372?	Include map/graphic; identify existing LOS for affected roads.

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18.	III/79-81	Air Quality discussions for sites in Pahrump are inadequate. While not formally designated as non-attainment for PM 10, agreements with EPA, NDEP, Nye County and the Town of Pahrump should be referenced.	Go to http://ndep.nv.gov/baqp/pahrump.html to get current information on the air quality baseline for Pahrump and correct Affected Environment and Effects sections to include discussion of mitigation measures. No construction traffic on unpaved (unpaved) roads. Dust control and road improvement needed regardless of LOS.
19.	IV/2	Paving may contribute to drainage/flood problems on the alluvial fan.	Impacts will need to be mitigated through storm water management.
20.	Sec. IV/pg. IV-2	Discussion of a proposed waste-water treatment plant is not included for any site other than the Moapa site.	Make discussions consistent.
21.	IV/7-8/General	Statement that ground water will not be used is incorrect.	All water from Utilities Inc., is pumped from groundwater.
22.	IV/22-23	It is not appropriate to compare the employment-related population increase against the combined Nye County and Clark County population. As correctly noted, Clark County accounts for approximately 25% of the State's population and has a HUGE economy that can easily absorb new residents. Nye County, with a population of slightly more than 46,000 has a much, much smaller economy and little infrastructure and may not absorb the impacts as readily.	Revise the discussions and evaluate the impacts to the two counties separately.
23.	IV/23	Consistent with the previous comment, that analysis should not lump the two counties' economies.	Taxes for materials/goods purchased in Clark County should be paid in accordance with point of use (eg, sales taxes paid to Nye County for materials/goods used in Nye County but purchased in Clark County)
24.	IV/33	There is inadequate information provided in the DEIS to make any conclusions about impacts to water resources. No water demand estimate is presented.	Present estimated resource needs and provide discussion of impacts.
25.	IV/ 33, 34/2, 3	These sections belong in the affected environment section as they describe the baseline water resources conditions in the Pahrump Artesian Basin. The last sentence of para 3 states that the currently available water resources are inadequate to meet the projected demand in the basin, which does not include the detention facility.	Move baseline information to Affected Environment; provide a discussion of the annual water demand for the detention facility; amount of proposed land disturbance which will require dust abatement in accordance with the Nye County Dust Control Ordinance. A Water Conservation Plan will be required mitigation.

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6. Number	7. Sec/Page/Para	8. COMMENT	9. SUGGESTED RESOLUTION
26.	IV/31	Land Use – The proximity of the Pahrump Valley Landfill is not acknowledged.	Acknowledge fugitive litter may occur on site but it is expected to be minimal.
27.	IV/34	Solid waste – Nye County Class I Landfill in Pahrump is nearing capacity.	Mitigation measures should include recycling initiatives in the design and operation of the facility (target diversion from landfill should be 25%+).
28.	IV/38-42	Changes to the level of service for the main through fares discussed are not presented.	Current LOS should be presented as well potential impacts resulting from the increased traffic. Widening of existing roads in the vicinity of the proposed facility may be necessary to mitigate traffic impacts.
29.	IV/38	Transportation Systems sections lack detailed impact analysis.	Mitigation would be addressed through site development/development agreement stage and could include turn lanes, widening and cost participation of intersection improvement.
30.		Future NV 160 bypass around Pahrump is not mentioned.	Note potential link to the future bypass and any impact on movement of inmates, goods and services.
31.	IV/41-44	An alternate route from Las Vegas to Pahrump exists; US Highway 95 North from Las Vegas to the junction with NV Highway 160. Pahrump can be reached by turning south at the junction. Should the currently proposed Ivanpah airport be realized, an additional route	Discuss alternate routes into Town of Pahrump.
32.	IV/42-43/	For the Pahrump sites, text states that there will be “slight impact” that will not require mitigation.	Use commonly accepted LOS methods to define impacts. As written it is impossible to determine the level of service impact and the need for mitigation. The statements that impacts are slight and do not require mitigation is not supported.
33.	IV/46	Provide an estimate of the land disturbance for construction of an 1800 bed facility.	
34.	IV/46-48	Air Quality discussions for sites in Pahrump are inadequate. While not formally designated as non-attainment for PM 10, agreements with EPA, NDEP, Nye County and the Town of Pahrump should be referenced.	Go to http://ndep.nv.gov/baqp/pahrump.html to get current information on the air quality baseline for Pahrump and correct Affected Environment and Effects sections to include discussion of mitigation measures.

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6. Number	7. Sec/Page/Para	8. COMMENT	9. SUGGESTED RESOLUTION
35.	VII/6-7	Titles for Borasky, Carver, Eastley, Hollis and Liakopoulos should be "Commissioner" not member.	Correct text.
36.	VII/7	First entry: MaryEllen Giampaoli, Nye County Environmental Consultant, PO Box 127, Blue Diamond NV 89004 should be moved to section L.	Correct text.
37.	VII/7	Second entry in column 2: Pam Webster's title is Assistant County Manager.	Correct text.
38.	VII-9	Town of Pahrump does not have a Building and Planning Department nor does it have a Tax Assessor. Both of these functions are provided by Nye County.	Nye County Tax Assessor's Office is at 1520 E. Basin Avenue. The Nye County Buildings & Safety (building permits/inspections) is at 1210 E. Basin Suite 1. The Nye County Planning Department is located at 250 North Highway 160; the Tonopah mailing address is listed for this department.

Response to:

DOCUMENT 35

Ron Williams, Manager
Office of the Nye County Manager
Pahrump, Nevada

Comment	Response
1.	Noted. The interest and comments of Ron Williams and Nye County concerning the proposed contractor-owned/operated detention facility are gratefully acknowledged.
2.	Noted. The OFDT appreciates being provided with more precise or current information regarding Nye County and the Town of Pahrump which has been incorporated within the Final EIS.
3.	Noted. The Agency Preferred Alternative is to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada. The OFDT looks forward to working with Nye County and Town of Pahrump officials to successfully develop the proposed facility.
4.	Noted. The OFDT appreciates the comments and information offered by Mr. Williams and Nye County and will contact county officials in the event questions arise or further assistance is needed.
5.	Noted. The Final EIS includes a list of acronyms and abbreviations. In addition, references to the "City of Pahrump" have been changed to read "Town of Pahrump". Revisions have also been made to the charts and maps found in Chapter I. References to the location of the 2871 East Mesquite Avenue Site and the Amargosa River have similarly been revised.
6.	Noted. The reference to NNHP has been defined in the text and exhibit. Recommended edits have also been incorporated within the Final EIS.
7.	Noted. Efforts have been made to ensure consistency in the level of data provided for each alternative site and its surrounding community. In order to protect the integrity and confidentiality of OFDT's contractor procurement process, contractor-proprietary information concerning construction and operating budgets and similar data have been presented as estimates only. Nonetheless, when appropriate, more precise financial information has been provided. With the 2250 East Mesquite Avenue Site considered the Agency Preferred Alternative, many of the potential economic benefits, including revenues resulting from real property payments and other taxes, payments for utility services, the purchase of goods and services from local suppliers, and employment opportunities will favor Nye County. The Final EIS has been revised to address drainage considerations affecting the alternative Pahrump sites. With both Pahrump sites located well beyond the limits of the FEMA-mapped flood hazard zones, it was not considered necessary to include such maps. Additional information concerning water supply demands has also been included.

8. Noted. The EIS has been revised to incorporate more recent demographic data for the Town of Pahrump and additional information concerning Levels of Service along Nevada Routes 160 and 372, projected water demands, the fact that both Pahrump sites lie outside the service area of Utilities, Inc. and that PUC approval will be necessary to alter the service area boundaries. Discussions have been initiated with Utilities Inc. to provide water supply and wastewater service to the proposed facility. The Utilities, Inc. system has a tie-in point for water supply and wastewater collection near Mesquite Avenue and Blagg Avenue. The proposed detention facility sites in Pahrump are currently located outside of Utilities Inc.'s service area, and would need to be annexed into the service area to be serviced. The process of annexation involves the Nevada PUC with review and approval of an annexation application requiring up to six months. Utilities Inc. reports that it has adequate water supply and wastewater capacity to serve the proposed project and is willing to support an annexation application for the extension of their service area. In the event that it is not cost-effective to connect to the public water supply and wastewater collection systems or in doing so the project development schedule could not be achieved, development of an on-site water supply and/or wastewater treatment system would need to be considered. Under such a scenario, the selected contractor would purchase the "fan" water rights in order to development a well system. Preliminary studies also indicate there is suitable soil and sufficient land to operate a wastewater treatment and disposal system. All applicable approvals from the Nevada DEP and Nye County would be secured by the detention contractor.
9. Noted. Provision of public water supply and wastewater treatment service to the proposed facility at the selected site will be determined during discussions and negotiations involving the selected detention contractor, the utility provider and the host community. The text has also been revised to clarify that the preferred plan is to rely upon Utilities, Inc. to meet potable water and wastewater treatment requirements. The text has also been revised to analyze the potential population impacts for Nye County and Clark County (separately) resulting from the proposed project. Revisions to the document have also been incorporated addressing baseline information concerning utility services and potential impacts to utility services. The EIS text has also been revised to incorporate additional air quality information.
10. Noted. The location and proximity of the Pahrump Valley landfill to the 630 East Parque Avenue Site and 2250 East Mesquite Avenue Site has been documented in Chapter III. Additional information concerning the remaining available landfill capacity has been incorporated within the Final EIS. It is acknowledged that alternative highway routes to Pahrump are available. Discussions with the Nevada Department of Transportation and the Nye County Planning Division were unable to reveal future plans for the construction of a Nevada Highway 160 bypass around Pahrump. Due to the high quality of service on NV 160 (LOS A) and the negligible increase in traffic resulting from the construction and operation of the proposed facility, traffic in the Town of Pahrump and Nye County would be negligibly impacted by the proposed project. There is no plan to develop an 1,800-bed facility. Development of an additional 500 beds (to increase capacity from 1,000 to 1,500 beds) will require a relative small land area (estimated at approximately 5 to 10 acres) associated primarily with development of additional detainee housing units.
11. Noted. Revisions to the EIS distribution list have been incorporated within the final document. The OFDT appreciates the thorough review of the Draft EIS provided with

Nye County and looks forward to working with county officials towards the successful implementation of the proposed facility.

1791 Appaloosa Lane
Pahrump, NV 89060-3703

February 4, 2008

Mr. Scott P. Stermer, Assistant Trustee – Procurement
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, VA 22203
202-353-4601 / 202-353-4611 / scott.stermer2@usdoj.gov

RE: Federal Detention Center Draft Environmental Impact Statement

Dear Mr. Stermer:

My correspondence with you is close to the 2/4/2008 deadline, because I was unaware of the 45-day review period, which began on 12/21/2007. Were it not for an article in the 1/31/2008 Pahrump Mirror, I would never have known anything about public comment on the Draft EIS. I immediately researched the owners of the proposed facility sites and looked over the material at the Pahrump Library. I was completely shocked to discover that one of the sites (40 acres – parcel # 027-211-25; 630 E. Parque Ave.) is owned by the Town of Pahrump! The other (160 acres – parcel # 027-421-10; 2250 E. Mesquite Ave.) is owned by United Holdings Corp, 5560 S. Fort Apache Rd., LV, NV.

Since you mentioned in our telephone conversation Friday (2/1/2008), that you are a fellow New Yorker, you cannot be unaware of the DOE scandals (EPACD#NYD980779540) in Cattaraugus County, where NY State inspectors were denied access. Local citizens are wary that state and local jurisdictions lose access control to any property that is held in the grasp of the federal government! In addition, local citizens discuss the current administration's positive position on torture, and its other questionable activities, including rounding up more than 30,000 "fugitives" en mass via DOJ's Operation FALCON (Federal and Local Cops Organized Nationally), which no doubt glutted various existing federal civilian detention centers (q.v., Exhibit 1).

Local residents think twice about a federal civilian detention center associated with the town name "Pahrump" and the stigma that it might attach to this area. One might legitimately fear a death knell to local growth should the town's name appear on any of the many Internet "FEMA civilian detention camp" lists. The

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paltry number of jobs (20% of approximately 200), i.e., 40 positions, provided by the proposed Pahrump civilian detention facility to Pahrump residents could not begin to compensate the entire town (of approximately 40,000) for any negative image. (The majority of the positions, i.e., 80%, are expected to be filled by Clark County residents, according to the Pahrump Mirror article.) Ten years ago, one of my former colleagues, who raises and trains visla hunting dogs, traveled all the way north to then thriving Winnemucca from Galveston Texas trailering horses and dogs to attend a visla field trial. As of this writing, a decade later, Winnemucca is virtually a ghost town. One may contend that other factors contributed to Winnemucca's rapid decline, but the stigma of a FEMA "civilian concentration camp" in its immediate vicinity certainly exacerbated the problem. Reno is also in serious decline as of this writing. Is it merely coincidence that a "civilian concentration camp" located by unfortunate association with its name has been "identified" 150 miles south of the city? (q.v., Exhibit 2) The situation may seem surreal, but "reality" is many times irrational.

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The private contractors you mentioned, Corrections Corporation of America (CCA) and Geo Group have less than sterling reputations. CCA has performed less than satisfactorily in certain prison situations here in Nevada already (q.v., Exhibit 3A-D).

6

Even by driving three different routes, I was not able to reproduce the road mile figure you quoted, i.e., 54 miles from Pahrump to the Lloyd George Federal Courthouse in Las Vegas.

The longest stretch of 70-mph open-highway (traffic-signal-free) driving is provided by Route 95:
Starting at the intersection of Mesquite and Hwy 160 in Pahrump going north passing Parque Road 5 miles from the starting point and continuing to the intersection with Rte 95 is 30 miles. From the intersection of Rte 95 and Hwy 160 traveling south remaining on Rte 95 (avoiding the alternate "Rte-95-business" i.e., Rancho Drive) through to the Casino Center Blvd. Exit, (4 blocks from Bridger Ave. adjacent to the federal courthouse), is an additional 52 miles, for a total of 82 road miles.

7

Using Hwy 160 going south takes the driver through the business section of Pahrump (with varying speed limits and congestion):
Starting at the intersection of Mesquite and Hwy 160 in Pahrump, traveling south to the intersection of Hwy 160 and Hwy 159 (Charleston Blvd.) is 47 miles.
Traveling east on Rte 159 to intersect Rte 215 is 16 miles. Taking Rte 215 north to

intersect Summerlin Parkway and then traveling east on Summerlin Pkwy merging into Rte 95 and continuing through to the Casino Center Blvd. Exit adds 15 more miles, for total of 78 road miles.

The most arduous route takes the driver south on Hwy 160 to I-15: Starting at the intersection of Mesquite and Hwy 160, traveling south to the intersection of Hwy 160 and I-15 is 56 miles. Traveling 10 miles north on I-15 reaches the Grand Central Pkwy Exit (north of Rte. 159, i.e., Charleston Blvd). Driving an additional mile north on Grand Central Parkway and crossing the railroad tracks, places the driver 3 blocks from the federal court building. Be aware that there are one-way streets in the area of the courthouse. This route is a total of 67 road miles.

Taking a road mile average of the 3 different routes above yields approximately 76 road miles. Comparing that average with your 54-mile figure [$1-54/76=.289$] yields about a 29% underestimate of fuel usage, if the driver cannot be constrained to travel a single route, and therefore, chooses to use whichever route he/she perceives as the fastest, the one unimpeded by accidents, the least stressful, the most safe (in terms of weather), or some other parameter that is within the driver's prerogative to determine. There may be a security requirement that demands a varied travel route. Also, the least road miles do not guarantee the fastest transit time. It appears that the Pahrump location is pushing the limits of the travel envelope requirement, leaving your contractors with a buffer minimum to none. It may be instructive to ask the contractors how they would handle an unanticipated fuel cost overrun of 29% (due to the magnitude of fuel consumption resulting from road-mile-travel underestimates, not due to increase in fuel cost), should such a situation surface after they have begun daily transit operations.

For the above reasons, which I documented as quickly as possible within the time constraint, myself, as well as other residents, have serious reservations about the proposed Pahrump-sited civilian detention center.

Sincerely,



J.E. Holmgren

Att.

#8 Operation FALCON Raids

Sources:

SourceWatch, November 18, 2006

Title: "Operation Falcon"

Author: Brenda J. Elliot

http://www.sourcewatch.org/index.php?title=Operation_FALCON

Ukernet, February 26, 2007

Title: "Operation Falcon and the Looming Police State"

Author: Mike Whitney

<http://uruknet.info/?p=m30971&s1=h1>

Student Researcher: Erica Haikara and Celeste Winders
Faculty Evaluator: Ron Lopez, Ph.D.

Under the code name Operation FALCON (Federal and Local Cops Organized Nationally) three federally coordinated mass arrests occurred between April 2005 and October 2006. In an unprecedented move, more than 30,000 "fugitives" were arrested in the largest dragnets in the nation's history. The operations directly involved over 960 agencies (state, local, and federal) and were the brainchild of Attorney General Alberto Gonzales and US Marshal's Director Ben Reyna. The DoJ supplied television networks government-shot action videotape of Marshals and local cops raiding homes and breaking down doors, "targeting the worst of the worst criminals on the run," emphasizing suspected sex offenders. Yet less than ten percent of the total 30,150 were suspected sex offenders and less than two percent owned firearms. The press has not asked, "Who were the others?" And to date, the US Marshal's office has issued no public statement as to whether the people arrested in Operation Falcon have been processed or released. Author Mike Whitney cautions that Attorney General Gonzales has little interest in the petty offenders who were netted in this extraordinary crackdown. This action is instead, he warns, a practice roundup in the move toward martial law.

Altogether, there were three FALCON Operations, each netting roughly 10,000 criminal suspects. Between April 4-10, 2005, FALCON I swept up 10,340 fugitives in the largest nationwide mass arrest (to that date) in American history. Alberto Gonzalez proudly announced on April 15 through corporate media, "Operation FALCON is an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime. This joint effort shows the commitment of our federal, state, and local partners to make our neighborhoods safer, and it has led to the highest number of arrests ever recorded for a single Initiative of its kind. We will use all of our Nation's law enforcement resources to serve the people, to pursue justice, and to make our streets and Nation safer."

Operation FALCON II, carried out the week of April 17-23, 2006, arrested another 9,037 individuals from twenty-seven states mostly west of the Mississippi River. Operation FALCON III, conducted during the week of October 22-28, 2006, netted another 10,733 fugitives in twenty-four states east of the Mississippi River.

The US Marshals Service has not yet disclosed the names of the people arrested in these massive sweeps nor of what crimes they were accused. We have no way of knowing whether they were provided with due process of law, where they are now, or whether they have been abused while in custody.

SourceWatch contributors further ask for clarification, "Although Attorney General Gonzales stated on April 15, 2005 that Operation FALCON was 'an excellent example of President Bush's direction and the Justice Department's dedication to deal both with the terrorist threat and traditional violent crime,' where is the connection between the Operation FALCON roundups and catching terrorists? Why did police wait for federally orchestrated raids to arrest known sex offenders and suspected murders? Why were state and federal agencies integrated with local law enforcement to simply carry out routine police work?"

The media played an essential role in concealing the important details of the Operation. In fact, the non-critical "cookie cutter" articles which appeared in newspapers across the country suggest that the media may have collaborated directly with the Justice Department. (see Chapter 9, Fake News) Whitney notes that nearly identical "news" segments and articles put the best possible spin on a story that most Americans might find deeply disturbing, and perhaps frightening.

While mass militarized police roundups make little sense as a method of apprehending fugitives, the FALCON program does make sense as a means of effectively setting up a chain-of-command structure that radiates from the Justice Department and relocates the levers of control to Washington where they can be manned by members of the administration. Whitney warns that the plan behind the FALCON program appears to have been devised to enhance the powers of the "unitary" executive by putting state and local law enforcement under federal supervision, ready for the institution of martial law (see story #2.)

EXHIBIT 1

Update by Mike Whitney

Operation FALCON presents the first time in US history that all of the domestic police agencies have been put under the direct control of the federal government. The implications for American democracy are quite profound. Operation FALCON serves no purpose except to centralize power and establish the basic contours of an American police state. It is not an effective way of apprehending criminals.

For the most part, the media completely ignored FALCON. In fact, these extraordinary police-state sweeps did not elicit even one editorial or one column-inch of commentary from any journalist in the country. Following the government's version of events, the story was simply brushed aside as trivial. For those who care to explore the media's true role in undermining the fundamental rights of Americans; FALCON is probably a good place to begin. It illustrates how the media deliberately obscures facts that do not serve the overall interests of the state. The last FALCON operation was carried out on October 28, 2006. Since then, the project has been put on "hold," presumably until some time in the future when it will be reactivated by presidential decree. The precedents have now been established for law enforcement agencies across the nation to be taken over by the chief executive at a moment's notice. If there is another terrorist attack within the United States, or the outbreak of an epidemic, or a natural disaster on the scale of Hurricane Katrina; we can expect that President Bush will consolidate his power by asserting direct control over all of the various federal, state, and local police agencies. Eventually, we will see that FALCON was organized with that very purpose in mind.

Recent changes to the Insurrection Act of 1807 as well as to the Posse Comitatus Act of 1878 allow President Bush to declare martial law at his own discretion and to take control of the National Guard from the state governors. That means that Bush now has a complete monopoly on all the means of organized violence in the country.

With the aid of the corporate media and an alliance of far-right organizations, Bush has successfully removed all the traditional obstacles to absolute power. The groundwork has been laid for an American dictatorship. FALCON is just one small part of that much larger plan.

UPDATE BY ARTIFICIAL INTELLIGENCE

A more recent and less publicized sweep was made March 7, 2007, in Baltimore, with the arrest of about two hundred fugitives. The rationale for this sweep is more puzzling, perhaps, as it was the only city involved. This sweep received only local media attention. Numerous questions, as stated in the Operation FALCON article, remain unanswered. The mainstream press does not appear to be interested in exploring beyond the initial sweep events.

Both House and Senate committees on the judiciary and government oversight are digging into DoJ operations due to the US attorney firings and politicization of the Department, with all roads leading to the White House. It is not unreasonable to expect that these sweeps may eventually come under investigation as well.

The mainstream press, to my knowledge, has not responded at all to my *SourceWatch* coverage of this story. The press coverage that Operation FALCON received appears to be limited to DoJ and USMS' news releases with the addition of an occasional local interest story. Information on the fate of the 30,000 plus who were arrested is conspicuous by its absence. Additional information on this story should be available from both the DoJ and USMS. In reality, it most likely will not be, as neither has provided any updates. The *SourceWatch* article will continue to be updated when or if additional information becomes available.

EXHIBIT 1 (continued)

NEVADA

Elco - prison facility 10 miles from Elco.

Las Vegas - From Range Road and Las Vegas Blvd North, across from Nellis AFB, go west on Range Road approx. 7 miles. Go under I-15 and you'll see a new 6-foot high chain link fence and sliding road gate. Signs say "RESTRICTED AREA. AUTHORIZED PERSONNEL ONLY". Approx. 1 mile after that is the Nevada National Guard compound, and the camp is on the right next to the RR tracks.

Reno - 150 miles south on east side of road, 150 yards from road.

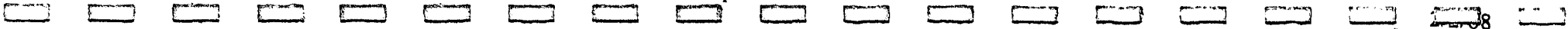
Wells - 40 miles north of Wells in O'niel Basin Area, 25 miles west off Hwy 93.

Winnemucca - at I-80 mile marker 112, 3/4 miles off the road on the south side, near the base of the mountains.

EXHIBIT 2

EXHIBIT 2

DOCUMENT 36
Page 6 of 10



ID: Private Prison Money, Public Servants

July 31, 2007 - 11:00pm

Idaho needs more prison space, and private prison companies want to supply it. To communicate that to Idaho's elected officials, private prison companies are funneling thousands of dollars into the state in the form of campaign contributions and payments to lobbyists. The goals of this money: to get contracts to incarcerate people in out-of-state prisons and to win a contract to run a proposed 2,200 bed prison in Idaho.

GEO Group and Corrections Corporation of America are the two big players in the lobbying effort, and each hired two lobbyists for the 2007 legislative session. GEO Group contributed \$5,000 to Gov. C. L. "Butch" Otter's campaign, \$2,500 to Lt. Gov. Jim Risch, and \$500 to Representative Debbie Field, who lost her seat in the legislature but is now Idaho's "drug czar."

This year, the GEO Group has \$8 million in state contracts to imprison Idahoans in Texas. The conditions in two of those prisons have been so deplorable that the state demanded its prisoners be relocated.

Corrections Corporation of America (CCA) is a slightly bigger spender in Idaho. It contributed \$10,000 to Gov. Otter's campaign, \$5,000 to the state Republican Party, \$17,000 to other Republicans running for office, and \$300 to one Democrat, Representative Margaret Henbest. Right now, CCA runs the 1,500 bed Idaho Correctional Center. Recently, CCA representatives met with the chair of the Idaho Board of Correction to discuss a \$5 million a year contract to imprison people in Oklahoma and plans for the next new prison in Idaho. No decisions have been made.

This news brief is based on a story in the Seattle Post-Intelligencer, Prison Firms Give Cash to Pols to Spur Idaho Privatization. If the link is broken, check the newspaper's archives.

DOCUMENT 36
Page 7 of 10

EXHIBIT 3A

EXHIBIT 3B

DOCUMENT 36
Page 8 of 10

NV: Baby Results in Felony Charges

April 15, 2004 - 1:55pm

April 15, 2004 - 1:55pm

A Nevada prisoner gave birth in January to a baby fathered by a corrections officer at CCA's Nevada Women's Facility. On March 17, the corrections officer and the prisoner were both charged.

NV: Private Prison Company Pulls Out Rather Than Provide Adequate Health Care

April 15, 2004 - 1:52pm

April 15, 2004 - 1:52pm

Corrections Corporation of America (CCA), citing mounting financial losses, says it will not renew its contract with Southern Nevada Women's Correctional Facility. (See Exhibit 3C)

NV: Private Prison Company Pulls Out Rather Than Provide Adequate Health Care

April 15, 2004 - 1:52pm

Corrections Corporation of America (CCA), citing mounting financial losses, says it will not renew its contract to run the Southern Nevada Women's Correctional Facility. The contract is up on October 1st. CCA has run the prison since it opened in North Las Vegas in 1997. Department of Corrections (DOC) Director Jackie Crawford said that the rising costs of women's prison healthcare were what made CCA decide to leave. The average national cost of running a medium security women's prison is more than \$75 a day per prisoner. CCA is paid \$47.79 a day per prisoner. CCA has asked the state to take over medical care immediately. The issue of a state takeover of medical care will be discussed by the legislature's interim finance committee in June. If the state provides healthcare for the women prisoners, CCA will be paid \$14.71 less a day per prisoner.

According to the medical director for the Nevada DOC, medical care of prisoners at the facility is substandard. Dr. Ted D'Amico told a legislative subcommittee that CCA personnel "have struggled from Day 1" to provide health care for the women prisoners. CCA is convinced that the state can provide better medical care for the women, D'Amico said, adding that he agrees because "they don't know how to run a medical program."

The state has put out requests for proposals from private companies to replace CCA on Oct. 1. The prison is also putting together a plan to see how it could measure up against the private companies. Bids are due May 4.

Sources: *The Las Vegas Review-Journal*; *Las Vegas Sun*

EXHIBIT 3C

DOCUMENT 36
Page 9 of 10

ID: Prisoners on the Move Again

August 2, 2007 - 1:07pm

Conditions in the Dickens County Correctional Center in Texas were so bad that the Idaho Department of Correction has demanded that the 125 prisoners there be moved to another prison. While that's a step in the right direction, the problem is that the other prisons are run by the same company: the GEO Group.

GEO Group's Val Verde Correctional Facility, near the Mexican border, has a history of prisoner suicide, prisoner abuse, and a captain that kept a noose and displayed a photo of himself in a Ku Klux Klan uniform. Because of these problems and resulting lawsuits, the GEO Group was forced to appoint a monitor at the prison. Concerns continue about whether prisoners are receiving medications for mental illness. Fifty-six Idaho prisoners will go to Val Verde, and sixty-nine will go to a prison in Littlefield, Texas, where other prisoners from Idaho are currently incarcerated.

This news brief is based on a story on Forbes.com, Idahoans Bound for Private Texas Prison and the Inmate Relocation Fact Sheet from the Idaho Department of Correction web site. If the links are broken, check the websites' archives.

EXHIBIT 3D

DOCUMENT 36
Page 10 of 10

Response to:

DOCUMENT 36

J.E. Holmgren, Resident
Pahrump, Nevada

Comment Response

1. Noted. The interest and comments of J.E. Holmgren concerning the proposed contractor-owned/operated detention facility are gratefully acknowledged. Prior to initiating preparation of the Draft EIS, the OFDT held public scoping meetings in Pahrump, Nevada on June 19, 2007; in Moapa, Nevada on June 20, 2007; and in Kingman, Arizona on June 21, 2007 to inform the public and solicit input concerning the proposal to house federal detainees in a contractor-owned/operated detention facility. Following publication of the Draft EIS on December 21, 2007, the OFDT held public hearings in Moapa, Nevada on January 16, 2008 and in Pahrump, Nevada on January 17, 2008 to solicit public comment and input concerning the Draft EIS and the proposed action. The date, time and location of each scoping meeting and public hearing was advertised in multiple newspapers serving Nye County and Clark County, Nevada (in English and Spanish) in the weeks leading up to the meetings. In addition, OFDT distributed some 200 copies of the Draft EIS and invited federal, state and local elected and appointed officials and agency representatives, interest groups, Native American organizations, the media and the public to attend the public hearings and offer comments concerning the Draft EIS. Ownership of the Pahrump sites rests with the Town and Nye County and were offered to prospective contractors as locations supported by those jurisdictions.
2. Noted. Development, ownership and operation of the proposed detention facility would rest with the detention contractor selected for contract award. While the facility would house federal detainees, the Federal Government would not be the property or facility owner although OFDT would maintain ultimate responsibility for the management of the federal detainee population.
3. Noted. It is inappropriate to describe the proposed facility as a "FEMA civilian detention camp" or a similar characterization. Agencies of the Federal Government including the OFDT, USMS and others currently house federal detainees in numerous facilities throughout the United States with few adverse consequences.
4. Noted. Regarding the potential employment opportunities associated with facility operations, the EIS authors anticipate detention center employment requirements that emphasize education and past experience together with rigorous personal and financial background checks as a condition of employment. As a result, and assuming a conservative estimate, only a relatively small portion of the current Pahrump resident population would qualify for employment at the proposed facility. With a relatively small pool of potential job applicants able to meet the rigorous employment requirements, the potential exists that a small number of initial hires will originate from Pahrump proper. With the majority of Nevada's population residing in and around the City of Las Vegas, it can be expected that much of the initial workforce at the proposed facility would originate from the Las Vegas area. Over time, however, the majority of

the workforce at the proposed facility could be expected to reside in and around Pahrump and in proximity to the facility.

5. Noted. The OFDT has no knowledge of Winnemucca or the circumstances involving its past and current economic conditions. As stated earlier, the OFDT objects to use of such terms as "FEMA civilian detention camp" or "civilian concentration camp" when describing the proposed detention center.
6. Noted. The OFDT has undertaken a rigorous review and evaluation of each prospective contractors' qualifications, experience, management plan, etc. prior to selection and is confident that the proposed facility will be designed, constructed and operated in accordance with all appropriate standards and requirements.
7. Noted. All measurements have been reviewed and are confirmed distances from the United States Courthouse located in downtown Las Vegas.
8. Noted. Daily transportation of federal detainees to the United States Courthouse from the proposed detention facility is expected to occur on a limited basis. Detainees scheduled to appear before the courts will be transported via van or bus in the morning and be returned to the facility at the end of the court session. Frequent trips during the day are not planned or anticipated.
9. Noted. The OFDT appreciates learning of the comments and concerns of J.E. Holmgren regarding the proposed contractor-owned/operated detention facility. The Agency Preferred Alternative to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.

Nardi, Robert

From: Stermer, Scott [Scott.Stermer2@usdoj.gov]
Sent: Monday, February 04, 2008 12:16 PM
To: Nardi, Robert
Subject: FW: Draft EIS-Proposed Federal Detention Facility

DOCUMENT 37
Page 1 of 2

From: Cliff Lawson [mailto:CLAWSON@ndep.nv.gov]
Sent: Monday, February 04, 2008 12:13 PM
To: Stermer, Scott
Subject: Draft EIS-Proposed Federal Detention Facility

Thank you for the opportunity to comment on the EIS.

Three sites are proposed in the EIS for construction of detention-center housing for up to 1,500 INS detainees (plus staff):

1. Pahrump – Discusses the possibility of using Utilities, Inc. for treatment
2. Apex – Discusses the need for a new package WWTP where there presently is no large-scale package plant system.
3. Moapa – Discusses the need for a new package WWTP where there presently is no large-scale package plant system.

Because wastewater from prisons requires a high level of screenings and is generally high in BOD, the Nevada Division of Environmental Protection (NDEP) has the following comments:

- Design and operational issues will need to be addressed by the project.
- Flows from the project would be around 200,000 gpd. Given the higher BOD, this could cause an organic overload to Utilities Inc. Treatment Plants.
- NDEP will require denitrification for any of the three proposed sites to prevent groundwater degradation.

In Pahrump, the prevailing effluent limits for BOD and TSS are 10 mg/l & 15 mg/l, respectively, with a limit of 10 mg/l for Total Nitrogen.

Currently, the effluent limits in Apex or Moapa for BOD and TSS would be 30 mg/l and 10 mg/l for Total Nitrogen.

- A Grade III Supervisory Operator will be required for each of the plants
- A plan for sludge disposal needs to be included in the design report for each proposed location.

Finally, since we have concerns over groundwater degradation and lack of reuse potential, NDEP would discourage large-scale pond operations for new prison facilities.

Clifford. M. Lawson, P.E.
Technical Services Supervisor
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
(775) 687-9435

DOCUMENT 37
Page 2 of 2

Response to:

DOCUMENT 37

Clifford M. Lawson, P.E., Technical Services Supervisor
Bureau of Water Pollution Control
Nevada Department of Environmental Protection
Carson City, Nevada

Comment Response

1. Noted. The interest and comments of Clifford M. Lawson and the Nevada Department of Environmental Protection (DEP), Bureau of Water Pollution Control concerning the proposed contractor-owned/operated detention facility are gratefully acknowledged.
2. Noted. Five prospective contractors initially offered 11 alternative sites for development of the proposed contractor-owned/operated detention facility. Seven of the 11 sites were eliminated or withdrawn by the prospective contractors prior to preparation of the Draft EIS and an eighth site (the Apex Industrial Use Zone Site A) was withdrawn from further consideration following publication of the Draft EIS. Three sites, two in Pahrump and one in Moapa remain under consideration.
3. Noted. With elimination of the Apex and Moapa Sites, the necessity of constructing a new wastewater treatment plant to serve the proposed detention facility has also been eliminated. The Agency Preferred Alternative to award a contract to house federal detainees at a facility to be developed at the 2250 East Mesquite Avenue Site in Pahrump, Nevada.
4. Noted. The selected detention contractor can be expected to work closely with Utilities, Inc. to ensure that the quantity and quality of wastewater flows originating from the proposed facility can be accommodated by the company's wastewater collection and treatment systems without adverse impacts.
5. Noted. The selected detention contractor can be expected to work closely with the Nevada DEP to ensure that adverse groundwater impacts are avoided.
6. Noted. With elimination of the Apex and Moapa Sites, the likelihood or necessity of constructing a new wastewater treatment plant to serve the proposed detention facility has also been eliminated. Utilities, Inc. will be responsible for ensuring compliance with Nevada DEP regulations regarding wastewater treatment plant operation.
7. Noted. Utilities, Inc. will be responsible for ensuring compliance with Nevada DEP regulations regarding wastewater treatment plant operation including the need for a sludge disposal plan.
8. Noted. There is no plan to establish a dedicated wastewater treatment plant to serve the proposed detention center. Concerns over groundwater degradation and use of large-scale ponds for wastewater treatment were eliminated by selection of the 2250 East Mesquite Avenue Site in Pahrump as the Agency Preferred Alternative. The OFDT appreciates the comments and recommendations offered by the Nevada DEP and will contact the agency in the event questions arise.



JIM GIBBONS
Governor

MICHAEL F. FISCHER
Department Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS

State Historic Preservation Office

100 N. Stewart Street

Carson City, Nevada 89701

(775) 684-3448 • Fax (775) 684-3442

www.nvshpo.org

RONALD M. JAMES
State Historic Preservation Office

February 11, 2008

Scott P. Steamer,
Assistant Trustee - Procurement
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington VA 22203

DOCUMENT 38
Page 1 of 1

RE: Proposed Private Contractor Detention Facility, Clark and Nye County.

Dear Mr. Steamer:

The Nevada State Historic Preservation Office (SHPO) acknowledges receipt of the cultural resources summary for the proposed undertaking. In your letter you requested that this office concur with your definition of the area of potential effect for the subject undertaking. As noted on page IV-2 of the cultural resources summary, it was noted that this office cannot review the Office of the Federal Detention Trustee's determination of the area of potential effect for the subject without a more definitive description about the proposed building facility, towers, access roads, lighting, and signage. This information should include a profile drawing/schematic of the proposed detention facility plus its associated structures and access road depicting the height of all structures.

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Sincerely,

Rebecca Lynn Palmer
Review and Compliance Officer, Archaeologist

1

2

Response to:

DOCUMENT 38

Rebecca L. Palmer
Review and Compliance Officer, Archaeologist
Nevada State Historic Preservation Office
Carson City, Nevada

Comment Response

1. Noted. A more definitive description of the design features of the proposed facility (building heights, lighting, signage, etc.) will be provided to the Nevada State Historic Preservation Office upon its availability.

2. Noted. The OFDT appreciates the continued cooperation and assistance of Rebecca L. Palmer and the staff of the Nevada State Historic Preservation Office during preparation of the Final EIS.

C. ANALYSIS OF THE PUBLIC HEARING COMMENTS AND RESPONSE THERETO

A public hearing on the Draft EIS was held on January 16, 2008 in Moapa, Nevada, and January 17, 2008 in Pahrump, Nevada. Representatives of the Federal Bureau of Prisons highlighted the findings of the Draft EIS and the public was invited to voice their comments on the proposed action. The testimony of all speakers presented at the public hearings is included within Appendix F.

D. COLLECTIVE CONSIDERATION OF THE COMMENTS

Council on Environmental Quality regulations require that comments be assessed and considered collectively as well as individually. Such a review in this instance reveals no significant differences in the assessment of potential impacts of the proposed action as a result of the collective assessment and consideration of the comments.

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APPENDICES

**APPENDIX A
PUBLIC SCOPING PROCESS AND
SCOPING MEETING TRANSCRIPTS**

**NOTICE OF INTENT TO PREPARE A DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

BILLING CODE:

U.S. DEPARTMENT OF JUSTICE

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for development of a contract detention facility to house persons in the custody of the U.S. Department of Justice. The contract detention facility is proposed to be located within a 75-mile radius of the Lloyd D. George U.S. Courthouse located at 333 Las Vegas Boulevard, Las Vegas, Nevada.

AGENCY: U. S. Department of Justice, Office of the Federal Detention Trustee

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: The United States Department of Justice, Office of the Federal Detention Trustee (OFDT), intends to prepare a Draft Environmental Impact Statement (DEIS) for development of a contract detention facility to house persons in the custody of the U.S. Department of Justice. The contract detention facility is proposed to be located within a 75-mile radius of the Lloyd D. George U.S. Courthouse located at 333 Las Vegas Boulevard, Las Vegas, Nevada.

BACKGROUND INFORMATION:

The Office of the Federal Detention Trustee (OFDT) was established on December 20, 2000, when the President signed the Department of Justice Appropriations Act of 2001, Pub. L. 106-553. Pub. L. 106-553 provides for necessary expenses for the OFDT who shall exercise all power and functions authorized by law relating to the detention of federal prisoners in non-federal institutions, or otherwise in the custody of the United States Marshals Service (USMS); and the detention of aliens in the custody of the U.S. Department of Homeland Security, Immigration and Customs Enforcement (DHS/ICE). The OFDT has responsibility over construction of detention facilities or for housing related to such detention; the management of funds appropriated to the U.S. Department of Justice for the exercise of any detention functions, and the direction of the USMS and the DHS/ICE involving detention policies and operations for the U.S. Department of Justice. Detention consumes a significant and growing portion of the Department's budget with responsibility for detainees divided among several agencies.

At the present time, the OFDT is seeking to obtain contract detention services to house persons in the custody of the USMS in the Las Vegas, Nevada region. The comprehensive detention services would serve a population principally consisting of individuals charged with federal offenses and detained while awaiting trial or sentencing, a hearing on immigration status, or deportation. The OFDT intends to award a contract to accommodate approximately 1,000 to 1,500 detainees.

During the past 20 years, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. During this time, the detainee population has increased by over 1,000 percent, from approximately 3,000 in 1981 to over 55,000 today with continued growth in the federal detainee population expected for the foreseeable future. These prisoners are currently housed in a combination of local, state, federal and private facilities with the growth in the detainee population occurring at the same time that available space in local jails is decreasing. Local jail space is increasingly needed to house local offenders, leaving less space available for the contractual accommodation of federal detainees. These trends are projected to continue and present a major challenge for the OFDT and other federal agencies responsible for detaining prisoners. By contrast, the USMS is the nation's oldest and most versatile federal law enforcement agency. Created by the Judiciary Act of 1789, the same legislation that established the federal judicial system, the USMS have served the nation through a variety of vital law enforcement activities. The Director, Deputy Director and 94 U.S. Marshals (appointed by the President or the Attorney General) direct the activities of 95 district offices and personnel stationed at more than 350 locations throughout the 50 states and U.S. territories. The USMS occupies a uniquely central position in the federal justice system and is involved in virtually every federal law enforcement initiative. Approximately 4,000 Deputy Marshals and career employees perform a variety of nationwide, day-to-day missions.

Faced with severe bedspace shortages in state and local jails, especially in major metropolitan areas, the OFDT and USMS periodically contract for detention services. Such a situation has arisen in the Las Vegas area where, until recently, federal detainees were housed in locally-owned and operated facilities. In response, it has been determined that in order to house federal detainees within proximity to the U.S.

Courthouse in Las Vegas, reliance would be placed upon a Contractor-owned/Contractor-operated detention facility. The proposed facility shall be located within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse which is located at 333 Las Vegas Boulevard South in Las Vegas, Nevada.

PROPOSED ACTION:

The OFDT, in cooperation with the USMS, has determined that there is a need to house approximately 1,000 to 1,500 federal detainees within the Las Vegas, Nevada area. The high level of law enforcement activities of U.S. Department of Justice in the western United States in general and the Las Vegas, Nevada region in particular requires more beds than are readily available in local or state facilities. There is also a particular need for detention facilities to be located near federal courthouses because of the USMS responsibility to detain those individuals accused of violating federal laws and to make them available to the courts when necessary for trial or sentencing.

In response to this need, the OFDT, in cooperation with the USMS, is seeking to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing approximately 1,000 to 1,500 detained individuals charged with federal offenses. Prospective contract detention facility sites within a 75-mile radius of the U.S. Courthouse located at 333 Las Vegas Boulevard in Las Vegas, Nevada have been offered to the OFDT and USMS for consideration. The sites are described as follows:

- Apex Industrial Use Zone Site (A)- Unincorporated Clark County, Nevada.
- Apex Industrial Use Zone Site (B)- Unincorporated Clark County, Nevada.
- Dolan Springs Site - Dolan Springs, Mohave County, Arizona
- 1600 East Mike Road Site - Pahrump, Nye County, Nevada.
- 2250 East Mesquite Avenue Site - Pahrump, Nye County, Nevada.
- 2871 East Mesquite Avenue Site - Pahrump, Nye County, Nevada.
- 8251 East Panaca Avenue/8500 East Huxley Avenue Site - Pahrump, Nye County, Nevada.
- 630 East Parque Avenue Site - Pahrump, Nye County, Nevada.
- Kingman Site - Kingman, Mohave County, Arizona
- Moapa 80 Site - Moapa, Nevada.

- 6871 North Blagg Road Site -- Pahrump, Nye County, Nevada.

Several of the sites listed above have been offered by more than one contractor and each site offered will be evaluated by the OFDT in a DEIS that will analyze the potential impacts of detention facility construction and operation at the prospective sites.

THE PROCESS:

In the process of evaluating prospective sites, many factors and features will be analyzed including, but not limited to: topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous materials, visual and aesthetic resources, air and noise quality, among others.

ALTERNATIVES:

In developing the DEIS, the No Action alternative and alternative sites for the proposed contract detention facility will be examined.

SCOPING PROCESS:

During the preparation of the DEIS, there will be opportunities for public involvement in order to determine the issues to be examined. Public Scoping Meetings will be held in and around communities under consideration for development of the contract detention facility at times, dates and at locations to be determined. The meeting locations, dates, and times will be well publicized and will be arranged to allow for the public as well as interested agencies and organizations to attend and formally express their views on the scope and significant issues to be studied as part of the DEIS process. The Public Scoping Meetings are also being held to provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended, and the National Historic Preservation Act of 1966, as amended.

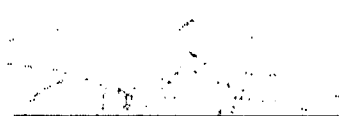
AVAILABILITY OF DEIS:

Public notice will be given concerning the availability of the DEIS for public review and comment.

FOR FURTHER INFORMATION CONTACT: Scott P. Stermer, Assistant Federal Detention

Trustee, Telephone: 202-353-4601/Facsimile: 202-353-4611/E-mail: scott.stermer2@usdoj.gov

DATED: May 31, 2007.



Scott P. Stermer

Assistant Federal Detention Trustee

Office of the Federal Detention Trustee

PUBLIC SCOPING MEETING ANNOUNCEMENTS



THE Louis Berger Group, INC.

2445 M Street, NW, Washington, DC 20037 USA
Tel 202 331 7775 Fax 202 293 0787 www.louisberger.com

DATE: June 5, 2007

SUBJECT: Notice of Public Scoping Meetings to Initiate the Environmental Impact Statement Process

HOSTED BY: U.S. Department of Justice, Office of the Federal Detention Trustee

Representatives of the U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT) will conduct Scoping Meetings to which federal, state, and local officials and the public are invited to attend. The purpose of the Scoping Meetings is to provide elected officials, agency representatives, stakeholders and the public an opportunity to learn about and voice their interests and concerns regarding a proposal to contract with a private contractor to develop and operate a new detention facility to house federal offenders. Alternative sites in Nevada and Arizona within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse located at 333 Las Vegas Boulevard South in Las Vegas, Nevada are under consideration for the proposed facility. Scoping Meetings will be held at:

7:00 P.M., June 19, 2007—Bob Rudd Community Center, Basin and Highway 160, Pahrump, Nevada

7:00 P.M., June 20, 2007—Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, Arizona

7:00 P.M., June 21, 2007—Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, Nevada

Scoping Meetings are being held to provide for timely public comments and understanding of Federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act of 1966, as amended. The meetings will also allow interested persons to formally express their views on the scope and significant issues to be studied as part of the Environmental Impact Statement (EIS) process. Topics to be studied include: topography, geology, soils, hydrology, biological resources, utility services, transportation services, cultural resources, land use, socio-economics, hazardous materials, visual and aesthetic resources, air and noise quality, among others. The OFDT reserves the right to impose a time limit for speakers in order to accommodate all persons interested in commenting. Written statements will also be accepted at the meetings. Inquiries or written comments may be directed to:

Scott P. Stermer, Assistant Trustee for Procurement
U.S. Department of Justice, Office of the Federal Detention Trustee
4601 North Fairfax, 9th Floor, Arlington, Virginia 22203
Tel: 202-353-4601 / Facsimile: 202-305-4611 / Email: scott.stermer2@usdoj.gov

An information packet describing the proposal has been included with this letter. Thank you for your interest. We look forward to your participation.

Sincerely yours,

THE LOUIS BERGER GROUP, INC.

Robert J. Nardi, AICP, Project Manager
Attachment



THE Louis Berger Group, INC.

2445 M Street, NW, Washington, DC 20037 USA
Tel 202 331 7775 Fax 202 293 0787 www.louisberger.com

FECHA: Junio 5 de 2007

TEMA: Aviso sobre reuniones de alcance público para la iniciación del proceso de declaración de impacto ambiental

LLEVADO

A CABO POR: Departamento de Justicia de EE.UU., Oficina del Fideicomisario Federal de Detención

Los representantes de la Oficina del Fideicomisario Federal de Detención (OFDT, siglas en inglés de Office of the Federal Detention Trustee) del Departamento de Justicia de EE.UU., llevarán a cabo reuniones de alcance público a las cuales se invita a participar al público y a funcionarios federales, estatales y locales. El objeto de las reuniones de alcance público es proporcionar a los funcionarios elegidos por votación, a los representantes de agencias, a los inversionistas y al público una oportunidad de informarse y de expresar sus intereses e inquietudes acerca de la propuesta para contratar los servicios de un contratista privado para el desarrollo y operación de un nuevo centro de detención para alojar a delinquentes federales. Las posibles locaciones que están siendo consideradas para el centro propuesto están en Nevada y Arizona, dentro de un radio de 75 millas del tribunal federal Lloyd D. George U.S. Federal Courthouse, ubicado en 333 Las Vegas Boulevard South en Las Vegas, Nevada. Las reuniones de alcance público se llevarán a cabo en:

7:00 P.M., Junio 19 de 2007 - Bob Rudd Community Center, intersección de Basin y Highway 160, Pahrump, Nevada

7:00 P.M., Junio 20 de 2007 - Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, Arizona

7:00 P.M., Junio 21 de 2007 - Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, Nevada

Las reuniones de alcance público se llevarán a cabo para posibilitar que se hagan oportunamente comentarios en público y se proporcione información sobre los planes y programas federales con posibles consecuencias ambientales, según lo exige el National Environmental Policy Act of 1969 (Ley nacional de políticas ambientales de 1969), con todas sus enmiendas, y el National Historic Preservation Act of 1966 (Ley nacional de conservación histórica de 1966), con todas sus enmiendas. Las reuniones también permitirán a las personas interesadas expresar formalmente sus opiniones sobre el alcance y aspectos importantes que deben estudiarse como parte del proceso de declaración de impacto ambiental (EIS, siglas en inglés de Environmental Impact Statement). Los temas a estudiar incluyen: topografía, geología, suelos, hidrología, recursos biológicos, servicios públicos, servicios de transporte, recursos culturales, uso del terreno, socioeconomía, materiales peligrosos, recursos visuales y estéticos, calidad del aire y ruido, entre otros. La OFDT se reserva el derecho de imponer límites de tiempo a cada orador con el fin de dar la palabra a todas las personas que deseen hablar. También se aceptarán declaraciones escritas en las reuniones. Las preguntas o comentarios por escrito pueden dirigirse a:

Scott P. Stermer, Fideicomisario Asistente para Adquisiciones
U.S. Department of Justice, Office of the Federal Detention Trustee
4601 North Fairfax, 9th Floor, Arlington, Virginia 22203
Tel: 202-353-4601 / Fax: 202-305-4611 / Email: scott.stermer2@usdoj.gov

Un paquete informativo con la descripción de la propuesta viene adjunto a la presente. Gracias por su interés. Esperamos contar con su participación.

Atentamente,

THE LOUIS BERGER GROUP, INC.


Robert J. Nardi, AICP, Project Manager

THE GOLDEN VALLEY HOMETOWN CRIER



A WEEKLY FREE PUBLICATION

ISSUE #89 DATE: JUNE 8, 2007

(928) 681-4015 EMAIL: hometowncrier@yahoo.com



DEPARTMENT OF JUSTICE CONDUCTING SCOPING MEETINGS!

An official from the Dept. of Justice contacted our office to let us know about some important meetings regarding the Federal Detention Trustees interest in having a Federal Prison in the Mohave County area. Below is an official public notice of those meetings.

Representatives of the Office of the Federal Detention Trustee (OFDT) will conduct Scoping Meetings to which all interested persons are invited to attend. The purpose of the Scoping Meetings is to provide elected officials, agency representatives, stakeholders, and the public, an opportunity to learn about and voice their interests and concerns regarding a proposal to contract with a private contractor to develop and operate a new detention facility to house federal offenders. Alternative sites in Nevada and Arizona, within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse located at 333 Las Vegas Blvd. South in Las Vegas, Nevada, are under consideration for the proposed facility. Scoping Meetings will be held at 7:00 p.m., June 19, 2007 – Bob Rudd Community Center, Basin and NV HWY 160, Pahrump, N.V.; 7:00 P.M. June 20, 2007 – MOHAVE COUNTY ADMINISTRATION BUILDING AUDITORIUM, 700 WEST BEALE ST. KINGMAN, ARIZONA; and 7:00 P.M. June 21, 2007 – Marley P. Robinson Justice Court and Community Center, 1340 E. Highway 168, Moapa, NV. Scoping Meetings are being held to provide for timely public comments and understanding of Federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act of 1966, as amended. The meetings will also allow interested person to formally express their views on the scope and significant issues to be studied as part of the Environmental Impact Settlement (EIS) process. The OFDT reserves the right to impose a time limit for speakers in order to accommodate all person interested in commenting. Written statements will also be accepted at the meetings. Inquiries or written comments may be directed to: Scott P. Stermer, Assistant Trustee for Procurement, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, VA 22203, Tel: (202) 353-4601/Fax: (202) 305-4611/Email: scott.stermer2@usdoj.gov.

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**U.S. DEPARTMENT OF JUSTICE-
OFFICE OF THE FEDERAL DETENTION TRUSTEE
NOTICE OF PUBLIC SCOPING MEETINGS TO INITIATE
THE ENVIRONMENTAL IMPACT STATEMENT
PROCESS**

Representatives of the Office of the Federal Detention Trustee (OFDT) will conduct Scoping Meetings to which all interested persons are invited to attend. The purpose of the Scoping Meetings is to provide elected officials, agency representatives, stakeholders and the public an opportunity to learn about and voice their interests and concerns regarding a **proposal to contract with a private contractor to develop and operate a new detention facility to house federal offenders**. Alternative sites in Nevada and Arizona, within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse located at 333 Las Vegas Blvd. South in Las Vegas, Nevada, are under consideration for the proposed facility. Scoping Meetings will be held at: 7:00 P.M., June 19, 2007 – Bob Rudd Community Center, Basin and NV Highway 160, Pahrump, NV; 7:00 P.M., June 20, 2007 – Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, AZ; and 7:00 P.M., June 21, 2007 – Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, NV. Scoping Meetings are being held to provide for timely public comments and understanding of Federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act of 1966, as amended. The meetings will also allow interested persons to formally express their views on the scope and significant issues to be studied as part of the Environmental Impact Statement (EIS) process. The OFDT reserves the right to impose a time limit for speakers in order to accommodate all persons interested in commenting. Written statements will also be accepted at the meetings. Inquiries or written comments may be directed to: Scott P. Stermer, Assistant Trustee for Procurement, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, VA 22203, Tel: 202-353-4601/Fax: 202-305-4611/Email: scott.stermer2@usdoj.gov. Thank you for your interest.

**Departamento de Justicia de EE.UU.,
Oficina del Fideicomisario Federal de Detención
Aviso sobre reuniones de alcance público para la
iniciación del proceso de declaración de
impacto ambiental**

Los representantes de la Oficina del Fideicomisario Federal de Detención (OFDT, siglas en inglés de Office of the Federal Detention Trustee) del Departamento de Justicia de EE.UU., llevarán a cabo reuniones de alcance público a las cuales se invita a **participar al público y a funcionarios federales, estatales y locales**. El objeto de las reuniones de alcance público es proporcionar a los funcionarios elegidos por votación, a los representantes de agencias, a los inversionistas y al público una oportunidad de informarse y de expresar sus intereses e inquietudes a cerca de la propuesta para contratar los servicios de un contratista privado para el desarrollo y operación de un nuevo centro de detención para alojar a delincuentes federales. Las posibles locaciones que están siendo consideradas para el centro propuesto están en Nevada y Arizona, dentro de un radio de 75 millas del tribunal federal Lloyd D. George U.S. Federal Courthouse, ubicado en 333 Las Vegas Boulevard South en Las Vegas, Nevada. Las reuniones de alcance público se llevarán a cabo en: 7:00 P.M., Junio 19 de 2007 - Bob Rudd Community Center, intersección de Basin y Highway 160, Pahrump, NV; 7:00 P.M., Junio 20 de 2007 - Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, AZ ; and 7:00 P.M., Junio 21 de 2007 - Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, NV. Las reuniones de alcance público se llevarán a cabo para posibilitar que se hagan oportunamente comentarios en público y se proporcione información sobre los planes y programas federales con posibles consecuencias ambientales, según lo exige el National Environmental Policy Act of 1969 (Ley nacional de políticas ambientales de 1969), con todas sus enmiendas, y el National Historic Preservation Act of 1966 (Ley nacional de conservación histórica de 1966), con todas sus enmiendas. Las reuniones también permitirán a las personas interesadas expresar formalmente sus opiniones sobre el alcance y aspectos importantes que deben estudiarse como parte del proceso de declaración de impacto ambiental (EIS, siglas en inglés de Environmental Impact Statement). La OFDT se reserva el derecho de imponer límites de tiempo a cada orador con el fin de dar la palabra a todas las personas que deseen hablar. También se aceptarán declaraciones escritas en las reuniones. Las preguntas o comentarios por escrito pueden dirigirse a: Scout P. Stermer, Fideicomisario Asistente para Adquisiciones, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, Virginia 22203, Tel: 202-353-4601 / Fax: 202-305-4611 / Email: scott.stermer2@usdoj.gov. Gracias por su interés.

PUB: June 13, 2007 LV Review-Journal

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**U.S. DEPARTMENT OF JUSTICE-OFFICE
 OF THE FEDERAL DETENTION TRUSTEE**

**NOTICE OF PUBLIC SCOPING MEETINGS TO INITIATE
 THE ENVIRONMENTAL IMPACT STATEMENT PROCESS**

Representatives of the Office of the Federal Detention Trustee (OFDT) will conduct Scoping Meetings to which all interested persons are invited to attend. The purpose of the Scoping Meetings is to provide elected officials, agency representatives, stakeholders and the public an opportunity to learn about and voice their interests and concerns regarding a proposal to contract with a private contractor to develop and operate a new detention facility to house federal offenders. Alternative sites in Nevada and Arizona, within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse located at 333 Las Vegas Blvd. South in Las Vegas, Nevada, are under consideration for the proposed facility. Scoping Meetings will be held at: 7:00 P.M., June 19, 2007 – Bob Rudd Community Center, Basin and NV Highway 160, Pahrump, NV; 7:00 P.M., June 20, 2007 – Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, AZ; and 7:00 P.M., June 21, 2007 – Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, NV. Scoping Meetings are being held to provide for timely public comments and understanding of Federal plans and programs with possible environmental consequences as required by the National Environmental Policy Act of 1969, as amended and the National Historic Preservation Act of 1966, as amended. The meetings will also allow interested persons to formally express their views on the scope and significant issues to be studied as part of the Environmental Impact Statement (EIS) process. The OFDT reserves the right to impose a time limit for speakers in order to accommodate all persons interested in commenting. Written statements will also be accepted at the meetings. Inquiries or written comments may be directed to: Scott P. Stermer, Assistant Trustee for Procurement, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, VA 22203, Tel: 202-353-4601/Fax: 202-305-4611/Email: scott.stermer2@usdoj.gov. Thank you for your interest.

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Call Sally at 727-5800 or SCORE at 727-9471 to schedule an appointment to discuss your business ideas

and start on the road to a possible profitable venture.

Pahrump Bike Night

"Pahrump Bike Night" will be held during the summer, starting at 6 p.m. Tuesday and Saturday nights at Sonic. All are welcome, bike or no bike.

Contact Peter at 513-1742 for more information.

Departamento de Justicia de EE.UU., Oficina del Fideicomisario Federal de Detención Aviso sobre reuniones de alcance público para la iniciación del proceso de declaración de impacto ambiental

Los representantes de la Oficina del Fideicomisario Federal de Detención (OFDT, siglas en inglés de Office of the Federal Detention Trustee) del Departamento de Justicia de EE.UU., llevarán a cabo reuniones de alcance público a las cuales se invita a participar al público y a funcionarios federales, estatales y locales. El objeto de las reuniones de alcance público es proporcionar a los funcionarios elegidos por votación, a los representantes de agencias, a los inversionistas y al público una oportunidad de informarse y de expresar sus intereses e inquietudes a cerca de la propuesta para contratar los servicios de un contratista privado para el desarrollo y operación de un nuevo centro de detención para alojar a delincuentes federales. Las posibles locaciones que están siendo consideradas para el centro propuesto están en Nevada y Arizona, dentro de un radio de 75 millas del tribunal federal Lloyd D. George U.S. Federal Courthouse, ubicado en 333 Las Vegas Boulevard South en Las Vegas, Nevada. Las reuniones de alcance público se llevarán a cabo en: 7:00 P.M., Junio 19 de 2007 - Bob Rudd Community Center, intersección de Basin y Highway 160, Pahrump, NV; 7:00 P.M., Junio 20 de 2007 - Mohave County Administration Building Auditorium, 700 West Beale Street, Kingman, AZ ; and 7:00 P.M., Junio 21 de 2007 - Marley P. Robinson Justice Court and Community Center, 1340 East Highway 168, Moapa, NV. Las reuniones de alcance público se llevarán a cabo para posibilitar que se hagan oportunamente comentarios en público y se proporcione información sobre los planes y programas federales con posibles consecuencias ambientales, según lo exige el National Environmental Policy Act of 1969 (Ley nacional de políticas ambientales de 1969), con todas sus enmiendas, y el National Historic Preservation Act of 1966 (Ley nacional de conservación histórica de 1966), con todas sus enmiendas. Las reuniones también permitirán a las personas interesadas expresar formalmente sus opiniones sobre el alcance y aspectos importantes que deben estudiarse como parte del proceso de declaración de impacto ambiental (EIS, siglas en inglés de Environmental Impact Statement). La OFDT se reserva el derecho de imponer límites de tiempo a cada orador con el fin de dar la palabra a todas las personas que deseen hablar. También se aceptarán declaraciones escritas en las reuniones. Las preguntas o comentarios por escrito pueden dirigirse a: Scout P. Stermer, Fideicomisario Asistente para Adquisiciones, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, Virginia 22203, Tel: 202-353-4601 / Fax: 202-305-4611 / Email: scott.stermer2@usdoj.gov. Gracias por su interés.

PUBLIC SCOPING DOCUMENT

Public Scoping Document

Proposed Contractor Detention Facility

Las Vegas, Nevada Area

Lead Agency:



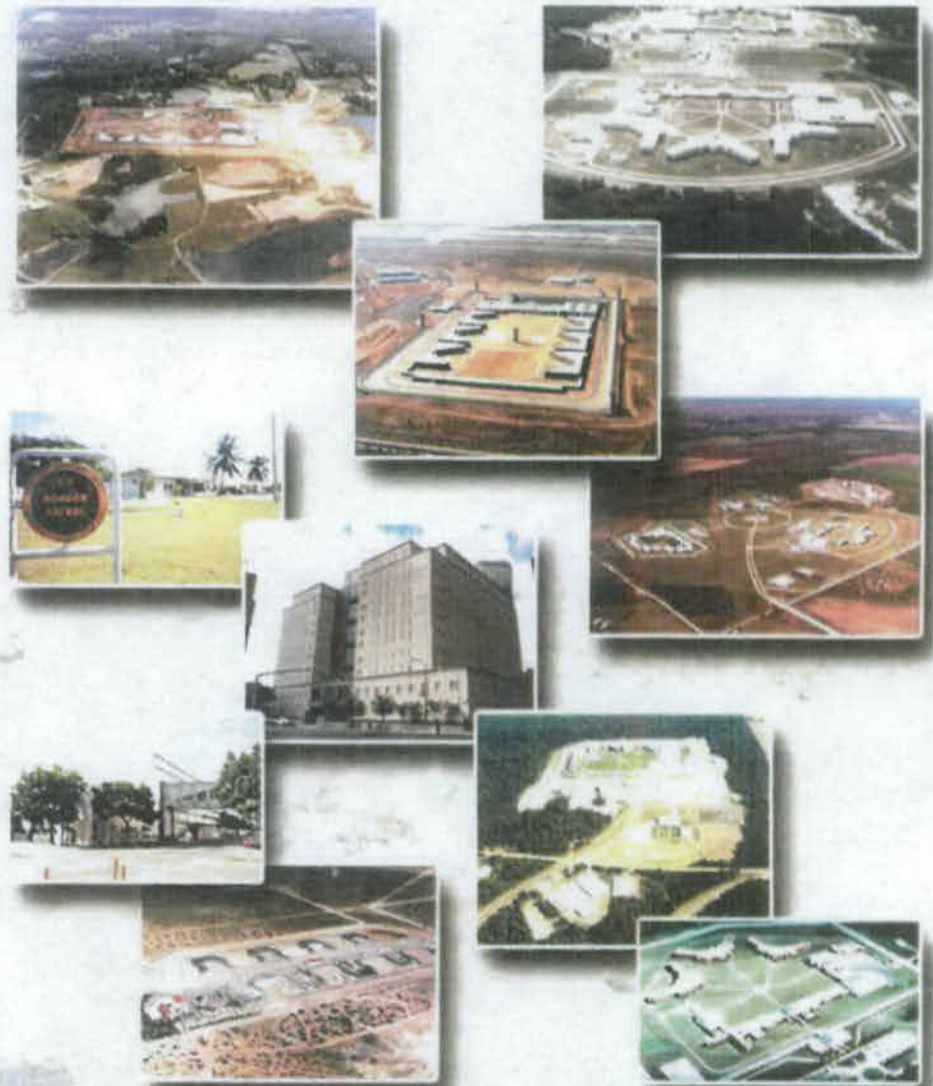
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Office of the Federal Detention
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Arlington, Virginia 22203**

Prepared in Conjunction With:



**THE LOUIS BERGER GROUP, INC.
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June 2007



PUBLIC SCOPING DOCUMENT PROPOSED CONTRACTOR DETENTION FACILITY - LAS VEGAS, NEVADA AREA

A. OVERVIEW

The U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT) was established on December 20, 2000 when the President signed the Department of Justice Appropriations Act of 2001 Public Law (PL) 106-553. PL 106-553 provides for necessary expenses for the OFDT who shall exercise all power and functions authorized by law relating to the detention of federal prisoners in non-federal institutions, or otherwise in the custody of the United States Marshals Service (USMS); and the detention of aliens in the custody of the U.S. Department of Homeland Security, Immigration and Customs Enforcement (DHS/ICE). The OFDT has responsibility over construction of detention facilities or for housing related to such detention; the management of funds appropriated to the U.S. Department of Justice for the exercise of any detention functions, and the direction of the USMS and the DHS/ICE involving detention policies and operations for the U.S. Department of Justice. Detention consumes a significant and growing portion of the Department's budget with responsibility for detainees divided among several agencies.

At the present time, the OFDT is seeking to obtain contract detention services to house persons in the custody of the USMS in

the Las Vegas, Nevada region. The comprehensive detention services would serve a population principally consisting of individuals charged with federal offenses and detained while awaiting trial or sentencing, a hearing on immigration status, or deportation. The OFDT intends to award a contract to accommodate approximately 1,000 to 1,500 detainees.

During the past 20 years, the federal detainee population has experienced unprecedented growth as a result of expanded federal law enforcement initiatives and resources. During this time, the detainee population has increased by over 1,000 percent, from approximately 3,000 in 1981 to over 55,000 today with continued growth in the federal detainee population expected for the foreseeable future. These prisoners are currently housed in a combination of local, state, federal and private facilities with the growth in the detainee population occurring at the same time that available space in local jails is decreasing. Local jail space is increasingly needed to house local offenders, leaving less space available for the contractual accommodation of federal detainees. These trends are projected to continue and present a major challenge for the OFDT and other federal agencies responsible for detaining prisoners.

By contrast, the USMS is the nation's oldest and most versatile federal law enforcement agency. Created by the Judiciary Act of 1789, the same legislation that established the federal judicial system, the USMS have served the nation through a variety of vital law enforcement activities. The Director, Deputy Director and 94 U.S. Marshals (appointed by the President or the Attorney General) direct the activities of 95 district offices and personnel stationed at more than 350 locations throughout the 50 states and U.S. territories. The USMS occupies a uniquely central position in the federal justice system and is involved in virtually every federal



law enforcement initiative. Approximately 4,000 Deputy Marshals and career employees perform a variety of nationwide, day-to-day missions.

Faced with severe bedspace shortages in state and local jails, especially in major metropolitan areas, the OFDT and USMS periodically contract for detention services. Such a situation has arisen in the Las Vegas area where, until recently, federal detainees were housed in locally-owned and operated facilities.

B. DESCRIPTION OF THE PROPOSED ACTION

The OFDT, in cooperation with the USMS, has determined that there is a need to house federal detainees within the Las Vegas, Nevada area. The high level of law enforcement activities of U.S. Department of Justice in the western United States in general and the Las Vegas, Nevada region in particular requires more beds than are readily available in local or state facilities. There is also a particular need for detention facilities to be located near federal courthouses because of the USMS responsibility to detain those individuals accused of violating federal laws and to make them available to the courts when necessary for trial or sentencing. In response to this need, the OFDT, in cooperation with the USMS, is seeking to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing approximately 1,000 to 1,500 detained individuals charged with federal offenses.

C. PROSPECTIVE SITES

It is a requirement of the proposed contract that the detention facility be located within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse which is located at 333 Las Vegas

Boulevard South in Las Vegas, Nevada. In response, prospective contract detention facility sites have been offered to the OFDT and USMS for consideration. The sites are described as follows:

- The Apex Industrial Use Zone Site (A) - Unincorporated Clark County, Nevada. An undeveloped 90-acre site located approximately 25 miles northeast of Las Vegas within the Apex Industrial Use Zone in unincorporated Clark County. Surrounding lands are largely vacant.
- The Apex Industrial Use Zone Site (B) - Unincorporated Clark County, Nevada. An undeveloped 170-acre site located approximately 25 miles northeast of Las Vegas within the Apex Industrial Use Zone in unincorporated Clark County. Surrounding lands are largely vacant with a power generating station located to the north.
- The Moapa 80 Site - Moapa, Clark County, Nevada. An undeveloped 80-acre site located approximately 50 miles northeast of Las Vegas in unincorporated Clark County. Surrounding lands are largely vacant with a power generating station and railroad located to the east.
- The Dolan Springs Site - Dolan Springs, Mohave County, Arizona. An undeveloped 640-acre site located approximately 60 miles southeast of Las Vegas in Mohave County. Surrounding lands are largely vacant with rural residential uses nearby.
- The 1690 East Mike Road Site - Pahrump, Nye County, Nevada. An undeveloped 30-acre site located approximately 50 miles northwest of Las Vegas in Nye County. Surrounding lands are largely vacant.



- The 2250 East Mesquite Avenue Site - Pahrump, Nye County, Nevada. An undeveloped 120-acre site located approximately 50 miles northwest of Las Vegas in Nye County. Surrounding lands are largely vacant although a gravel operation and municipal landfill are found nearby.
- The 2871 East Mesquite Avenue Site - Pahrump, Nye County, Nevada. An undeveloped 40-acre site located approximately 50 miles northwest of Las Vegas in unincorporated Clark County. Surrounding lands include vacant properties to the west and east and scattered commercial uses to the north and south.
- The 8251 East Panaca Avenue/8500 East Huxley Avenue Site - Pahrump, Nye County, Nevada. Two undeveloped parcels comprising approximately 80 acres located approximately 45 miles northwest of Las Vegas in Nye County. Surrounding lands are largely vacant .
- The 630 East Parque Avenue Site - Pahrump, Nye County, Nevada. An undeveloped 40-acre site located approximately 50 miles northwest of Las Vegas in Nye County. Surrounding lands are largely vacant.
- The 6871 North Blagg Road Site - Pahrump, Nye County, Nevada. An undeveloped 30.77-acre site located approximately 50 miles northwest of Las Vegas in Nye County. Surrounding lands are largely vacant with a power generating station and railroad located to the east.

Several of the sites listed above have been offered by more than one contractor and each site offered will be evaluated by the OFDT in a Draft EIS that will analyzed the potential impacts of detention

facility construction and operation at the prospective sites. In addition, one of the sites in Kingman, Arizona was found to be located well beyond the 75-mile radius of the U.S. Courthouse and has already been eliminated from further consideration. Maps depicting the locations of the prospective sites are included as part of this booklet.

D. THE ENVIRONMENTAL IMPACT STUDY PROCESS

To ensure compliance with the National Environmental Policy Act of 1969 (NEPA) and other applicable federal laws and regulations, the OFDT will soon begin gathering detailed information and conducting a rigorous analysis as part of the preparation of a Draft Environmental Impact Statement (EIS). Preparation of a Draft EIS serves to ensure that federal agencies such as the OFDT and USMS consider how actions such as housing federal detainees in contractor detention facilities affects the natural and man-made environments and ensure that those impacts are considered during the decision-making process. The process will produce an interim document, the Draft EIS, which will describe the potential impacts resulting from the proposed action.

The Draft EIS will include an Introduction describing the purpose of the report and the regulations under which the EIS process is conducted. It will offer information regarding the purpose and objectives of the proposal action and the reasons behind the need to seek a contractor to develop and operate a new detention facility.

In evaluating the prospective sites, many factors and features will be analyzed including topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous



materials, visual and aesthetic resources, air and noise quality, among others. In developing the Draft EIS, the No Action alternative as well as the various alternative sites for the proposed contract detention facility will be studied.

The Draft EIS will also include an analysis of the potential impacts associated with implementing the proposed action. If the proposed action results in potentially adverse impacts, measures to mitigate such impacts will also be proposed in the document. The report will include a list of recipients of the EIS, the individuals responsible for its preparation, and a list of references.

Once the Draft EIS report is prepared, it will be widely circulated for public review and comment. In doing so, anyone with an interest in the proposed action will have an opportunity to review the evaluations, question any areas of concern, and offer additional information that should be taken into account during the decision-making process. A public hearing similar to the public scoping meeting will be held during the review process which will last no less than 45 days. All comments and additional information collected during that review process will be taken into account in preparing the Final EIS and will be responded to by the OFDT and USMS within that Final EIS.

Publication of the Final EIS will initiate a second review period, this one lasting for not less than 30 days. At the end of that period, any additional comments received will be taken into consideration and the OFDT will only then issue its decision as to whether or not to proceed with the proposal.

E. THE SCOPING PROCESS

The process to produce the Draft EIS begins with an activity known as "scoping". Scoping is an effort to ensure that the scope or range of potential environmental issues is properly conceived, that it is neither too broad nor too narrow, and to ensure that the environmental issues are properly conceptualized. It is for that reason that the initial public meetings are referred to as "Scoping Meetings". The process is designed to ensure that those individuals and groups concerned with OFDT and USMS actions have an opportunity to voice his or her interests and concerns and to offer information that may be useful in determining the range of potential impacts resulting from the proposed action.

Scoping Meetings are being held in Nye County, Nevada; Clark County, Nevada; and Mohave County, Arizona, in and around communities under consideration for development of the contract detention facility. The meetings have been arranged to allow for the public as well as interested agencies and organizations to attend and formally express their views on the scope and significant issues to be studied as part of the Draft EIS process. The Public Scoping Meetings are also being held to provide for timely public comments and understanding of federal plans and programs with possible environmental consequences as required by NEPA.



F. CONTACTS

For additional information or to be added to the mailing list please contact:

U.S. DEPARTMENT OF JUSTICE
Office of the Federal Detention Trustee
4601 North Fairfax, 9th Floor
Arlington, Virginia 22203

Scott P. Stermer, Assistant Trustee for Procurement
Email: scott.stermer2@usdoj.gov
Tel: 202-353-4601
Fax: 202-305-4611

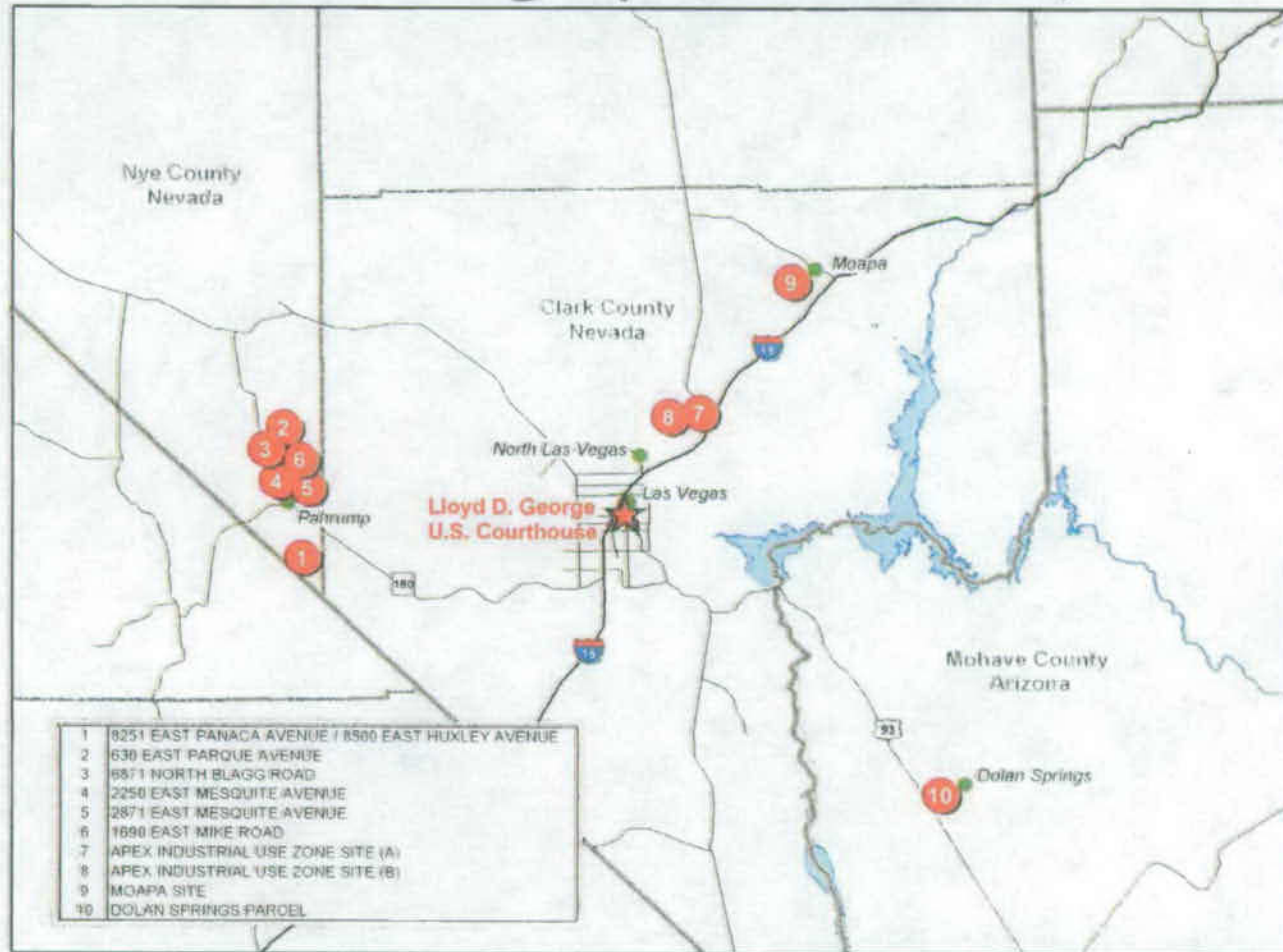
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Kirsty Cronin—Deputy Project Manager
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Fax: 973-765-9627

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PROPOSED CONTRACTOR DETENTION FACILITY Las Vegas, Nevada Area



Regional Location

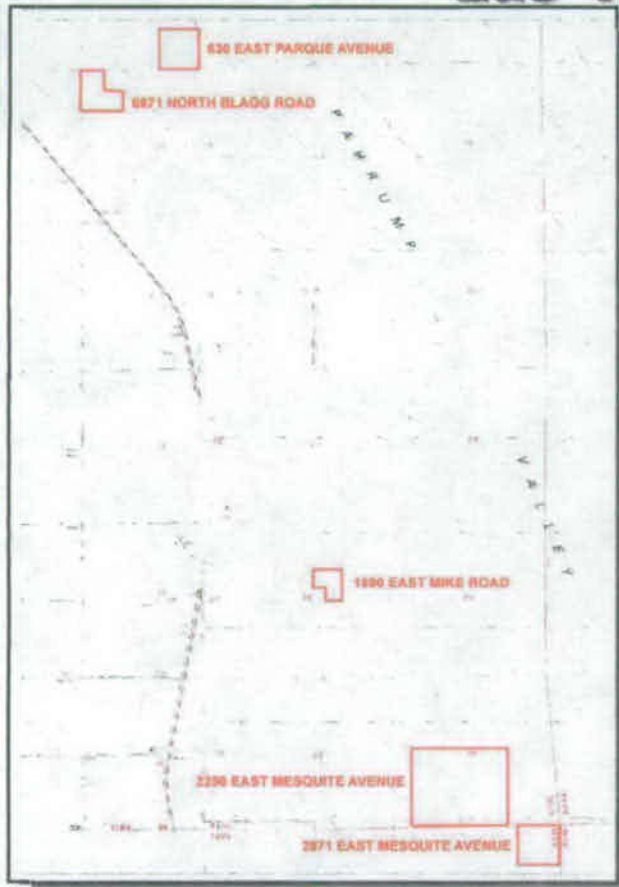


The Louis Berger Group, Inc.
Washington, D.C.

U.S. Department of Justice, Office of the Federal Detention Trustee
Arlington, VA



PROPOSED CONTRACTOR DETENTION FACILITY Las Vegas, Nevada Area



Pahrump, Nevada Area



Pahrump, Nevada Area

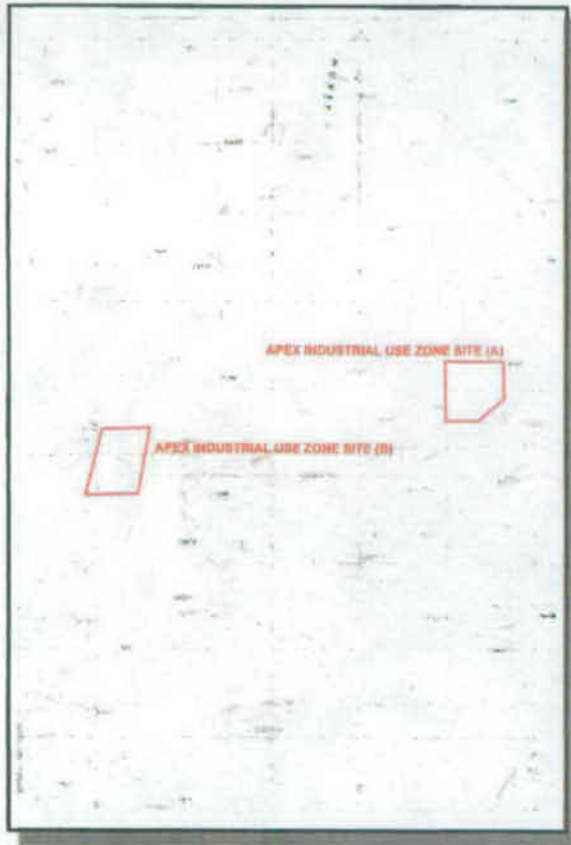


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Arlington, VA



PROPOSED CONTRACTOR DETENTION FACILITY Las Vegas, Nevada Area



Clark County, Nevada Area



Clark County, Nevada Area

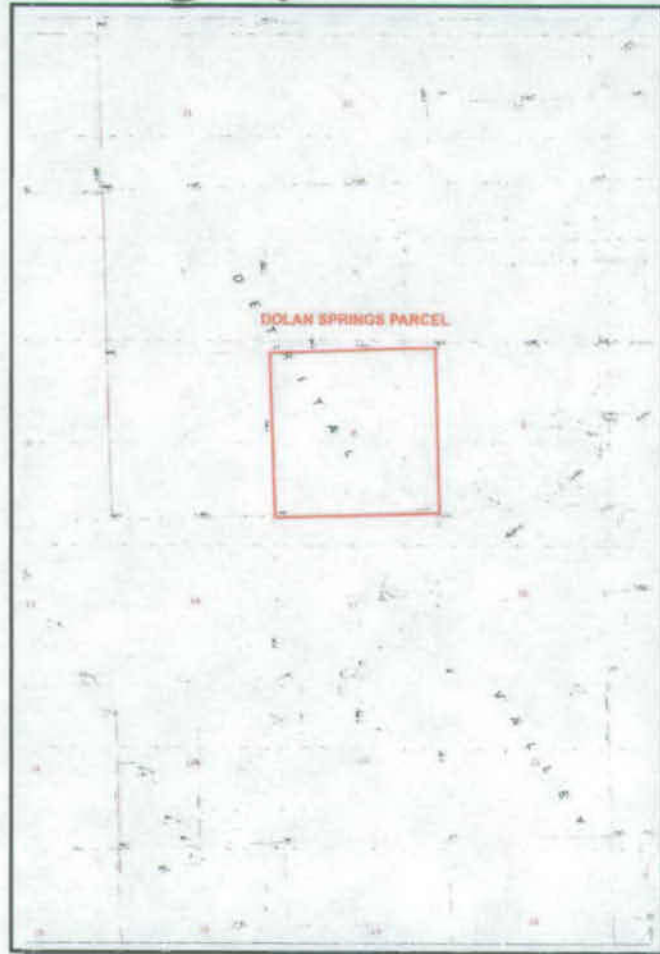


The Louis Berger Group, Inc.
Washington, D.C.

U.S. Department of Justice, Office of the Federal Detention Trustee
Arlington, VA



PROPOSED CONTRACTOR DETENTION FACILITY Las Vegas, Nevada Area



The Louis Berger Group, Inc.
Washington, D.C.

Mohave County, Arizona

U.S. Department of Justice, Office of the Federal Detention Trustee
Arlington, VA



**PUBLIC SCOPING MEETING TRANSCRIPT:
JUNE 19, 2007 – PAHRUMP, NEVADA**

1 PUBLIC SCOPING MEETING CONCERNING THE DRAFT
2 ENVIRONMENTAL IMPACT STATEMENT PROCESS FOR PROPOSED
3 CONTRACTOR DETENTION FACILITY, LAS VEGAS, NEVADA AREA

4
5 PAHRUMP, NYE COUNTY, NEVADA

6 TUESDAY, JUNE 19, 2007
7

8
9 Appearances:

10 Scott P. Stermer

11 Chief, Procurement Division

12 Office of the Federal Detention Center

13 U. S. Department of Justice
14

15 Claudia Hill, Assistant Trustee

16 Detention Standards & Compliance Division
17

18 David F. Musel

19 Deputy Federal Detention Trustee
20

21 Katherine A. Day

22 General Counsel
23

24 Robert J. Nardi

25 The Louis Berger Group, Inc.

1 TUESDAY, JUNE 19, 2007

7:20 P.M.

2 ---oOo---

3 MR. STERMER: Good evening, everybody. Can
4 you hear me?

5 If you can't hear me, raise your hand.

6 A SPECTATOR: Pull the mic right up to your
7 face.

8 MR. STERMER: Hello. Can everybody hear me?
9 If you can't hear me, raise your hand.

10 Well, good evening. I would like to welcome
11 you to the Public Scoping Meeting tonight. My name is
12 Scott Stermer, and I'm with the Office of the Federal
13 Detention Trustee.

14 We're here this evening to discuss a
15 proposal we have out for building a Detention Center
16 in the Las Vegas area, within 75 miles. The size of
17 the Center will be approximately 1,000 to 1500 federal
18 prisoners.

19 Before we begin, I would like to thank each
20 of you for coming tonight. I also would like to thank
21 the local officials for allowing us to hold the
22 meeting in this excellent facility. It's really
23 centrally located, and I'm glad to see such a good
24 turnout.

25 Joining me this evening I have some people

1 from the United States Marshals of the Las Vegas
2 office, Mr. Aaron Fisher and Mr. Mike Viegas.

3 From my office, I have the Deputy Trustee,
4 which is Mr. Dave Musel. He's the No. 2. He's the
5 one with all the money and controls everything.

6 (Laughter.)

7 I have Miss Claudia Hill to my left. She's
8 an Assistant Trustee, such as me, and she's over our
9 Detention Standards and Compliance group. They're the
10 ones that are going to make sure the contractors do
11 the job right.

12 I have Debbie Johnson. I wish she would
13 stand. She is going to be the federal contracting
14 officer for the job, and actually will award the
15 contract.

16 We have Mr. Walter Robinson. He's a
17 contractor that works with us, a former OFDT person,
18 and he helps Claudia do her job and do it very well.

19 In the back I have someone hiding,
20 Terry Walter. He's also a senior advisor for our
21 office, and he's a retired United States Marshal with
22 a storied career and a lot of stories. So if you're
23 in the back, he can tell you some pretty good
24 stories.

25 I think -- is that it?

1 Oh, I have Kathy Day. You can never hold a
2 meeting without a general counsel. So Kathy is our
3 general counsel, and she's here with us also.

4 Cast of a thousand. All right. I got that
5 page done.

6 I would like to give you a little background
7 on our office. It's kind of a new office. It was
8 formed by Congress and the President in December,
9 2000, with the 2001 appropriations bill. In
10 September, 2001, we -- the office finally opened. We
11 would have oversight and management of both the United
12 States Marshal's detention and INS detention.

13 And obviously, the events of 9/11 changed
14 our mission a little bit, as it changed most of the
15 federal government agencies that deal with stuff like
16 this. INS ultimately went to Homeland Security, and
17 now we are called ICE, and we remain with the United
18 States Marshal Service to try to help them in their
19 detention problems.

20 It was originally formed to be a group of
21 experts to help when we have detention issues, such as
22 what we are doing tonight, seeking a contract to
23 operate a facility. So the office has a good
24 background of people that have worked in prisons,
25 worked in detention centers, understanding how they

1 are to be operated.

2 And currently -- Stacia Hylton is our
3 current Trustee, and she is a former United States
4 Marshal Service. She had a very good career with the
5 United States Marshals, did a lot of excellent things,
6 and she's now with us as our Trustee.

7 At the present time -- I'll tell you a
8 little bit about this project.

9 We are seeking to do a contract within 75
10 miles of Las Vegas to hold 1,000 to 1500 federal
11 prisoners. The reason being is we have run out of
12 local bed space. We use local jails. We do contract
13 with local jails to house. Their populations have
14 gone up, and of course they need them for their own
15 prisoners, and so we are now here to try to get
16 something for the United States Marshal Service where
17 they can house their own prisoners close to the
18 federal courthouse in downtown Las Vegas.

19 Right now we are offsetting housing most
20 of these individuals, a good portion of them, in
21 Arizona near the Phoenix area, where we have some bed
22 space, and we are transporting them back and forth to
23 court.

24 Their attorneys have a hard time getting to
25 them, some family visits, and it's just a strain on

1 the whole system. And plus, the more they are out of
2 the facility, the longer distance we have to transport
3 them, the more public safety issues we have. So we
4 need to get something closer to the Las Vegas
5 courthouse.

6 During the past 20 years, the federal
7 detention population has experienced unprecedented
8 growth, you know, as a result of, you know, expanding
9 federal law enforcement initiatives. We have a lot
10 of partnership initiatives with state and local
11 governments such as Project Exile. So we are taking
12 on a lot more prisoners within the federal system.

13 We grew from approximately -- I don't know
14 if that's right -- 3,000 a day in 1981 to over 55,000
15 a day then (sic). So there's been a huge growth, and
16 this -- these prisoners, you know, are currently
17 housed in a combination, as I have discussed before,
18 of federal, state and local and private facilities.
19 And the -- this is just projected to continue as, you
20 know, it just doesn't seem to go away, folks. And we
21 just need to house them, and we need prisons to do
22 that, and so until that growth stops we're going to
23 continue to build.

24 The Marshals Service has a responsibility
25 for all pre-trial detainees, and that's what's going

1 to be housed at this facility. These are folks that
2 have just been arrested. They are going to go through
3 the trial. When they are done they will be sentenced
4 and then go to the Federal Bureau of Prisons System,
5 which is a separate system from this system. So there
6 is no long-term-sentenced folks that will be at this
7 facility. It will be purely pre-trial.

8 And we have offered the Immigration Service
9 a few beds to house here for deport -- for illegal
10 aliens and deportees that they pick up. Not many
11 beds.

12 I think also they may have a project that's
13 going on where they are looking at trying to get some
14 beds in this area too, so it may be kind of a
15 combination of things. But in no way are our two
16 projects connected at this time.

17 We're working today with the United States
18 Marshal system to get this facility. Our office -- we
19 don't hold prisoners; the Marshals do. And they are
20 the oldest law enforcement agency, and they have a
21 breadth of authority, and the strain on them -- and
22 they're responsible for getting prisoners to and from
23 court, getting them into court, and they are also
24 responsible for arrests and the other great law
25 enforcement things. So our office is here to try to

1 help them get this bed space.

2 Right now -- the first part of this project
3 started last September when our office issued an
4 announcement indicating we were looking for a facility
5 within 75 miles of the courthouse in Las Vegas.
6 Private industry responded, but there was no existing
7 facility that could handle the numbers we wanted.

8 In November, we moved the project into what
9 I will call a site, design, build and operate project
10 where we asked private industry to go out, examine the
11 area, look for sites for potential prisons that could
12 be built. And we put a date on responding back to us
13 with what's called a Phase 1 proposal.

14 These Phase 1 proposals are in, and you can
15 see in the back on the boards, and the handout you
16 have this evening, all of the sites that we are
17 looking at.

18 Some sites have two or three vendors, others
19 just have one vendor. Nye County seemed to be a very
20 popular place to come to look for sites.

21 I think -- during this process I had a lot
22 of discussions with the County Manager and, I believe,
23 the County Commissioner, and folks from the Sheriff's
24 Office. We wanted to make sure they understood the
25 project, because they are your local officials and

1 they need to know what was going on. So we had a lot
2 of discussion with them and we tried to educate them
3 on our process.

4 And our process, really, with the public
5 begins tonight, declaring our sites, giving you the
6 background of the sites, and I will run down through a
7 list of the sites we are looking at.

8 The Apex Industrial site. Actually, there
9 is two Apex Industrial sites, Zone (A) and Zone (B),
10 and they are in an unincorporated part of Clark
11 County, and they are on the map.

12 We are looking at Moapa 80 site, which is in
13 Clark County.

14 Dolan Springs, which is in Mojave County,
15 Arizona.

16 We are looking at -- in this area, 1690 East
17 Mike Road site, Pahrump, Nye County, Nevada.

18 Now, I have to add I was on a dirt road.
19 I'm not really sure if that was the Mike Road site,
20 but we were pretty close out there, and I'm glad we
21 had a four-wheel-drive vehicle.

22 We are also looking at 2250 East Mesquite
23 Avenue site in Pahrump and Nye County. And I believe
24 in the handout that may list it as Clark County. I
25 guess there's been some line change, but it is

1 officially in Nye County, both of the Mesquite sites.

2 We are also looking at 8251 East Panaca
3 Avenue and 8500 East Huxley Avenue site, which is in
4 Pahrump in Nye County.

5 630 East Parque Avenue site, Pahrump.

6 And 6871 North Blagg Road site in Pahrump.

7 I take it you all know where those places
8 are. Okay. Good.

9 So as I discussed before, several of the
10 sites listed above, you know, listed in the documents,
11 have been offered by more than one contractor.
12 Obviously, the winning contractor would use that
13 site.

14 We are going to be evaluating and developing
15 a document which is called a Draft Environmental
16 Impact Assessment. Excuse me. Draft Environmental
17 Impact Statement, not assessment. My apologies. We
18 are going to look at that for all of the sites, and we
19 will start to build a big, thick document that we will
20 get out to everybody for comment.

21 We'll examine what the contractor proposes
22 to do on the site, what their site design is, how they
23 plan to overcome water, power problems, what type of
24 agreements are they going to set up with local law
25 enforcement, local fire department, local hospitals.

1 . That's all the responsibility of the contractor to do,
2 the MOU's with your officials, and to negotiate those
3 out.

4 Okay. The purpose of tonight's Public
5 Scoping Meeting is to present information concerning
6 the use of contractors to house federal detainees
7 having business before the federal courts in Las
8 Vegas. These detained individuals have been arrested
9 for violating federal statutes and have not been
10 released on bond while awaiting trial.

11 So they haven't made bail. These are the
12 ones that are gonna stay with us till the trial.

13 The Marshals Service is responsible for the
14 care, custody and housing of these individuals who are
15 principally detained either in federally-owned -- we
16 have a few Federal Detention Centers -- or in local
17 facilities. We use the North Las Vegas jail; we use
18 the city jail in Las Vegas; and we use a number of
19 other jails locally.

20 And we pay a per diem basis. Just like a
21 motel, we will pay a per-night charge for them living
22 there. And they also have transportation agreements
23 to sign when we transport to the Marshal Service cell
24 block and then the courthouse.

25 What we've done is -- okay. So that's where

1 we're at tonight and what we're doing. Okay.

2 Now, to insure compliance with the National
3 Environmental Policy Act of 1969, also known as NEPA,
4 and other applicable federal laws and regulations, our
5 office will soon begin preparing this Draft
6 Environmental Impact Statement addressing this
7 proposed action. Together with Miss Hill, I'm
8 responsible for the overall preparation of that
9 document, generally referred to as an EIS or DEIS.

10 Also in compliance with NEPA, our office is
11 hosting this and other Scoping Meetings. We have one
12 tomorrow night and one the next night. Tomorrow night
13 will be in Mojave County, Arizona; and the following
14 night will be in Clark County, Nevada, for those sites
15 and those citizens.

16 Got that page done.

17 The process to produce the Draft EIS begins
18 with an activity known as "scoping". Scoping is an
19 effort to insure that the scope or range of the
20 potential environmental issues is properly conceived
21 and that it is neither too broad nor too narrow, and
22 to insure that the environmental issues are properly
23 conceptualized. It is for this reason that tonight's
24 meeting is referred to as a "Scoping Meeting".

25 This process is designed to insure that

1 those individuals and groups concerned with the
2 Detention Trustee and the Marshals Service actions
3 have the opportunity to voice their interests and
4 concerns and to offer information that may be useful
5 in determining the proper site.

6 Tonight begins the process of gathering
7 detailed information and conducting a rigorous
8 analysis -- I like that word -- as part of the
9 planning process and before a formal decision is made.
10 This process, specified by NEPA, serves to ensure that
11 federal agencies consider how actions such as housing
12 federal detainees in private contract facilities
13 affects the natural and man-made environments and
14 ensures those impacts are considered during the
15 decision-making process.

16 The process will produce an interim document
17 providing the results of that evaluation. That
18 document will be the Draft EIS, and it will describe
19 the potential impacts, both positive and negative,
20 direct and indirect, resulting from the proposed
21 action.

22 The Draft EIS will be made available
23 publicly. If you signed up on the mailing list, you
24 will get a copy of it mailed to you. After that
25 process -- next page.

1 The Draft EIS will include an introduction
2 describing the purpose of the report and the
3 regulations under which the EIS process is conducted.
4 It will offer information regarding the purpose and
5 objectives of the proposed action and the reasons
6 behind the need to seek a contractor to develop and
7 operate a new detention facility. The document will
8 describe the potentially affected environment and will
9 include an analysis of potential impacts associated
10 with implementing the proposed action based on
11 information gathered from federal, state, county,
12 local government agencies, as well as members of the
13 public.

14 So we will be gathering information from all
15 sources. We'll be writing letters asking for
16 information about each site, and we will also tonight
17 ask for questions from you or comments from you.

18 Topics will include geology, soils,
19 hydrology, cultural resources, biological resources,
20 traffic, air quality, noise conditions, impacts to
21 land uses, utility services, public services, the
22 effect on the regional economy, and other aspects of
23 the action.

24 If the proposed action results in
25 potentially adverse impacts, measures to mitigate

1 those impacts -- such impacts will also be proposed in
2 the document. The report will include a list of
3 recipients of the EIS, the individuals responsible for
4 its preparation, and a list of references. We expect
5 to learn a great deal about the potential impacts of
6 the proposed action during this process.

7 So it is really a public process. It's
8 transparent; you will see everything we are doing.

9 Once the Draft EIS report is prepared, it
10 will be widely circulated and reviewed by all
11 concerned parties. We'll send it to the EPA; we will
12 send it to the agencies within Nevada that need to
13 give us information and comment on what we are trying
14 to do.

15 In doing so, anyone with an interest in
16 the proposed action will have the opportunity to
17 review the evaluations, question any areas of concern,
18 and offer additional information that should be taken
19 into account during the decision-making process. A
20 public hearing similar to tonight's meeting will be
21 held during the review process, which will last no
22 less than 45 days.

23 Once we produce the EIS, we will put it --
24 we refer to it as "on the street" for comment for a
25 minimum of 45 days. During that 45-day period, we

1 will hold another public hearing, hopefully in this
2 venue, and hopefully we will see you all here to make
3 additional comments. In that document will be a lot
4 more information than the information you have in
5 front of you. As I said, tonight we are just starting
6 this process. Okay?

7 All comments and additional information
8 collected during the review process will be taken into
9 account in preparing the Final EIS, and will be
10 responded to by the Trustee within the Final EIS.

11 If you make a comment or have a question, we
12 are required to respond to you in written form within
13 that document. So your comments will not be ignored.
14 They will be looked at; they will be addressed.

15 I have been through this process a couple of
16 times, and you would be surprised what information we
17 find out from just comments that tells us about a
18 potential site.

19 Publication of the Final EIS will initiate
20 the second review period. This one will last no
21 longer than 30 days. At the end of that period, any
22 additional comments received will be taken into
23 consideration by our office, and only then will we
24 issue a decision as to whether to proceed or not to
25 proceed.

1 So once we go through the draft, we will
2 prepare a final. We'll put that final out for one
3 last additional public comment period. We'll evaluate
4 those comments, and we will make our decision as to
5 whether to move forward or we don't move forward.

6 At the same time we're doing this
7 evaluation, we're also evaluating the contractors that
8 have proposed. We'll evaluate the past performance of
9 a company. We'll evaluate the technical aspects of
10 what they are proposing. In our world, "technical" is
11 how are you going to construct, how are you going to
12 operate? Operate meaning what policies you have, what
13 staffing will be there. Claudia's group is heavily
14 involved in that. We'll look at every aspect of what
15 they are going to perform.

16 They are going to be required, once they
17 receive an award, to perform -- excuse me, not
18 perform -- to be accredited by the American
19 Correctional Association within 24 months of
20 operation. ACA, as we refer to it, is a separate
21 organization of the federal government and gives out a
22 separate accreditation.

23 Some of you may have worked in jobs like
24 where a hospital receives a JAYCO accreditation. It
25 is very important.

1 Also during that period, we will be looking
2 at mandatory factors of subcontracting, how many small
3 businesses in the area will receive contracts from the
4 private vendor when they are operating. This will
5 give us an idea of what -- the economic impact, what
6 money will be flowing into the community. And the
7 federal government has a requirement for small
8 business and they have goals set in there for how many
9 awards they can do.

10 We'll also evaluate the environment. That's
11 included in our decision.

12 The only thing that we do not include in a
13 decision to award is the cost. This is not a low-bid
14 contract. This is a best-value contract. The
15 evaluators that evaluate the technical, past
16 performance, and these other aspects do not know the
17 cost. They will come up with the best contractor
18 under those other evaluated factors.

19 We will break the cost down and evaluate it
20 to insure that it's fair and reasonable. But this, I
21 need to stress, is not a low-bid contract. Public
22 safety is heavily on our minds and not money in this
23 type of contract.

24 I think that's important for folks to know,
25 that it is the last aspect of it.

1 Wages. The contractor is not -- we will set
2 the wages that the contractor pays. The Department of
3 Labor issues what's called the prevailing wage
4 determination, and they will set the rate. As of the
5 time the RFP went out on June 1st, a detention officer
6 was \$17.45 an hour with another \$5.26 an hour in
7 fringe benefits.

8 So it won't be a guard making 4.25 or
9 minimum wage working here. It will be -- we regulate
10 that throughout the contract. We check the wages to
11 make sure of that.

12 Those are some of the aspects of the
13 contract.

14 Okay. My remarks this evening are intended
15 simply to provide an overview of the function, purpose
16 and process of preparing the Draft EIS document.
17 However, our primary purpose tonight is to obtain your
18 thoughts and comments. We look forward to receiving
19 them and appreciate your participation.

20 We really do. In every project I work with,
21 the community participates and knows what's going on,
22 and we make an informed decision with their comments.
23 It helps us make an informed decision as we move
24 forward.

25 Public participation is why we are here. We

1 will come back and hold other meetings. Your county
2 commissioners have my number. They can call me at any
3 time during this process to make sure that they
4 understand the process. And they can communicate it
5 back to you.

6 Yesterday we met with your sheriff to make
7 sure that he understood our process, and we will keep
8 in continuous comments -- or contact with them. If
9 they have questions or concerns, they can get to us
10 and we can hopefully answer them for everybody.

11 All right. The format for this evening's
12 meeting will be as follows: I will call upon
13 individuals who wish to speak and ask them to offer
14 their comments or make their presentation. For those
15 of you who wish to speak this evening, you have two
16 choices. You can either add your name to the list of
17 people who wish to speak, or those who are not sure at
18 the time whether they wish to speak, before the end I
19 will ask for all of those who would like to make a
20 comment. Okay?

21 In other words, we have one individual
22 signed to speak, but if anybody else after that wants
23 to speak, I will ask they please come forward.

24 This evening, however, is not a question and
25 answer session. You will be making comments about

1 this particular proposal. We do ask that you keep
2 your remarks focused on the proposed action or the
3 possible impacts on the action. We are not here to
4 discuss other issues that may face your county. It's
5 just this specific issue.

6 All right. When your name is called, please
7 come up to the microphone to speak. State your name
8 clearly and your place of residence. We do ask that
9 out of courtesy to all here this evening to please
10 limit your comments to approximately three to four
11 minutes.

12 In addition to your comments this evening,
13 we will accept written statements. We have included
14 forms in your handout that can be used to prepare
15 written comments which then can be mailed directly to
16 our office at your convenience. If you have a written
17 statement with you, we would be pleased to accept it
18 this evening. Written comments will be considered in
19 the same way as any other verbal comments made
20 tonight.

21 I thank you for your cooperation and
22 understanding. And now for the public portion of the
23 meeting.

24 The first speaker is Butch Borasky, and he
25 is a Nye County Commissioner.

1 MR. BORASKY: Butch Borasky, taxpayer and
2 citizen. I am a Nye County Commissioner, but I
3 cannot speak on behalf of the Commission, only myself.
4 So my comments and statements are as a citizen and
5 taxpayer.

6 I wholeheartedly support the idea of
7 bringing the Detention Center here. I believe it
8 would be great for the community, the jobs, the effect
9 on our economy. And I would just like to note -- let
10 you know that I do support this project, and again, as
11 a citizen and taxpayer.

12 Am I allowed to ask questions?

13 MR. STERMER: You can ask, but we won't be
14 answering them.

15 (Laughter.)

16 MR. BORASKY: Oh. Well, basically --

17 MR. STERMER: You know how the federal
18 government is. We practice that a lot.

19 MR. BORASKY: You had made two statements.
20 Past experience and performance for a contractor; and
21 you don't necessarily pick the low bidder. It's on an
22 overall picture of the whole --

23 MR. STERMER: Yes.

24 MR. BORASKY: -- the whole project.

25 And problems like lack of infrastructure and

1 things, which most of the sites here don't have, so
2 it's going to be a challenge no matter which site is
3 picked.

4 And also you are aware that all of these
5 sites will have to go through the zoning process, and
6 nobody has asked for the zoning yet. And I believe
7 that I might suggest that we go ahead and have the
8 RPC look at these sites just to define which ones are
9 acceptable and which ones are not.

10 And other than that, that's all I have to
11 say. Thank you.

12 MR. STERMER: Thank you very much.

13 MR. BORASKY: It was a pleasure talking to
14 you again.

15 MR. STERMER: Pleasure hearing your
16 comments.

17 MR. BORASKY: Thanks to all of you for
18 coming out.

19 MR. STERMER: You're welcome, sir.

20 I will open the mic up to anybody else that
21 would like to speak. He's the only one that signed
22 up.

23 Sheriff? Would you like to speak?

24 SHERIFF DEMEO: I thought I signed up on the
25 speak list.

1 MR. STERMER: We better recheck your name.
2 We don't want to be arrested.

3 (Laughter.)

4 SHERIFF DEMEO: I know. I saw you coming
5 into town, and --

6 MR. STERMER: I have a disguise. I can get
7 out.

8 (Laughter.)

9 SHERIFF DEMEO: Okay. Sheriff Tony DeMeo,
10 Nye County.

11 Some of the -- we had a meeting yesterday,
12 so -- and some of the concerns I had were alleviated
13 based upon the input that I gave and some of the
14 responses.

15 So in looking at the economic development
16 that this will bring in, and the jobs for our
17 community, stable jobs -- so we can start having
18 people actually not only living here, but working here
19 as well -- and the assurances I have based upon the
20 meetings yesterday, I believe that this would be a
21 worthwhile project for the contractor to pursue in Nye
22 County and specifically in Pahrump Valley.

23 So I talked to my staff, and we believe that
24 we have the assurances that it will not only bring in
25 economic development, but it would be safe for our

1 community as well, and that's one of the concerns I
2 had.

3 And I thank you so much for meeting with me
4 yesterday and for addressing some of the concerns I
5 had and allowing me to put some input into that as
6 well. So I thank you again.

7 And I appreciate the cooperation of the
8 U. S. Marshals, because they were able to go out and
9 get (inaudible) for one of my deputies, and they did
10 an excellent job there. And we have a great working
11 relationship with the U. S. Marshals Service in Las
12 Vegas, and we want to continue that, and we believe
13 this will allow us to continue it and invoke a better
14 relationship.

15 And like I said, bring your drivers in. We
16 could use them.

17 Thank you. I appreciate that -- I know you
18 can't say much to Butch. He's a politician, so --
19 but I do appreciate you, Scott, and thank you.
20 I appreciate it.

21 MR. STERMER: No problem. We appreciate
22 meeting you again. Thank you for your time yesterday.

23 SHERIFF DEMEO: It was my pleasure. Thank
24 you.

25 MR. STERMER: Very nice.

1 Okay. Come on up, ma'am.

2 MS. JOHNSTON: Good evening. I'm
3 Barb Johnston, a resident. I wasn't prepared to
4 speak, but I'm kind of surprised that we don't have a
5 lot of speakers.

6 I also would like to thank everyone, from
7 you and everyone that's here tonight, for coming out.
8 I am wholeheartedly for this project.

9 I moved here as a private citizen eight
10 years ago from western New York, where we had multiple
11 prisons. It's something I just kind of grew up with,
12 and all the safety issues are different with prisons
13 compared to Detention Centers. As a Detention Center,
14 I just welcome it wholeheartedly.

15 I don't have any young children; however,
16 I feel this Detention Center would give a future to
17 all of our graduates, knowing that there is a job for
18 them here in their home town, and from other towns,
19 that they could make a decent living.

20 And again, thank you, and I wholeheartedly
21 welcome you all to the community.

22 MR. STERMER: Thank you.

23 I grew up in the Fingerlakes. Where are you
24 from?

25 MR. BORASKY: Blackport.

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MR. STERMER: Yes. Blackport. My grandmother lived there. Small world.

I open the mic up to anybody else who would like to speak.

MR. BALLOQUI: Good evening. My name is Al Balloqui. I'm a resident and taxpayer of Pahrump. I'm also the town's Economic Development Coordinator.

I have been involved in this project -- process since the 7th of January, the first meeting of the four private companies that have come to our community. During that time we have had 18 individual meetings with them, over 78 hours extensively.

The degree of professionalism -- I knew nothing about prisons or Detention Centers when this thing took place, and it quickly immersed me into studying and researching it so I can make the best and most appropriate decisions.

I'm very supportive of the Detention Center coming here as a citizen of Pahrump, and -- as well as from an economic development standpoint. I do believe it would be beneficial to the community, and I'm hoping that the bid is awarded in our area.

And I do thank you all for coming and showing your interest in our community too. Thank you very much.

1 MR. STERMER: Thank you, sir.

2 I will leave it open.

3 MS. MURRAY: Good evening. I'll thank you
4 also for coming out.

5 My name is Lorraine Murray. I'm a member of
6 the Pahrump Town Board, but I'm here to speak as a
7 private citizen and taxpayer of Pahrump.

8 The word about the possibility of having the
9 Detention Center here has really spread quickly
10 throughout the community, and I think that all of us
11 went through a learning curve.

12 Our initial reaction -- most of the people
13 that I talked to -- and a lot of people emailed or
14 called me as an elected official -- was like, "Oh, a
15 prison." But we've all done our homework and we have
16 had our investigation and we have talked to other
17 elected officials in other communities. We have
18 looked at the project.

19 And the consensus that I have from the
20 citizens here now is we are very comfortable with
21 this project, and we would like to have it here. We
22 feel that Pahrump is the perfect place for you, as
23 well as the benefit that it will bring to us, because
24 we do have a growing community, growing housing. We
25 have a lot of highly trained people who are currently

1 driving to Las Vegas to work. They would love to work
2 here locally instead of making the drive over the
3 hump.

4 We have a Job Connect Center that is ready,
5 willing and able to help with hiring, with training,
6 et cetera. We now have a new hospital. And as our
7 community continues to grow, we want to see jobs here
8 for our residents, and we would love for your facility
9 to be here to help provide for that, and we're very
10 happy to have you.

11 Thanks very much.

12 MR. STERMER: Thank you very much.

13 Would anybody else like to speak? Thank
14 you, sir.

15 MR. RICHARDS: Good evening. My name is
16 Dave Richards. I'm the Town Manager here in Pahrump.
17 We've brought all the guns out today.

18 (Laughter.)

19 Yeah, we are very happy to have you here in
20 exploring the possibility of locating this detention
21 facility here.

22 As has been indicated by two previous
23 speakers, we have talked with all the contractors that
24 are interested in putting forth a proposal. We are, I
25 know, all very satisfied that they are qualified; that

1 the project that they will bring to the community is
2 safe; and that it will provide jobs for the residents
3 here in Pahrump. And we're looking forward to a
4 successful project here.

5 As the Board chairwoman indicated, we have a
6 number of services in place to facilitate hiring of
7 employees, so -- for the facility, and we have an
8 Economic Development Coordinator who has gone out of
9 his way -- I'd like to indicate he is not paid -- and
10 has, as he said, spent numerous hours working with
11 these contractors to determine just what impact this
12 facility would have on the community.

13 We are looking forward to it and hope that
14 you will find that Pahrump is the best location for
15 this facility.

16 Thank you for giving me the opportunity to
17 speak tonight.

18 MR. STERMER: Thank you, sir.

19 Okay. I'm going back to my list. No one's
20 on it.

21 MRS. BOUSQUET: You can. I don't care.

22 MR. STERMER: No, no. Go ahead, ma'am. Sit
23 down. We want to hear your comments. Thank you.

24 MRS. BOUSQUET: I'm Anne Bousquet, and I
25 guess I'm the only one that really feels uncomfortable

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with it.

You have five proposals which are basically in my back yard and my daughter's back yard. There is also a middle school out there where -- there is a lot of children that goes to that middle school. And, you know, now they have the stigma of being brothel sprouts, and that's what we are going to have with this prison here also. I mean, these kids go other places and they are not too welcome because of where they live.

So we are not only having one problem with them, we are going to have another one with the detention thing. Because, as I said, five of them is out this way where the school is.

So this is one of the concerns that I feel should have a little more answers to, to the protection of our children and for their futures when they go to other counties to play their ballgames and whatever they do.

So thank you for your time, thank you for coming, and I'm amazed that there is not more people here, private taxpayers.

MR. STERMER: I thank you, ma'am. And please remember this. It's the first kick-off meeting. We will have more meetings.

1 So I will leave the mic open to everybody
2 else. Going once.

3 Come on up, sir.

4 MR. HOLLIDAY: Good evening. My name
5 is Nevada Holliday. I am a member of the Regional
6 Planning Commission, but like my -- the other folks
7 here, I speak to you solely as a private citizen this
8 evening.

9 It's my understanding that the inmate
10 population of this facility would rarely, if ever,
11 be released into this community. I look forward
12 to clarification on that topic in the future
13 meetings.

14 The higher-income earners in our community
15 at the present time commute either to Las Vegas or
16 to the Nevada Test site. We have -- it's obvious
17 what you have to offer us in terms of employability
18 for our young folks here, for our citizens. We have
19 to offer you a manpower pool that's eager to take
20 these jobs.

21 And I don't know if you've had the
22 opportunity to look at our -- our community and its
23 proposed developments, but one of the things that
24 might be of potential interest is the development of a
25 regional airport in the not-too-distant future, which

1 would be, plus or minus, ten miles, I think, from the
2 southernmost site. I'm sure you will get that
3 information in more detail later on.

4 And I simply echo the other voices tonight
5 that we welcome the concept; we welcome the project.
6 I do, personally.

7 MR. STERMER: Thank you, sir. We appreciate
8 it.

9 Would anybody else like to speak? Well, it
10 appears that we have no other speakers, so I would
11 like to -- whoops.

12 Will you come up, sir? Are you gonna speak?
13 Come on up, sir.

14 MR. SCHINHOFEN: Just in time. Thanks.
15 Sorry to keep you waiting.

16 MR. STERMER: That's no problem, sir.

17 (A cell phone rang.)

18 MR. SCHINHOFER: Oh, come on. Turn off.

19 Hi. My name is Dan Schinhofen. When I
20 first heard about this project, I was dead set against
21 it. I thought it was horrible. But I didn't have any
22 facts then, so I decided I would get myself educated a
23 bit on it.

24 And I have been through -- met quite a few
25 people, read quite a few things. I think this will

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be a real good thing for our community economically
and -- which goes for the jobs, is what I'm saying.

I'm all in favor of this project.

MR. STERMER: Thank you, sir.

Okay. If there is no other speakers, I will
declare the meeting closed at 7:58 p.m. Thank you for
coming.

(Scoping Meeting concluded at 7:58 p.m.)

C E R T I F I C A T E

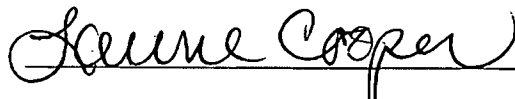
STATE OF NEVADA)

COUNTY OF NYE)

_____)

I, LAURIE COOPER, Nevada CCR 848, CRR, do hereby certify that the foregoing transcript comprises a full, true, and correct transcription of my stenographic notes to the best of my ability.

Dated this 25th day of June, 2007.



LAURIE COOPER, CRR, Nevada CCR 848

PROPOSED CONTRACTOR DETENTION FACILITY

LAS VEGAS, NEVADA AREA

Public Scoping Meeting

June 19, 2007

Please Print



No.	Name	Title/Affiliation	Address	Check if you would like to speak tonight
1	Butch Borasky	Nye Commissioner	1640 Mouse Rd	<input checked="" type="checkbox"/>
2	John McDonald	Pahrump Town Board	2170 Scales Way Pahrump, NV 89060	<input type="checkbox"/>
3	Keith Fraser	Resident PO 506	PO 5063 PAHRUMP 89041	<input type="checkbox"/>
4	Tim MURRAY	6820 S. SURVY PAHRUMP NV 89041		<input type="checkbox"/>
5	RON WILLIAMS	COUNTY MANAGER	1510 E. BASIN PAHRUMP 89060	<input type="checkbox"/>
6	Anthony [Signature]	Nye County SHERIFF	NCSD	<input checked="" type="checkbox"/>

PROPOSED CONTRACTOR DETENTION FACILITY LAS VEGAS, NEVADA AREA

Public Scoping Meeting

June 19, 2007

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No.	Name	Title/Affiliation	Address	Check if you would like to speak tonight
7	GENE BOUSQUET	MR	PO BOX 9098 PAHRUMP, NV 89060	
8	Gene Bousquet	MR	DPO	
9	Rick Marshall			
10	Vicky Parker		2561 Zuni Pahrump 89044	
11	Michael DiMassa The Mirror	MR.	1570 E. Hwy 372 Pahrump, NV 89048	
12				

PROPOSED CONTRACTOR DETENTION FACILITY

LAS VEGAS, NEVADA AREA

Public Scoping Meeting

June 19, 2007

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No.	Name	Title/Affiliation	Address	Check if you would like to speak tonight
13	J. D. B.	—	Las Vegas, NV	
14	Loy Hayes	—	Las Vegas, NV	
15	Paul Coleman		Pahrump, NV	
16				
17				
18				

PROPOSED CONTRACTOR DETENTION FACILITY

LAS VEGAS, NEVADA AREA

Public Scoping Meeting

June 19, 2007

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No.	Name	Title/Affiliation	Address	Check if you would like to speak tonight
19	MICHAEL SUUWAN	TOWN OF PARADISE	400 N. H160	
20	LIZ SOEKALC	Focus Property Group	3425 Cliff Shabows Parkway Suite 150, LV 89129	
21	Dan Simmons	Focus Property Group	1751 Homer Ave Paradise NV. 89041	
22				
23				
24				

**PUBLIC SCOPING MEETING TRANSCRIPT:
JUNE 20, 2007 – KINGMAN, NEVADA**

"Public Scoping Meeting Remarks Concerning the Draft
Environmental Impact Statement Process for Proposed
Contractor Detention Facility Las Vegas, Nevada, Area"

Claudia Hill, Assistant Trustee
Detention Standards & Compliance Division
U.S. Department of Justice
Office of the Federal Detention Trustee

Scott P. Stermer, Assistant Trustee
Detention Standards & Compliance Division
U.S. Department of Justice
Office of the Federal Detention Trustee

Robert J. Nardi, AICP, P.P., Senior Vice President
The Louis Berger Group, Inc.

Wednesday, June 20, 2007
7:09 p.m.

Mohave County Administration Building
700 West Beale Street
Kingman, Arizona

Reported by:

Amy S. Richardson, RPR, CR
Arizona Certified Reporter
No. 50329
California Certified Reporter
No. 11647

(Original)



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1 MR. STERMER: Good evening, everybody. I'd
2 like to welcome you to tonight's public scoping meeting.

3 My name is Scott Stermer, and I'm with the
4 Office of the Federal Detention Trustee, and we have a
5 proposal to build a 1,000-bed to 1500-bed facility,
6 housing United States Marshal's prisoners within 75 miles
7 of the federal courthouse in Las Vegas.

8 Before I begin, I wish to thank each of you for
9 coming to tonight's meeting. I also wish to thank the
10 local officials for allowing us to hold the meeting in
11 this excellent place. It's gorgeous. It's really
12 lovely.

13 I have some other folks with me from the United
14 States Marshal's office. They're scattered throughout
15 the room, but they're here tonight to help with the
16 project also.

17 I'd like to give you a little background of our
18 office. Our office was formed by the 2001 Appropriations
19 Act in December of 2000. We were formed to try to help
20 INS and United States Marshals with detention problems
21 and locating bed space throughout the country.

22 We've been in existence for six years now.
23 When we first came in, INS was within the Department of
24 Justice. They are now within the Department of Homeland
25 Security. We work with them as a partner in another

1 agency. The Marshals, we still work with, directly
2 within the Department of Justice.

3 What we're trying to do in the Las Vegas area,
4 to support the Marshal's service and the Federal
5 Judiciary, is locate a facility to house 1,000 to 1500
6 pretrial detainees. These are individuals who are going
7 to court, presentenced individuals.

8 The facility is not to be used for long-term
9 sentences. Once they are convicted, they will move to
10 BOP facilities. That's where they're to be housed for
11 the long term. This facility is a basic short-term
12 facility.

13 I'd like to give you a little history of
14 detention, as a whole, for the federal government.
15 During the past 20 years, the federal detainee population
16 has experienced unprecedented growth as a result of
17 expanded federal law enforcement initiatives and
18 resources provided after September 11th, 2001.

19 During this time, the detainee population has
20 increased by over 1,000 percent, from approximately 3,000
21 people in custody in 1981 to over 55,000 today.

22 With a continued growth in the federal
23 population -- and it's expected to keep going on in the
24 future. We don't see it ending anytime soon.

25 These prisoners are currently housed in the

1 commission of state, local, and federal facilities and,
2 in some cases, private facilities under a commercial
3 contract.

4 This particular project is with a commercial
5 contract with a private vendor. It started last
6 September. We made two announcements to private industry
7 to try to locate a site within 75 miles of the federal
8 courthouse in Las Vegas.

9 The Dolan Springs site, which is what we're
10 here tonight to discuss, was one of the sites that was
11 offered to us by a company, so we have to do an
12 examination of that site and other sites involved.

13 Right now, we are looking at several sites.
14 There's two industrial sites within Clark County, Nevada.
15 We are looking at another site in Moapa 80, and that's in
16 Moapa, Clark County, Nevada. We're looking at the Dolan
17 Springs site in Mohave County, Arizona. We're looking at
18 six different sites in Pahrump, Nevada.

19 We were out there last night and had a public
20 hearing such as this one about their sites, and tomorrow
21 night, we'll be in Clark County to have to hold the same
22 type of hearing.

23 What we must do and what tonight is, is a
24 kickoff actually of discussing it with the public and
25 developing an Environmental Impact Statement.

1 This is the first meeting we'll have. We'll
2 have another meeting once we issue a draft Environmental
3 Impact Statement. I think if you signed up to be on the
4 mailing list, you'll get a copy of all the documentation
5 we produced for this project.

6 What we'll do is, just to stay in compliance
7 with the National Environmental Policy Act of 1969, which
8 requires the federal agencies to examine -- on any
9 project we're doing with federal taxpayer dollars, to
10 examine the impact on the human environment.

11 So we're going to study water, power. We're
12 gonna study if there's endangered species, vegetation,
13 the whole gamut of things; and we'll produce a draft
14 environmental assessment document.

15 Once we produce that document, we'll issue it
16 publicly for a minimum of 45 days, and during this 45-day
17 period for public comment, we'll have another public
18 hearing.

19 In that document, you'll have much more
20 information about what would be placed on the Dolan
21 Springs sites and the other sites. You'll have a lot
22 more information to go by.

23 As I've said before, tonight is just a kickoff
24 to that. Once we go through that process and we evaluate
25 your comment and the public comment, we'll produce an

1 Environmental Impact Statement, a final one, and we'll
2 put it out again for at least 30 days for public comment.

3 Once that period is through, we'll make a
4 decision on what we want to do and which site we want to
5 use and which contractor we're going to pick.

6 As we evaluate the environment, we'll also
7 evaluate the contractors' proposals to us on how they
8 plan to carry out the work.

9 Evaluation factors we look at are the
10 management and technical approach to performing the work,
11 how they're going to build the facility, how they're
12 going to operate it, staff it, what are the security
13 features, and so on.

14 We'll also look at the past performance of any
15 company that wants to provide this service. In the past
16 performance, we look at how they've operated other
17 facilities similarly in other areas.

18 We'll talk to their customers. We will review
19 our own contracts with them. We'll go through the whole
20 gamut to look at that.

21 We also look at how much money will be spent
22 subcontracting within the community or the small
23 business. That's a mandatory evaluation factor, that so
24 many dollars have to go to local small businesses.
25 There's percentages listed in our contract document that

1 must be met.

2 The next thing we'll look at is how close the
3 facility is to the courthouse. The closer the site is to
4 the Las Vegas courthouse, it will get higher
5 consideration than ones further away.

6 That is all we look at. When we look at
7 cost -- we do not look at cost as an evaluation factor.
8 This is not a low-bid contract. It's considered a
9 best-value contract because of the public safety nature
10 of it.

11 Cost will only be looked at to see if it's a
12 reasonable price and it reasonably represents the
13 services the government will get.

14 I have not seen -- very rarely do these get
15 awarded to the low bidder. They're usually the
16 middle-of-the-road bidder that's in the middle of it. We
17 will not use pricing as a factor in our motivation to
18 award a contract.

19 Then we'll come to -- that will really bring us
20 to the end of the process, and we'll move forward.

21 For the rest of tonight's meeting, it's just a
22 background on the project. We are going to ask if people
23 would like to make comment to us and ask questions and be
24 put on the mailing list.

25 We do not answer questions at this meeting.

1 It's just a format of the meeting under the regulations.
2 We simply take your questions.

3 We do have to respond to each one of your
4 questions in writing within our document, so I'd like to
5 open it up. I realize no one signed up to speak, but if
6 someone would like to come up and speak, you'd be more
7 than welcome. We'll listen to any comments you may have.

8 (No response.)

9 MR. STERMER: Okay. That's really all we have,
10 if there's nobody that wants to ask us any questions.
11 You can make a comment or leave a question with us. I
12 just might not be able to answer it.

13 (A woman raised her hand.)

14 MR. STERMER: Would you like to come up and put
15 it on the record, ma'am? It will be on the record. I
16 don't want to cut anybody else out, out there.

17 MS. BROOKS: My name is Rhonda Brooks. I live
18 in Sohi, which is probably about 20 miles away from your
19 Dolan Springs location that you're looking at.

20 We've just had in our paper that our sheriff's
21 department is woefully underfunded. There's not enough
22 money for overtime, and we wonder, if this facility comes
23 in, will there be federal dollars brought in for our
24 sheriff's department? Because they'll get called if
25 somebody escapes. That's one.

1 MR. STERMER: Okay, ma'am.

2 MS. BROOKS: More?

3 MR. STERMER: You can leave as many with us as
4 you want. All your questions may not be answered
5 tonight, but they will be in a written document in our
6 EIS. They'll be recorded in there, and there will be an
7 answer to that question.

8 MS. BROOKS: When they're released, they will
9 go into a long-term place, you said, so they won't be
10 released into our community?

11 MR. STERMER: If they are sentenced, they move
12 on to the federal bureau prisons.

13 MS. BROOKS: What is the security level?

14 MR. STERMER: This would be an administrative
15 level. It holds all security levels. These are people
16 that are just arrested.

17 MS. BROOKS: The employees for this facility,
18 where will they come from? From the general public?

19 MR. STERMER: Generally, yes.

20 MS. BROOKS: And are federal prisoners, as a
21 whole, a little bit smarter than normal prisoners? Is it
22 gonna be the inmates running the asylum?

23 MR. STERMER: I don't want to get into
24 answering these questions. My partner over here is
25 telling me not to answer the questions.

1 We are taking them down, and they will be
2 answered, I promise you that.

3 MS. BROOKS: That's all I have. Thank you.

4 MR. STERMER: Thank you, ma'am.

5 Would anybody else like to -- any other
6 questions at all?

7 (No response.)

8 MR. STERMER: It's 7:19. I declare this
9 meeting closed. Thank you all for coming.

10 (The hearing ended at 7:19 p.m.)

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1 Certificate of Reporter

2 State of Arizona)

3)

4 County of Mohave)

5

6 I, Amy S. Richardson, C.R., R.P.R., do hereby
7 certify that I took down in shorthand (stenotype) all of
8 the proceedings had in the above-entitled matter at the
9 time and place indicated, and that thereafter said
10 shorthand notes were transcribed into typewriting at and
11 under my direction and supervision, and the foregoing
12 transcript constitutes a full, true, and accurate record
13 of the proceedings had, all done to the best of my skill
14 and ability.

15 In witness whereof, I have hereunto affixed my
16 hand the 25th day of June 2007.

17

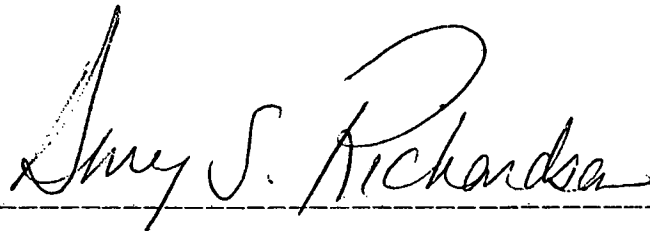
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23 Amy S. Richardson, CR, RPR
24 Arizona CR #50329/California CR #11647

25

25

PROPOSED CONTRACTOR DETENTION FACILITY

LAS VEGAS, NEVADA AREA

Public Scoping Meeting

June 20 2007

Please Print



No.	Name	Title/Affiliation	Address	Check if you would like to speak tonight
1	Emily Bittner	CFR	3636 N. Central #590 Phx, AZ 85018	
2	Nick & Rhonda Brooks P.O. Box 462 Kingman, AZ 86402			
3				
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**PUBLIC SCOPING MEETING TRANSCRIPT:
JUNE 21, 2007 – MOAPA, NEVADA**

1 PUBLIC SCOPING MEETING CONCERNING THE DRAFT
2 ENVIRONMENTAL IMPACT STATEMENT PROCESS FOR PROPOSED
3 CONTRACTOR DETENTION FACILITY, LAS VEGAS, NEVADA AREA
4

5 MOAPA, CLARK COUNTY, NEVADA

6 THURSDAY, JUNE 21, 2007
7
8

9 Appearances:

10 Scott P. Stermer

11 Chief, Procurement Division

12 Office of the Federal Detention Center

13 U. S. Department of Justice
14

15 Claudia Hill, Assistant Trustee

16 Detention Standards & Compliance Division
17

18 David F. Musel

19 Deputy Federal Detention Trustee
20

21 Katherine A. Day

22 General Counsel
23

24 Robert J. Nardi

25 The Louis Berger Group, Inc.

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THURSDAY, JUNE 21, 2007

7:05 P.M.

---oOo---

MS. ANN SCHREIBER: Okay, everybody. We are going to have this presentation. These people have come a long, long way to give this presentation. All that will be done tonight is to listen to them, and then any decisions that need to be made will be made later.

So let's show these people every courtesy, and don't kill the messenger. Thank you.

A SPECTATOR: Amen.

MR. STERMER: I don't know how to follow that.

Can everybody hear me? Can everybody hear me all right?

I don't know how to follow that introduction, so -- well, good evening, and I would like to welcome you all to our public scoping hearing meeting.

My name is Scott Stermer. I'm with the Department of Justice, the Office of the Federal Detention Trustee, and I am the Assistant Trustee of Procurement. To my right is Claudia Hill, and she is the Assistant Trustee for Detention Standards and Compliance.

1 And tonight we hope to go through the
2 project to let you know the background of the project
3 and what are the next steps forward, but I would also
4 like to acknowledge some of our team that's in the
5 audience.

6 We have with us two Marshal's deputies from
7 the District of Arizona, Mike Viegas and Aaron Fisher.
8 They will be the primary users of our facility if we
9 get one built.

10 Also on my team is Debbie Johnson, who will
11 be the contracting officer.

12 We also have Walter Robinson, who is --
13 works with Claudia under the Standards and Compliance
14 Division.

15 I have Terry Walter with me. He is a senior
16 advisor to the Trustee.

17 And, of course, Bob Nardi of the Berger
18 Group, and his staff, are here to help us.

19 Okay. I'll let these folks come in and sit
20 down.

21 Additionally, I believe Commissioner
22 Tom Collins is in the audience here tonight.

23 Thank you, Mr. Collins, for coming. We
24 appreciate it.

25 And we also have members of the Las Vegas

1 Police Department, who we work with closely, in the
2 audience, Michael See and I believe -- you have
3 somebody with you too; right?

4 OFFICER SEE: Yeah. I have Officer
5 Greg Reeves with me as well.

6 THE COURT: Officer Greg Reeves.

7 We thank them all for being here and helping
8 us with this project.

9 Before we begin I would like to thank all
10 of you for coming and giving us this great venue to
11 give this meeting in. It's really good to have you
12 here.

13 So for tonight's meeting, it's not a
14 question-and-answer session. I will go down through
15 the background of the project, and what it is, and
16 invite anybody who would like to come up and make a
17 comment. It will go on the record, and we'll answer
18 all your comments or questions in writing within a
19 document that I will explain a little bit later on in
20 the program.

21 I would like to tell you how we've gotten
22 here.

23 In the Las Vegas area we have a federal
24 court, and right now we are stretched thin on trying
25 to find adequate space to house people that are in

1 pre-trial status.

2 Currently, we are housing a portion of this
3 population in Phoenix, Arizona, and it's very
4 difficult because the lawyers can't get to them, we
5 have to get them in and out of court and transport
6 them up from Phoenix. So the project is critical to
7 keep the federal law enforcement initiatives in Nevada
8 going.

9 Historically, we get bed space from four
10 distinct areas: We get them from our own bed space
11 that we provide; we do agreements with local
12 governments, such as the City of Las Vegas or the
13 County of -- Clark County, to house federal detainees
14 within their system; we also do them with state
15 governments; and we can do a commercial contract with
16 private industry.

17 In Nevada, we just don't have enough bed
18 space on the federal, state or local level, so tonight
19 we're gonna talk about the last one, which would be
20 the commercial contract with a private provider.

21 And the size of the facility is going to be
22 about a thousand to 1500 beds. We give it a wide
23 range, that wide of a range, so that we know we have
24 adequate space in the area.

25 Last September we started a process of going

1 out to the private industry to ask them to look around
2 Nevada within 75 miles of the courthouse to find an
3 adequate location where we could build a detention
4 center that housed 1,000 to 1500 folks. And once
5 again, they are pre-trial folks.

6 In November we did an official announcement,
7 asking them to submit what are called the Phase 1
8 proposals, where they come in and give us site
9 information so we get more detailed site information
10 on the sites that they may be able to construct a
11 facility on and operate it for us.

12 In April, we got in -- those site proposals
13 came in, and what we've done now is put them all in a
14 package, reviewed them, and have started -- tonight
15 is really the start of the process of doing our
16 examination to see if any of them are adequate and
17 can handle our needs.

18 We received several sites, and in your
19 booklet you'll find them. There were six sites in
20 Pahrump out in Nye County, which we were at Tuesday
21 night and held a public hearing there.

22 We also had a site in Dolan Springs just
23 across the border, over in Mojave County, Arizona, and
24 we held a conference there last night.

25 And tonight we are here for the Moapa 80

1 site and the two Apex Industrial sites. We went out
2 and visited them today, and they looked fairly good
3 size, fairly good locations, close to Vegas, so we're
4 in good shape here. But that's what we're here to
5 talk about tonight.

6 What we're -- a little history on detention
7 in the United States.

8 In 1981, the detention system held about
9 3,000 pre-trial detainees. These are people going to
10 court, you know, for federal violations who don't
11 make bail or don't get bailed. Today we house about
12 55,000 a day. So it's been an incredible growth since
13 1981.

14 In the last 25 years it's just been
15 incredible. We do not see that going down any.
16 There's a lot of federal initiatives that we work with
17 the local governments, such as Project Exile, and a
18 number of other task forces that are growing with
19 state and local governments and the federal government
20 together where people are arrested and ultimately
21 end up with a federal charge, so they become our
22 charge.

23 The Center we are talking about building out
24 here is solely for pre-trial. Once they get -- once
25 they go through the court proceedings and they get

1 sentenced, they will be transferred to a permanent
2 long-term facility run by the Federal Bureau of
3 Prisons for their sentence. They will not do their
4 sentence at this Center. This will be purely
5 pre-trial people.

6 There's also a small amount of beds that
7 we've set aside for immigration and custom
8 enforcement, and the people housed there will be
9 people waiting for deportation hearings or are being
10 deportated. Right now, it's about a hundred beds out
11 of a thousand that have been set aside, so there will
12 be some of those folks in there. That is all that's
13 really going to be housed there.

14 As part of the National Environmental Policy
15 Act, whenever we do a project such as this we have to
16 produce a document that's called an Environmental
17 Impact Statement, and tonight is the start of that
18 examination.

19 What we're going to do tonight -- we will go
20 ahead and go through this -- is take your comments,
21 and we will prepare and we will start to prepare
22 what's called a Draft Environmental Impact Statement.
23 And in that statement we will examine the impact on
24 the environment, the impact on your community if we
25 choose this site.

1 We'll look at the emergency services that
2 are available. We'll look at the access to the site;
3 power; water; if there's any endangered species, and
4 down that road.

5 Once we produce that document we will
6 release it publicly and -- for a minimum of 45 days
7 for public comments, and we will hold another round of
8 public hearings in all the affected communities. You
9 will have that document, so you will have a lot more
10 information on what would the facility look like,
11 where will it be located on the site, and more
12 information.

13 After that process, then we will take your
14 comments again. You can do it in writing, you can do
15 it in -- verbally. Any way you can get us your
16 comments, we would really appreciate it.

17 Normally, we're usually here before you,
18 and we have a sign-in sheet for those of you who want
19 to get a copy mailed to you directly, and we take
20 your address on that so we will know that. At the
21 end of tonight's meeting we will have something set
22 up so that you will be able to stop by and give your
23 name and address, and we will mail you that book
24 directly.

25 If you choose not to do that, that book will

1 be placed in a library. We'll place it someplace
2 where you can examine it if you don't get it mailed
3 directly to you.

4 I'm not sure of the -- all the things -- we
5 will give it to the local county officials, the local
6 elected officials, law enforcement officials, and
7 anybody who wants it. There is no charge. So please,
8 if you feel -- feel free to sign up and leave your
9 address. We would really -- we would rather have you
10 have as much information about the project as
11 possible.

12 Once we complete that examination, we will
13 prepare what's called a Final EIS. And once again, we
14 will release that for a minimum of 30 days for your
15 comments again.

16 In there -- during the draft process, the
17 public hearing and the comment period, in the EIS will
18 be a special section that deals with all your
19 comments. Every comment you give us has to be
20 answered in writing to you, and it will be in that
21 document. You will see your letter, your comment, and
22 our answer on the next page.

23 After we complete that time period, we will
24 go ahead and make a decision, and then we will publish
25 our decision. And then there will be a 30-day period

1 before we award a contract.

2 And as we're doing the environmental process
3 we will also be doing the contract process. And in
4 the contract process -- we started June 1st -- we
5 issued requests for proposals to the private companies
6 that submitted to us Phase 1 site surveys.

7 These private companies have till August 1st
8 to submit to us a proposal on how to do the project.
9 In that proposal they must tell us how they are going
10 to construct, how are they going to operate the
11 facility, and what the cost will be to the government
12 for the operation. We will do an evaluation of that
13 proposal.

14 Okay. We do not look at cost. Cost is to
15 be set aside. We do not -- that is not a determining
16 factor of award, because these are public safety
17 contracts, and they really are. If we are going to
18 house people charged with crimes in your community, we
19 set cost aside, so the evaluators do not know how much
20 it will cost.

21 They simply pick the best proposal, and
22 they look at the management and operation, which is
23 Claudia's group's charge. They will examine the --
24 how they propose to do it, how many staff that they
25 propose to have, what type of security measures they

1 propose to have. And we have some mandatory security
2 measures.

3 The RFP, if you would like to see it, is
4 available on the internet at the federal business
5 opportunities web site. It's called
6 federalbizopps.gov. You will see the full package,
7 and you can see our requirements in there.

8 There are some unique requirements to this
9 contract.

10 As far as wages go, wages are not determined
11 by the contractor; wages are determined by the federal
12 government and the Department of Labor. The
13 contractor has no say in that. These are mandatory;
14 they have to follow them by law.

15 Right now, I believe the starting wage for
16 a detention officer is around \$17.56 an hour with
17 roughly four dollars in fringe benefits that the
18 company must pay. Every year that is updated by the
19 Department of Labor, and the company has to make an
20 adjustment in their contract for those adjustments.

21 I think that's very important for you guys
22 to know, is that we set the wages in the contract, and
23 it should be what the prevailing wage rate is in the
24 State of Nevada.

25 The second thing we look at, other than the

1 technical and management, is the past performance of
2 the company. How has the company performed on other
3 contracts for state and local governments and the
4 federal government?

5 We have an extensive database of reviews
6 at their facilities. And it's not past performance
7 that they're a good contractor; it is how do they
8 really perform? Are they proactive? Are they
9 reactive? Do they deal with problems quickly? Do
10 they have an understanding of detention and
11 correctional management? It's an extensive
12 evaluation, and it's equal to the technical portion of
13 the contract.

14 We find it's very important -- it's great
15 that you can tell us on paper you are going to do it,
16 but where have you done it before? And let's see how
17 you have performed.

18 We also look at facility location. It's
19 very important to keep it as close to the federal
20 courthouse as possible. Because these people will be
21 charged, they need to have access to the court, they
22 need to have access to their lawyers, and they need
23 to have access to federal law enforcement people that
24 will need to see them during this period of time. So
25 that is an evaluated factor.

1 We look at small business subcontracting,
2 how much small -- we set goals that they have to
3 achieve with awarding contracts, their subcontracts.
4 In these types of contracts you might find food
5 service subcontracted out. You might find canteen
6 services contracted out. They have a certain
7 percentage that must go to small business, and
8 normally they go to local small businesses. So we
9 evaluate this yearly also to make sure they are
10 meeting those federal goals.

11 And I believe those are all the evaluated
12 factors in this contract.

13 And then we will look at price only to
14 determine if it's reasonable. In other words, is it
15 equivalent to what the federal government would cost.
16 Is it equivalent to what the State of Nevada cost to
17 operate a facility of this size? It is not the basis
18 of award.

19 I only worked on one contract where the low
20 bidder won. This is not a low-bid contract, and I
21 think that's very important. A lot of people think
22 the federal government always just awards to the low
23 bid. It is a best-value contract.

24 And I think that is about where we're at,
25 that we can start the period of public comment. What

1 we will do is we will -- we normally -- like I said,
2 we normally have a sign-in sheet, and people would
3 tell us if they would like to speak or not. So what
4 we are going to do is just ask you. We will put the
5 microphone down front.

6 If you would like to speak, if you would
7 come up to the microphone. If you would, please,
8 state your name clearly for the court stenographer
9 and give us your comment, we would greatly appreciate
10 it.

11 And as I said, we will answer every one of
12 your comments in a written document. We will -- we
13 cannot answer it tonight. All right?

14 With that, I will give it to Bob and start
15 this part of the process.

16 Would anybody -- I can speak just as loud
17 without the microphone.

18 (Laughter.)

19 Would anybody like to come up and speak?

20 Sir? Would you come on up?

21 MR. DABODA: Good evening. Darren Daboda,
22 Tribal Chairman of the Moapa Band of Paiutes. Just a
23 correction on your site area for the Moapa.

24 MR. STERMER: Okay.

25 MR. DABODA: It's adjacent to the

1 reservation, Moapa Band of Paiutes reservation.

2 MR. STERMER: Okay.

3 MR. DABODA: Before we came here we had a
4 council meeting, special meeting with my council on
5 the reservation, and at this time we would like to
6 oppose this because of the close proximity to our
7 reservation.

8 And also, there are also cultural aspects
9 that are around that surrounding area that still --
10 when we practice in that area.

11 And there's also a desert tortoise issue
12 with Fish and Wildlife for the Endangered Species
13 Act.

14 I have two other council members here.

15 Do you guys want to say something? Since
16 I'm speaking on behalf of my tribe too we have two
17 council members.

18 MS. MILLER: Kami Sue Miller. K-a-m-i S-u-e
19 Miller.

20 As a tribal leader -- I'm the vice chairman
21 of the Moapa Band of Paiutes, P-a-i-u-t-e-s. We do
22 have -- like Darren said, we do have some critical
23 issues that pertain to us.

24 First is the cultural aspects, numerous
25 artifacts for our -- our own tribal community and the

1 pioneer heritage that is in our lower valley. There's
2 other people's ancestors that will be disturbed,
3 because the place you're looking at is near the west
4 point for the LDS Church, and --

5 MR. STERMER: Is that the Apex sites, or
6 just the Moapa?

7 MS. MILLER: Just Moapa.

8 THE COURT: Just the Moapa 80?

9 MS. MILLER: That's the closest one to our
10 home, our residential area, because we do have land
11 near Apex ourselves, but there's no residential area
12 out there yet. But our main issues is because it's
13 close proximity to our homes and the community here in
14 Moapa.

15 MS. KAY: My name is Lori Kay (phonetic).
16 I am on the tribal council as well. I'm also on the
17 cultural committee resource.

18 I just want to also let you know that I am
19 opposed, because we do have -- you know, like she's
20 saying, our cultural ancestors back -- you know,
21 people who -- we practice our -- you know, our
22 religion there. So I just wanted to let you know
23 that.

24 Thank you.

25 MR. STERMER: Thank you.

1 MR. DABODA: Thank you.

2 MS. ANN SCHREIBER: I'm not going to use the
3 microphone because I have a big mouth, anyway.

4 I'm Ann Schreiber. Speaking as Chairman of
5 the Town Board, I can't say whether I am for this or
6 not, because until we get okays from the people that
7 live here -- and a majority of the people that live
8 here want it -- then I can't tell you.

9 What I've seen, yeah, it would benefit our
10 community, it would put a lot of jobs in here and it
11 would do several things. But as far as whether it's
12 a good idea or bad idea, it's up to them; it's not up
13 to me.

14 MR. STERMER: Thank you, ma'am.

15 Would anybody else like to speak?

16 MS. LYMAN: Shari Lyman. S-h-a-r-i,
17 L-y-m-a-n.

18 I have a couple of comments, that I have
19 concerns about it being in our community close to the
20 elementary school, close to the reservation housing,
21 close to my housing, deep concerns about that.

22 Concern about the risk to the community,
23 not knowing what level of criminal activity these
24 individuals are being alleged.

25 And also concern that, even though it's at

1 first being considered a Detentional Center, the focus
2 could change to correctional without too much public
3 input.

4 And also a couple of issues. You indicated
5 that the focus is to adequately assess how our
6 community will handle the needs of the Center, and my
7 concern is the needs of the community and the risk
8 outweighing any benefit.

9 Also, you mentioned endangered species.
10 One species that's rarely, if ever, mentioned in the
11 United States anymore is the rural community citizen,
12 and we are at deep risk right now.

13 Okay? Thank you.

14 MR. STERMER: In case I misspoke, the
15 process we're doing is to gauge the impact on the
16 human environment, not the Center. It's to see, if
17 we put the Center here, how does it impact the
18 community?

19 And I may have misspoke, ma'am.

20 MS. LYMAN: You did say "our needs."

21 MR. STERMER: Yeah.

22 MS. LYMAN: I took that to be your needs,
23 not the community.

24 MR. STERMER: Absolutely, ma'am.

25 MS. LYMAN: I apologize if I mis --

1 MR. STERMER: I just want to make sure that
2 you guys are -- and that it's on the record that we
3 are here to examine the impact on you, not the impact
4 on putting the Center here. It's the impact on the
5 community.

6 MS. LYMAN: I appreciate that.

7 MR. STERMER: No problem, ma'am.

8 MS. LYMAN: Thank you.

9 MR. STERMER: Would anybody else like to
10 speak?

11 Are you sure? We would love to hear --
12 I mean, the comments we've gotten so far are great.
13 These are the things we need to hear from you, so
14 please take advantage of the opportunity while we're
15 here.

16 MS. ANN SCHREIBER: I would like to ask one
17 question.

18 When -- written comments, where do we --
19 where do they get sent in and things of this type?

20 MR. STERMER: In the booklet we handed out,
21 we have a specific address and a name they need to go
22 to.

23 MS. ANN SCHREIBER: Okay.

24 MR. STERMER: Okay?

25 A SPECTATOR: If you fold the sheet of paper

1 over, there is an address on the back of it.

2 MR. LYMAN: Bob Lyman. I'm concerned about
3 the impact on the community as well. I've heard that
4 it's supposed to employ several local people. I'm not
5 sure that we would have an adequate labor force
6 qualified for that, and by moving in people to fill
7 these positions, that would impact our rural lifestyle
8 and our community in a negative way.

9 MR. STERMER: Thank you very much.

10 I will keep the floor open. I really --
11 I mean, I would like to have -- you all took the time
12 to come here. We would really love to have the
13 comments that you have.

14 MS. ANN SCHREIBER: I think most people came
15 to listen --

16 MR. STERMER: Okay, ma'am.

17 MS. ANN SCHREIBER: -- and then -- I mean,
18 you know, it kind of hit some of us really like, oh,
19 wow, out of the blue.

20 MR. STERMER: Okay.

21 MS. ANN SCHREIBER: So we gotta chew on it,
22 digest it, and then have our Town Board meetings and
23 so on and so forth. And I think that's what most
24 people will want to do.

25 MR. STERMER: Sure.

1 MS. ANN SCHREIBER: And make their decision,
2 accept their comments and then we'll --

3 MR. STERMER: Okay. That will probably --
4 at the next public hearing you will have the draft EIS
5 document, which is the first -- the first initial
6 evaluation, and you will have a lot more information
7 on what the plans are and how they were looked at.
8 So hopefully that one will get you all to come up here
9 and make some comments.

10 I really appreciate you all coming. And is
11 there any more -- is there anybody else that would
12 like to make any comment?

13 Sir?

14 MR. COLLINS: Tom Collins, County
15 Commissioner, District B.

16 I would encourage you to meet with
17 Darren and the tribal folks some more. I know this
18 is the beginning of the thing. Spend some time with
19 the community and the Town Board.

20 It's kind of like -- and seeing Kevin and
21 some others here, it kind of gives me the same
22 reminder that it's kind of like a land use update
23 thing. Either say it here or -- don't save it for the
24 Town Board, or don't save it till you get clear down
25 to the County Commission action or whatever, if they

1 come about, because it's gonna be treated the same
2 way.

3 If you didn't voice concerns and issues
4 here, whether you're a resident, a developer, looking
5 for a job, don't want a job, whatever your reason, you
6 know, get it on the record here at the beginning.
7 Don't wait, is all I'm saying.

8 And Matt LeCroix (phonetic) can help you
9 facilitate getting our address, our liaison for our
10 area --

11 MR. STERMER: Great.

12 MR. COLLINS: -- as well as the Town Board
13 folks.

14 MR. DEACON: Tom Deacon. I live right over
15 here on Henry Road. This facility is about a mile and
16 a half as the crows fly from my place.

17 You gave a statement about the people that
18 were gonna be held in there is awaiting trial, and one
19 of the things you stated was the reason they are there
20 is because they can't make bail for some reason or
21 another.

22 Now, we know that people in the federal
23 system are held in there for rape, murder, whatever.
24 They just haven't been tried yet. They can't make
25 bail. They are pretty dangerous people or they

1 wouldn't be in there without bail.

2 This is an awful close area, and we're not
3 like downtown Las Vegas where you got a million
4 houses. We're spread out. The closest house to me
5 is another hundred fifty feet away. People don't even
6 know what's going on over there. So I am personally
7 against it.

8 Apex is a good area for it. There is no
9 housing out there. This is just too close to a
10 community.

11 MR. STERMER: So the Moapa side?

12 MR. DEACON: And we don't have good services
13 here as far as safety goes. We see a -- excuse me,
14 but we see the sheriff's department maybe once every
15 three weeks or so. He will drive one area around and
16 that's it.

17 We just don't have the services out here to
18 handle it.

19 MR. STERMER: Okay.

20 MS. LYMAN: May I amend mine?

21 MR. STERMER: You can talk for as long as
22 you like, ma'am. Please get it on the record.

23 MS. LYMAN: I apologize. It's just I
24 strongly oppose this, and I know that I need to say
25 that loud, that I strongly oppose this. I oppose it

1 being in Moapa. I oppose it being in Apex.

2 Number one, traffic congestion. You add in
3 extra workers, you add in visitors, you add in
4 lawyers, you add in all these other people driving on
5 I-15 and Highway 168. Right now every additional
6 family that moves in, one additional car on the road
7 creates congestion.

8 And as Mr. Deacon pointed out, we don't have
9 the emergency services, the fire, the ambulance, the
10 police. When we do contact Metro because of a
11 concern, they tell us to pretty much take care of it
12 ourselves, or they'll be there when they get there.
13 And no offense to Metro, but that is the response we
14 have received.

15 Thank you, Mona.

16 Okay. So a facility like this does not
17 belong in Moapa where we couldn't be the community to
18 support it, and it doesn't belong in Apex where there
19 is a risk that it could block I-15. That's a major
20 freeway between Canada and California, and we just
21 don't need those kind of risks that would interrupt
22 our daily lives.

23 Thank you.

24 MR. STERMER: Thank you.

25 I will keep the floor open, because --

1 MS. LYMAN: Please do. There should be more
2 comments.

3 MR. STERMER: Is there any more?

4 Okay. It's 7:32. I declare the meeting
5 closed, and I thank you all for attending. And I hope
6 to see you at the next one too, when there will be
7 more information.

8 Thank you.

9 (Scoping Meeting concluded at 7:32 p.m.)

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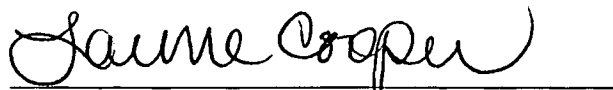
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STATE OF NEVADA)
COUNTY OF CLARK)
_____)

I, LAURIE COOPER, Nevada CCR 848, CRR, do hereby certify that the foregoing transcript comprises a full, true, and correct transcription of my stenographic notes to the best of my ability.

Dated this 26th day of June, 2007.



LAURIE COOPER, CRR, Nevada CCR 848

APPENDIX B
AGENCY COORDINATION AND CORRESPONDENCE



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nevada Fish and Wildlife Office
1340 Financial Blvd., Suite 234
Reno, Nevada 89502
Ph: (775) 861-6300 ~ Fax: (775) 861-6301

March 13, 2007
File No. 1-5-07-SP-491

Mr. Carter M. Teague
EEE Consulting, Inc.
17112 Mountain Road
Post Office Box 354
Montpelier, Virginia 23192

Dear Mr. Teague: *

Subject: Species List for the Proposed Detention Facility in Pahrump, Nye County, Nevada

This responds to your letter dated February 22, 2007, requesting information on federally-listed species and their designated critical habitat for the proposed detention facility in Pahrump, Nye County, Nevada. This proposed detention facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations office space. Since the location of the proposed detention facility has changed several times, this species list will cover all possible undeveloped locations in the Pahrump Valley in Nye County below 4,200 feet in elevation. The following federally listed species may be present in this larger area:

- Desert tortoise (*Gopherus agassizii*) (Mojave population), threatened

To the best of our knowledge, no other federally listed, proposed, or candidate species, or their designated critical habitat, occur in the project area. This response fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on federally listed species pursuant to section 7(c) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), for projects that are authorized, funded, or carried out by a Federal agency.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern, are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we have adopted Heritage's sensitive species list and partnered with them to provide distribution data and information on the conservation needs for sensitive species to agencies or project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or those that are in serious decline. Consideration of these sensitive species and exploring

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management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at <http://heritage.nv.gov/index.htm>. For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 901 South Stewart Street, Suite 5245, Carson City, NV 89701, 775-684-2900. Please indicate on the form that your request is being obtained as part of your coordination with the Service under the Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address.

We are concerned that potential projects may impact the Gila monster (*Heloderma suspectum cinctum*), a species listed as sensitive under the Heritage Program and as a protected species under Nevada State law (Nevada Administrative Code 503.080). The banded Gila monster resides primarily in the Mojave desert scrub and salt desert scrub ecosystems in southern Nevada, southeastern California, southwestern Utah, and western Arizona. The Gila monster is one of only two venomous lizard species in the world. Gila monsters are difficult to locate as they spend the majority of the year in underground burrows; however, illegal collection, construction of roads, and loss of habitat continue to threaten this sensitive species. Given that the Gila monster may occur within the project area, we ask that you evaluate and minimize impacts to any existing populations and suitable habitat for this species.

Our agency also holds conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et. seq.). Projects should be evaluated for potential impacts to migratory birds in the area. Under the MBTA, nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Such destruction may be in violation of the MBTA. Therefore, we recommend land clearing, or other surface disturbance associated with proposed projects, be conducted outside the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

For projects or activities that may affect a listed species such as the desert tortoise, a Federal agency should enter into section 7 consultation with the Service to ensure that the action is not likely to jeopardize the continued existence of the species. A request by the Federal agency to initiate section 7 consultation should not occur until designs for the project are complete and a final site is determined. We suggest that the final site be evaluated by a qualified biologist to determine if a listed species will be affected.

Mr. Carter M. Teague

File No. 1-5-07-SP-491

Please reference File No. 1-5-07-SP-491 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact Christiana Manville in our Southern Nevada Field Office at (702) 515-5230.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert D. Williams".

for Robert D. Williams
Field Supervisor



NEVADA DEPARTMENT OF WILDLIFE
SOUTHERN REGION

4747 VEGAS DRIVE • LAS VEGAS, NEVADA 89108
(702) 486-5127 • FAX (702) 486-5133



March 7, 2007

LVO-07-020

Mr. Carter M. Teague, Environmental Scientist
EEE Consulting, Inc.
17112 Mountain Road
P.O. Box 354
Montpelier, Virginia 23192-0354

Re: Request for Information

Dear Mr. Teague:

The Nevada Department of Wildlife (Department) is happy to provide information for your analysis of natural resources in the proposed construction of a detention facility near Pahrump, Nye County, Nevada.

The proposed project area is located in Mojave/Sonoran Warm Desert Scrub habitat. Dominant plant species are creosote bush, white bursage, and beavertail cactus. A large complement of wildlife species, including many bird, small mammal and reptile species depend on or at least partially utilize this habitat. Wildlife of concern potentially affected by the project include the: Desert Tortoise, Gila Monster, Burrowing Owl, Prairie Falcon, Loggerhead Shrike, Le Conte's Thrasher, Lesser Nighthawk, other migratory birds, and the Kit Fox.

Desert Tortoise (*Gopherus agassizii*): Threatened listing under federal Endangered Species Act; State of Nevada Protected Species and Threatened. Desert scrub habitat is critical to the survival of the desert tortoise in Nevada. Desert tortoises often place their burrows directly under creosote bushes, taking advantage of the substrate stability created by the creosote roots. Obtaining authorization for moving desert tortoises out of harms way under the Department's jurisdiction is in compliance with NRS 503.597. Such authorization would not take the place of permits or authorizations required by other levels of government for conducting such activities. Please contact NDOW reptile biologist Polly Conrad at 702-486-5127 ext. 3718 or by e-mail at pconrad@ndow.org for additional information regarding authorization requirements.

Gila monster (*Heloderma suspectum*): Per Nevada Administrative Code 503.080, the Gila monster is classified as a Protected reptile. Encounter protocols should be incorporated into the site plan of development and/or forwarded to the principal contractor for awareness during construction. A copy is enclosed for you.

Burrowing Owl (*Athene cunicularia*): Federal and State Protected; also a BLM sensitive species. In the event that any burrowing owls are discovered, they should be observed to detect residency or breeding behavior. The general breeding season is mid-March through August. Construction activity should be timed to avoid nesting area if breeding behavior is observed (see enclosed U.S. Fish & Wildlife Service information).

Prairie Falcon (*Falco mexicanus*) and Le Conte's Thrasher (*Toxostoma lecontei*): Federal and State Protected; also a BLM sensitive species.

Loggerhead Shrike (*Lanius ludovicianus*): Federal and State Protected as Sensitive; also a BLM sensitive species.

Lesser Nighthawk (*Chordeiles acutipennis*) and other migratory bird species: Federal and State Protected.

Additional technical guidance for bird species include: *Landbirds of Nevada and the Habitats They Need* (Great Basin Bird Observatory Technical Report No.05-01, available online at www.GBBO.org); the Department's *Wildlife Action Plan* (online for download at www.ndow.org/wild/conservation/); the *Nevada Partners in Flight, Bird Conservation Plan* (available for download at www.nevadaaudubon.org).

Kit Fox (*Vulpes macrotis*): Similar to the desert tortoise, the kit fox depends on burrows to escape harsh desert extremes, safety and for reproduction. Whelping generally occurs in February and pups are often seen above ground by mid-April. Foxes do become habituated to normal activities; however, departure from the norm such as increased frequency and pattern of operations or construction activities may be disruptive. Should an occupied maternal den be located within a zone planned for heightened operations or surface disturbance, avoidance, if possible, of the den is advised. Usually, another den is available nearby where the vixen can relocate pups given adequate time.

Wildlife classified under Nevada Revised Statutes (NRS's) and Nevada Administrative Codes (NAC's) can be found in NAC Chapter 503 (online at <http://leg.state.nv.us/law1.cfm>). Because the Department's authority with sensitive species is limited to wildlife, references to other sensitive species (e.g. plants) can be found online in the Nevada Natural Heritage database (www.heritage.nv.gov). State laws and authorities addressing plants are in NRS chapters 525 and 528 and corresponding NAC chapters 527 and 528. Mr. John Jones of the Nevada Division of Forestry can be contacted at (702) 486-5123.

Animal and plant species protected under the Endangered Species Act of 1973, as amended, are ultimately administered by the U.S. Fish and Wildlife Service. The local office can be contacted at (702) 515-5230, or direct mail to:

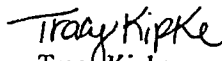
U.S Fish and Wildlife Service
Las Vegas Sub-Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Lastly, information about BLM Sensitive species may be obtained by contacting the Las Vegas Field Office at (702)-515-5000, or direct mail to:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

The Department hopes this fulfills your request as we are interested in the development of the best management practices for these projects relative to wildlife and habitats. Please contact me at 702-486-5127 x3612 should you need additional information.

Sincerely,


Tracy Kipke
Habitat Biologist

TK/DBH:tk

cc: NDOW, Files
USFWS, Las Vegas

U.S. Fish & Wildlife Service



U.S. Fish and Wildlife Service
1340 Financial Blvd. #
Reno, Nevada 89501
Phone: 775-861-6100
Fax: 775-861-6101

Avoid Unnecessary Construction Delays, and Help Protect Burrowing Owls in Clark County

Burrowing owls are protected under the Migratory Bird Treaty Act. Killing or possession of birds protected under this Act is prohibited, as well as destruction of nests with eggs or young. Here are some tips to avoid taking or killing burrowing owls and their eggs or young during construction activities on private land in Clark County:

Collapse burrows now, but check for owls first

To avoid taking burrowing owls during their breeding season (mid-March through August), collapse all burrows, holes, crevices, or other cavities on the construction site **BEFORE** the breeding season begins. This will discourage owls from breeding on the construction site. Ensure that owls are outside the burrow before grading, to avoid burying them.

If burrowing owls are found, they may or may not be breeding. Observing their behavior may help determine their breeding status. You can also hire professional biologists through private environmental consulting companies who can assist in determining breeding status. If breeding behavior is observed, you should assume that an active nest is present and the area should be avoided until chicks fledge or it is determined that the nest failed. A fiber optic scope or remote mini camera may be used to look into a burrow to help determine the presence of owls or nests.

If an owl is nesting, the site must be avoided until the chicks fledge to ensure that birds do not abandon the nest. The total nesting cycle takes a minimum of 74 days, during which time construction activity would need to cease on the site. Generally, eggs may be laid between mid-March and the end of May, and young may be present from mid-April through August.

A combination of the behaviors listed below may indicate the presence of an active nest:

- A pair of owls is observed constantly at a site, then only one owl is seen. This is an indication that the pair may have chosen a nest burrow, and the female has gone down below to lay and incubate eggs. Once incubation begins the female rarely leaves the burrow.
- An owl is frequently seen carrying food to the burrow. The male provides food for the female while she is incubating eggs. The best time of day to observe owls is dawn and dusk, but they can be active throughout the day. The male will most likely leave the food in front of the burrow and the female will come to the entrance to take the food. This is probably the best indication that the owls have an active nest.
- Only one owl has been seen for awhile, but all of a sudden two owls are seen again. This would indicate that the eggs have hatched, and the female has emerged from the burrow to assist the male in hunting for food to feed the chicks. The chicks will appear at the burrow entrance when they are about 10 days old.

If you have any questions, contact the Fish and Wildlife Service at 702-515-5230.
Thank you for your assistance.



NEVADA DEPARTMENT OF WILDLIFE

Southern Region

4747 W. Vegas Drive, Las Vegas, Nevada 89108
702 / 486-5127; 702 / 486-5133 FAX



17 November 2005

GILA MONSTER PROTOCOL FOR MINIMIZING IMPACTS IN THE CONSTRUCTION SITE

Background

- Per Nevada Administrative Code 503.080, the Gila monster is classified as a Protected reptile.
- Per Nevada Administrative Codes 503.090, and 503.093, no person shall capture, kill, or possess any part thereof of Protected wildlife without the prior written permission by the Nevada Department of Wildlife (NDOW).

This species is rarely observed relative to other species and is the primary reason for its Protected classification by the State of Nevada. The USDI Bureau of Land Management has recognized this lizard as a sensitive species since 1978. Most recently, the Gila monster was designated as an *Evaluation* species under Clark County's Multiple Species Habitat Conservation Plan (MSHCP). The evaluation designation was warranted because inadequate information exists to determine if mitigation facilitated by the MSHCP would demonstrably cover conservation actions necessary to insure the species' persistence without protective intervention as provided under the federal Endangered Species Act.

The Gila monster is the only venomous lizard endemic to the United States. Its behavioral disposition is somewhat docile and avoids confrontation. But it will readily defend itself if threatened. Most bites are considered illegitimate and consequential to harassment or careless handling.

The banded Gila monster (*Heloderma suspectum cinctum*) occurs in Clark, Lincoln, and Nye counties of Nevada. Found mainly below 5,000 feet elevation, its geographic range approximates that of the desert tortoise and is coincident to the Colorado River drainage. The Gila monster is recognizable by its striking black and orange-pink coloration. In keeping with its namesake, the banded Gila monster retains a black chain-link, banded appearance into adulthood. Other lizard species are often mistaken for the Gila monster. Of these, the western banded gecko (*Coleonyx variegatus*) and chuckwalla (*Sauromalus obesus* (= *ater*)) are most frequently confused with the Gila monster. All three species share the same habitats.

The banded gecko is often mistakenly identified as a baby or juvenile Gila monster. Banded geckos do have a finely granular skin and pattern that can be suggestive of the Gila monster to the untrained eye. However, banded gecko heads are somewhat pointed at the snout and the relatively large eyes have vertical pupils. Snouts of Gila monsters are bluntly rounded and the

smallish eyes have round pupils. Newly hatched Gila monsters are about 5-6 inches long with a vivid orange and black, banded pattern. Geckos are at best cream to yellow and brown in pattern and do not exceed 5 inches.

Both juvenile and adult chuckwallas are commonly confused with the Gila monster. Juvenile chuckwallas have an orange and black, banded tail. Although banding of the tail fades as chuckwallas mature, their large adult size (up to 17 inches) rivals that of the Gila monster. Adult chuckwallas have a body shape somewhat suggestive of the Gila monster, but they lack the coarsely beaded skin and black and orange body pattern of the Gila monster.

Gila monster habitat requirements center on desert wash, spring and riparian habitats that interdigitate primarily with complex rocky landscapes of upland desert scrub. They will use and are occasionally encountered out in gentler terrain of alluvial fans (bajadas). Hence, Gila monster habitat bridges and overlaps that of both the desert tortoise and chuckwalla. Gila monsters are secretive and difficult to locate, spending >95% of their lives underground.

Gila monsters make use of deep crevices and caves of primarily rocky slopes for winter and summer refuge. When active they will also frequent animal burrows and other shallow refugia on more gentle slopes. Foraging Gila monsters seek nestlings of ground or low-shrub nesting birds (e.g. doves, quail), rodents (e.g. mice, kangaroo rats), lagomorphs (e.g. cottontail) and other reptiles which are found in highest concentration in greater productivity areas, such as along well-vegetated wash courses of bajadas.

Scant information exists on detailed distribution and relative abundance in Nevada. The Nevada Department of Wildlife (NDOW) has ongoing management investigations addressing the Gila monster's status and distribution, hence additional distribution, habitat, and biological information is of utmost interest. In assistance to gathering additional information about Gila monsters in Nevada, NDOW will be notified whenever a Gila monster is encountered or observed, and under what circumstances.

Construction Site Protocols

Helpful to any instructional program, workers and other personnel should at least know how to: 1) identify Gila monsters and be able to distinguish it from other lizards such as chuckwallas and banded geckos; 2) report any observations of Gila monsters to the Nevada Department of Wildlife (NDOW); 3) be alerted to the consequences of a bite resulting from carelessness or unnecessary harassment; and 4) be aware of protective measures provided under state law.

- 1) Live Gila monsters found in harms way on the construction site will be captured and then detained in a cool, shaded environment ($\leq 85^{\circ}\text{F}$) by the project biologist or equivalent personnel until a NDOW biologist can arrive for documentation purposes. Despite that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points). A clean 5-gallon plastic bucket w/ a secure, vented lid; an 18"x 18"x 4" plastic sweater box w/ a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying the mapped capture location (e.g. GPS record), date, time, and circumstances (e.g. biological

survey or construction) and habitat description (vegetation, slope, aspect, substrate) will also be provided to NDOW.

- 2) Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified during normal business hours. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, habitat, and mapped location.
- 3) Should NDOW's assistance be delayed, biological or equivalent acting personnel on site may be requested to remove and release the Gila monster out of harms way. Should NDOW not be immediately available to respond for photo-documentation, a 35mm camera or equivalent (5 mega-pixel digital minimum preferred) will be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The pictures, preferably on slide film (.tif or .jpg digital format) will be provided to NDOW. Pictures will include the following information: 1) Encounter location (landscape with Gila monster in clear view); 2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); 3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus).

Please contact NDOW Biologist Polly Conrad at (702) 486-5127 x3718 or by e-mail at pconrad@ndow.org for additional information regarding these protocols.



EEE Consulting, Inc.

Environmental, Engineering and Educational Solutions

March 28, 2007

Data Manager
Nevada Natural Heritage Program
E. College Parkway, Suite 145
Carson City, Nevada 89706-7921

Re: Proposed Detention Facility
Nye County, Nevada
Request for Information
EEE Consulting, Inc. Project No. 07-039

Data Manager:

Corrections Corporation of America (CCA) intends to submit a proposal in response to a Request for Proposal (RFP) issued by the Office of the Federal Detention Trustee (OFDT). The OFDT RFP is for an estimated population of about 684 U.S. Department of Justice prisoners. CCA is considering two sites located in the City of Pahrump, in Nye County, Nevada.

In order to meet the requirements of the OFDT RFP, construction of a new correctional facility would be necessary. The new correctional facility, most likely, would consist of multiple detached units to accommodate the adult inmates and additional buildings for administration/operations office space. We are providing location and topographic maps for your review. One site, a 30-acre parcel, is located at 1690 East Mike Road and the other site, a 40-acre parcel, is located at 630 East Parque Avenue in Pahrump, Nevada.

Federal agencies must comply with the National Environmental Policy Act (NEPA) and other applicable Federal laws. The OFDT will be the lead agency for required NEPA documentation. EEE Consulting, Inc. is providing environmental support to CCA for their submittal to the OFDT. To assist our analysis of the proposed project site, and to satisfy the OFDT requirements, we request information about known or potential natural resources located on the site, and instructions as to whether further coordination will be needed if this site is selected for the contract. We would appreciate a response within 30 days.

If you have questions or require additional information to respond to this request, please call me at 804-883-0016. Thank you for your assistance.

Sincerely,

Nadine Robertson
Environmental Scientist



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office

1340 Financial Blvd., Suite 234

Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301

March 13, 2007

File No. 1-5-07-SP-491

Mr. Carter M. Teague
EEE Consulting, Inc.
17112 Mountain Road
Post Office Box 354
Montpelier, Virginia 23192

Dear Mr. Teague:

Subject: Species List for the Proposed Detention Facility in Pahrump, Nye County, Nevada

This responds to your letter dated February 22, 2007, requesting information on federally listed species and their designated critical habitat for the proposed detention facility in Pahrump, Nye County, Nevada. This proposed detention facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations office space. Since the location of the proposed detention facility has changed several times, this species list will cover all possible undeveloped locations in the Pahrump Valley in Nye County below 4,200 feet in elevation. The following federally listed species may be present in this larger area:

- Desert tortoise (*Gopherus agassizii*) (Mojave population), threatened

To the best of our knowledge, no other federally listed, proposed, or candidate species, or their designated critical habitat, occur in the project area. This response fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on federally listed species pursuant to section 7(c) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), for projects that are authorized, funded, or carried out by a Federal agency.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern, are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we have adopted Heritage's sensitive species list and partnered with them to provide distribution data and information on the conservation needs for sensitive species to agencies or project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or those that are in serious decline. Consideration of these sensitive species and exploring

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management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at <http://heritage.nv.gov/index.htm>. For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 901 South Stewart Street, Suite 5245, Carson City, NV 89701, 775-684-2900. Please indicate on the form that your request is being obtained as part of your coordination with the Service under the Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address.

We are concerned that potential projects may impact the Gila monster (*Heloderma suspectum cinctum*), a species listed as sensitive under the Heritage Program and as a protected species under Nevada State law (Nevada Administrative Code 503.080). The banded Gila monster resides primarily in the Mojave desert scrub and salt desert scrub ecosystems in southern Nevada, southeastern California, southwestern Utah, and western Arizona. The Gila monster is one of only two venomous lizard species in the world. Gila monsters are difficult to locate as they spend the majority of the year in underground burrows; however, illegal collection, construction of roads, and loss of habitat continue to threaten this sensitive species. Given that the Gila monster may occur within the project area, we ask that you evaluate and minimize impacts to any existing populations and suitable habitat for this species.

Our agency also holds conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et. seq.). Projects should be evaluated for potential impacts to migratory birds in the area. Under the MBTA, nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Such destruction may be in violation of the MBTA. Therefore, we recommend land clearing, or other surface disturbance associated with proposed projects, be conducted outside the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

For projects or activities that may affect a listed species such as the desert tortoise, a Federal agency should enter into section 7 consultation with the Service to ensure that the action is not likely to jeopardize the continued existence of the species. A request by the Federal agency to initiate section 7 consultation should not occur until designs for the project are complete and a final site is determined. We suggest that the final site be evaluated by a qualified biologist to determine if a listed species will be affected.

Mr. Carter M. Teague

File No. 1-5-07-SP-491

Please reference File No. 1-5-07-SP-491 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact Christiana Manville in our Southern Nevada Field Office at (702) 515-5230.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Williams". The signature is written in a cursive, somewhat stylized font.

for Robert D. Williams
Field Supervisor



**NEVADA DEPARTMENT OF WILDLIFE
SOUTHERN REGION**

4747 VEGAS DRIVE • LAS VEGAS, NEVADA 89108
(702) 486-5127 • FAX (702) 486-5133



March 7, 2007

LVO-07-020

Mr. Carter M. Teague, Environmental Scientist
EEE Consulting, Inc.
17112 Mountain Road
P.O. Box 354
Montpelier, Virginia 23192-0354

Re: Request for Information

Dear Mr. Teague:

The Nevada Department of Wildlife (Department) is happy to provide information for your analysis of natural resources in the proposed construction of a detention facility near Pahrump, Nye County, Nevada.

The proposed project area is located in Mojave/Sonoran Warm Desert Scrub habitat. Dominant plant species are creosote bush, white bursage, and beavertail cactus. A large complement of wildlife species, including many bird, small mammal and reptile species depend on or at least partially utilize this habitat. Wildlife of concern potentially affected by the project include the: Desert Tortoise, Gila Monster, Burrowing Owl, Prairie Falcon, Loggerhead Shrike, Le Conte's Thrasher, Lesser Nighthawk, other migratory birds, and the Kit Fox.

Desert Tortoise (*Gopherus agassizii*): Threatened listing under federal Endangered Species Act; State of Nevada Protected Species and Threatened. Desert scrub habitat is critical to the survival of the desert tortoise in Nevada. Desert tortoises often place their burrows directly under creosote bushes, taking advantage of the substrate stability created by the creosote roots. Obtaining authorization for moving desert tortoises out of harms way under the Department's jurisdiction is in compliance with NRS 503.597. Such authorization would not take the place of permits or authorizations required by other levels of government for conducting such activities. Please contact NDOW reptile biologist Polly Conrad at 702-486-5127 ext. 3718 or by e-mail at pconrad@ndow.org for additional information regarding authorization requirements.

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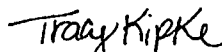
U.S Fish and Wildlife Service
Las Vegas Sub-Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Lastly, information about BLM Sensitive species may be obtained by contacting the Las Vegas Field Office at (702)-515-5000, or direct mail to:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

The Department hopes this fulfills your request as we are interested in the development of the best management practices for these projects relative to wildlife and habitats. Please contact me at 702-486-5127 x3612 should you need additional information.

Sincerely,


Tracy Kipke
Habitat Biologist

TK/DBH:tk

cc: NDOW, Files
USFWS, Las Vegas

U.S. Fish & Wildlife Service



U.S. Fish and Wildlife Service
1340 Financial Blvd. # 23
Reno, Nevada 8950
Phone: 775-861-630
Fax: 775-861-630

Avoid Unnecessary Construction Delays, and Help Protect Burrowing Owls in Clark County

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If an owl is nesting, the site must be avoided until the chicks fledge to ensure that birds do not abandon the nest. The total nesting cycle takes a minimum of 74 days, during which time construction activity would need to cease on the site. Generally, eggs may be laid between mid-March and the end of May, and young may be present from mid-April through August.

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If you have any questions, contact the Fish and Wildlife Service at 702-515-5230.
Thank you for your assistance.



NEVADA DEPARTMENT OF WILDLIFE

Southern Region

4747 W. Vegas Drive, Las Vegas, Nevada 89108
702 / 486-5127; 702 / 486-5133 FAX



17 November 2005

GILA MONSTER PROTOCOL FOR MINIMIZING IMPACTS IN THE CONSTRUCTION SITE

Background

- Per Nevada Administrative Code 503.080, the Gila monster is classified as a Protected reptile.
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This species is rarely observed relative to other species and is the primary reason for its Protected classification by the State of Nevada. The USDI Bureau of Land Management has recognized this lizard as a sensitive species since 1978. Most recently, the Gila monster was designated as an *Evaluation* species under Clark County's Multiple Species Habitat Conservation Plan (MSHCP). The evaluation designation was warranted because inadequate information exists to determine if mitigation facilitated by the MSHCP would demonstrably cover conservation actions necessary to insure the species' persistence without protective intervention as provided under the federal Endangered Species Act.

The Gila monster is the only venomous lizard endemic to the United States. Its behavioral disposition is somewhat docile and avoids confrontation. But it will readily defend itself if threatened. Most bites are considered illegitimate and consequential to harassment or careless handling.

The banded Gila monster (*Heloderma suspectum cinctum*) occurs in Clark, Lincoln, and Nye counties of Nevada. Found mainly below 5,000 feet elevation, its geographic range approximates that of the desert tortoise and is coincident to the Colorado River drainage. The Gila monster is recognizable by its striking black and orange-pink coloration. In keeping with its namesake, the banded Gila monster retains a black chain-link, banded appearance into adulthood. Other lizard species are often mistaken for the Gila monster. Of these, the western banded gecko (*Coleonyx variegatus*) and chuckwalla (*Sauromalus obesus* (= *ater*)) are most frequently confused with the Gila monster. All three species share the same habitats.

The banded gecko is often mistakenly identified as a baby or juvenile Gila monster. Banded geckos do have a finely granular skin and pattern that can be suggestive of the Gila monster to the untrained eye. However, banded gecko heads are somewhat pointed at the snout and the relatively large eyes have vertical pupils. Snouts of Gila monsters are bluntly rounded and the

smallish eyes have round pupils. Newly hatched Gila monsters are about 5-6 inches long with a vivid orange and black, banded pattern. Geckos are at best cream to yellow and brown in pattern and do not exceed 5 inches.

Both juvenile and adult chuckwallas are commonly confused with the Gila monster. Juvenile chuckwallas have an orange and black, banded tail. Although banding of the tail fades as chuckwallas mature, their large adult size (up to 17 inches) rivals that of the Gila monster. Adult chuckwallas have a body shape somewhat suggestive of the Gila monster, but they lack the coarsely beaded skin and black and orange body pattern of the Gila monster.

Gila monster habitat requirements center on desert wash, spring and riparian habitats that interdigitate primarily with complex rocky landscapes of upland desert scrub. They will use and are occasionally encountered out in gentler terrain of alluvial fans (bajadas). Hence, Gila monster habitat bridges and overlaps that of both the desert tortoise and chuckwalla. Gila monsters are secretive and difficult to locate, spending >95% of their lives underground.

Gila monsters make use of deep crevices and caves of primarily rocky slopes for winter and summer refuge. When active they will also frequent animal burrows and other shallow refugia on more gentle slopes. Foraging Gila monsters seek nestlings of ground or low-shrub nesting birds (e.g. doves, quail), rodents (e.g. mice, kangaroo rats), lagomorphs (e.g. cottontail) and other reptiles which are found in highest concentration in greater productivity areas, such as along well-vegetated wash courses of bajadas.

Scant information exists on detailed distribution and relative abundance in Nevada. The Nevada Department of Wildlife (NDOW) has ongoing management investigations addressing the Gila monster's status and distribution, hence additional distribution, habitat, and biological information is of utmost interest. In assistance to gathering additional information about Gila monsters in Nevada, NDOW will be notified whenever a Gila monster is encountered or observed, and under what circumstances.

Construction Site Protocols

Helpful to any instructional program, workers and other personnel should at least know how to: 1) identify Gila monsters and be able to distinguish it from other lizards such as chuckwallas and banded geckos; 2) report any observations of Gila monsters to the Nevada Department of Wildlife (NDOW); 3) be alerted to the consequences of a bite resulting from carelessness or unnecessary harassment; and 4) be aware of protective measures provided under state law.

- 1) Live Gila monsters found in harms way on the construction site will be captured and then detained in a cool, shaded environment ($\leq 85^{\circ}\text{F}$) by the project biologist or equivalent personnel until a NDOW biologist can arrive for documentation purposes. Despite that a Gila monster is venomous and can deliver a serious bite, its relatively slow gate allows for it to be easily coaxed or lifted into an open bucket or box carefully using a long handled instrument such as a shovel or snake hook (Note: it is not the intent of NDOW to request unreasonable action to facilitate captures; additional coordination with NDOW will clarify logistical points). A clean 5-gallon plastic bucket w/ a secure, vented lid; an 18"x 18"x 4" plastic sweater box w/ a secure, vented lid; or, a tape-sealed cardboard box of similar dimension may be used for safe containment. Additionally, written information identifying the mapped capture location (e.g. GPS record), date, time, and circumstances (e.g. biological

survey or construction) and habitat description (vegetation, slope, aspect, substrate) will also be provided to NDOW.

- 2) Injuries to Gila monsters may occur during excavation, blasting, road grading, or other construction activities. In the event a Gila monster is injured, it should be transferred to a veterinarian proficient in reptile medicine for evaluation of appropriate treatment. Rehabilitation or euthanasia expenses will not be covered by NDOW. However, NDOW will be immediately notified during normal business hours. If an animal is killed or found dead, the carcass will be immediately frozen and transferred to NDOW with a complete written description of the discovery and circumstances, habitat, and mapped location.
- 3) Should NDOW's assistance be delayed, biological or equivalent acting personnel on site may be requested to remove and release the Gila monster out of harms way. Should NDOW not be immediately available to respond for photo-documentation, a 35mm camera or equivalent (5 mega-pixel digital minimum preferred) will be used to take good quality images of the Gila monster in situ at the location of live encounter or dead salvage. The pictures, preferably on slide film (.tif or .jpg digital format) will be provided to NDOW. Pictures will include the following information: 1) Encounter location (landscape with Gila monster in clear view); 2) a clear overhead shot of the entire body with a ruler next to it for scale (Gila monster should fill camera's field of view and be in sharp focus); 3) a clear, overhead close-up of the head (head should fill camera's field of view and be in sharp focus).

Please contact NDOW Biologist Polly Conrad at (702) 486-5127 x3718 or by e-mail at pconrad@ndow.org for additional information regarding these protocols.



Nevada Natural Heritage Program

Nevada Department of Conservation and Natural Resources

Richard H. Bryan Building

901 South Stewart Street, suite 5002 • Carson City, Nevada 89701-5245, U.S.A.

tel: (775) 684-2900 • internet: <http://heritage.nv.gov>



17 April 2007

Carter M. Teague
EEE Consulting, Inc.
17112 Mountain Road
Montpelier, VA 23192-0354

RE: Data request received 03 April 2007

Dear Mr. Teague:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or at risk plant and animal taxa recorded within or near the Proposed Detention Facility near the Pahrump area in Nye County Project area. We searched our database and maps for the following, a five kilometer radius around:

Township 19S Range 53E Section 36

There are no at risk taxa recorded within the given area. However, habitat may be available for: the desert tortoise, *Gopherus agassizii*, a Federally Threatened Taxon; the Pahrump silverscale, *Atriplex argentea* var. *longitrichoma*, a Taxon determined to be Critically Imperiled by the Nevada Natural Heritage Program; and Pahrump Valley buckwheat, *Eriogonum bifurcatum*, a Nevada Bureau of Land Management Sensitive Species. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,

Eric S. Miskow
Biologist III/Data Manager

NEVADA NATURAL HERITAGE PROGRAM DATA REQUEST FORM

rev. VXP-2005-10

Use this form to query the Nevada Natural Heritage Program database for location information of at-risk species. Please fill out this form as completely and specifically as possible, attaching additional sheets as needed. For more information on available species and data fields, fees, limitations, and restrictions, please visit our web site <<http://heritage.nv.gov>> or contact us for printed information. We cannot guarantee our response time; normal time is about two weeks, and we will strive to (and usually can) meet more urgent deadlines.

Date signed: July 27, 2007 Date needed: ASAP

Organization: PBS&J

Mailing Address: 2270 Corporate Circle Suite 100 Henderson, NV 89074

Phone: 702-263-7275 FAX: 702-990-7262 email: hmsanders@pbsj.com

Project or Site Name: Clark County Prison

How will the information be used? Biological Surveys to analyze potential impacts for a proposed project.

KIND OF SEARCH

(see current fee schedule <<http://heritage.nv.gov/fees.htm>> for descriptions, costs, and examples)

Standard (one-time), OR... Annual Subscription: first year continuation

LIMIT SEARCH BY THE FOLLOWING CRITERIA

(check or complete all that apply to ensure you purchase only the records you want)

Location (please specify by township-range-section, map quadrangle, watershed, or other boundaries, and attach map(s) when possible; for GIS requests, submit polygon(s) of area(s) in UTM Zone-11 meter coordinates, NAD27 datum, as ArcView® shapefiles if possible):

Township/Range	Sections
T19S R63E	14, 15, 22

Species: all plants all animals all vertebrates all invertebrates
other (specify groups/taxa):

Status: all at-risk all federal T/E/candidate all state T/E all watch-list

Additional Limiting Criteria (please specify; see data catalog <<http://heritage.nv.gov/dataflds.htm>> for searchable fields):

FORMAT AND CONTENT OF SEARCH RESULTS

(see fee schedule <<http://heritage.nv.gov/fees.htm>> and data catalog <.../dataflds.htm> for format descriptions and available fields)

Standard Summary Records (name, status, location, precision, date), specify: printed ASCII text file
 OR Complete or Customized (enter desired fields below) Records, specify: printed ASCII text file
 OR ArcView® GIS shapefiles (complete records only), specify:
 projection (none=UTM Zone-11 meters): _____ datum (blank=NAD27): _____
Custom Fields (enter names or types of ALL data fields to include for custom records): _____

HOW YOU WANT THE RESULTS SENT

Please Send: search results immediately cost estimate first exact cost first
 Send by any of the following checked methods: U.S. Mail FAX email FedEx
 For FedEx, include PHYSICAL address above, and specify account to charge:

BY SIGNING BELOW, I acknowledge that I have read and agreed to abide by the Nevada Natural Heritage Program's (NNHP's) current fee schedule <<http://heritage.nv.gov/fees.htm>> and its data limitations and restrictions <.../limits.htm> (contact us for printed copies). I also agree that (1) all data supplied, and the analytic tools and processes from which they are derived, are the privileged, confidential property of NNHP, and/or The Nature Conservancy, Inc., and/or those who supplied the data to NNHP, and will not be provided to any other party without our consent; (2) in any use of the data, NNHP will be cited as a source, along with the year and month it supplied the data; and (3) while NNHP strives for accuracy and completeness, the data it supplies depend on the observations and research of many individuals and organizations, new data are constantly received, and in no case will the data be represented as a complete survey of any species or area.

Holly Sanders Signature
 Holly Sanders Name (please print)
 Environmental Scientist Title

Please MAIL or FAX completed and signed form to: Nevada Natural Heritage Program, attn: Data Manager, 901 S Stewart St, suite 5002, Carson City NV 89701-5245. FAX (775) 684-2715, phone (775) 684-2905.



July 27, 2007

Janet Bair
Assistant Field Supervisor
U.S. Fish and Wildlife Service
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Subject: Species List for the Clark County Prison

Dear Ms. Bair:

PBS&J is conducting a biological survey for the Clark County Prison located in Clark County, Nevada. The subject property is approximately 90-acre tract of land located northwest of the intersection of Hwy 93 and Hwy 15 in Dry Lake Valley. The project area crosses portions of the Township, Range, and Sections in the following table. Please see the attached maps for the exact location.

Thousandaire Biological Survey Area

Township/Range	Sections
T18S R63E	14, 15, 22

PBS&J requests your assistance in gathering data pertinent to federally listed threatened or endangered, proposed, or candidate species that may reside within or migrate through this area. PBS&J is also requesting information from the Nevada Department of Wildlife and the Nevada Natural Heritage Program as well.

Thank you for your cooperation and information. Please contact me at 263-7275 ext. 3177 if you have any questions or require additional information.

Sincerely,

Holly Sanders
Environmental Scientist

encl: As stated



July 27, 2007

Brad Hardenbrook
Nevada Department of Wildlife
4747 Vegas Drive
Las Vegas, NV 89108

Subject: Species List for the Clark County Prison

Dear Mr. Hardenbrook:

PBS&J is conducting a biological survey for the Clark County Prison located in Clark County, Nevada. The subject property is approximately 90-acre tract of land located northwest of the intersection of Hwy 93 and Hwy 15 in Dry Lake Valley. The project area crosses portions of the Township, Range, and Sections in the following table. Please see the attached maps for the exact location.

Thousandaire Biological Survey Area

Township/Range	Sections
T18S R63E	14,15,22

We would appreciate your assistance in gathering data pertinent to our surveys regarding your potential areas and species of concern. We are also requesting information from the U.S. Fish and Wildlife Service and the Nevada Natural Heritage Program as well.

Thank you for your cooperation and information. Please contact me at 263-7275 ext. 3177 if you have any questions or require additional information.

Sincerely,

Holly Sanders
Environmental Scientist

encl: As stated



Nevada Natural Heritage Program

Nevada Department of Conservation and Natural Resources
Richard H. Bryan Building



901 South Stewart Street, suite 5002 • Carson City, Nevada 89701-5245, U.S.A.
tel: (775) 684-2900 • internet: <http://heritage.nv.gov>

31 July 2007

Holly Sanders
PBS & J
2270 Corporate Circle, Suite 100
Henderson, NV 89074

RE: Data request received 27 July 2007

Dear Ms. Sanders:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or at risk plant and animal taxa recorded within or near the Clark County Prison project area. We searched our database and maps for the following, a five kilometer radius around:

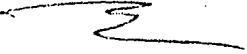
Township 18S Range 63E Sections 14, 15 and 22

The enclosed printout lists the taxa recorded within the given area. Please be aware that habitat may also be available for: the chuckwalla, *Sauromalus ater*, a Nevada Bureau of Land Management (BLM) Sensitive Species; the banded Gila monster, *Heloderma suspectum cinctum*, a Nevada BLM Sensitive Species; and the Las Vegas bearpoppy, *Arctomecon californica*, a Nevada BLM Special Status Species also protected under Nevada state law (NRS 527.260-.300) as critically endangered. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-.120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,



Eric S. Miskow
Biologist III/Data Manager

At Risk Taxa Recorded Near the Clark County Prison Project Area

Compiled by the Nevada Natural Heritage Program for PBS & J

31 July 2007

<u>Scientific name</u>	<u>Common name</u>	<u>Usfws</u>	<u>Blm</u>	<u>Usfs</u>	<u>State</u>	<u>Srank</u>	<u>Grank</u>	<u>Lat</u>	<u>Long</u>	<u>Prec</u>	<u>Last observed</u>
Plants											
<i>Penstemon bicolor</i> ssp. <i>roseus</i>	rosy twotone beardtongue	xC2	N	S		S3	G3T3Q	362511N	1145628W	S	1982-04-20
<i>Penstemon bicolor</i> ssp. <i>roseus</i>	rosy twotone beardtongue	xC2	N	S		S3	G3T3Q	362336N	1145707W	S	1992-04-10
<i>Penstemon bicolor</i> ssp. <i>roseus</i>	rosy twotone beardtongue	xC2	N	S		S3	G3T3Q	362348N	1145440W	S	1992-04-10
<i>Penstemon bicolor</i> ssp. <i>roseus</i>	rosy twotone beardtongue	xC2	N	S		S3	G3T3Q	362055N	1144558W	G	1980-05-11
Reptiles											
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LT, SAT	S	T	YES	S2S3	G4	362406N	1145328W	S	1987-PRE
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LT, SAT	S	T	YES	S2S3	G4	362110N	1145552W	S	1987-PRE

U. S. Fish and Wildlife Service (Usfws) Categories for Listing under the Endangered Species Act:

LT	Listed Threatened - likely to be classified as Endangered in the foreseeable future if present trends continue
x C2	Former Category 2 Candidate, now species of concern
SAT	Listed Threatened because of similarity of appearance

Bureau of Land Management (Blm) Species Classification:

S	Nevada Special Status Species - USFWS listed, proposed or candidate for listing, or protected by Nevada state law
N	Nevada Special Status Species - designated Sensitive by State Office

United States Forest Service (Usfs) Species Classification:

S	Region 4 (Humboldt-Toiyabe NF) sensitive species
T	Region 4 and/or Region 5 Threatened species

Nevada State Protected (State) Species Classification:

Fauna:	
YES	Species protected under NRS 501.

Precision (Prec) of Mapped Occurrence:

Precision, or radius of uncertainty around latitude/longitude coordinates:

S	Seconds: within a three-second radius
M	Minutes: within a one-minute radius, approximately 2 km or 1.5 miles
G	General: within about 8 km or 5 miles, or to map quadrangle or place name

Nevada Natural Heritage Program Global (Grank) and State (Srank) Ranks for Threats and/or Vulnerability:

G	Global rank indicator, based on worldwide distribution at the species level
T	Global trinomial rank indicator, based on worldwide distribution at the infraspecific level
S	State rank indicator, based on distribution within Nevada at the lowest taxonomic level
1	Critically imperiled and especially vulnerable to extinction or extirpation due to extreme rarity, imminent threats, or other factors
2	Imperiled due to rarity or other demonstrable factors
3	Vulnerable to decline because rare and local throughout its range, or with very restricted range
4	Long-term concern, though now apparently secure; usually rare in parts of its range, especially at its periphery
5	Demonstrably secure, widespread, and abundant
A	Accidental within Nevada
B	Breeding status within Nevada (excludes resident taxa)
H	Historical; could be rediscovered
N	Non-breeding status within Nevada (excludes resident taxa)
Q	Taxonomic status uncertain
U	Unrankable
Z	Enduring occurrences cannot be defined (usually given to migrant or accidental birds)
?	Assigned rank uncertain



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nevada Fish and Wildlife Office
1340 Financial Blvd., Suite 234
Reno, Nevada 89502
Ph: (775) 861-6300 ~ Fax: (775) 861-6301

April 2, 2007
File No. 1-5-07-SP-499

Mr. Carter M. Teague
EEE Consulting, Inc.
17112 Mountain Road
Post Office Box 354
Montpelier, Virginia 23192

Dear Mr. Teague:

Subject: Species List for the Proposed Detention Facility in Moapa, Clark County, Nevada

This responds to your letter dated March 16, 2007, requesting information on federally listed species and their designated critical habitat for the proposed detention facility in Moapa, Clark County, Nevada. This proposed detention facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations office space. The proposed facility will be located at 2251 East Basin Avenue, Moapa, Nevada. The following federally listed species may be in or near your project area:

- Desert tortoise (*Gopherus agassizii*) (Mojave population), threatened
- Southwestern willow flycatcher (*Empidonax traillii extimus*), endangered
- Yellow-billed cuckoo (*Coccyzus americanus*) (Western U.S. DPS), candidate

There is no designated or proposed critical habitat for any species located in or adjacent to the project area. This response fulfills the requirement of the Fish and Wildlife Service (Service) to provide information on federally listed species pursuant to section 7(c) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), for projects that are authorized, funded, or carried out by a Federal agency. The yellow-billed cuckoo is a candidate species that receives no legal protection under the Act, but could be proposed for listing in the near future. Consideration of candidate species during project planning may assist species conservation efforts and may prevent the need for future listing actions.

The Nevada Fish and Wildlife Office no longer provides species of concern lists. Most of these species for which we have concern, are also on the sensitive species list for Nevada maintained by the State of Nevada's Natural Heritage Program (Heritage). Instead of maintaining our own list, we have adopted Heritage's sensitive species list and partnered with them to provide distribution data and information on the conservation needs for sensitive species to agencies or

TAKE PRIDE
IN AMERICA 

project proponents. The mission of Heritage is to continually evaluate the conservation priorities of native plants, animals, and their habitats, particularly those most vulnerable to extinction or those that are in serious decline. Consideration of these sensitive species and exploring management alternatives early in the planning process can provide long-term conservation benefits and avoid future conflicts.

For a list of sensitive species by county, visit Heritage's website at <http://heritage.nv.gov/index.htm>. For a specific list of sensitive species that may occur in the project area, you can obtain a data request form from the website or by contacting Heritage at 901 South Stewart Street, Suite 5245, Carson City, NV 89701, 775-684-2900. Please indicate on the form that your request is being obtained as part of your coordination with the Service under the Act. During your project analysis, if you obtain new information or data for any Nevada sensitive species, we request that you provide the information to Heritage at the above address.

We are concerned that the project may impact the Virgin River chub (*Gila seminuda*), a species listed as sensitive under the Heritage Program and as a protected species under Nevada State law. The Virgin River chub is a minnow endemic to the Virgin River Basin in Nevada, Utah and Arizona, including the Muddy River. Chub populations in the Virgin River have been federally listed as endangered. Until 1992, the Muddy River chub population was considered a separate undescribed subspecies from the Virgin River populations. However, based on taxonomic studies and evidence of threats, individuals in the Muddy River population are the same species as those in the endangered Virgin River populations. Given that your project may directly or indirectly affect the Muddy River population of the Virgin River chub and its habitat, we recommend that this species be included in your project planning and environmental compliance documents, including discussion of Best Management Practices, to be implemented to prevent harm to the fish, loss of habitat, erosion of sediments or transmission of contaminants into the Muddy River system, as well as cumulative and indirect effects pertaining to the proposed project.

Because ephemeral washes and perennial streams, specifically the Muddy River, are known to occur in or in the vicinity of the project area, we ask that you be aware of potential impacts project activities may have on these resources. Discharge of fill material into wetlands or waters of the United States is regulated by the U.S. Army Corps of Engineers (Corps) pursuant to section 404 of the Clean Water Act of 1972, as amended. We recommend you contact the Corps' Regulatory Section at 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7314, (435) 986-3979 regarding the possible need for a permit.

Our agency also holds conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et. seq.). Projects should be evaluated for potential impacts to migratory birds in the area. Under the MBTA, nests (nests with eggs or young) of migratory birds may not be harmed, nor may migratory birds be killed. Such destruction may be in violation of the MBTA. Therefore, we recommend land clearing, or other surface disturbance associated with proposed projects, be

Mr. Carter M. Teague

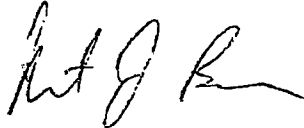
File No. 1-5-07-SP-499

conducted outside the avian breeding season to avoid potential destruction of bird nests or young, or birds that breed in the area. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active.

For projects or activities that may affect a listed species such as the desert tortoise, a Federal agency should enter into section 7 consultation with the Service to ensure that the action is not likely to jeopardize the continued existence of the species. A request by the Federal agency to initiate section 7 consultation should not occur until designs for the project are complete and a final site is determined. We suggest that the final site be evaluated by a qualified biologist to determine if a listed species will be affected.

Please reference File No. 1-5-07-SP-499 in future correspondence concerning this species list. If you have any questions regarding this correspondence or require additional information, please contact Christiana Manville in our Southern Nevada Field Office at (702) 515-5230.

Sincerely,



For

Robert D. Williams
Field Supervisor



Nevada Natural Heritage Program

Nevada Department of Conservation and Natural Resources
Richard H. Bryan Building



901 South Stewart Street, suite 5002 • Carson City, Nevada 89701-5245, U.S.A.
tel: (775) 684-2900 • internet: <http://heritage.nv.gov>

16 April 2007

Carter M. Teague
EEE Consulting, Inc.
17112 Mountain Road
Montpelier, VA 23192-0354

RE: Data request received 03 April 2007

Dear Mr. Teague:

We are pleased to provide the information you requested on endangered, threatened, candidate, and/or at risk plant and animal taxa recorded within or near the Proposed Detention Facility near the Moapa area in Clark County Project area. We searched our database and maps for the following, a five kilometer radius around:

Township 15S Range 66E Section 06

The enclosed printout lists the taxa recorded within the given area. Please be aware that habitat may be available for the Beaver Dam breadroot, *Pediomelum castoreum*, a Taxon determined to be Vulnerable by the Nevada Natural Heritage Program, and Moapa speckled dace, *Rhinichthys osculus moapae*, a Nevada Bureau of Land Management Sensitive Species. We do not have complete data on various raptors that may also occur in the area; for more information contact Ralph Phenix, Nevada Division of Wildlife at (775) 688-1565. Note that all cacti, yuccas, and Christmas trees are protected by Nevada state law (NRS 527.060-.120), including taxa not tracked by this office.

Please note that our data are dependent on the research and observations of many individuals and organizations, and in most cases are not the result of comprehensive or site-specific field surveys. Natural Heritage reports should never be regarded as final statements on the taxa or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Thank you for checking with our program. Please contact us for additional information or further assistance.

Sincerely,

Eric S. Miskow
Biologist III/Data Manager

At Risk Taxa Recorded Near the CCA Moapa Parcel Project Area

Compiled by the Nevada Natural Heritage Program for EEE Consulting, Inc.

16 April 2007

<u>Scientific name</u>	<u>Common name</u>	<u>Usfws</u>	<u>Blm</u>	<u>Usfs</u>	<u>State</u>	<u>Srank</u>	<u>Grank</u>	<u>Lat</u>	<u>Long</u>	<u>Prec</u>	<u>Last observed</u>
Plants											
<i>Astragalus nyensis</i>	Nye milkvetch					S3	G3	364022N	1143719W	S	1905-05-12
<i>Pensimon bicolor ssp. roseus</i>	rosy twotone beardtongue	xC2	N	S		S3	G3T3Q	363803N	1143614W	G	1972-03-27
Invertebrates											
<i>Hesperopsis gracieae</i>	MacNeill sooty wing skipper	xC2	N			S1	G2G3	363903N	1143304W	G	1978
<i>Megandrena mentzeliae</i>	red-tailed blazing star bee					S2	G2	364023N	1143643W	S	1998-06-09
<i>Stenelmis occidentalis</i>	nearctic riffle beetle					S1S2	G4	363914N	1143726W	M	1986-12-12
Fishes											
<i>Crenichthys baileyi moapae</i>	Moapa White River springfish	xC2			YES	S2	G2T2	363911N	1143654W	S	1941-05-04
<i>Gila seminuda</i> pop. 2	Virgin River chub (Muddy River pop.)		N		YES	S1	G1T1Q	364023N	1143958W	S	1995-03-12
Amphibians											
<i>Bufo microscaphus</i>	Arizona toad		N			S2	G3G4	364011N	1143958W	M	1951-08-28
Reptiles											
<i>Gopherus agassizii</i>	desert tortoise (Mojave Desert pop.)	LT, SA	S	T	YES	S2S3	G4	363923N	1143625W	S	1987-PRE

U. S. Fish and Wildlife Service (Usfws) Categories for Listing under the Endangered Species Act:

- LT Listed Threatened - likely to be classified as Endangered in the foreseeable future if present trends continue
- x C2 Former Category 2 Candidate, now species of concern
- _SA Similarity of appearance species

Bureau of Land Management (Blm) Species Classification:

- S Nevada Special Status Species - USFWS listed, proposed or candidate for listing, or protected by Nevada state law
- N Nevada Special Status Species - designated Sensitive by State Office

United States Forest Service (Usfs) Species Classification:

- S Region 4 (Humboldt-Toiyabe NF) sensitive species
- T Region 4 and/or Region 5 Threatened species

Nevada State Protected (State) Species Classification:

Fauna:

- YES Species protected under NRS 501.

Precision (Prec) of Mapped Occurrence:

Precision, or radius of uncertainty around latitude/longitude coordinates:

- S Seconds: within a three-second radius
- M Minutes: within a one-minute radius, approximately 2 km or 1.5 miles
- G General: within about 8 km or 5 miles, or to map quadrangle or place name

Nevada Natural Heritage Program Global (Grank) and State (Srank) Ranks for Threats and/or Vulnerability:

- G Global rank indicator, based on worldwide distribution at the species level
 - T Global trinomial rank indicator, based on worldwide distribution at the infraspecific level
 - S State rank indicator, based on distribution within Nevada at the lowest taxonomic level
- 1 Critically imperiled and especially vulnerable to extinction or extirpation due to extreme rarity, imminent threats, or other factors
 - 2 Imperiled due to rarity or other demonstrable factors
 - 3 Vulnerable to decline because rare and local throughout its range, or with very restricted range
 - 4 Long-term concern, though now apparently secure; usually rare in parts of its range, especially at its periphery
 - 5 Demonstrably secure, widespread, and abundant
- A Accidental within Nevada
 - B Breeding status within Nevada (excludes resident taxa)
 - H Historical; could be rediscovered
 - N Non-breeding status within Nevada (excludes resident taxa)
 - Q Taxonomic status uncertain
 - U Unrankable
 - Z Enduring occurrences cannot be defined (usually given to migrant or accidental birds)
 - ? Assigned rank uncertain



DM GIBBONS
Director

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1585

KENNETH E. MAYER
Director

DOUG HUNT
Deputy Director

SOUTHERN REGION
4747 Vegas Drive
Las Vegas, Nevada 89108
(702) 486-5127 • Fax (702) 486-5133

June 29, 2007

2007 JUN 17 11:11 AM
RECEIVED
NDOW-SR#07-308
LVO-07-037

NDOW-SR#07-308
LVO-07-037

Mr. Scott P. Stermer, Assistant Trustee for Procurement
U.S. Department of Justice, Office of the Federal Detention Trustee
4601 North Fairfax, 9th Floor
Arlington, Virginia 22203

Re: Notice of Public Scoping Meetings to Initiate the Environmental Impact Statement Process

Dear Mr. Stermer:

The Nevada Department of Wildlife (Department) is happy to provide comment on the proposed construction of a correctional facility near Pahrump, Nye County, Nevada.

The proposed project area is located in Mojave/Sonoran-Warm Desert Scrub habitat. Dominant plant species are creosote bush, white bursage, and beavertail cactus. A large complement of wildlife species, including many bird, small mammal and reptile species depend on or at least partially utilize this habitat. Wildlife of concern potentially affected by the project include the: Desert Tortoise, Gila Monster, Burrowing Owl, Prairie Falcon, Loggerhead Shrike, Le Conte's Thrasher, Lesser Nighthawk, other migratory birds, and the Kit Fox.

Desert Tortoise (*Gopherus agassizii*): Threatened listing under federal Endangered Species Act; State of Nevada Protected Species and Threatened. Desert scrub habitat is critical to the survival of the desert tortoise in Nevada. Desert tortoises often place their burrows directly under creosote bushes, taking advantage of the substrate stability created by the creosote roots. Obtaining authorization for moving desert tortoises out of harms way under the Department's jurisdiction is in compliance with NRS 503.597. Such authorization would not take the place of permits or authorizations required by other levels of government for conducting such activities. Please contact NDOW reptile biologist Polly Conrad at 702-486-5127 ext. 3718 or by e-mail at pconrad@ndow.org for additional information regarding authorization requirements.

Gila monster (*Heloderma suspectum*): Per Nevada Administrative Code 503.080, the Gila monster is classified as a Protected reptile. Encounter protocols should be incorporated into the site plan of development and/or forwarded to the principal contractor for awareness during construction. A copy is enclosed for you.

Burrowing Owl (*Athene cunicularia*): Federal and State Protected; a BLM sensitive species. In the event that any burrowing owls are discovered, they should be observed to detect residency or breeding behavior. The general breeding season is mid-March through August. Construction activity should be timed to avoid nesting area if breeding behavior is observed. Please contact the Las Vegas office of the U.S. Fish and Wildlife Service at (702) 515-5230 for additional guidance.

Prairie Falcon (*Falco mexicanus*) and Le Conte's Thrasher (*Toxostoma lecontei*): Federal and State Protected; a BLM sensitive species.

Loggerhead Shrike (*Lanius ludovicianus*): Federal and State Protected as Sensitive; also a BLM sensitive species.

Lesser Nighthawk (*Chordeiles acutipennis*) and other migratory bird species: Federal and State Protected.

Additional technical guidance for bird species include: *Landbirds of Nevada and the Habitats They Need* (Great Basin Bird Observatory Technical Report No.05-01, available online at www.GBBO.org); the Department's *Wildlife Action Plan* (online for download at www.ndow.org/wild/conservation/); and the *Nevada Partners in Flight, Bird Conservation Plan* (available for download at www.nevadaaudubon.org).

Kit Fox (*Vulpes macrotis*): Similar to the desert tortoise, the kit fox depends on burrows to escape harsh desert extremes, safety and for reproduction. Whelping generally occurs in February and pups are often seen above ground by mid-April. Foxes do become habituated to normal activities; however, departure from the norm such as increased frequency and pattern of operations or construction activities may be disruptive. Should an occupied maternal den be located within a zone planned for heightened operations or surface disturbance, avoidance, if possible, of the den is advised. Usually, another den is available nearby where the vixen can relocate pups given adequate time.

Wildlife classified per Nevada Revised Statutes (NRS's) can be found in Chapter 503 of the Nevada Administrative Codes (NAC's) (online at <http://leg.state.nv.us/law1.cfm>). Because the Department's authority is limited to wildlife, other flora and fauna (e.g. plants) can be found online in the Nevada Natural Heritage database (www.heritage.nv.gov). State laws and authorities addressing plants are in NRS chapters 525 and 528 and corresponding NAC chapters 527 and 528. The Nevada Division of Forestry can be contacted at (702) 486-5123 for additional assistance.

Animal and plant species protected under the Endangered Species Act of 1973, as amended, are ultimately administered by the U.S. Fish and Wildlife Service. The local office can be contacted at (702) 515-5230, or direct mail to:

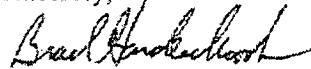
U.S Fish and Wildlife Service
Las Vegas Sub-Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Lastly, information about BLM sensitive species may be obtained by contacting the Las Vegas Field Office at (702)-515-5000, or direct mail to:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

The Department hopes these comments are helpful as we are interested in the development of the best management practices for proposed projects potentially affecting wildlife and habitats. Please contact Habitat Biologist Tracy Kipke at 702-486-5127 x3612 or by e-mail at kipke@ndow.org should you need additional information.

Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

TK/DBH:tk

enclosure

cc: NDOW, Files



JIM GIBBONS
Governor

MICHAEL E. FISCHER
Department Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS

State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org

RONALD M. JAMES
State Historic Preservation Officer

July 19, 2007

Deborah M. Johnson
Office of the Federal Detention Trustee
4601 North Fairfax Drive Suite 910
Arlington VA 22203

RE: Secured Bed Detention Facility to House 1,000 Detainees, 2250 East
Mesquite Avenue Site, Pahrump Valley, Nye County.

Dear Ms. Johnson:

The Nevada State Historic Preservation Office (SHPO) initiated its review of the subject undertaking. The submission we received only included maps for the above location. In order to determine the archaeological sensitivity of this location, the SHPO consulted the online statewide archaeological inventory (NVCRIS). According to these records, the project area has not been inventoried for cultural resources and no sites are recorded in the vicinity of the project area.

The SHPO would recommend an archaeological inventory of the project area. In addition, if any architectural resources over fifty years in age are located in the viewshed of the project area, the SHPO requests additional details and photographs of these structures.

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Sincerely,

Rebecca Lynn Palmer
Review and Compliance Officer, Archaeologist



Office of the County Manager
Administration Department
Tonopah, Nevada

Tonopah Office
Nye County Courthouse
William P. Beko Justice Facility
PO Box 153
Tonopah, NV 89049
Phone (775) 482-8191
Fax (775) 482-8198

To: Scott Stermer, Assistant Trustee for Procurement,
Office of the Federal Detention Trustee
From: Ron Williams, Nye County Manager *Ron Williams*
Subject: Nye County Board of County Commissioners' Action Related to the Detention Facility
Sites Located in Nye County, Nevada
Date: July 23, 2007

The purpose of this letter is to advise you that the Board of Commissioners (Board), at its July 19, 2007 meeting in Pahrump held public hearings to consider Master Plan and Zoning District amendments on each of the sites in Pahrump that are being considered for possible location of the Detention Facility. The Board conditionally approved Master Plan and Zoning District amendments on two (2) of the four (4) sites that were still in the running (one site was withdrawn during our hearing process), those sites being:

- 630 E. Parque Avenue, currently owned by the Town of Pahrump; and
- 2250 E. Mesquite Avenue, currently owned by United Holdings Corporation.

The Board—during the hearings—carefully reviewed issues involving each site, and considered comments made by members of the public including nearby property owners; and I believe the reasoning and decisions are sound.

You will observe that above I stated these are “conditional” approvals, with one of the conditions being that if the contract is not awarded for a Nye County site then the Master Plan and Zoning District designations revert back to what was in place prior to the public hearings. The second significant condition is that should the contract be awarded for a site in Nye County the Board has required a formal “Development Agreement,” which is authorized by both State and County law, and which will serve to secure any promises made by the County or contractor, as well as guarantee the contractor that he/she can move forward with the project in accordance with the regulations we have in place today including any approved exceptions to our requirements.

In closing I wish to state that obtaining a Master Plan amendment from the Board for a Detention Facility is no small feat. You will also recall that earlier this year the Board made amendments to its zoning regulations in order to be in position to allow such a land use in the Pahrump area, and I think that both of these actions demonstrate the Board’s interest in this project coming to Pahrump. I look forward to our continued interactions, and should you have any questions or need additional information please contact me.

RW/

cc: Nye County Commission
Pahrump Town Board

AK-CHIN INDIAN COMMUNITY

Cultural Resources Office

42507 W Peters & Nall Road • Maricopa, Arizona 85239 • Telephone: (520) 568-1369 • Fax: (520) 568-1366



August 3, 2007

Scott P. Stermer
Assistant Trustee for Procurement
U.S Department of Justice
Office of the Federal Detention Trustee
4601 North Fairfax
9th Floor
Arlington, Virginia 22203

Re: Proposed Detention Facility - Las Vegas, Nevada

Dear Mr. Stermer:

The Ak-Chin Cultural Resources Office did receive a letter dated July 11, 2007 regarding a proposal to contract with a private contractor to develop and operate a new detention facility capable of housing approximately 1,000 to 1,500 federal offenders. The letter then lists the initially 10 sites, now 8 sites, to be considered for a possible location for this facility.

Based on the information provided in your letter, our office does not have any comments or concerns with this project and does not desire to be involved with the consultation process on this project.

Thank you for informing our office about this project. If you have any questions, you can call me at (520) 568-1369.

Sincerely,

Gary Gilbert
Cultural Resources Technician II
Cultural Resources Office
Ak-Chin Indian Community



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER
Director

DOUG HUNT
Deputy Director

SOUTHERN REGION
4747 WEST VEGAS DRIVE
LAS VEGAS, NEVADA 89108
(702) 486-5127; 486-5133 FAX

August 15, 2007

NDOW-SR# 08-025

Ms. Holly Sanders, Environmental Scientist
PBS&J
2270 Corporate Circle Suite 100
Henderson, NV 89074-6382

Re: Species Request for the Proposed Clark County Prison, T18S; R63E, Section 14,
15, & 22, Clark County, Nevada

Dear Ms. Sanders:

Thank you for your letter of July 27, 2007 informing the Nevada Department of Wildlife (Department) of the proposed project. From map enclosures provided, the project's footprint is located on 90 acres in the central S $\frac{1}{2}$ of section 15, T18S; R63E MDM. Southeasterly portions of the project border a Bureau of Land Management (BLM) utility corridor. The subject parcel and other land immediately adjacent to it are on non-federal land, locally known as the Apex Industrial Park area. A summary of primary species of interest inhabiting or potentially frequenting the project area and proximate vicinity can be found in Table 1 attached.

Your letter indicated that the U.S. Fish & Wildlife Service would also be contacted for information. Additional to considerations for the desert tortoise, we would anticipate impact avoidance measures would be provided for the burrowing owl including an educational brochure. We also would expect recommendations for avoiding disturbance to breeding migratory birds consequential to construction activities. Generally, the time period is mid-March through mid-August and may vary depending on the species considered. This may be further elucidated by the U.S. Fish & Wildlife Service.

Protocols providing educational and guidance information in the event a Gila monster is encountered during construction or operation of the facility is enclosed. In the spirit of furthering knowledge and conservation of this rarely seen lizard, the Department encourages cooperation in reporting any encounters or observations.

The proposed project is in historical habitat of the desert bighorn sheep. Once part of the movement corridor connecting with ranges south of I-15, desert bighorn presently use the project area as cool-season habitat.

Sanders, H. (NDOW-SR# 08-025)

2

August 15, 2007

Should there be any need, please contact me at (702) 486-5127 x3600 or by e-mail at bhrdnbrk@ndow.org.

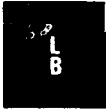
Sincerely,



D. Bradford Hardenbrook
Supervisory Habitat Biologist

DBH: dbh

cc: NDOW, Files



THE LOUIS BERGER GROUP, INC.

412 Mount Kemble Avenue, Morristown, New Jersey 07960
Tel (973) 407-1000 Fax (973) 267-6468 www.louisberger.com

November 12, 2007

Kevin Roukey, Office Chief
U.S. Army Corps of Engineers
Reno Regulatory Office
C. Clifton Young Federal Building
300 Booth Street
Reno, Nevada 89509

Re: **Proposed Contractor Detention Facility - Las Vegas, Nevada Area**

Dear Mr. Roukey:

The Louis Berger Group, Inc. (Berger) is actively engaged in the preparation of a Draft Environmental Impact Statement (EIS) in support of an effort by the Office of the Federal Detention Trustee (OFDT), in cooperation with the U.S. Marshals Service (USMS), to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing approximately 1,000 to 1,500 federal detainees. Ten prospective contractor-owner/contractor-operated detention facility sites located in Nevada and Arizona and within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse in Las Vegas, Nevada were initially offered to the OFDT for consideration as possible locations. Since the Draft EIS effort was initiated in June 2007, six of the 10 sites have been withdrawn from further consideration at the request of the contractors. The four sites being advanced as part of the Draft EIS process are shown on Exhibit 1 and include:

- 2250 East Mesquite Avenue Site, Pahrump, Nye County, Nevada
- 630 East Parque Avenue Site, Pahrump, Nye County, Nevada
- Apex Industrial Use Zone Site (A), Clark County, Nevada
- Moapa Site, Moapa, Clark County, Nevada

According to the U.S. Army Corps of Engineer's, Sacramento District (Corps) website, sites located within Nye County are under the Reno Regulatory Office jurisdiction, while sites within Clark County are within the St. George Regulatory Office jurisdiction. In light of the recent U.S. Supreme Court's decision in *Rapanos v. United States* and *Carabell v. United States (Rapanos)*, Berger on behalf of the OFDT is seeking clarification from your office regarding the jurisdiction of ephemeral washes located within the prospective Nye County sites. If the Corps determines ephemeral washes are regulated features, wetlands will be delineated in accordance with the procedures outlined in the *Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1*, (January 1987) with guidance outlined in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (December 2006). To assist the Corps in their determination, a detailed description and supporting documentation of the East Mesquite Avenue Site and East Parque Avenue Site is presented below.

As an initial guide to the presence or absence of wetlands and/or waters of the United States within the prospective sites, available data was reviewed including aerial photographs, USGS 7.5 minute topographic maps, the *Soil Survey of the Virgin River Area, Nevada-Arizona* (SCS-USDA 1970, 2007b), the Natural Resources Conservation Service Web Soil Survey, and U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory map.



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2250 East Mesquite Avenue Site

The 120-acre East Mesquite property is located at 2250 East Mesquite Avenue, approximately 1.5 miles east of State Highway 160, in Pahrump, Nye County, Nevada. The property located on the north side of East Mesquite Avenue, approximately one-quarter mile east of the Pahrump Valley Landfill. This undeveloped site slopes slightly to the west from an elevation of approximately 2,990 feet (~910 meters) above mean sea level (msl) on the east to 2,860 feet (~870 meters) above msl on the west (Exhibit 2). The East Mesquite property is located approximately midway on the alluvial fan originating in the washes of the western Spring Mountains. Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 15' 05.46" N and a longitude of 115° 58' 26.61" W.

According to the *Soil Survey of Nye County, Nevada Southwest Part* and the NRCS Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) soils within the East Mesquite property consist primarily of the Commski-Lastchance association (Map unit 1317) (Exhibit 3). The Commski component makes up 70 percent of the map unit. The Commski series occurs within inset fans with low gradient slopes (2-8%) and is composed of mostly cobbles, gravels and small stones. The textures of the Commski series are primarily coarse sands and sandy loams to very gravelly coarse sandy loam at depth. This series is described as well drained without flooding or ponding hazard, but with high permeability and rapid runoff capacity. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. Commski soils present few limitations for development. These soils are generally suitable for structural fill, require little over-excavation, and are adequate for foundations and roads.

The Lastchance series occupies landscapes with fan remnants, associated with the Last Chance Hills to the west of the property. The Lastchance series is similar to the Commski series, except the lower portion of the profile supports a distinctive cemented conglomerate of stones, cobbles, and coarse sands and sandy loams (petrocalcic horizon). This characteristic cemented horizon is readily observable on the property within banks that confine the larger washes. Accordingly, localized flooding hazard from storm events and ephemeral flows resulting from precipitation events or snowmelt on the Lastchance series soils is high. The natural drainage class is well drained and available water to a depth of 60 inches is very low. Shrink-swell potential is low. While generally suitable for development, Lastchance soils can present a limitation for development of local roads, small buildings, and shallow excavations due to the shallow depth (20-30 inches) to the thick (30-39 inches) very strongly cemented petrocalcic pan. The Commski-Lastchance Association is not classified by the NRCS as a hydric soil.

The East Mesquite property is located within the Central Valley hydrographic province, and the Pahrump Valley drainage basin, approximately 50 miles west of the City of Las Vegas. Surface water flow in the Pahrump Valley runs east to west off the Spring Mountains. The majority of precipitation in the Pahrump Valley is lost to evaporation and percolation. Surface water percolates through alluvial fans at the base of the Spring Mountains and into the Basin-Fill Aquifer underlying the Pahrump Valley.

No perennial or intermittent streams on or in the immediate vicinity of the site were identified. Two large and several small ephemeral washes were identified during the March and October 2007 field reconnaissance visits and are visible on aerial photographs of the site. The first ephemeral wash is located in the northern portion of the property, flows east to west and continues off-site. The second larger ephemeral wash is identified on the USGS topographic map as a perennial water feature, flows east to west and is located in the central portion of the site. Several small washes drain into the two larger ephemeral washes. Both ephemeral washes are erosional features and support mainly xeroriparian desert vegetation, however a discernable ordinary high water mark and readily observable channel geomorphology were present. Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the



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United States. As such, the ephemeral wash does not have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters.

630 East Parque Avenue Property

The 40-acre East Parque property is located at 630 East Parque Avenue, approximately 1.5 miles east of State Highway 160 in Pahrump, Nye County, Nevada. The property is bounded on the south by Parque Avenue, on the north by Miriam Street, on the west by Ben Street and on the east by Anderson Road. This nearly level, undeveloped site gently slopes from the northeast to the southwest with elevations between 2,850 feet (~870 meters) and 2,950 feet (~900 meters) above msl (Exhibit 4). Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 19' 27.01" N and a longitude of 116° 00' 18.79" W.

According to the *Soil Survey of Nye County, Nevada Southwest Part* and the NRCS web soil survey, soils within the East Parque property consist primarily of Canoto-Arizo complex (Exhibit 5). The Canoto soil series makes up 65 percent of the map unit. Slopes are two to four percent. This soil is located on fan piedmonts and alluvial fans. The natural drainage class is well drained. Available water to a depth of 60 inches is low. Shrink-swell potential is low. The Canoto soil series occurs within fan piedmonts and alluvial fans with low gradient slopes. The parent material consists of alluvium derived from mixed rock sources. This series consists of very deep, well drained soils that formed in alluvium from mixed rock sources on alluvial fans, inset fans, fan skirts and fan remnants and is described as well drained without flooding or ponding hazard, but with moderately high permeability with medium runoff.

The Arizo soil series consists of very deep, excessively drained soils that formed in mixed alluvium. Arizo soils are on recent alluvial fans, inset fans, fan apron, fan skirts, stream terraces, and floodplains of intermittent streams and channels. It is effervescent in some or all parts, with thin calcium carbonate coatings on undersides of rock fragments in some pedons. The Canoto-Arizo complex is not classified by the NRCS as hydric.

The East Parque property is located within the same hydrographic province and drainage basin as the East Mesquite property. No perennial or intermittent streams on or in the immediate vicinity of the site were observed during site reconnaissance visits in March and October 2007. Several small ephemeral washes cross through the parcel but they do not exhibit a continuous and definable channel bed and bank. These small desert washes are visible on aerial photographs of the site. Channel geomorphology and ordinary high water marks were observed on several of the ephemeral washes. The USGS topographic map indicates an intermittent waterway exists in the southeast corner of the site and is identified as an "NHD stream" which is part of the National Hydrography Dataset (NHD) of surface water features. Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. As such, the ephemeral wash does not have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters.



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In summary, based on Berger's reconnaissance of the two sites and our understanding of the *Rapanos* decision, ephemeral washes located on both sites appear to be non-jurisdictional. Berger and the OFDT are seeking the Corp's concurrence with our understanding of the Clean Water Act jurisdiction over waters of the U.S. In recognition of the importance placed upon communication and coordination, OFDT officials and Berger will continue to provide the Corps with information regarding the status and schedule for completing preparation of the Draft EIS and will provide your office with a copy of the Draft EIS upon its completion. If you have any questions or need additional information, please contact me at (973) 407-1461 (email: kcronin@louisberger.com). Thank you for your cooperation and support.

Sincerely yours,
THE LOUIS BERGER GROUP, INC.


Kirsty Cronin, P.W.S.
Senior Environmental Scientist

Attachments

cc: S. Stermer, OFDT
R. Nardi, Berger



THE LOUIS BERGER GROUP, INC.

412 Mount Kemble Avenue, Morristown, New Jersey 07960
Tel (973) 407-1000 Fax (973) 267-6468 www.louisberger.com

November 12, 2007

Steve Roberts, Office Chief
U.S. Army Corps of Engineers
St. George Regulatory Office
321 North Mall Drive, Suite L-101
St. George, Utah 84790-7314

Re: **Proposed Contractor Detention Facility - Las Vegas, Nevada Area**

Dear Mr. Roberts:

The Louis Berger Group, Inc. (Berger) is actively engaged in the preparation of a Draft Environmental Impact Statement (EIS) in support of an effort by the Office of the Federal Detention Trustee (OFDT), in cooperation with the U.S. Marshals Service (USMS), to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing approximately 1,000 to 1,500 federal detainees. Ten prospective contractor-owner/contractor-operated detention facility sites located in Nevada and Arizona and within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse in Las Vegas, Nevada were initially offered to the OFDT for consideration as possible locations. Since the Draft EIS effort was initiated in June 2007, six of the 10 sites have been withdrawn from further consideration at the request of the contractors. The four sites being advanced as part of the Draft EIS process are shown on Exhibit I and include:

- 2250 East Mesquite Avenue Site, Pahrump, Nye County, Nevada
- 630 East Parque Avenue Site, Pahrump, Nye County, Nevada
- Apex Industrial Use Zone Site (A), Clark County, Nevada
- Moapa Site, Moapa, Clark County, Nevada

According to the U.S. Army Corps of Engineer's, Sacramento District (Corps) website, sites located within Nye County are under the Reno Regulatory Office jurisdiction, while sites within Clark County are within the St. George Regulatory Office jurisdiction. In light of the recent U.S. Supreme Court's decision in *Rapanos v. United States* and *Carabell v. United States (Rapanos)*, Berger on behalf of the OFDT is seeking clarification from your office regarding the jurisdiction of ephemeral washes located within the prospective sites. If the Corps determines ephemeral washes are regulated features, wetlands will be delineated in accordance with the procedures outlined in the *Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1*, (January 1987) with guidance outlined in the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (December 2006). To assist the Corps in their determination, a detailed description and supporting documentation of the Apex Industrial Use Zone Site (A) and Moapa Site are presented below.

As an initial guide to the presence or absence of wetlands and/or waters of the United States within the prospective sites, available data was reviewed including aerial photographs, USGS 7.5 minute topographic maps, the *Soil Survey of the Virgin River Area, Nevada-Arizona* (SCS-USDA 1970, 2007b), the Natural Resources Conservation Service Web Soil Survey, and U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory map.



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Apex Property

The 90-acre Apex property is located approximately 7,500 feet west of the intersection of Interstate Highway 15 and U.S. Highway 93 in Clark County, Nevada. The property is bounded by Kapex, LLC to the north, Nevada Power's cogeneration plant to the east, and undeveloped desert basin to the southwest. This undeveloped site is nearly level to gently sloping in the central and northern portion, and moderate to steep sloping hills in the western, southern and eastern portion of the site. Elevations within the site range from 2,290 feet (700 meters) to 2,390 feet (730 meters) above mean sea level (msl) (Exhibit 2). Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 22' 54.71" N and a longitude of 114° 55' 44.51" W.

Examination of the *Soil Survey of the Virgin River Area, Nevada-Arizona* (SCS-USDA 1970, 2007b), indicates the Apex property is situated on two different soil types (Exhibit 3). These soils include Colorock-Tonopah association, moderately sloping (CTC), and Rockland-St. Thomas association (RTF), very steep. The Colorock-Tonopah association consists of shallow to deep soils occurring on alluvial fans and terraces. Typically, Colorock soils are well drained and have a very low water capacity. The surface layer is pink very gravelly loam about 3 inches thick. The subsoil is pink very gravelly sandy loam about 12 inches thick. Slope gradients generally range from 2 to 8%. The Tonopah soil is deep and excessively drained. The surface layer is light gray very gravelly sandy loam about 6 inches thick. Slope gradients generally range from 2 to 8%. The Rockland-St. Thomas association consists of soils formed on foothills and mountainsides. Rock land consists of areas that have exposures of limestone bedrock and in some areas, soil material covers the bedrock. St. Thomas soils are shallow and well drained with the available water capacity being very low. It is formed in residuum derived dominantly from limestone. The surface layer is pale brown cobbly loam about 2 inches thick, underlain by a subsoil of very pale brown cobbly loam extending to a depth of 12 inches. The slope gradients generally range from 15 to 50%. Neither the Colorock-Tonopah association nor the Rockland-St. Thomas association are classified as hydric soils by the NRCS.

The Apex property lies within the Garnet Valley (Dry Lake Valley) sub-basin of the Colorado River Basin. Garnet Valley is a closed desert basin with internal drainage that encompasses approximately 156 square miles; this sub-basin is a non-contributing part of the Colorado River Basin. This valley contains internal drainage features within the basin itself, but these features are not hydrologically connected to other intrastate or interstate waters outside of Garnet Valley. Based on the USGS 7.5-minute topographic quadrangle and on-site reconnaissance visits conducted in July and October 2007, the site contains an ephemeral stream that enters along the western site boundary, exits along the northern site boundary, and reenters the subject property in the extreme northeast corner. As is typical in the desert, this waterway is ephemeral, and therefore, appears to contain flow only during or shortly after, significant storm events. The ephemeral wash is an erosional feature and supports mainly xeroriparian desert vegetation, however a discernable ordinary high water mark and readily observable channel geomorphology were present. Review of available aerial photography and site observations of the washes indicate that that channel does not directly connect to any known down-gradient navigable waters of the United States. As such, the ephemeral wash does not have a speculative or a substantial effect on the chemical, physical and/or biological integrity of traditional navigable waters.

Moapa Property

The 80-acre Moapa property is located approximately 2,640 feet southeast of the intersection of South Reservation Road and Lincoln Avenue in Moapa, Clark County, Nevada. This undeveloped site is situated on hilly terrain with gentle slopes near the Muddy River. Elevations range from 1,635 feet (500 meters) above msl in the northeast corner of the property to about 1,608 feet (490 meters) above msl in



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the southwest corner (Exhibit 4). Using latitude and longitude coordinates, the approximate center of the site is a latitude of 36° 39' 43.79" N and a longitude of 114° 38' 35.45" W.

According to the NRCS Web Soil Survey of the Moapa property, soils on the site consist primarily of the Badland series (Exhibit 5). This soil type includes steep, non-stony, barren land dissected by many ephemeral drainages. Badland is most common in semiarid and arid regions where washes are entrenched in soft geologic material. Runoff potential is very high, and geologic erosion is active. These soils are generally suitable for structural fill, typically require little over-excavation, and are typically adequate for foundations and roads. Small areas of Overton silty clay (On) and Tonopah very gravelly sandy loam are located on the southern portions of the site associated with the Muddy River floodplain. The Overton series consists of deep, very poorly drained soils that form in clayey alluvium from sedimentary rocks. Overton soils are on smooth, nearly level floodplains. Slopes are commonly less than 0.3 percent, but range up to 1 percent. Tonopah soils are located on fan remnants and fan piedmonts. These soils formed in mixed alluvium. Soils within the Moapa property are not classified as hydric soils by the NRCS.

The Moapa property is located within the California Wash drainage basin, approximately 1,000 feet southwest of the confluence of the Muddy River and the Meadow Valley Wash. Muddy River is located approximately 300 feet to the south of the property's southwest corner. Drainage patterns within the Moapa property flow from the northern boundary to the southern boundary and then into the Muddy River. The Muddy River and surrounding areas drain to Lake Mead which is located approximately 17 miles to the southwest. The site contains several ephemeral washes which drain into the Muddy River. The western portion of the property has a small unnamed tributary of the Muddy River, which appears to be intermittent. In addition, a large ephemeral wash is located to the south of Route 168, along the proposed access road.

Jurisdictional wetlands were identified on the site near the southeast corner and along the southern and western boundary of the site. The wetland areas are associated with the lower floodplain areas of the Muddy River. Wetlands within the Moapa property are assumed to be under the jurisdiction of the Corps as they directly abut a non-navigable tributary (Muddy River) of a traditional navigable waters (Lake Meade). Ephemeral washes which exhibit an ordinary high water mark and defined channel geomorphology will be considered jurisdictional if a significant nexus exists with Muddy River.

In summary, based on Berger's reconnaissance of the two sites and our understanding of the *Rapanos* decision, ephemeral washes located on the Apex Site appear to be non-jurisdictional; while wetlands/ephemeral washes on the Moapa site appear to be jurisdictional. Berger and the OFDT are seeking the Corp's concurrence with our understanding of the Clean Water Act jurisdiction over waters of the U.S. In recognition of the importance placed upon communication and coordination, OFDT officials and Berger will continue to provide the Corps with information regarding the status and schedule for completing preparation of the Draft EIS and will provide your office with a copy of the Draft EIS upon its completion. If you have any questions or need additional information, please contact me at (973) 407-1461 (email: kcronin@louisberger.com). Thank you for your cooperation and support.

Sincerely yours,
THE LOUIS BERGER GROUP, INC.


Kirsty Cronin, P.W.S.
Senior Environmental Scientist

Attachments

cc: S. Stermer, OFDT; R. Nardi, Berger



THE LOUIS BERGER GROUP, INC.

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November 12, 2007

Tracy Kipke, Habitat Biologist
Nevada Department of Wildlife - Southern Region
4747 Vegas Drive
Las Vegas, Nevada 89108

Re: **Proposed Contractor Detention Facility - Las Vegas, Nevada Area**

Dear Ms. Kipke:

The Louis Berger Group, Inc. (Berger) is actively engaged in the preparation of a Draft Environmental Impact Statement (EIS) in support of an effort by the Office of the Federal Detention Trustee (OFDT), in cooperation with the U.S. Marshals Service (USMS), to contract with a detention contractor to provide a contractor-owned and operated facility capable of housing approximately 1,000 to 1,500 federal detainees. Ten prospective sites for development of such a detention facility sites located in Nevada and Arizona and within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse in Las Vegas, Nevada were initially offered to the OFDT for consideration as possible locations. Since the Draft EIS effort was initiated in June 2007, six of the 10 sites have been withdrawn from further consideration at the request of the contractors. The four sites being advanced as part of the Draft EIS process are shown on Exhibit I and include:

- 2250 East Mesquite Avenue Site, Pahrump, Nye County, Nevada
- 630 East Parque Avenue Site, Pahrump, Nye County, Nevada
- Apex Industrial Use Zone Site (A), Clark County, Nevada
- Moapa Site, Moapa, Clark County, Nevada

During the initial scoping process, the Nevada Department of Wildlife (NDW), as well as the Nevada Natural Heritage Program and the U.S. Fish and Wildlife Service (USFWS) were contacted by the prospective detention contractors and/or their environmental consultants to obtain records of threatened and endangered species or habitats of special concern that may exist on or in the immediate vicinity of the four sites. Information obtained by the contractors and their consultants will be utilized by OFDT and Berger in the evaluation of the four prospective sites and documented within the Draft EIS.

At the request of the USFWS, formal Section 7 consultation will not be initiated until the preferred alternative site is determined. Once the preferred site is known, Berger and the OFDT will work with the selected contractor and its consultant to ensure compliance with the Endangered Species Act which may include conducting surveys for desert tortoise, Gila monster, burrowing owl and/or kit fox within the preferred alternative site.

In recognition of the importance placed upon communication and coordination, OFDT officials and Berger will continue to provide the NDW with information regarding the status and schedule for completing preparation of the Draft EIS. You and the NDW will also be included on the mailing list to receive a copy of the Draft EIS. If you have any questions or need additional information, please contact me at 973-407-1461 (email: kcronin@louisberger.com). Thank you for your cooperation and support.

Sincerely yours,

THE LOUIS BERGER GROUP, INC.

Kirsty Cronin, P.W.S., Senior Environmental Scientist

Cc: S. Stermer, OFDT / R. Nardi, Berger



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December 3, 2007

Logandale Wards, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
3245 N. Moapa Valley Boulevard
Logandale, Nevada 89021

Re: Proposed Contractor Detention Facility - Las Vegas, Nevada Area

Dear Sir/Madam:

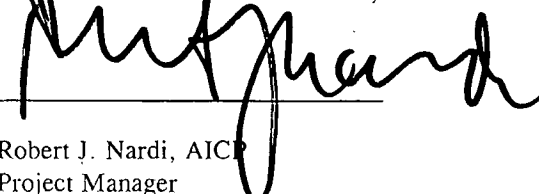
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While preparing the Draft EIS, Berger recently identified you as a potential consulting party with regards to one or more of the four alternative sites. As shown above, two of the sites are located in Nye County and two are located in Clark County. One of the two Clark County sites, known as the Moapa Site, is located on Lincoln Avenue in the Town of Moapa and contains archaeological remains of the West Point Mormon Settlement and is adjacent to the West Point Mormon Pioneer Cemetery. Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, at 36 CFR 800.4, the OFDT is seeking your comments and input regarding the proposed project. Inquiries or written comments may be directed to: Scott P. Stermer, Assistant Trustee for Procurement, U.S. Department of Justice, Office of the Federal Detention Trustee, 4601 North Fairfax, 9th Floor, Arlington, Virginia 22203, Tel: 202-353-4601 / Email: scott.stermer2@usdoj.gov. We will also include you on the mailing list to receive a copy of the Draft EIS when published. Thank you for your interest and support.

Sincerely yours,

THE LOUIS BERGER GROUP, INC.



Robert J. Nardi, AICP
Project Manager

Attachments

Cc: S. Stermer, OFDT



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December 3, 2007

Overton Wards, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
226 W. Thomas Street
Overton, Nevada 89040

Re: Proposed Contractor Detention Facility – Las Vegas, Nevada Area

Dear Sir/Madam:

The Louis Berger Group, Inc. (Berger) is actively engaged in preparation of a Draft Environmental Impact Statement (EIS) in support of an effort by the U.S. Department of Justice, Office of the Federal Detention Trustee (OFDT), in cooperation with the U.S. Marshals Service, to contract with a detention contractor to develop and operate a new detention facility capable of housing 1,000 to 1,500 federal detainees. Ten prospective sites located in Nevada and Arizona and within a 75-mile radius of the Lloyd D. George U.S. Federal Courthouse in Las Vegas, Nevada were initially offered to the OFDT for consideration as possible locations for the proposed facility. Since the Draft EIS effort was initiated by the OFDT in June 2007, six of the 10 sites have been withdrawn from further consideration at the request of the contractors. The four sites being advanced as part of the Draft EIS process are shown on the attached exhibits and include:

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Sincerely yours,

THE LOUIS BERGER GROUP, INC.

Robert J. Nardi, AICP
Project Manager

Attachments

Cc: S. Stermer, OFDT



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December 3, 2007

Moapa Ward, Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
Barlow Drive
Moapa, Nevada 89025

Re: Proposed Contractor Detention Facility – Las Vegas, Nevada Area

Dear Sir/Madam:

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Robert J. Nardi, AICP
Project Manager

Attachments

Cc: S. Stermer, OFDT



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December 3, 2007

Moapa Valley Branch and Muddy River Branch
Logandale Nevada Stake
The Church of Jesus Christ of Latter-day Saints
1605 Hinckley Avenue
Logandale, Nevada 89021

Re: Proposed Contractor Detention Facility – Las Vegas, Nevada Area

Dear Sir/Madam:

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Sincerely yours,

THE LOUIS BERGER GROUP, INC.

Robert J. Nardi, AICP
Project Manager

Attachments

Cc: S. Stermer, OFDT



February 19, 2008

Mr. Brad Wiggins,
Senior Director Site Acquisition and Development
Corrections Corporation of America
10 Burton Hills Boulevard
Nashville, TN 37215

Re: Ability to provide water and wastewater service to OFDT detention facility
Pahrump, Nevada location

Dear Mr. Wiggins:

This letter responds to your request for information about the ability of Utilities, Inc. of Central Nevada (UICN) to provide water and wastewater services to a Federal Detention Center (the "Detention Center") that Corrections Corporation of America (CCA) proposes to locate in the Town of Pahrump in Nye County, Nevada. CCA's proposal for annexation identifies two potential locations for the Detention Center:

1. 2250 East Mesquite Avenue, Pahrump, Nevada 89048; APN 027-421-10 ("Mesquite") (120 acre portion of existing parcel).
2. 630 E Parque Avenue; APN 027-211-25 ("Parque").

As we understand it, the proposed Detention Center is a 1,176-bed facility with the possibility of expansion to a 1,500-bed facility depending upon the contract award from the Office of Federal Detention Trustee (OFDT). Wastewater and water service would be provided to either site through connection to UICN's existing system. It is contemplated that the requirements for service would include a water main extension connecting to the existing water main on Blagg Road and Mesquite Avenue; a sewer main extension connecting to the existing main paralleling Nevada State Highway 160, and construction of a new supply well. If construction of the Detention Center is completed before the new well construction is completed, UICN currently has enough well supply capacity to support the facility for up to 6 months after construction has completed.

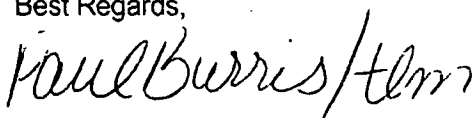
CCA projects that the proposed Detention Center will require approximately 176,400 gpd (based on 150 gpd per detainee) to serve a 1,176-bed facility, and 225,000 gpd (based on 150 gpd per inmate) to serve full build-out to 1,500 detainees. Based on that projection, UICN is very interested in providing water and wastewater service to either location if CCA is awarded the contract by the OFDT. As you are aware, the Public Utilities Commission (PUC) of Nevada will need to approve the annexation of either location into UICN's service territory. I assure you that UICN has the available capacity in our water and wastewater systems to meet the projected needs of the Detention Center. We are committed to partnering with CCA and the OFDT to complete the water and sewer improvements expeditiously. We expect in the very near future to provide CCA with a draft agreement for water and wastewater service. That agreement will serve as the basis for the water and wastewater service contract and submittal to the PUC for annexation approval of one of the two properties into UICN's service territory. Provided that PUC approval of the

- Page 2
CCA – Detention Facility
February 19, 2008

annexation is obtained in a timely way – something we expect will be the case -- we are confident that we can help you meet the OFDT's schedule of opening the facility within 15 months of contract award.

If I can answer any questions, please contact me at 775-727-5941.

Best Regards,

A handwritten signature in cursive script that reads "Paul Burris/tm".

Paul Burris,
Regional Vice President

PB/tm

CC: John Stover, General Counsel, Utilities, Inc.
Wendy Wentz, Regional Director, Utilities, Inc.

APPENDIX C
ANNOTATED BIBLIOGRAPHY
THE IMPACT OF PRISONS ON PROPERTY VALUES

APPENDIX C
ANNOTATED BIBLIOGRAPHY
THE IMPACT OF PRISONS ON PROPERTY VALUES

1978

Stanley, Craig E., *The Impact of Prison Proximity on Property Values in Green Bay and Waupun, Wisconsin, A Study Commissioned by the State of Wisconsin and Bureau of Facilities Management*, University of Wisconsin, November 1978.

The Stanley study, commissioned by the State of Wisconsin Division of Corrections, assessed the impact of prison proximity on residential property values in two Wisconsin communities, Allouez, host to the Green Bay Reformatory, and Waupun, host to the Waupun State Prison. Using statistical methods, the researcher created multi-regression functions to predict the major determinants in housing prices in the two communities. Variables included the physical attributes of the house (house size, lot size, number of rooms and baths, number of fireplaces, etc.) as well as neighborhood attributes such as the distances to the nearest school, park and retail center. The proximity of the house to a prison was a distinct variable as well as whether the prison was visible from the house. Census data for the average house value of the house and average number of rooms for the house's census block were also distinct variables. The sample of houses studied were derived by random sampling from the town's total residential property stock.

For the town of Allouez, primarily an upper-income community with large homes, Stanley had sampled about 300 houses. Interestingly, the wealthier areas in Allouez were developed after the Reformatory was built in 1897. The town had an active real estate market with many new residential constructions. Stanley found that proximity to the prison explained less than 1 percent of variation in residential assessed valuation. He did, however, find that prison proximity raised the assessed value of a home by \$27 to \$35 for every 100-foot increment toward the prison, with all other variables held constant. Stanley concluded that prison proximity did not adversely affect assessed value, nor did the facility show an impact on the market price of homes in Allouez. In general, other variables were found as having much more importance in housing prices.

The town of Waupun was primarily a working-class community with an older housing stock. The Waupun State Prison, in the central business district, is a maximum-security prison with 1,000 male inmates. The prison, which has been in Waupun since 1851, is a three-story stone building covering four-square blocks surrounded by an 18-foot high concrete wall. Using a sample of 315 houses, Stanley found that prison proximity to the Waupun homes explained less than 0.2 percent of the variation in assessed valuation. Like Allouez, the proximity of the house to a prison showed a \$19 increase for every 100-foot increment towards the prison. Stanley concluded that prison proximity did not adversely affect assessed value, nor did the prison show an impact on the market price of homes in Waupun. In general, other variables were found as having much more importance in housing prices.

1981

Zarchikoff, W.W., T.J. Segger and D.B. Plecas, *An Assessment of the Social and Economic Impacts of Federal Correctional Institutions on the Communities of Agassiz, Harrison Hot Springs and Harrison Mills, British Columbia, Canada*, Vol. 1, October 30, 1981.

Researchers examined the socioeconomic, cultural and political impact of three Canadian federal facilities on three predominantly rural communities in British Columbia. Property value impacts from the prisons onto the communities were determined via interviews with real estate agents and residents. According to the real estate agents surveyed, the federal facilities did not depress housing values, citing that the number of residential units sold increased over 70 percent over a three-year period and the average selling price increased 40 percent. Residents, however, had mixed beliefs. While 31 percent of residents felt that the facilities were responsible for the increase in real estate prices, 27 percent felt that the prisons caused a drop in real estate values. The study reported that the tendency to view the prisons as a "bad thing" appeared to be associated with a perception that property values decreased.

1983

Grasskamp, James, and Fraser Gurd, *Impact of Proposed Trostel Site Medium Security Prison on Neighboring Real Estate Assessed Valuations*, prepared by Landmark Research under subcontract to Howard Needles Tammen and Bergendoff for the Wisconsin, Division of State Facilities Management, 1983.

This analysis was conducted as part of an impact evaluation for a proposed medium-security facility at the Trostel Tannery site in Milwaukee. The urban site has industrial buildings, residential homes and commercial establishments as neighboring land uses. Grasskamp and Gurd defined the impact area for analysis as the area with an expected viewshed of the prison. Based on their professional judgement, the researchers concluded that fears concerning the facility (crime, escapes, depressed property values) could have the self-fulfilling effect of decreasing residential property prices by approximately two percent in the short-term. Total property values could be affected downward of one percent. They estimated that this social effect would last five or six years, after which property prices could be reflective of communities outside the impact area. The Trostel site medium-security prison was never built.

Maxim, Paul and Darryl Plecas, "Prisons and their Perceived Impact on the Local Community: A Case Study," *Social Indicators Research*, 13, 1983, pp. 39-58.

Maxim and Plecas conducted over 200 household interviews in the study area of the 1981 Canadian Zarchikoff research. Four overall concerns emerged from the household survey: 1) family safety impacts; 2) quality of life impacts; 3) value of the neighborhood impacts (property value); and, 4) neighborhood instability impacts. Researchers related the degree to which respondents held the above concerns with the respondent's history of victimization, physical proximity to the institution and current position in life cycle (ex. young and single, married with children, retired). Researchers found that younger, more educated families were also more likely to have concerns regarding the presence of a prison within their community. Victims of crime were also more likely to have these concerns.

1984

Smykla, John Ortiz, et al., "Effects of a Prison Facility on the Regional Economy," *Journal of Criminal Justice*, Vol. 12, pp. 521-539, 1984.

Researchers examined the effects of three state prisons on the economic well-being of three Alabama counties. Population growth, total employment, per capita income, retail sales, property value, farm acreage and value, school enrollment, crime rates and juvenile court cases were used as variables in a regression analysis. Three counties without prisons were used as a control. The research showed no negative effects of the prisons on the county economies. The research indicated less growth in new businesses in the two of the three counties compared to the control counties during the five-year study period. There was no decline, however, in the number of new industries within the prison counties from pre-prison to post-prison years.

1985

Hewes, Jeffrey A., *Cities with Prisons: Do They Have Higher or Lower Crime Rates?, A Special Report to Senator Robert Presley, Chair, Joint Committee on Prison Construction and Operations*, prepared by California Senate Office of Research, August, 1985.

The study was conducted in response to a request by California State Senator Presley, to inform the public debate over social impact of prisons, in light of increased prison construction in the state. Hewes examined property value impacts of prisons, in addition to crime impacts, on seven California cities with prisons. Those cities were compared to 15 cities within the state with similar population and socioeconomic characteristics. The aggregate assessed valuation per capita for each control city was examined with data from the host cities. The study found that the host cities experienced a growth in assessed valuation per capita of 31.5 percent over the three-year study period from 1980 to 1983. This rate of growth was higher than the 28.6 percent reported for similar cities without a prison. Hewes concluded that the presence of a prison in a city did not depress property values.

1986

Resource Assessment, *State of Michigan Environmental Impact Statement for Two Regional Correctional Facilities in the City of Detroit*, Michigan Dept. of Corrections and Michigan Department of Management and Budget, March 1986.

The proposed action under examination by the EIS was the construction of two 500-inmate regional prisons on a 100-acre site in Northwest Detroit. The site is zoned industrial, neighbors manufacturing facilities and is within half a mile of suburban neighborhoods and schools. The report analyzed crime and property value impacts in depth. The researchers examined property values in the area surrounding the site within the three-year study period after the prison project had been announced to the community. During the study period, researchers found that the average parcel assessment for the area changed less than one-tenth of one percent. The area has a turnover rate of one percent and 35 percent of all households have a tenure of over 20 years in the area. Based on the insignificant change in valuation, the study concluded that the anticipation of the prison did not impact property values and that the stability of the neighborhood would act to overcome any transient impacts that the prison may bring.

The EIS briefly reviewed three studies conducted in Michigan on property value impacts. A study by the Lansing Planning Department reported no change in property values in neighborhoods adjacent to various kinds of halfway houses. A study by the Tuscola County Planning Department reported no decrease in real estate values near minimum security correction camps in eight of the nine counties examined. A qualitative study by the Springfield Citizens Prison Advisory Committee reported that realtors in Muskegon and Allegon County saw an initial drop in property value before prices recovered. The two counties were homes to state correctional facilities. In addition to the Michigan-based studies, the EIS reviewed the Stanley, FIU, Alabama and Fraser Valley College studies.

1987

Abrams, Kathleen Shea, William Lyons, et al., *Impacts of Correctional Facilities on Land Values and Public Policy*, FAU-FIU Joint Center for Environmental and Urban Problems, Florida International University, July 1987.

This seminal comprehensive study surveyed perceptions on part of community residents, business leaders and elected officials on a prison's impact to the community. The study also employed a statistical evaluation of property values and crime rates to quantitatively measure impact. The prison communities examined include one with a federal facility, four with state prisons and two with county jails as neighbors. They are described below.

- *Federal Correctional Institution in Memphis, Tennessee.* The medium, close and maximum security prison for male inmates is sited in a suburban area of Memphis. A state-operated and a county-operated correctional facility are nearby. Land uses within a mile radius of the prison are diverse and include commercial establishments, a nursing home and a school.
- *Arizona State Prison Complex, Perryville, Arizona, (outside of Phoenix).* The facility, located within the city of Goodyear (population est. 5,000), houses male inmates in minimum and medium-custody levels and female inmates in all custody levels. The city's central business district is within five miles of the facility. Most of the surrounding land use is agricultural. To the west, land uses are residential.
- *Brevard Correctional Institution, near Cocoa, Florida.* This minimum, close, and medium-custody level facility for male inmates is located on 109-acre site in an unincorporated area of county. Neighborhoods within two miles include scattered mobile homes. The nearest population center, the City of Cocoa, is three miles away.
- *Dade Correctional Institution, near Homestead, Florida.* This medium and close-custody levels for male inmates is in an unincorporated area of Dade County. Within a one-mile radius from the site is agricultural land, several single-family homes, a mobile home complex and a community park. The nearest population core, Florida City (population est. 6,000), is three miles from the facility.
- *Hillsborough Correctional Institution, near Sun City, Florida.* This minimum-to-medium custody level facility for first-time youth male offenders is in an unincorporated area of Hillsborough County. There are 13 homes within a one-mile radius of the facility. The closest population concentration, Sun City Central, is three miles away.

- *Ada County Jail, Boise, Idaho.* This facility, located within the city limits of Boise, houses male inmates at all custody levels and female inmates in minimum security. The facility is less than four miles from Boise's central business district. Surrounding land uses are diverse and include single-family and multi-family homes.
- *Durango Detention Facility, Phoenix, Arizona.* The county facility, within the city of Phoenix, holds male and female inmates in minimum, medium and maximum security. Land uses surrounding the facility include a mix of industrial, agricultural, commercial, governmental and residential. The city's central business district is three miles away.

The seven facilities were examined for their impact on property values, public safety, law enforcement capabilities, economy and quality of life using quantitative and qualitative methods. The impact areas were compared with nearby control areas. Regression techniques were used with real estate sales data.

For six of the seven facilities, there was no evidence that property values decreased as a result of the prison siting. The Arizona state prison outside of Phoenix was the exception, particularly in the high-income neighborhood affected. The facility was sited despite vociferous local protest and received much local media attention. Researchers found the neighborhoods closer to the Memphis federal facility had higher real estate values than the control neighborhoods. They attributed this difference largely due to the size of dwelling unit rather than the unit's proximity of the prison. Researchers also found a significant positive difference in the Brevard facility community in Florida, where the prices of homes closer to the prison were higher than those in the control area. This was attributed to the higher concentration of retail amenities closer to the prison than the control area.

Howard Needles Tammen and Bergendoff, *Comparative Analysis of Property Values in the Vicinity of the New Correctional Facilities at the Oshkosh Correctional Institution and its Relationship to the Proposed Racine Correctional Institution*, Milwaukee, Wisconsin, 1987.

The research compared the median assessed value of housing in a suburban area proximate to the Oshkosh Correctional Institution in Wisconsin with a control neighborhood similar in age and size of housing. The housing valuations of the two communities prior to the facility construction in 1978 and after the facility construction in 1986 were evaluated. Comparisons of the housing valuations showed no significant difference between the two similar neighborhoods. The city tax assessor interviewed believed that there was no difference in housing prices between the two neighborhoods. Realtors interviewed supported that statement, saying that the presence of the prison did not affect the prices of homes in that area. One realtor pointed out that housing development in the neighborhood proximate to the prison indicated that the real estate market was healthy in that area. The report concluded that the growth in housing values of the impacted community was in line with growth in a similar community.

Rogers, George O. and Marshall Haines, "Local Impact of a Low-Security Federal Correctional Institution," *Federal Probation*, September 1987.

Rogers and Haines examined the economic impact of a low-security prison in rural Loretto, Pennsylvania. After assessing the prison's expenditures in the area and the project's economic multiplier effect, the researchers concluded that the economic impact at Loretto was substantial.

The paper also reviewed existing the 1987 Abrams study as well as the existing literature on security, psychological impacts, and economic impacts.

1988

Ince, Martin, "The Impact of a Correctional Facility on the Surrounding Community," *Planning Advisory Service Memo*, American Planning Association, July 1988.

The memo reviewed the existing studies on the crime and security, property value and quality of life impacts of correctional facilities on the surrounding community. On the issue of property impact, four studies were reviewed: Stanley (1978); the 1986 Resource Assessment EIS for the State of Michigan; the 1987 Howard Needles Tammen and Bergendoff analysis; and the 1987 Abrams study.

Lidman, Russell M., et al., *Impacts of Washington State's Correctional Institutions on Communities*, Washington State Institute for Public Policy, prepared for the Department of Community Development, December 1988.

The Washington State Legislature directed the state Department of Community Development to conduct an analysis of the effects of state correctional facilities on the resident communities. The research examined six state facilities and compared the host communities with a control group. Three of the facility communities were examined for property value impacts.

- The Washington Corrections Center, located six miles southwest of Shelton, a small logging town of 7,660 people, is surrounded by woods and hidden from view. Because of the facility's close proximity to a state highway, which bypasses the city, there is no prison-related traffic through Shelton. The two-mile radius from the prison is mostly undeveloped. Real estate agents interviewed generally agreed that the facility did not decrease housing values, however, they did indicate some hesitation from buyers for properties within a small radius of the prison. A comparison of Shelton housing prices with those of similar communities indicated that growth in housing values in the host community was similar to that in the control group.
- The study examined the effect of a prison site, which houses three medium-security facilities, on Monroe, a small rural town that is quickly suburbanizing. Only one of the facilities is visible from the adjoining State Road. Real estate sales information and interviews with local real estate agents indicated that there was significant new housing growth and housing value increases in Monroe, as the area is developing from a rural community into a suburb of Seattle. Local realtors believed that the prison site had no impact on the area's real estate.
- The Washington State Penitentiary in the small city of Walla Walla, (population est. 25,000), is the major penal institution for the state of Washington. The institution, constructed in 1886 on a hill, encompasses over 500 acres. The researchers, having collected real estate data and interviewed real estate agents, discerned no impact from the facility on housing values.

In sum, property values for the three prison communities grew at similar rates compared with their control communities between 1970 and 1987. The study concluded that if there is a stigma attached to prison communities, it is not reflected in the area's real estate prices.

1990

Carlson, Katherine A., Ph.D., *The Impacts of a New Prison on a Small Town: Twice Blessed or Double Whammy? Final Report of the Clallam Bay Project*, National Institute of Justice, December 1990.

The research examined the social effects of a remote state prison in Clallam Bay on an isolated logging community of 1,400 people in Washington state. According to realtors, the local housing market strengthened as a result of the prison, as well as from increasing interest in the area as a tourist and retirement destination. More housing units were needed for the town to reap greater benefits from the facility's employee needs.

Carlson, Katherine A., Ph.D., *Prison Impacts: A Review of the Research*, Peninsula Praxis, November 1990.

Carlson reviewed the available literature on general impacts on communities from prison facilities. Based on the overall literature, Carlson concluded that there are six primary factors that can be used to identify the direction, positive or negative, of prison impacts: 1) the size of the community and the institution; 2) its location with regard to inmate origins and employee origins; 3) the host community's capacity to provide needed services, housing, and other amenities; 4) the institutional security level, length of inmate sentence and inmate demographics; 5) the institutional arrangements concerning inmate community work, releases, and visiting; and 6) the local history of the institution, such as siting disputes and promises, community needs, and the incidence of escapes and their consequences.

1995

Fehr, Larry M., *Literature Review of Impacts to Communities in Siting Correctional Facilities*, Washington Council on Crime and Delinquency, July 1995.

The literature review summarized research on property impacts, in addition to other siting issues. Fehr reviewed the 1978 Stanley study, the 1986 Resource Assessment's environmental impact statement for a state correctional facility in Michigan, the 1987 Howard Needles Tammen Bergendoff report, and the 1987 Abrams report.

**APPENDIX D
CULTURAL RESOURCE ASSESSMENT
AND RELATED DOCUMENTATION**

APPENDIX D

CULTURAL RESOURCE ASSESSMENT AND RELATED DOCUMENTATION

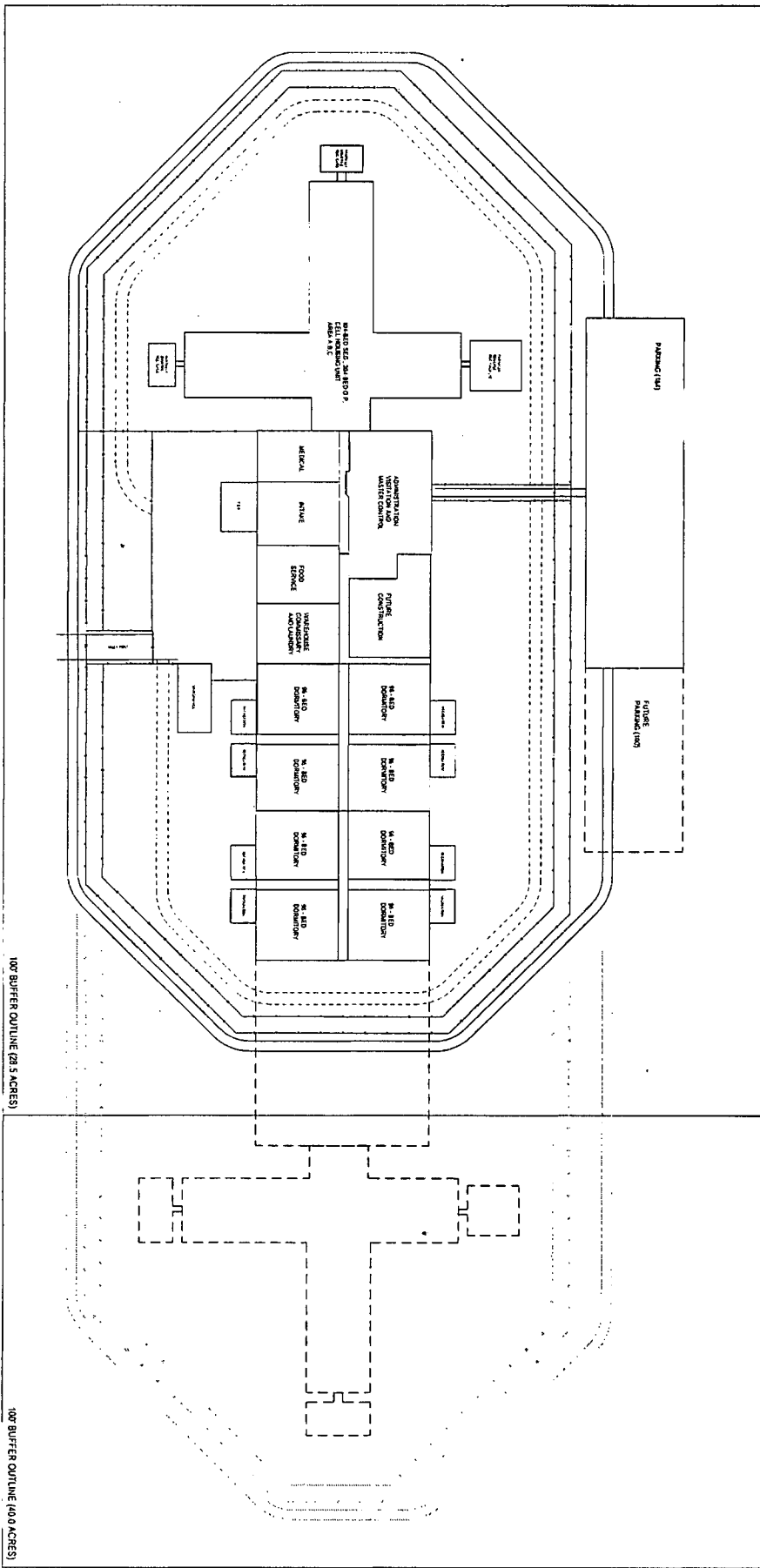
CONFIDENTIAL

All cultural resource documentation regarding the alternative contractor detention facility sites has been removed from the Final Environmental Impact Statement at the request of the Nevada State Historic Preservation Office to ensure the protection of cultural resources which may exist within any of the alternative sites. Thank you for your understanding.

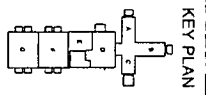
APPENDIX E
AVAILABLE SITE PLANS AND FACILITY RENDERINGS

THE GEO GROUP, INC.

CORRECTIONS CORPORATION OF AMERICA



 NORTH
 1" = 100'
 SITE LAYOUT PLAN
 SCALE: 1/8" = 100'

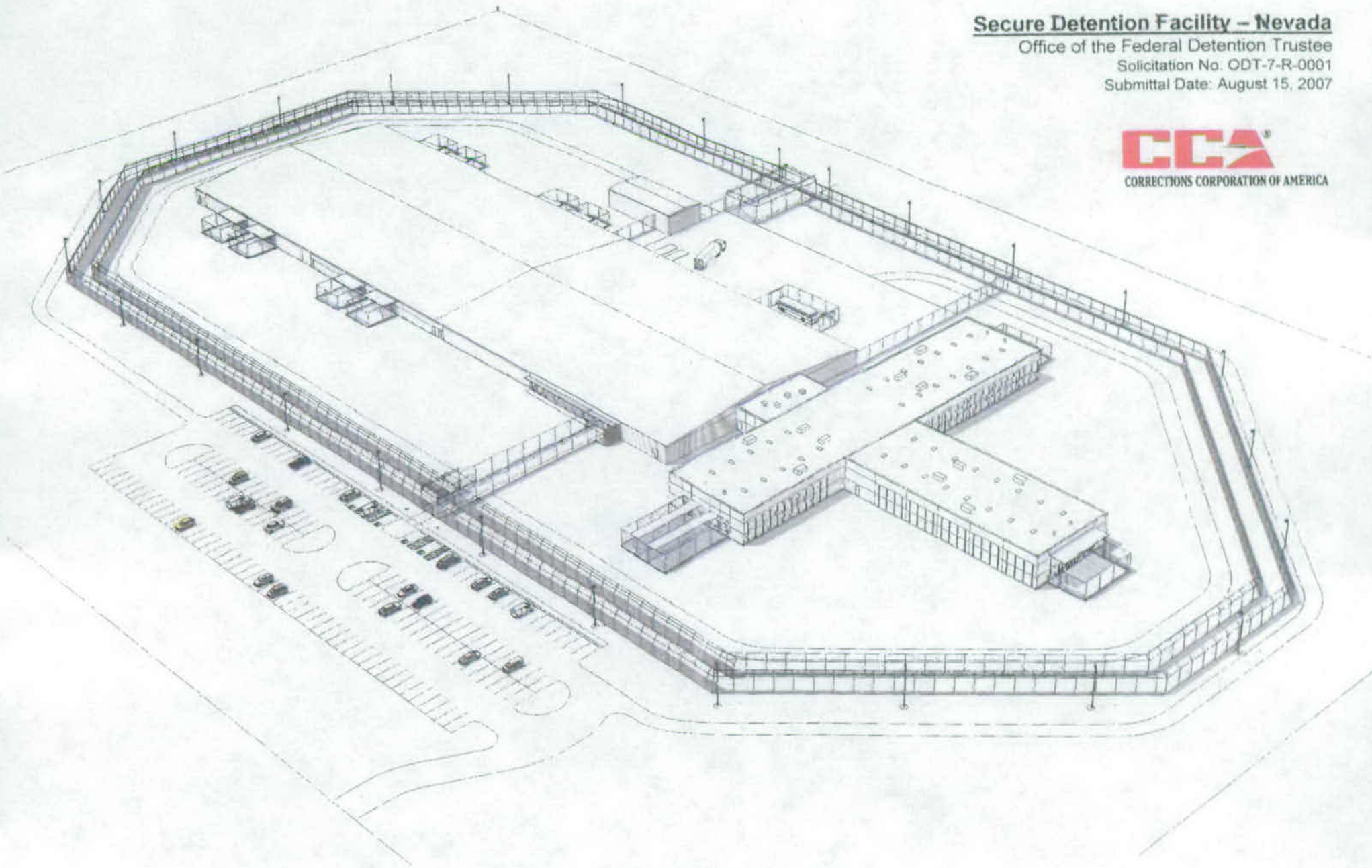


Secure Detention Facility – Nevada

Office of the Federal Detention Trustee

Solicitation No. ODT-7-R-0001

Submittal Date: August 15, 2007





Public Parking



Public Entry



Cell Housing



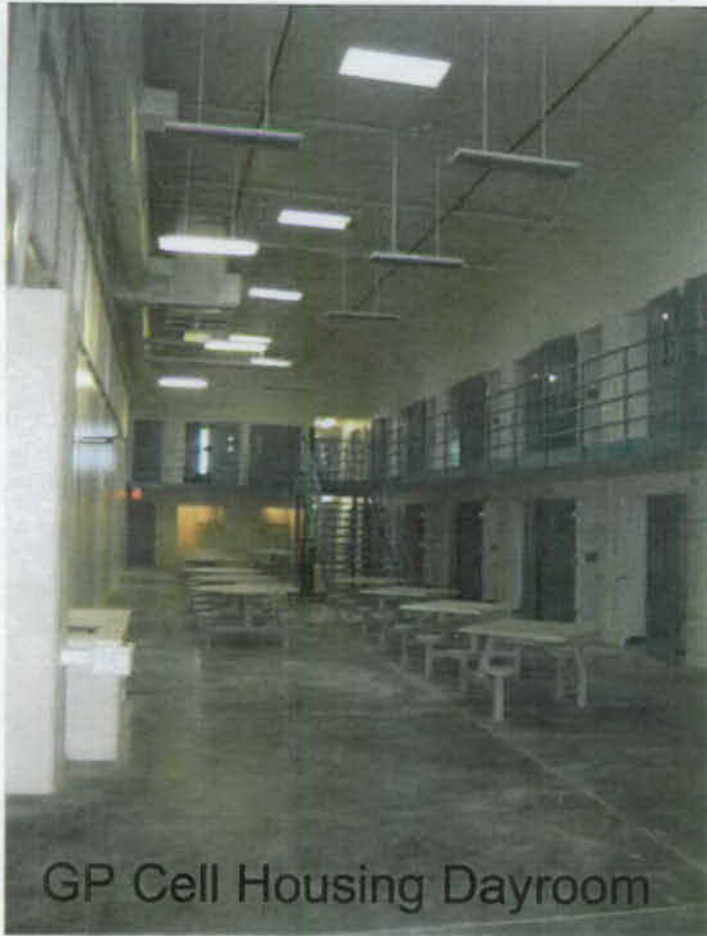
Typical Public/Staff Entrance



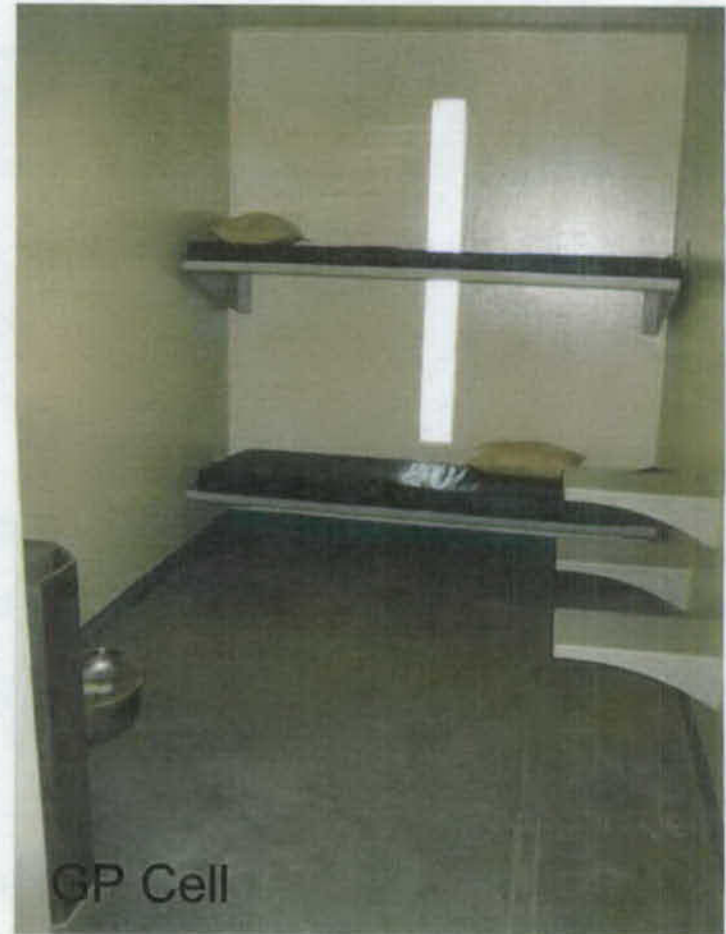
Typical Vehicle Sally Port Entrance



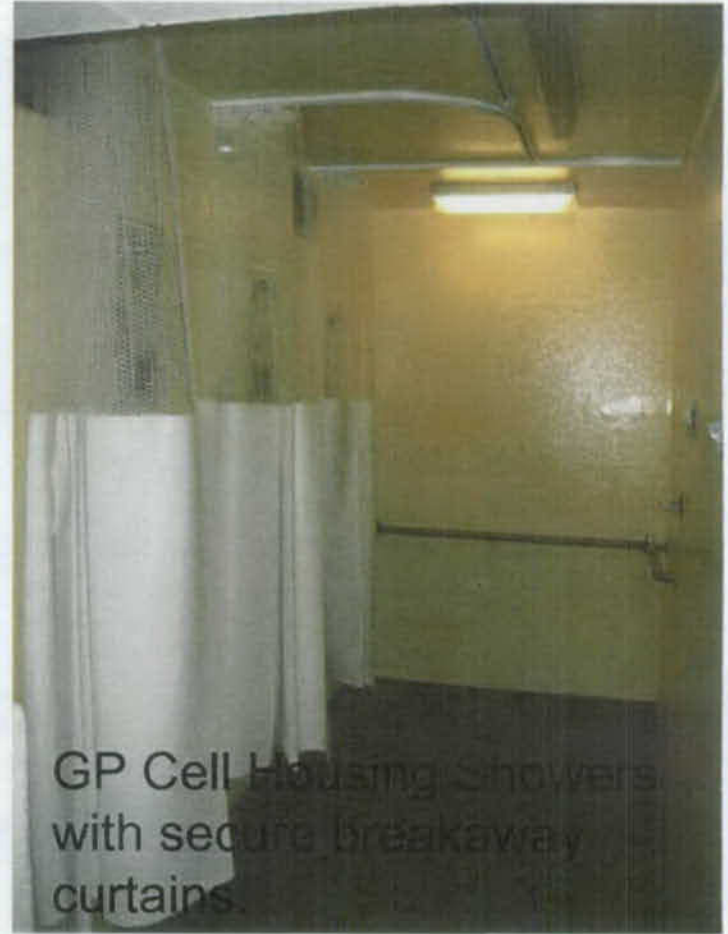
Typical Secure Housing, Perimeter Fence

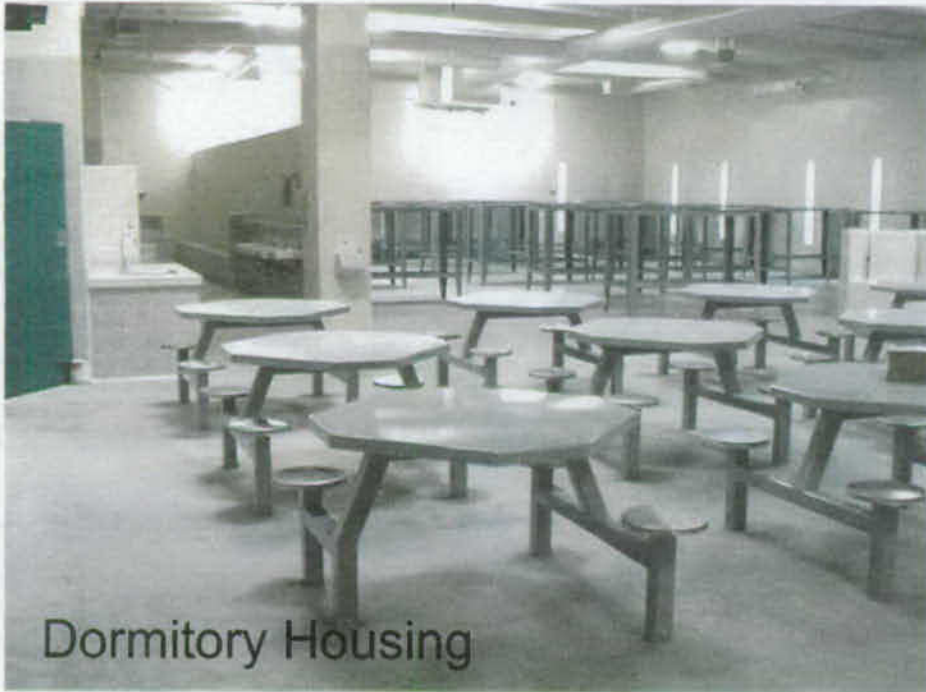


GP Cell Housing Dayroom



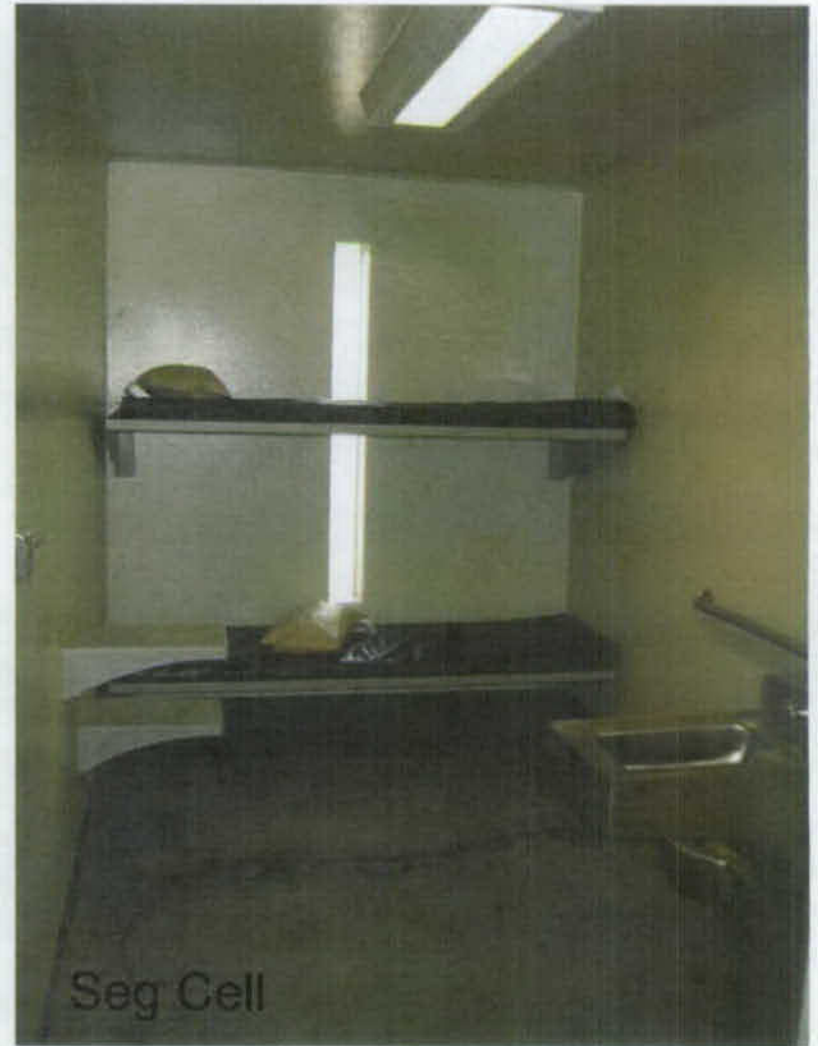
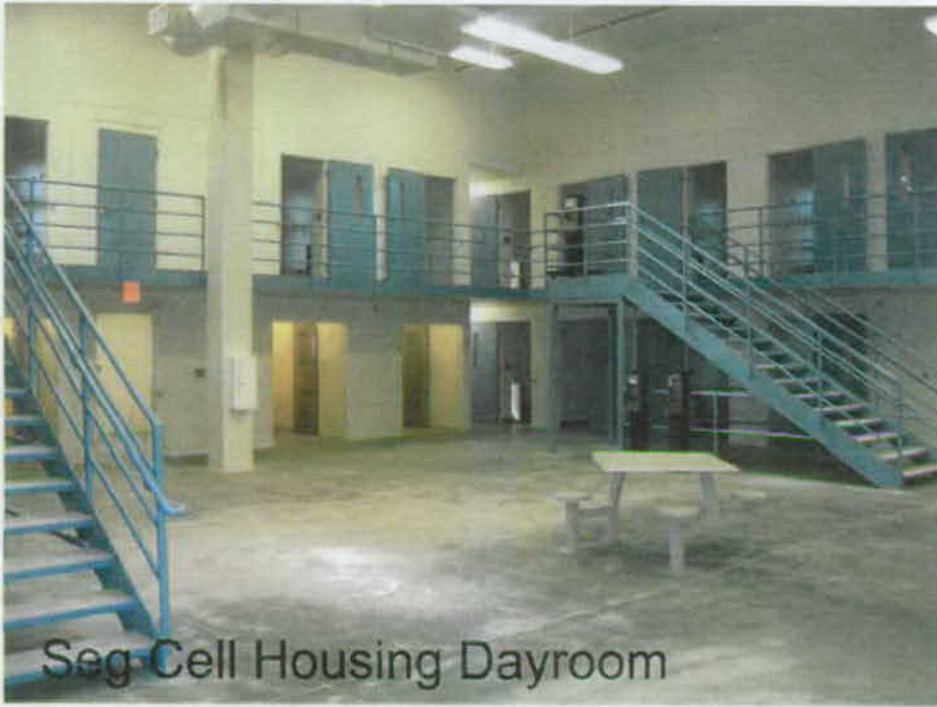
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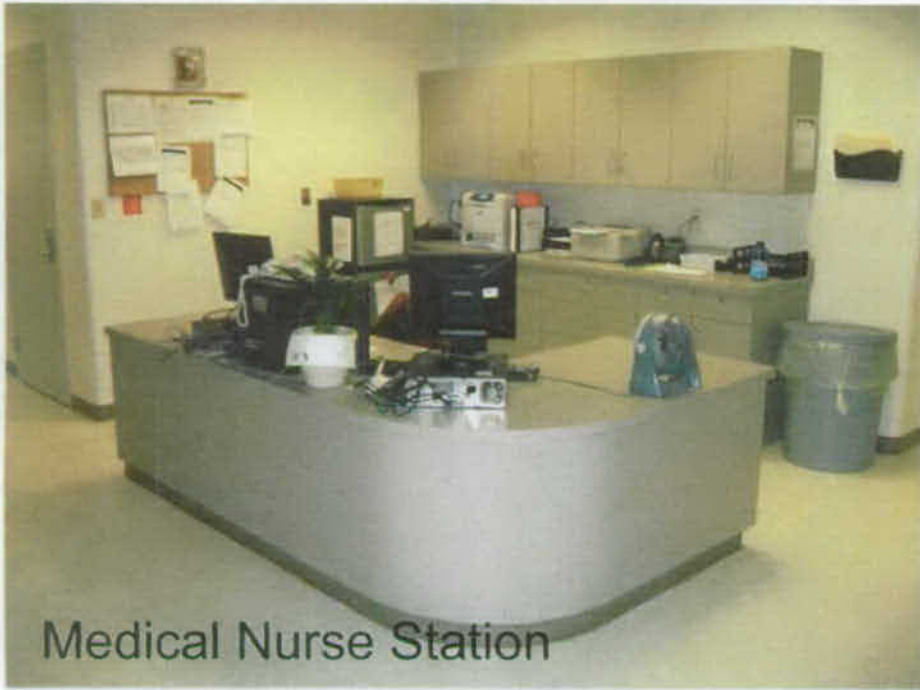




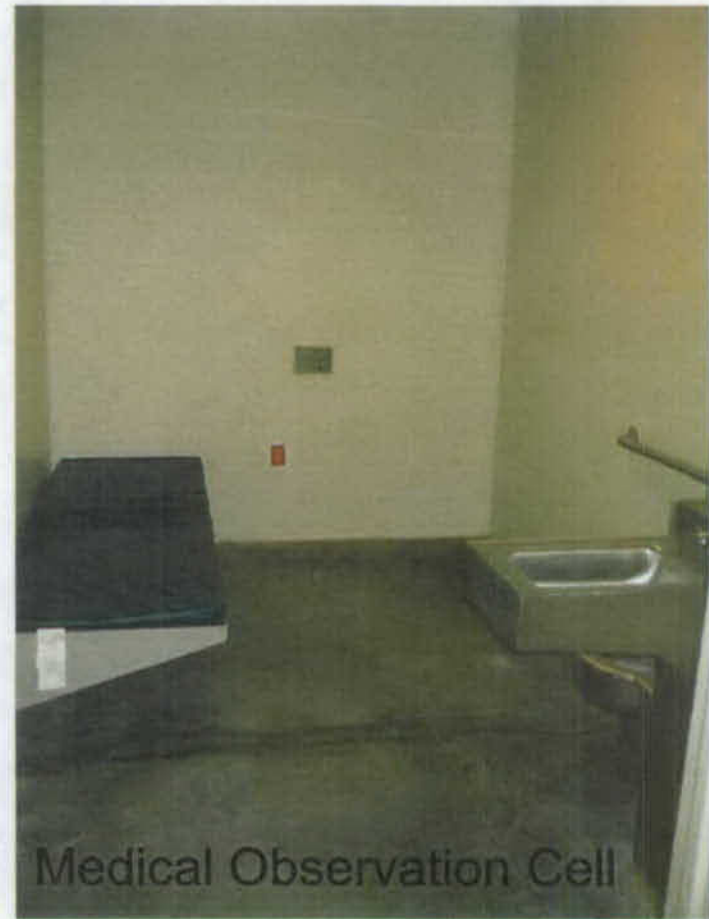
Dormitory Housing



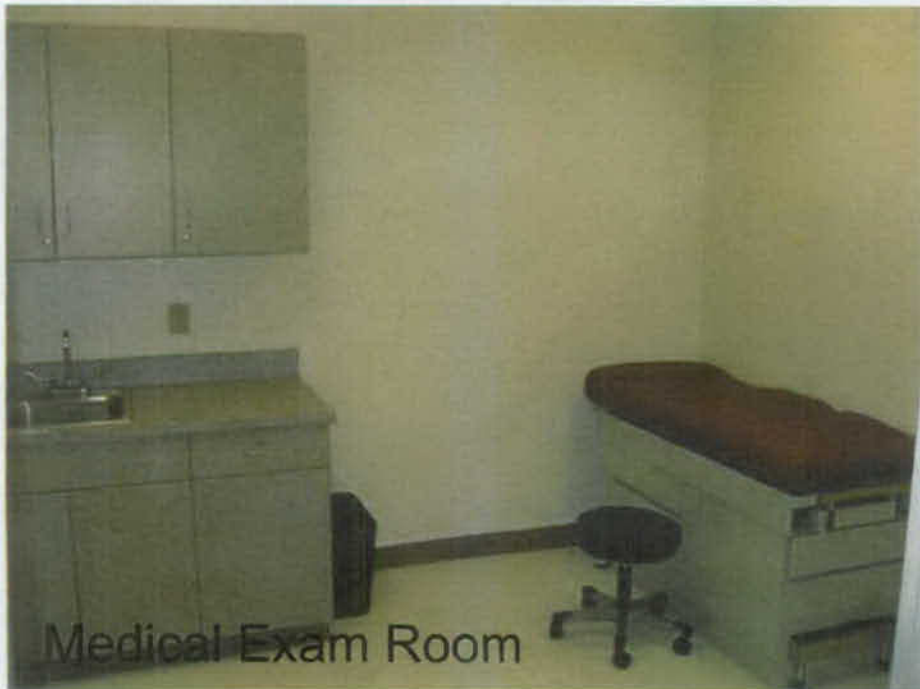




Medical Nurse Station



Medical Observation Cell



Medical Exam Room



Kitchen

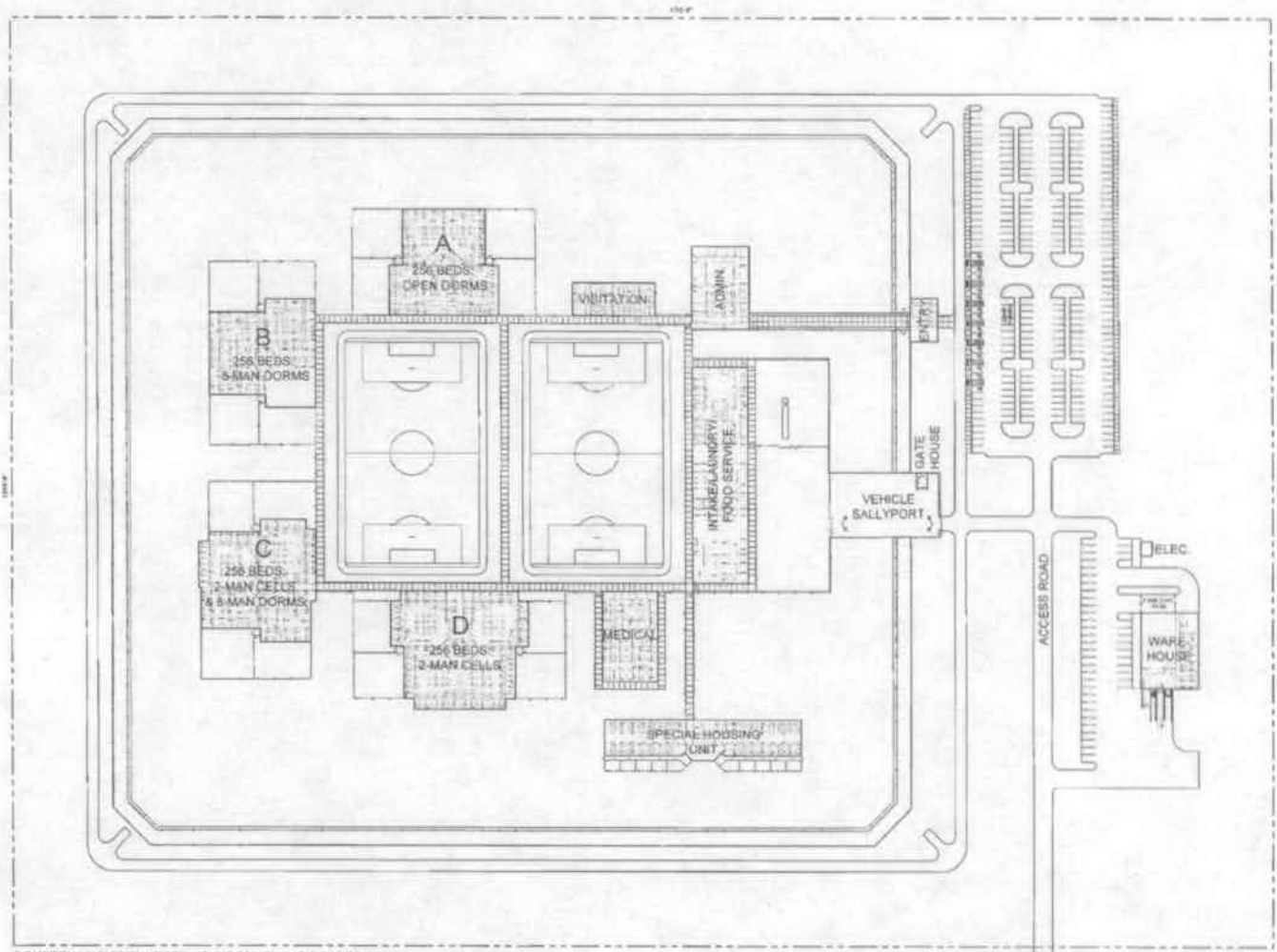




Administration



CORNELL COMPANIES, INC.



CONSTRUCTION BOUNDARY = 2,117,350 s.f. = 48.6 ACRES

SITE PLAN
1/11/07



TO I-15 &
LAS VEGAS

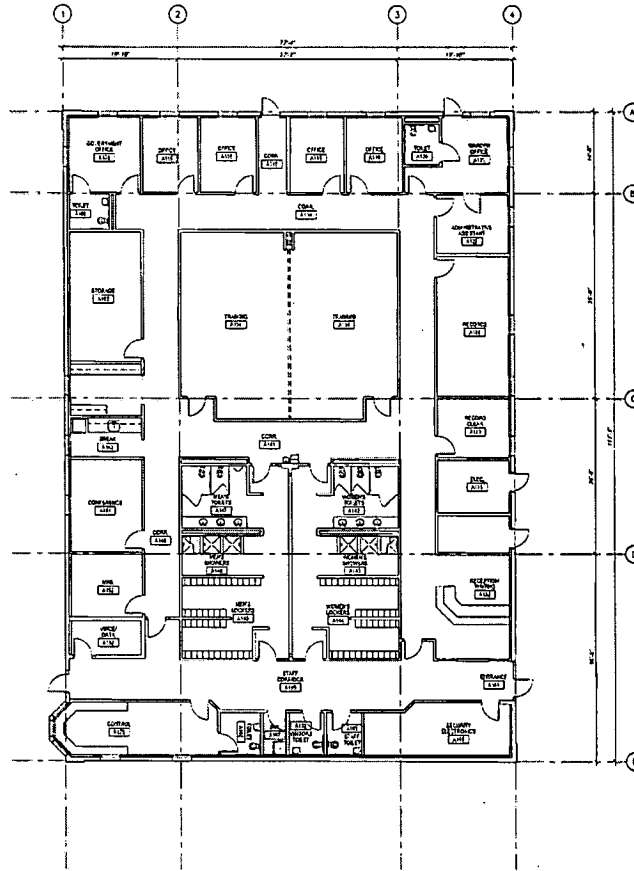
CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



1001 of Nevada, Ltd.

PROJECT NO. 001001
DATE 1/11/07
SCALE 1/8" = 1'-0"
SHEET NO. A1.1

DESIGNED BY
CHECKED BY
DATE 1/11/07
SCALE 1/8" = 1'-0"
SHEET NO. A1.1



ADMINISTRATION FLOOR PLAN
SCALE: 1/8" = 1'-0"



CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



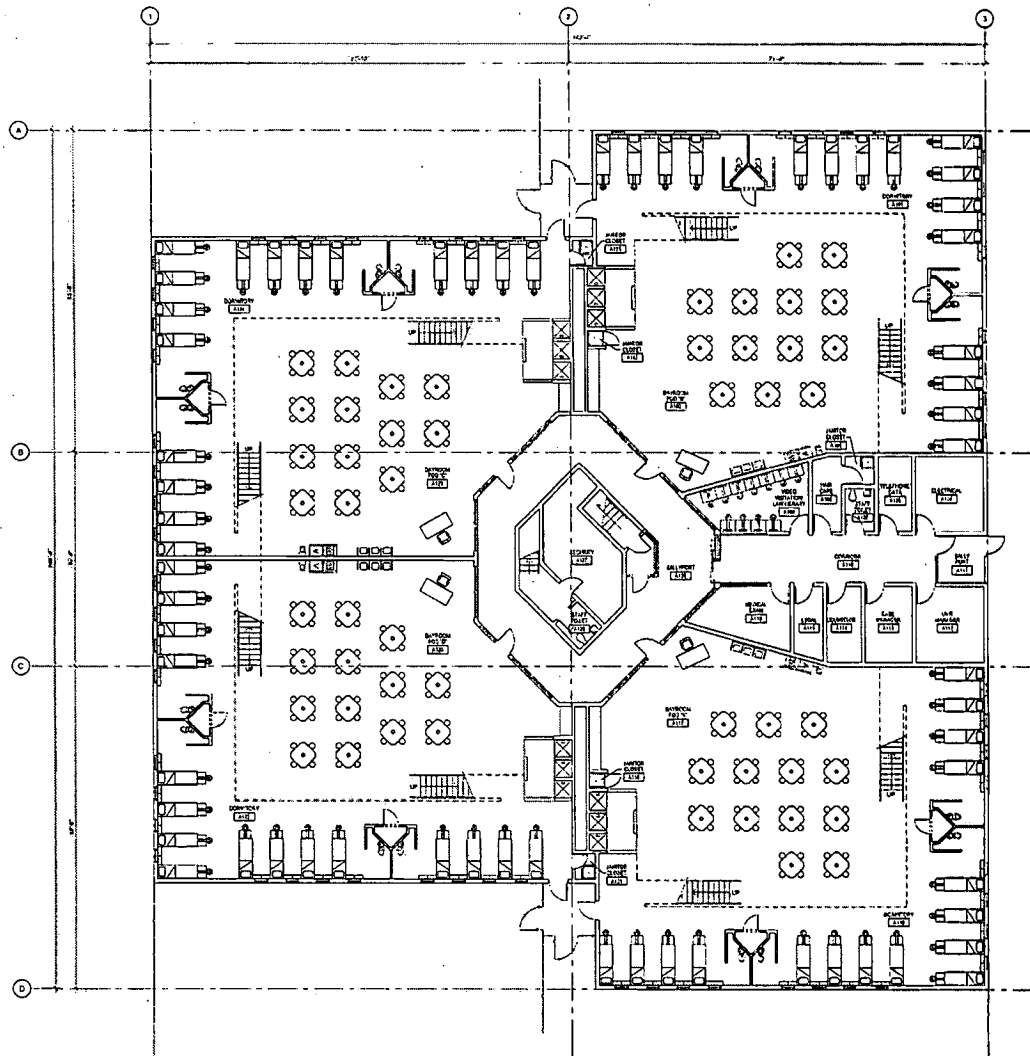
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- OWNER: CORNELL O.F.D.T. NEVADA
- ARCHITECT: DGI OF NEVADA, LTD.
- SECURITY: DGI OF NEVADA, LTD.
- FOOD SERVICE: DGI OF NEVADA, LTD.
- REVISIONS:

PROJECT NO. 1056
DATE 6/2011
DRAWN BY
CHECKED BY

SHEET NO. 1056-1
ADMINISTRATION FLOOR PLAN



HOUSING UNIT 'A' FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 USM 0000 - FOOD COURT OPERATIONS



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



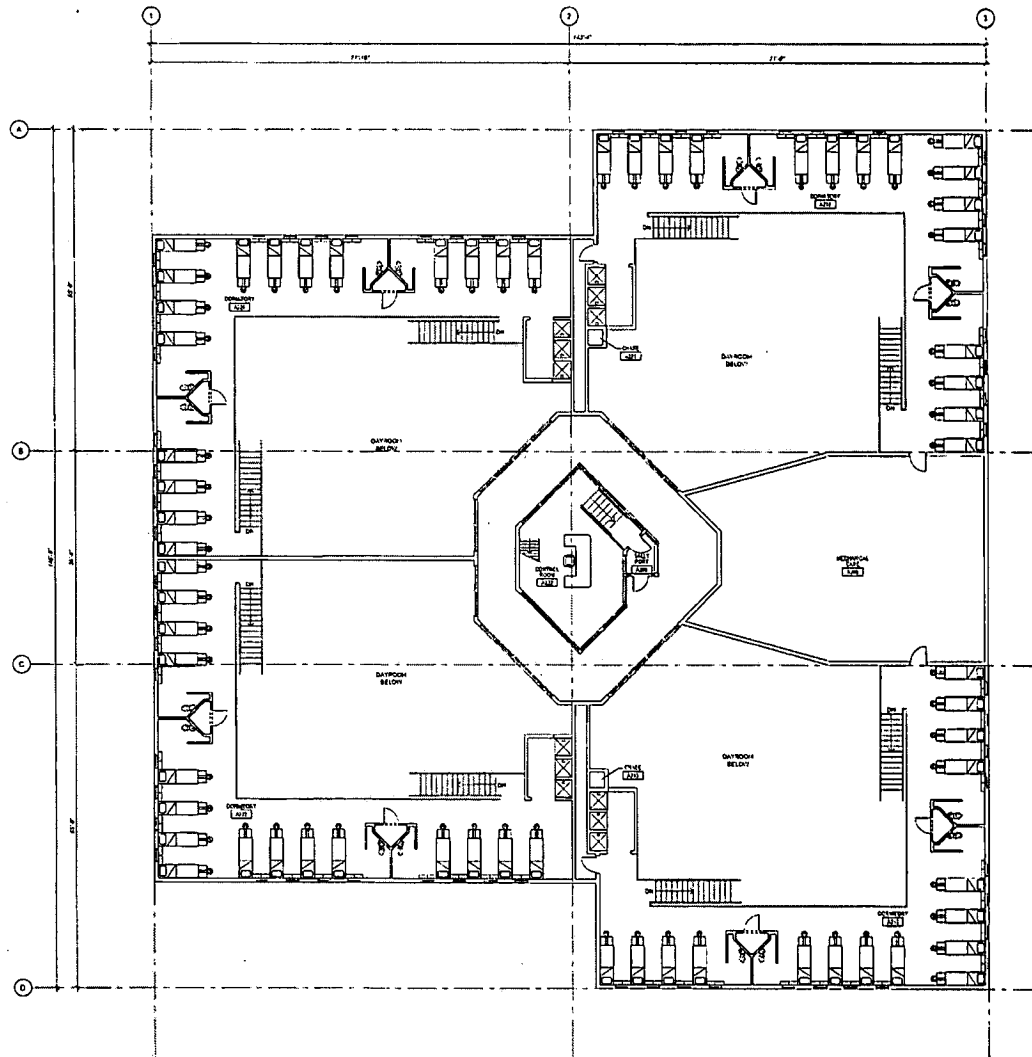
UJI of Nevada, Ltd.*

DESIGNED BY: UJI OF NEVADA, LTD.
 ARCHITECT: UJI OF NEVADA, LTD.
 PROJECT NO.: 1056 BED DETENTION FACILITY
 SHEET NO.: A1.3

CLIENT: UJI OF NEVADA, LTD.
 LOCATION: NEVADA
 SECURITY: UJI OF NEVADA, LTD.
 FOOD SERVICE: UJI OF NEVADA, LTD.
 POPULATION: UJI OF NEVADA, LTD.

PROJECT NO.: 1056 BED DETENTION FACILITY
 DATE: 10/10/11
 DRAWN BY: UJI OF NEVADA, LTD.
 CHECKED BY: UJI OF NEVADA, LTD.

UJI OF NEVADA, LTD.
 1056 BED DETENTION FACILITY
 SHEET NO. A1.3



HOUSING UNIT 'A' MEZZANINE FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1056 BEDS - 100% OF 1000 ROOMS



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



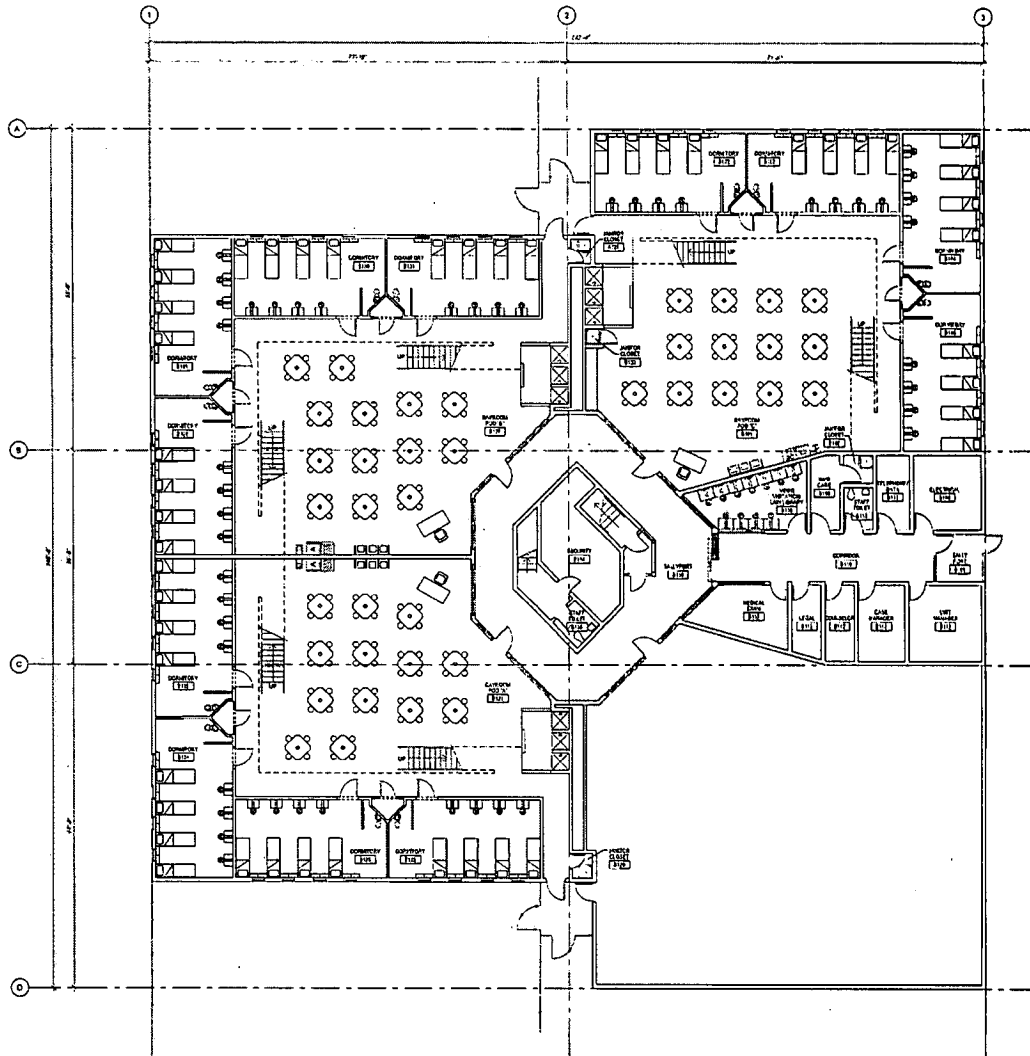
UCI of Nevada, Ltd.

PROJECT NO. 1056
 DATE: 11/11/11
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS

CONTRACT NO.
 ADDRESS: 1056
 FACILITY:
 FLOOR LEVEL:
 PLAN NO.

PROJECT NO. 1056
 DATE: 11/11/11
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS

PROJECT NO. 1056
 DATE: 11/11/11
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS



HOUSING UNIT 'B' FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

(24 FEET) x (24 FEET) CELL



NORTH

CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



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DATE: 08/20/08

PROJECT NO. 08-001

DATE: 08/20/08

DESIGNED BY

CHECKED BY

DATE: 08/20/08

SCALE: 1/8" = 1'-0"

PROJECT NO. 08-001

DATE: 08/20/08

DESIGNED BY

CHECKED BY

DATE: 08/20/08

SCALE: 1/8" = 1'-0"

PROJECT NO. 08-001

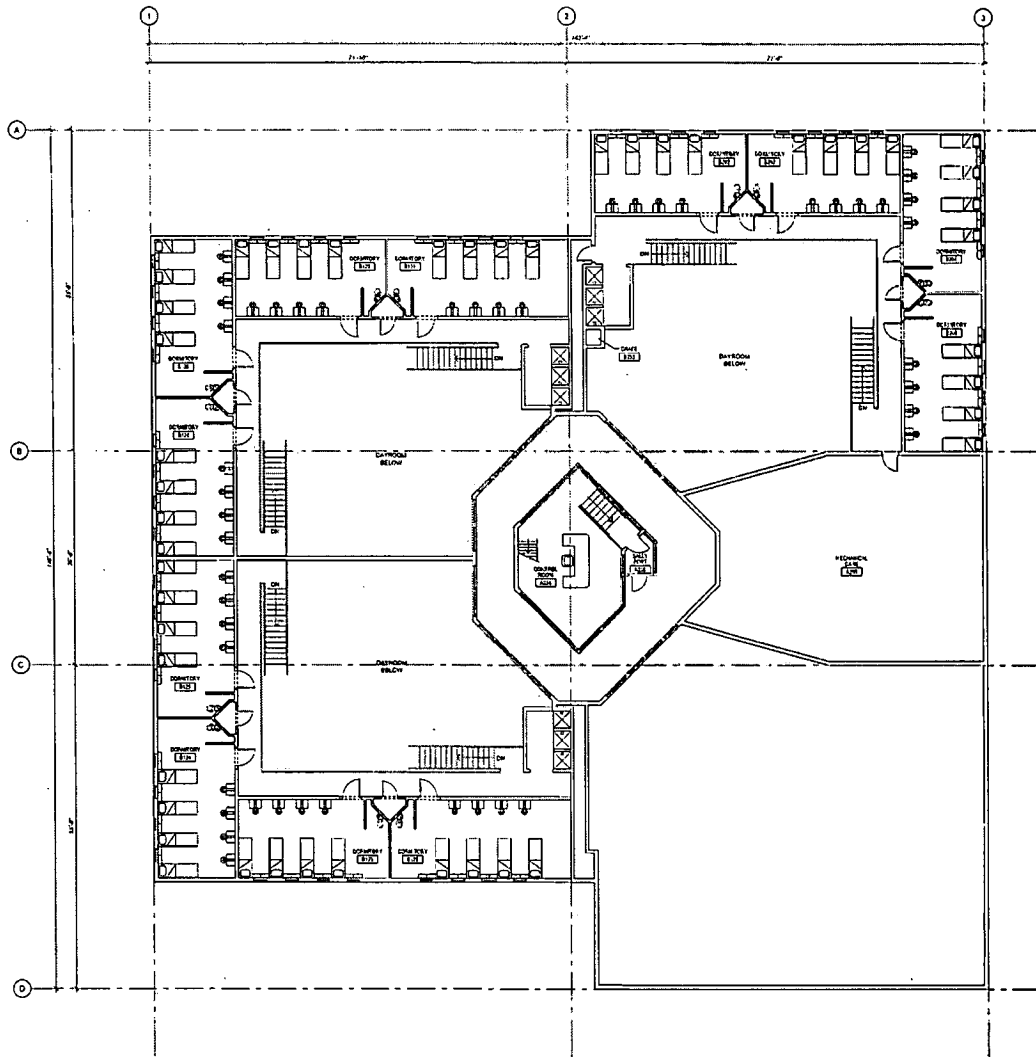
DATE: 08/20/08

DESIGNED BY

CHECKED BY

DATE: 08/20/08

A1.5



HOUSING UNIT 'B' MEZZANINE FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 UNIT BLOCK - FLOOR OF 64 8x8 UNIT CELLS



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



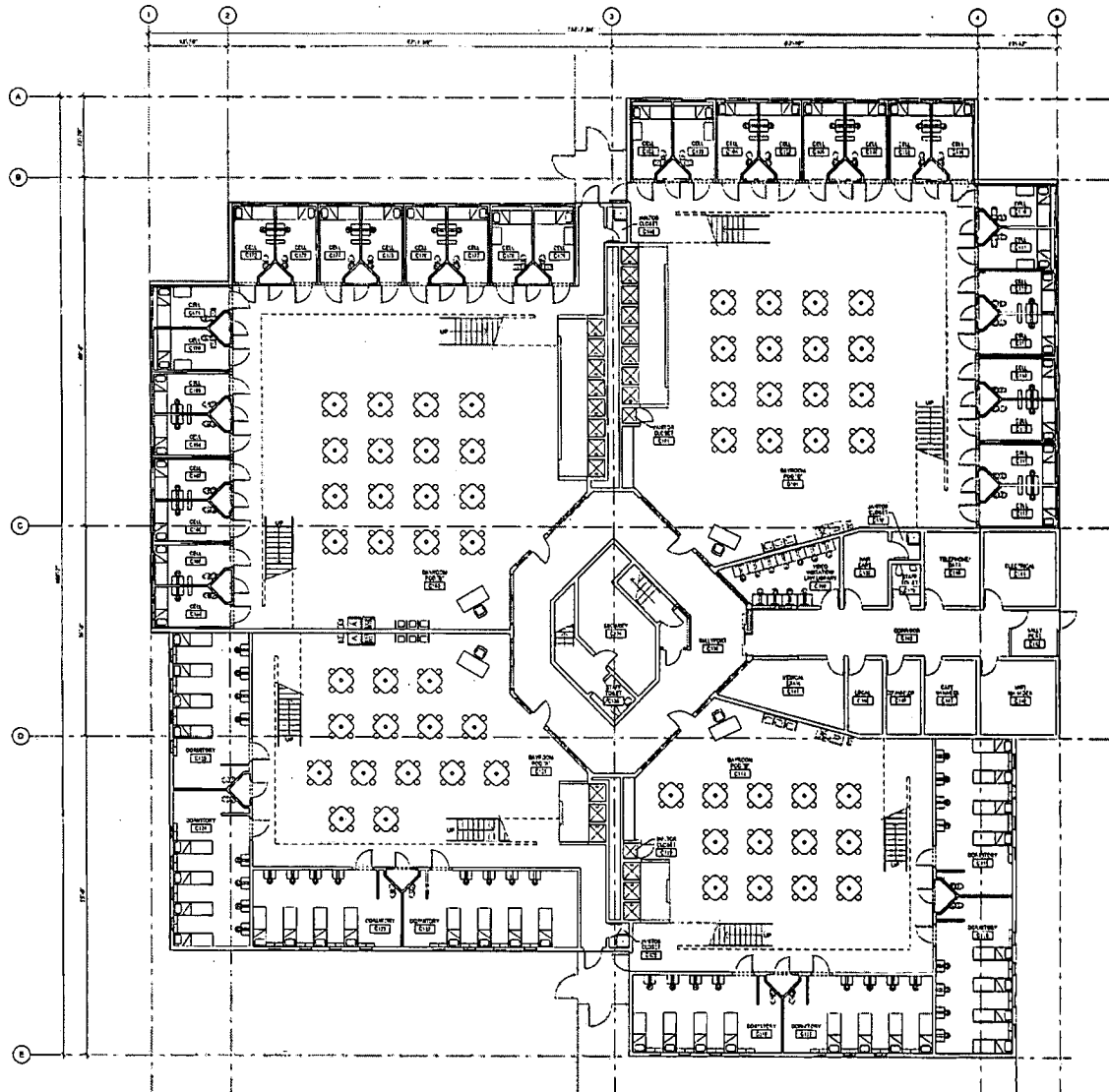
UGI of Nevada, Ltd.

PROJECT NO. 1056
 SHEET NO. A1.6
 DATE: 10/15/10
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS

ARCHITECT
 LANDSCAPE ARCHITECT
 MECHANICAL
 FOOD SERVICE
 ADVISORS

PROJECT NO. 1056
 SHEET NO. A1.6
 DATE: 10/15/10
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS

PROJECT NO. 1056
 SHEET NO. A1.6
 DATE: 10/15/10
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS



HOUSING UNIT 'C' FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"

1250 BEDS - 3 FLOORS OF 40 12'x14'x10' CELLS & 2 FLOORS OF 40 12'x14'x10' CELLS



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



UOI of Nevada, Ltd.

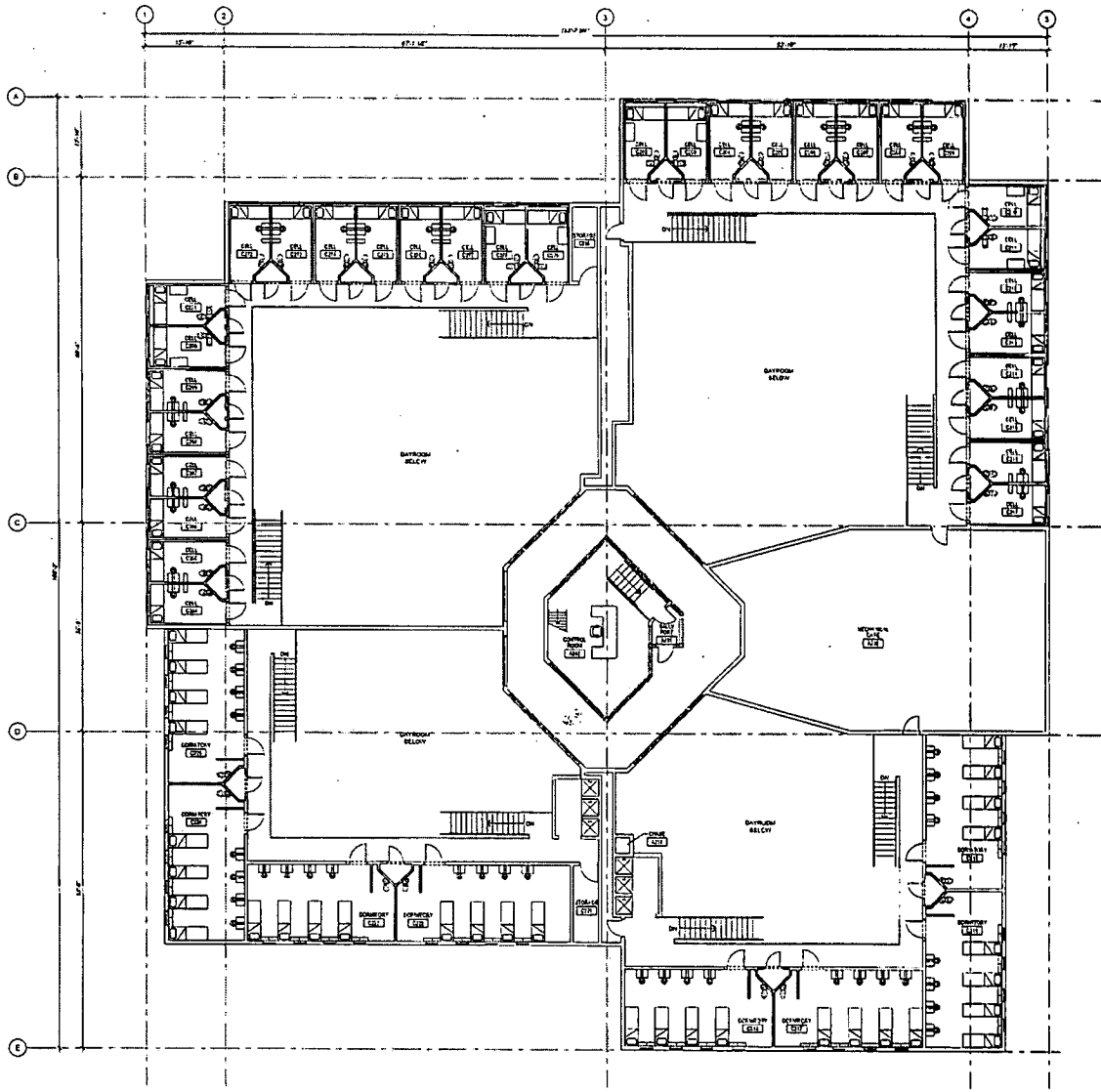
PROJECT NO. 1056
 DATE: 10/10/00
 DRAWN BY: [Name]
 CHECKED BY: [Name]

LANDLORD'S RESPONSIBILITY
 SECURITY
 FOOD SERVICE

FIGURE 1.1

PROJECT NO. 1056
 DATE: 10/10/00
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SHEET EQUIPMENT
 HOUSING UNIT 'C' (1 of 2)
 1 FLOOR PLAN (THIS SHEET)
 2 FLOOR PLAN (NEXT SHEET)
 3 FLOOR PLAN (NEXT SHEET)



HOUSING UNIT 'C' MEZZANINE FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 (SEE NOTES - 1 FLOOR OF 16 IN-MANUAL CELLS & 2 FLOOR OF 160 IN-FLIGHT CELLS)



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



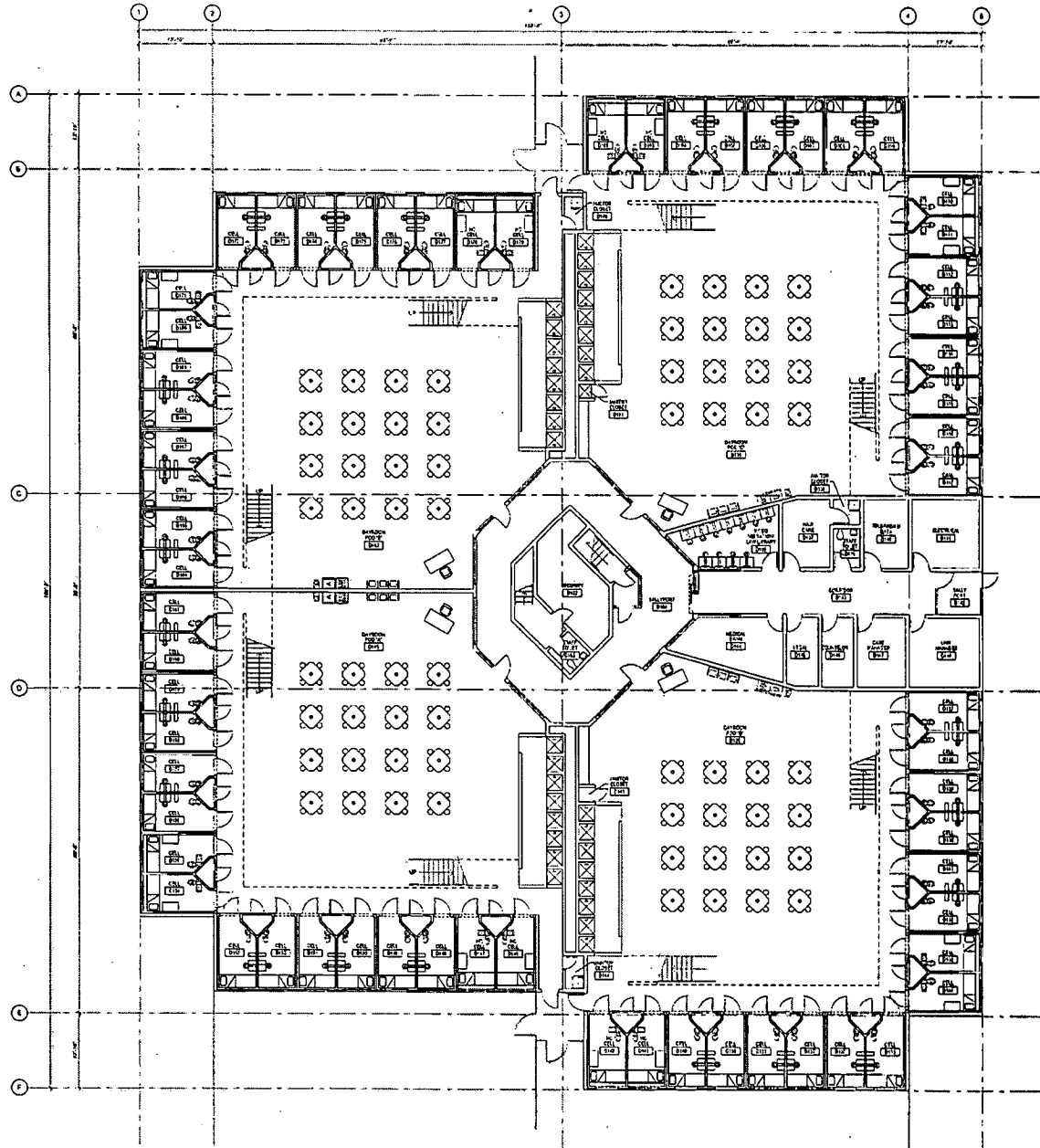
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- DATE: 04/18/00
- WORKSHEET NUMBER: 1
- SECURITY
- FOOD SERVICE
- REVISIONS

NO.	DATE	DESCRIPTION
1	04/18/00	ISSUED FOR PERMITS
2	04/18/00	ISSUED FOR PERMITS
3	04/18/00	ISSUED FOR PERMITS

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.



HOUSING UNIT 'D' FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 (SEE ALSO - FLOOR OF B-112 CELL)



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



UOI of Nevada, Ltd.

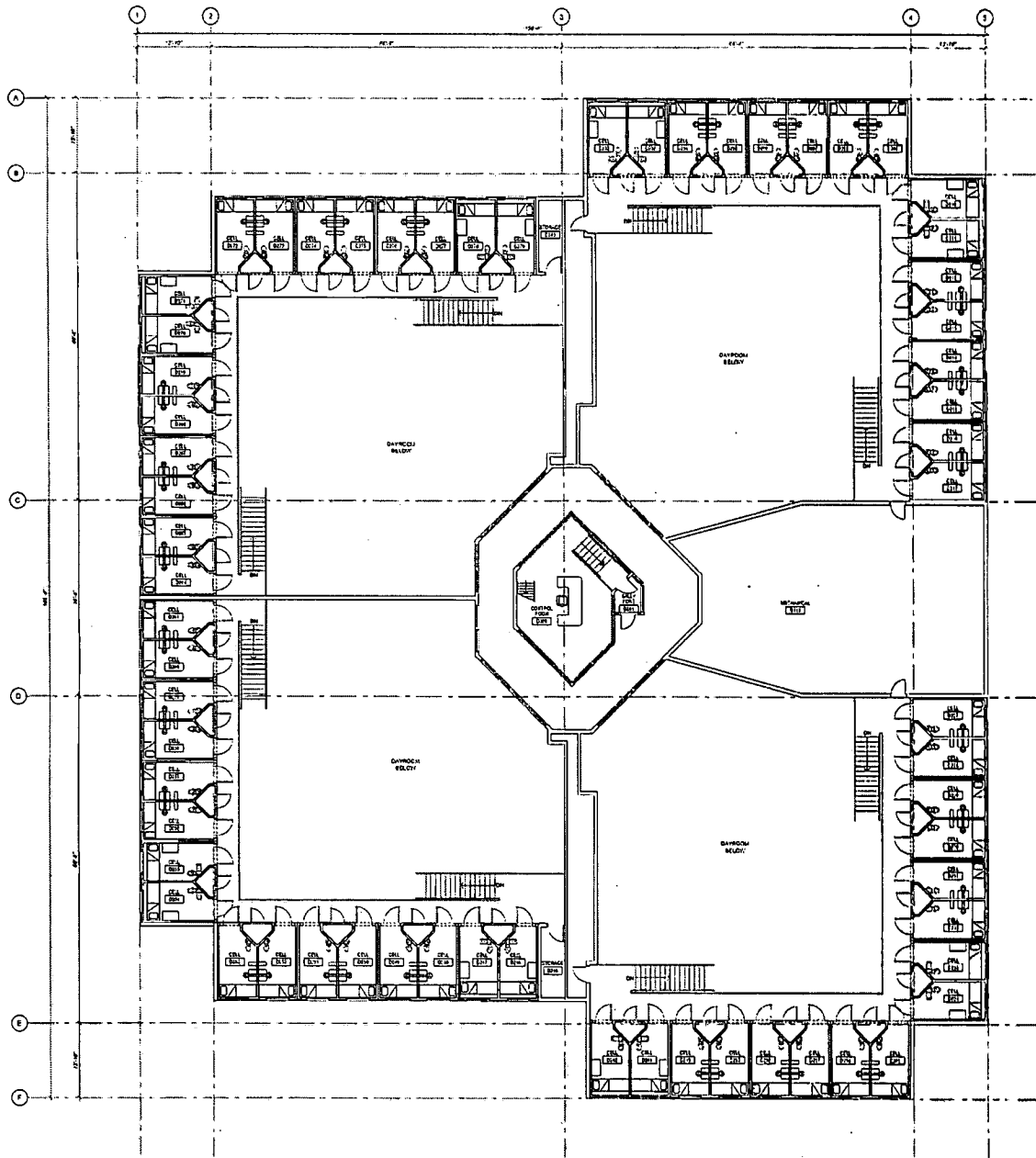
DESIGNED BY
 ARCHITECTS
 1000 WEST 10TH AVENUE
 DENVER, COLORADO 80202
 PHONE (303) 733-1111
 FAX (303) 733-1112

OWNER: CORNELL O.F.D.T. NEVADA
 LANDSCAPE ARCHITECT:
 MECHANICAL:
 ELECTRICAL:
 PLUMBING:

PROJECT NO. 1056
 SHEET NO. 1056-1
 DATE: 10/19/88
 DRAWN BY: J. H. HARRIS
 CHECKED BY: J. H. HARRIS

QUEST COMMENTS:
 REVISIONS:
 1. REVISIONS TO 2. AS P
 3. REVISIONS TO 2. AS P
 4. REVISIONS TO 2. AS P

1056-1



HOUSING UNIT 'D' MEZZANINE FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 11/11/11



CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY



DCI of Nevada, LLC

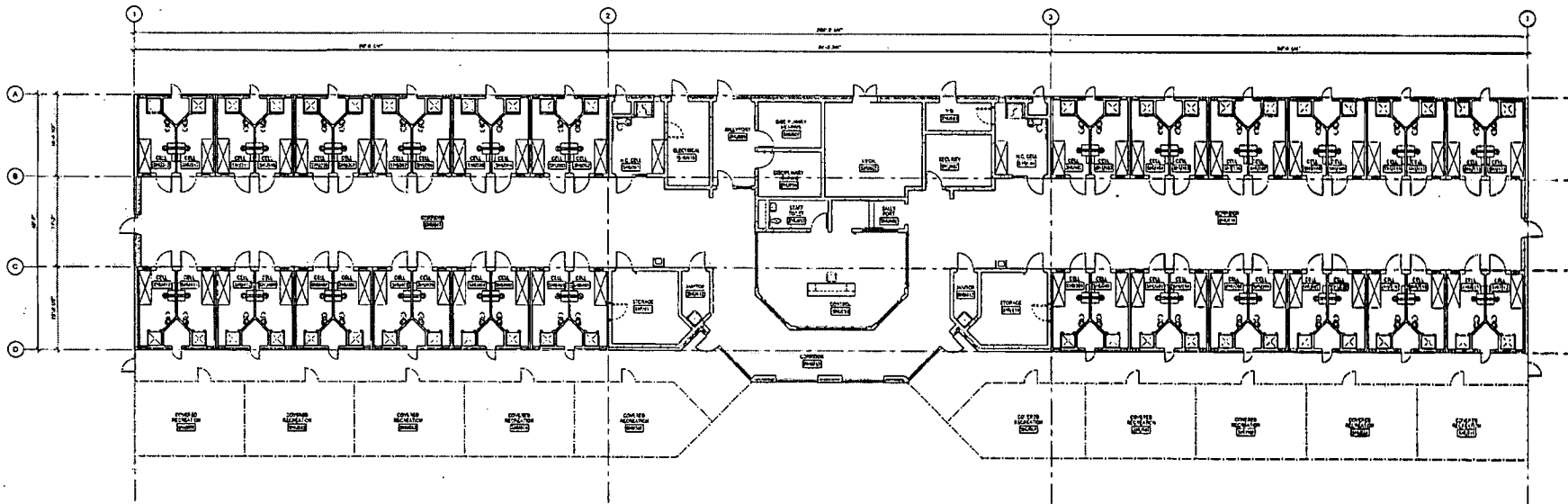
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- PHYSICAL SECURITY
- SECURITY
- FOOD SERVICE
- RECEPTION

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 CHECKED BY: [Faint text]

DESIGN CONTRACTOR:
 CORNELL O.F.D.T. NEVADA
 1056 BED DETENTION FACILITY

CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



SPECIAL HOUSING UNIT FLOOR PLAN
SCALE: 1/8" = 1'-0"

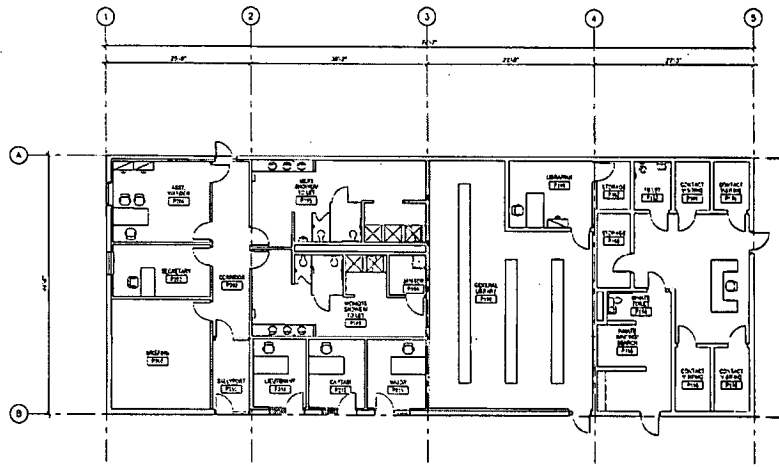


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CH. 1. ENGINEER
LANDSCAPE ARCHITECT
SECURITY
FIRE SERVICE
PERSONNEL

PROJECT NO. 1056
DATE 1/11/11
DRAWN BY
CHECKED BY
DATE OF CONSTRUCTION
SPECIAL HOUSING UNIT
FLOOR PLAN FOR 1056 BED DETENTION FACILITY



STAFF/LIBRARY/VISITATION
FOOTPRINT



CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



UNIVERSITY OF NEVADA, LAS VEGAS

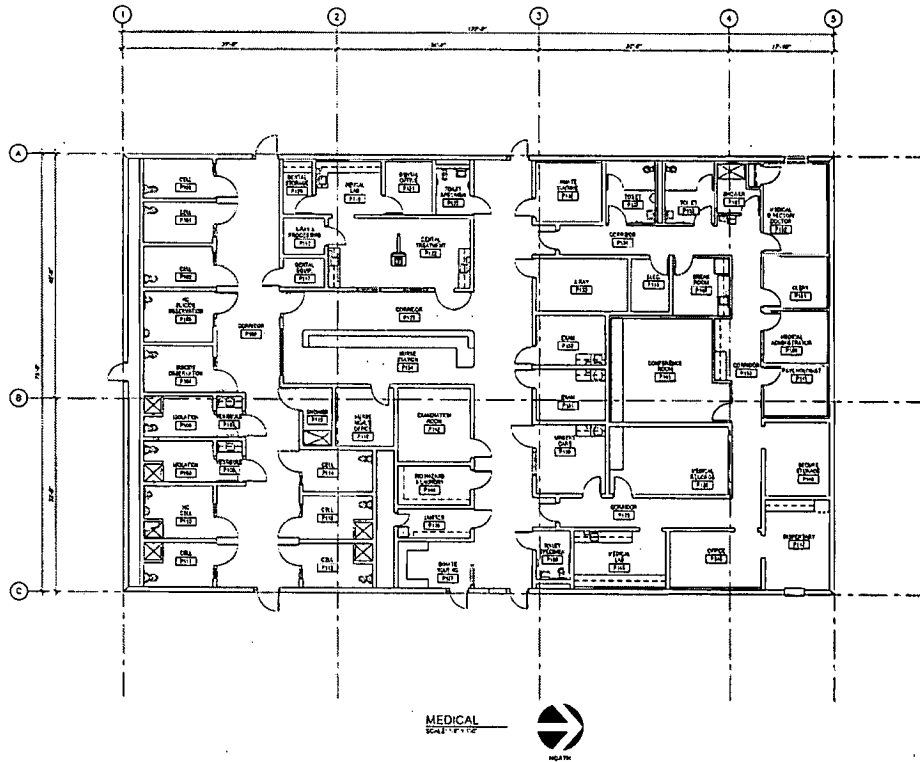
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- OWNER: UNLV
- ARCHITECT: UNLV
- SECURITY: UNLV
- PLUMBING: UNLV
- ELECTRICAL: UNLV

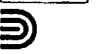
PROJECT NO: UNLV
DATE: 1/18/04
DRAWN BY: UNLV
CHECKED BY: UNLV

SCALE: AS SHOWN
SHEET NO: UNLV

DATE: 1/18/04



CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



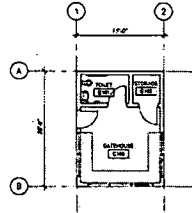
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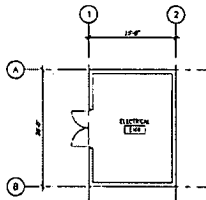
CIVIL & MECHANICAL
 LANDSCAPE ARCHITECT
 INTERIORS
 FOOD SERVICE
 RECORDS

PROJECT NO. 1056
 DATE 01-20-04
 DRAWN BY [Name]
 CHECKED BY [Name]

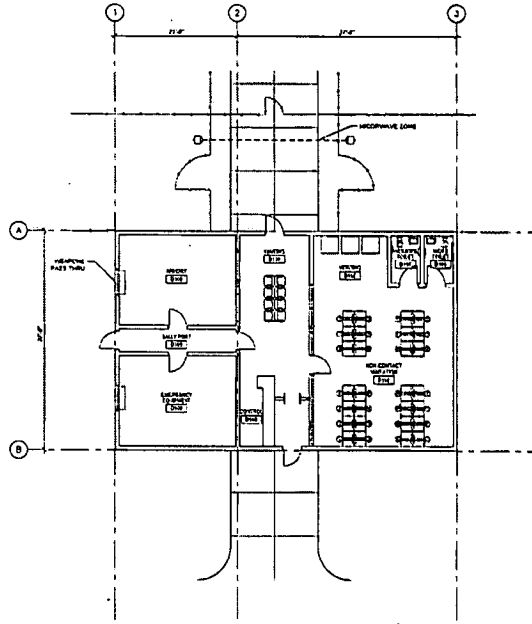
SHEET 001 OF 001
 MEDICAL PLAN



GATEHOUSE FLOOR PLAN
SCALE: 1/4" = 1'-0"



ELECTRICAL
SCALE: 1/4" = 1'-0"



ENTRY FLOOR PLAN
SCALE: 1/4" = 1'-0"



CORNELL O.F.D.T. NEVADA
1056 BED DETENTION FACILITY



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DATE: 04/15/08
 PROJECT: 1056 BED DETENTION FACILITY
 SHEET: A1.15
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS

PROJECT: 1056 BED DETENTION FACILITY
 SHEET: A1.15
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS

APPENDIX F
PUBLIC HEARING TRANSCRIPTS

**PUBLIC HEARING TRANSCRIPT:
JANUARY 16, 2008 - MOAPA, NEVADA**

PUBLIC HEARING REMARKS CONCERNING THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PROPOSED CONTRACTOR DETENTION FACILITY
LAS VEGAS, NEVADA, AREA

Wednesday, January 16, 2008
Moapa Community Center
1340 East Highway 168
Moapa, Nevada

APPEARANCES:

SCOTT P. STERMER, ASSISTANT TRUSTEE
CLAUDIA HILL, ASSISTANT TRUSTEE
Office of the Federal Detention Trustee
4601 North Fairfax Drive, 9th Floor
Arlington, Virginia 22203
(202)353-4601

GARY D. ORTON, UNITED STATES MARSHAL
United States Marshal Service
333 Las Vegas Boulevard South
Suite 2058
Las Vegas, Nevada 89101
(702)388-6702

ROBERT J. NARDI, PROJECT MANAGER
The Louis Berger Group, Inc.
412 Mount Kemble Avenue
Morristown, New Jersey 07960
(973)407-1681

Reported by:
Mary E. Howard
CCR No. 762, RPR
JOB No. 80118

1 MOAPA, NEVADA, WEDNESDAY, JANUARY 16, 2008

2 7:08 P.M.

3 MR. NARDI: We don't have microphones available to
4 us tonight, but I think we're comfortable working in a small
5 space without them so we'll just speak in a loud voice. And
6 if anyone can't hear me, just let me know and we'll try
7 harder then.

8 First of all, good evening. My name is Bob Nardi.
9 I am the Senior Vice President with the Louis Berger Group,
10 and we're assisting the Office of the Federal Detention
11 Trustee to evaluate the environmental consequences of a
12 proposal to house 1000 to 1500 federal detainees at a
13 contractor owned and a contractor operated detention
14 facility.

15 I'm here this evening with representatives of the
16 Office of the Federal Detention Trustee and the United
17 States Marshal Service to conduct the public hearing in
18 order to receive comments concerning the Draft Environmental
19 Impact Statement prepared in support of this proposal.

20 Before we begin, I'd like to introduce
21 representatives of the Office of the Federal Detention
22 Trustee and U.S. Marshal Service who are here with us this
23 evening.

24 Joining us from the trustee's headquarters in
25 Arlington, Virginia, is Mr. Scott Stermer, Assistant Trustee

1 for Procurement standing in the back of the room. And Miss
2 Claudia Hill to my right, the Assistant Trustee for
3 Detention Standards and Compliance.

4 And also joining us from the United States Marshal
5 Service is Mr. Gary Orton, U.S. Marshal.

6 Also with us is Mary Howard who will prepare a
7 written transcript of tonight's public hearing.

8 And I also want to express our appreciation to the
9 town for allowing us to use the community center this
10 evening.

11 I also want to thank you for taking the time to
12 come to tonight's public meeting. This is your second
13 formal opportunity to learn about this proposal and by
14 offering comments and suggestions, influence the direction
15 of this particular action.

16 We're interested in your opinions about the
17 proposed action as well as the contents of the Draft
18 Environmental Impact Statement, also known as a DEIS.

19 Some of the topics and issues discussed within the
20 Draft EIS may be of concern to you and, therefore, they're
21 of concern to us as well. So sharing your comments with us
22 this evening will allow us to address those concerns as we
23 complete the environmental impact study process.

24 As described within the Draft Environmental Impact
25 Statement, the federal detainee population has experienced

1 considerable growth as a result of expanded law enforcement
2 initiatives and resources. The detainee population has
3 increased significantly over the past two decades, rising
4 from approximately 3,000 detainees in 1981 to over 55,000
5 today. Projections indicate that the federal detainee
6 population continuing to grow for the foreseeable future.

7 To house these prisoners, a combination of local,
8 state, and federal and private facilities located around the
9 country are being used. Unfortunately, the growth in the
10 detainee population is occurring at the same time that
11 available space to house detainees in local jails is
12 decreasing. It is for this reason that the Office of the
13 Federal Detention Trustee is proposing to house
14 approximately 1000 to 1500 federal detainees in a contractor
15 owned and contractor operated detention facility.

16 When we last met in June, ten sites located in
17 Clark County, Nye County, and Mohave County were under
18 consideration as locations for this detention facility.
19 Each of the ten sites are located within a 75 mile radius of
20 the United States Courthouse in Downtown Las Vegas. And
21 since June, six of those ten sites have been withdrawn from
22 further consideration leaving four sites, two in Clark
23 County and two in Nye County, as possible locations for the
24 facilities.

25 The four sites are known simply as the 630 Parque

1 Avenue site in Pahrump; the 2250 Mesquite Avenue site also
2 in Pahrump; the Apex Industrial Use Zone Site A in the
3 unincorporated area of Clark County, about 30 miles north of
4 Las Vegas; and the Moapa site which is located here in the
5 town, about 55 miles north of Las Vegas.

6 We've included maps and other information about
7 the sites in the booklet we've handed out this evening.

8 We're governed this evening by the National
9 Environmental Policy Act of 1969, generally referred to as
10 NEPA. You'll hear us refer to NEPA throughout the evening.

11 One requirement of NEPA is to ensure that federal
12 agencies -- such as the Office of the Federal Detention
13 Trustee and the Marshal Service -- before they reach a
14 decision about a project such as being discussed tonight, it
15 first prepares a draft and final environmental impact
16 statement.

17 NEPA also provides the public with opportunities
18 to review and comment on these documents, and that's the
19 primary reason why we're here this evening.

20 The Office of the Federal Detention Trustee
21 considers NEPA -- the NEPA process as an important
22 opportunity to learn the public's preferences early enough
23 so it can address them properly. So you're encouraged to
24 make your interest and concerns about the proposal known to
25 us this evening.

1 Publication of the Draft EIS initiated a 45 day
2 review and comment period which began in December and will
3 end on February 4th. Written comments will be accepted by
4 the trustee's office up to that date and will be considered
5 in conjunction with any verbal and written comments you may
6 wish to offer this evening.

7 Once the review period ends, all comments received
8 on the Draft EIS will be reviewed by Mr. Stermer, Miss Hill,
9 and others at the Federal Detention Trustee's Office and
10 will be incorporated within the Final Environment Impact
11 Statement. The Final EIS will respond to all substantive
12 comments received during the comment period.

13 Following publication of the Final EIS, a second
14 comment period will be initiated. This one lasting for 30
15 days -- no less than 30 days. The decision whether or not
16 to proceed with the proposed action will be made thereafter.
17 And that decision will take into account all the
18 environmental analyses and public comments that will be
19 documented by what is known as a Record of Decision as
20 required by the NEPA regulations.

21 If you've had an opportunity to review the Draft
22 EIS, you know it addresses a broad range of topics and
23 environmental issues, including topography, geology, soils,
24 hydrology, biological and cultural resources, visual and
25 aesthetic conditions, population and economics, land use,

1 utility services, traffic, air quality, noise, et cetera.
2 The potential environmental impacts resulting from
3 construction and operation of the detention facility at each
4 of the four sites have been evaluated for all those topic
5 areas.

6 As I mentioned earlier, the primary purpose of
7 this hearing is to obtain your comments concerning the
8 proposed project and the Draft EIS; however, it is not a
9 question and answer session. Instead, you will be making
10 comments on the record about the proposal and the contents
11 of the Draft EIS.

12 And while there are no restrictions governing your
13 remarks, we do ask that your comments focus on the project
14 and the Draft EIS. We're not here this evening to discuss
15 other issues or problems facing the Town of Moapa or Clark
16 County.

17 All verbal comments this evening will be made part
18 of a written transcript which will be published in the Final
19 Environmental Impact Statement, and Miss Howard has joined
20 us this evening for that purpose.

21 The format for the hearing will be as follows: I
22 will call upon individuals who wish to speak and ask them to
23 offer their comments or make their presentation. Please
24 come to the front of the room to speak, and state and spell
25 your name and place of residence for the record.

1 For those wishing to speak this evening, we
2 requested that you first sign up, and many of you have done
3 that already. We have a list of speakers. We'll be calling
4 them shortly in the order that they signed up.

5 For those of you who prefer to offer written
6 comments, we've tried to make your life a little easier by
7 including a form in the back of the handout that can be used
8 to prepare a written comment to leave with us this evening
9 or to be mailed back to the Detention Trustee's Office in
10 Virginia. Just write out whatever it is you wish to tell
11 us, mail it on the form to the address, and we'll consider
12 it the same manner that we've considered the verbal comments
13 this evening.

14 For those interested in receiving a copy of the
15 Final EIS, please see me after the hearing and we'll make
16 sure your name is added to the mailing list.

17 And, finally, if you have a written statement,
18 we'd be pleased to accept it and consider it, and we've
19 already received one so far this evening.

20 So now, without further delay, we'll begin the
21 public portion of the hearing. And I've got the list of
22 speakers and we'll call them in the order that they signed
23 up. And I think the first person signed up is the mayor,
24 Ann Schreiber.

25 MS. SCHREIBER: I'm not the mayor.

1 MR. NARDI: I'm sorry.

2 MS. SCHREIBER: Chairman of the town board.

3 Ann Schreiber. P.O. Box 118, Moapa, Nevada 89052.

4 This is -- all I want to say was we had a meeting

5 Thursday, and the board voted four to one in favor of

6 allowing a zoning change for this piece of property.

7 This is -- this is your town. You need to do your

8 commenting. These people have worked hard to get their P A

9 out and ready, or EIS out and ready, and we need to respect

10 the fact that they're here. And be very kind to them

11 please. Thank you.

12 MR. NARDI: Thank you.

13 The next individual who signed up is Pam

14 Noffsinger.

15 MS. NOFFSINGER: My name is Pam Noffsinger. Box

16 538, Moapa, Nevada 89025.

17 And I would just like to say that I would like to

18 see this come to the community so we can have some

19 additional jobs and something for the community to grow on.

20 Because as it is right now, the jobs in this area are very

21 slim. And that's it. Thank you.

22 MR. NARDI: Thank you.

23 The next speaker is Shawn Preston.

24 MR. PRESTON: Hi. Good evening. My name is Shawn

25 Preston. I'm the broker on the site that they've selected

1 here in Moapa.

2 Today the Clark County Board of County
3 Commissioners approved the zone change needed for the
4 detention facility. The county commission approval was
5 based on the approval granted last week by the town board.

6 I also represent a number of other industrial
7 properties in Moapa. Those property owners are familiar
8 with the proposal for the detention facility are in favor of
9 it.

10 MR. NARDI: Thank you.

11 MR. PRESTON: Thank you.

12 MR. NARDI: Next speaker is Rachel Wright.

13 MS. WRIGHT: Rachel Wright, W-r-i-g-h-t.

14 I live in Moapa. I have been here for over 35
15 years. I've been coming to Moapa for 61 years, and I have
16 noticed a big, big change, and I'm not very happy with some
17 of these changes but I'm still living with them.

18 And I'd like to know about, is there anything
19 about our cemetery that's going to be destroyed? One, just
20 one person, his grave get desecrated is gonna be terrible,
21 and I wouldn't want it to be my family. Has anything really
22 been discussed about that?

23 And what about three miles from the school, if it
24 is three miles. We don't want a lockdown there. Those
25 children don't need a lockdown. They've had one already

1 this year in all the years they've been open, and it
2 traumatized quite a few of them.

3 And I really would like to see somebody be
4 concerned about at least those two things.

5 Our way of life out here, we live out here because
6 we don't want jobs here. We have enough jobs here. We have
7 Glendale down there. They have been here at least 61 years
8 that I know of. We don't really need jobs. We have cars;
9 let's drive to Vegas, drive to Mesquite. I really don't
10 think we need all of this that close to our school.

11 What about the railroad?

12 What about us having to close down I-15 or 168 if
13 there is a problem at that facility? How are people going
14 to get home to their children that don't work at that
15 facility?

16 And just who is really for this that haven't come
17 to any of these meetings? We haven't seen a list of anybody
18 except for the ladies that have spoke before me.

19 The gentleman that came from Vegas, does he have
20 an interest in this? Does he have a prison in his backyard?
21 I don't want one in my backyard. Would you like to have one
22 in your backyard?

23 And my neighbors have been acres and acres away
24 from me. I don't think your neighbor has to be just across
25 the fence.

1 Thank you.

2 MR. NARDI: Thank you.

3 Bob Lyman.

4 MR. LYMAN: Bob Lyman. P.O. Box 729, Moapa.

5 I respectfully disagree with the gentleman who's
6 the broker here. I have -- the Moapa area has a great deal
7 of opportunity. We have a major freeway. We have a major
8 railroad. We have a major gas line. We have fiber optic.
9 We have power. We can bring in many positive businesses
10 into this area if we were just patient and not have to sort
11 of, say, hitch our cart to this horse which would preclude a
12 lot of other businesses that might come in here.

13 We do not have the infrastructure or the support
14 base to -- to support this facility. Most of the support
15 would have to come from Las Vegas anyway, and it's not that
16 much further from here to the Apex site.

17 If people wanted jobs, that's half the distance
18 driving to Downtown Las Vegas, and I would completely
19 support the Apex site.

20 We do not have emergency services here to support
21 that. That would all have to be brought in. I understand
22 from the Environmental Impact Statement that this would be
23 handled by the U.S. Marshals, is that correct, the security
24 and problems and anything? What would the response time for
25 the U.S. Marshals be to come out here from Las Vegas? Or

1 would they have a substation out here?

2 And if it was -- if there was a fire or some sort
3 of emergency at the prison, who would be responding to that
4 and responding to the security concerns for that?

5 Several other concerns I have would be it's
6 extremely close to the reservation. I know that they are
7 kind of ignored in our community, and I think that's a very
8 shortsighted view on most of us. I've enjoyed going up to
9 the reservation. I think they have the best hot dogs in the
10 whole area at the little store they have. I go get my hair
11 cut there. I love the reservation people. And it is a
12 stone's throw away from their houses and their community
13 center.

14 And we do not have the infrastructure, the roads,
15 and water and things like that. That would all have to be
16 brought in from a great distance. I don't know how the Apex
17 site compared to that, but it can't be that much more.

18 And the security concerns of being right next to
19 the railroad, right next to the power plant, and right next
20 to -- or nearby the freeway. I don't think that's been
21 properly addressed.

22 As -- and then we as residents, long-time
23 residents of this area, we moved here for the rural
24 lifestyle. We didn't move here to work here. We moved here
25 to live here where we have space to have animals and have

1 the document. It's just things that I found in there that I
2 have a concern over.

3 I have a concern over the summary for the economic
4 impact. According to the DEIS, approximately 80 percent of
5 the new hires would be commuting from larger metropolitan
6 areas, negating the need for new housing in the host
7 community. And this is contrary to the information that was
8 provided to the community during our Moapa Town Advisory
9 Board meeting. The community was assured that there would
10 be a beneficial economic impact through the creation of new
11 jobs and the development of new business.

12 The DEIS projects that any resulting induced
13 population impacts during the facility's operating phase are
14 expected to be minimal. That means we don't have to worry
15 about impacts on our schools. It looks like they're looking
16 at the school population as being part of the metropolitan
17 area school population. But this statement is in sharp
18 contrast to promises of an increased population base that
19 would entice new business start-ups for Moapa.

20 The little to no impact finding does seem to play
21 out in other rural host communities. A look at a
22 population -- a look at population trends in 44 rural areas
23 where similar offer operations are in place finds a pattern
24 of little change. This seems to indicate a less than
25 positive economic outlook for the Moapa community if

1 selected as the project area.

2 An issue that would further degrade the economic
3 data for Moapa will be the non-contributing population of
4 the detention center. According to the DEIS, this may
5 create eligibility for federal assistant grants, but it is
6 also the kind of economic data that appears to discourage
7 business growth beyond the prison industry.

8 I found the research used to support the no impact
9 finding extremely dated. The most current research cited in
10 the DEIS bibliography on impact to property values is a 1990
11 literature review summarizing the findings of studies dating
12 as far back as 1978 and only current to 1987.

13 I have to question why these particular studies
14 were used to support the conclusions regarding economic
15 impact when there is an abundance of current research
16 available, including a growing body of evidence that
17 contradicts some of these earlier findings.

18 I have a concern regarding the no impact finding
19 for emergency services. The DEIS identifies Fire Station
20 No. 72 as located closest to the Moapa site. The DEIS,
21 however, fails to identify that Station 72 is manned and
22 operated by volunteers from the community. The current
23 roster of five volunteers provides both fire and medical
24 emergency services to Moapa, Warm Springs, Hidden Valley,
25 Coyote Springs, and Moapa Band of Paiute communities, as

1 well as fire and medical emergencies occurring on Interstate
2 15 and Highway 168.

3 As this small group of volunteers is not always
4 available to respond, the community then relies on the
5 Logandale Volunteer Fire Department and, on some occasions,
6 the Overton Volunteer Fire Department for emergency
7 services.

8 Depending on the timing of a call out and the
9 available unit, response time can vary greatly. Contrary to
10 the EIS findings, fire and medical emergencies during
11 construction and facility operation carry a real potential
12 to create an undue burden on the Moapa Volunteer Fire
13 Department.

14 Information provided in the EIS regarding security
15 for the community in the event of an escape indicates that
16 it would be the U.S. Marshal Service that would assume
17 responsibility for locating and apprehending.

18 Considering the distance and travel time from
19 metropolitan Las Vegas, an escape has the potential to place
20 the community at risk and in a lockdown situation for
21 extended periods of time. The DEIS considers the
22 possibility of relying on emergency action plans with other
23 agencies to protect the community during potential violent
24 or dangerous incidents at the center. Again, response time
25 is critical.

1 potential impact on the Native American community in Moapa.

2 I have a concern about the Biological Impact
3 Summary. The DEIS identifies both wetland and desert
4 habitats within the proposed sites which have the potential
5 to support a number of sensitive and listed species.
6 Although biological impacts may be mitigated through the
7 Clark County Multi Species Habitat Conservation Plan, it
8 must be noted that the Moapa site may contain an unusual and
9 highly concentrated population of desert tortoise.

10 While visiting the site in December, I observed
11 four tortoise burrows located within a three meter area. As
12 an undergraduate research assistant involved with several
13 survey projects for the UNLV biology department in the early
14 1970s, I can advise that these -- that finding this kind of
15 species concentration is a strong indicator of a
16 significantly large population.

17 The vegetation type and friable soil would
18 indicate that habitat components are present to support this
19 kind of population. The nearby water source of the Muddy
20 River would also facilitate a habitat that could support an
21 unusually high population of desert tortoise.

22 The Multi Species Habitat Conservation Plan was
23 developed to balance the need to protect sensitive and
24 listed species while also protecting the ability of Clark
25 County to develop and grow. However, I do not believe it

1 was the intention of the plan to create a situation where
2 concentrated populations of a listed species would be
3 completely decimated. I request that the biology of the
4 site be given a closer examination and other mitigation
5 action pursued if warranted.

6 I have a concern about the cultural and historical
7 resources located at the site. The Class III cultural
8 resources survey conducted last year by Knight and Leavitt
9 Associates identified a substantial inventory of historic
10 and prehistoric activity at the Moapa site; four
11 archeological sites and 37 structures or foundations were
12 recorded.

13 In the inventory are the remains of the Perkins
14 family's dwelling dating to 1930, which is recommended by
15 Knight and Leavitt as eligible for the National Register of
16 Historic Places.

17 The DEIS, however, fails to describe the full
18 scope of historical relevance to the community. Not only
19 are the documented resources significant in terms of their
20 historical value, they're significant in the terms of their
21 connection to Perkins family generations who currently
22 reside in the Moapa area.

23 Also not cited in the DEIS is the unique
24 connection between the Moapa Band of Paiutes and the Perkins
25 family which was established during the early part of the

1 last century and which continues to this day.

2 The most significant collection of resources that
3 was identified on the property site are associated with the
4 West Point Mormon Settlement, the boundaries which overlap
5 approximately 75 percent of the Moapa -- of the Moapa 80
6 site.

7 The DEIS concludes that facility construction on
8 the Moapa 80 site appears likely to affect historic
9 properties and recommends a complete inventory of all
10 cultural resources within the APE, including subsurface
11 geo-morphological testing within the project area to
12 determine whether buried archeological resources exist on
13 the site.

14 I feel that in view of the scope of the religious
15 and cultural resources at the project area and within the
16 APE, that the Moapa 80 site should receive full
17 consideration for further evaluation.

18 Even with the possible time extension to 18 months
19 for project completion as set by the federal contract, it is
20 my fear that if selected, the Moapa site will not receive a
21 carefully conducted cultural assessment but will be
22 subjected to what is referred to as backhoe archeology to
23 meet mandated operational deadlines.

24 MR. NARDI: Miss Wren, are you almost done?

25 MS. WREN: Almost done.

1 I have a concern regarding Executive Order 12898.
2 During the scoping meeting held in Moapa, representatives
3 from the Moapa Band of Paiutes spoke out in opposition to
4 the proposed detention center.

5 Since the scoping meeting, they have also
6 presented their opposition to the site at two separate
7 meetings of the Moapa Town Advisory Board.

8 Issues of critical importance to the members of
9 the Paiute community have been brought to these public
10 forums and include the location of the site and its close
11 proximity to the Paiute community, to their home and
12 residences, to their community buildings, to their Boys and
13 Girls Club.

14 They have voiced their concerns regarding the
15 future of ancestral as well as current cultural and
16 religious practices related to the site and the surrounding
17 area.

18 They have voiced their concerns regarding the
19 cultural artifacts present at the site that connect their
20 community and culture to the early Mormon settlers and their
21 descendants.

22 They have voiced their concerns for the burial
23 sites of the West Point Cemetery.

24 They have voiced their concerns about the
25 significance of the desert tortoise and other protected

1 species that share their cultural environment.

2 All of these concerns were clearly articulated in
3 three public meetings, yet the DEIS finds no impact related
4 to Executive Order 12898, even though the impacts to social
5 and cultural characteristics of minor populations are a
6 consideration under the executive order.

7 In view of the scope of potential impacts to the
8 Moapa community and identified site elements, I request that
9 the Moapa 80 site be withdrawn from consideration at this
10 time.

11 Thank you for your time.

12 MR. NARDI: Thank you. Can we get a copy of that?
13 The last speaker who signed up to speak is Craig
14 Wolfley.

15 MR. WOLFLEY: Craig Wolfley, W-o-l-f-l-e-y. 1401
16 East Isola.

17 I'm also a newcomer. I've only been here 23
18 years. I have some concerns. Though I really think we can
19 quit and go home. I think Wren covered it all and very
20 well.

21 The concerns that I have as early on in the
22 meetings that we had, it was suggested to us that out of
23 this deal, besides getting the prison -- which we were kind
24 of, at best, iffy on -- it was indicated we would have a
25 working fire station here by the time this was done, because

1 it was one of the requirements and one of the needs for
2 having the facility here. This says that won't happen
3 because there's gonna be no impact.

4 It was indicated to us we would have an active and
5 a working police department here because the site would so
6 need that requirement. This says we don't need for that
7 because it would have no impact.

8 The ambulance services Lynn talked about, the five
9 people that are on for the fire and ambulance, right now
10 there are five of them on it but there are only two that
11 run. We can't run an ambulance anywhere because we don't
12 have enough people. We can't run a fire truck anywhere
13 because we don't have enough people. If there's a fire here
14 in Moapa, we have to have engines pulled from
15 Logandale/Overton to take care of it, and yet there's no
16 impact. I mean, the prison doesn't need any of these things
17 either apparently.

18 The other thing that we were told right upfront
19 very strongly was that the majority of the jobs at this
20 facility would come from our community, and we took that to
21 mean these two valleys. And some of us believe we do need
22 jobs. This indicates that those jobs are not gonna come
23 from here.

24 The transportation issue it covers in here that
25 says that less than ten percent of the transportation will

1 be from the facility toward the other valley, that
2 90 percent will be toward Las Vegas.

3 Now, if we're gonna get the majority of the jobs
4 in this community, that can't be true. So it indicates to
5 me that there was never any plan to have jobs come from this
6 community. I can understand not having many jobs here to
7 start with, because we probably don't have the trained
8 people and we don't have the qualified people. But over the
9 long haul that should come. This community should be able
10 to take care of the services, the needs of this proposition.
11 It doesn't seem to be even in the works.

12 The last concern that I have, other than a lot
13 that Lynn's already mentioned, is with the reservation. We
14 were told and our community commission directed us on our
15 very first meeting that they would be getting together with
16 the reservation to come to some kind of a conclusion that
17 they can work with on this program to make it work for the
18 people from the reservation. As far as I can tell, that
19 hasn't happened either, and so I have these major concerns.

20 And I question at this point in time with the --
21 the mentality that seems to be with this as far as, you
22 know, nothing's gonna happen, be no impact. I knew the
23 community is feeling there definitely is gonna be impact,
24 and I definitely feel this as well, that maybe this is a
25 little bit shortsighted. And, I mean, I hate to say that

1 because, damn, that's a lot of stuff for this little
2 facility. But, nonetheless, I wonder if we missed a lot of
3 stuff in the process of putting this together. I hope it
4 comes out later on.

5 Thank you.

6 MR. NARDI: Thank you.

7 Well, no one else has signed up to speak. That
8 doesn't mean there isn't someone who would like to speak at
9 this time, so I'd like to open the meeting up to everyone
10 who's in the room and ask anyone else who would like to
11 address the Detention Trustee or speak to the DEIS process
12 please come forward, state your name, and tell us what's on
13 your mind.

14 MR. SWANK: My name is Phil Swank. Post Office
15 Box 627, Moapa, Nevada 89025.

16 I apologize, I didn't have my suit so I could look
17 official. But, anyway, I live out in the country so I dress
18 like this.

19 But I stated the last time I was here that I was
20 opposed to the detention site. One, because it was close to
21 the reservation line. And I had some people look at it, and
22 I didn't know this, but he thought that, you know, they were
23 gonna use the reservation road to transport back and forth
24 to the facility.

25 And that really concerns me because we have kids.

1 Our kids just run wild, you know. Each family is
2 responsible for the kids in our area. And we have
3 70,000 acres and so the kids run, you know, in the
4 summertime, they swim in the river, they run -- they run the
5 hills, they climb the rocks, they're looking for artifacts.
6 They're doing everything like that.

7 And then going from the road, the boundary -- in
8 fact, someone tore down one of our boundary markers, and I'm
9 not sure how that happens, just coincidental I guess. But
10 we use that road, you know, going back and forth. And I
11 didn't look at the EIS that well to see, you know, if the
12 road was gonna be built through Moapa where I seen some
13 constructions going on. I thought, Well, maybe they're
14 gonna move it there but they haven't.

15 And as far as consulting with us, the day I came
16 here I didn't tell them who I was. I just came up as I am
17 now and I got a call the next day.

18 But I did talk to the former chairman about this,
19 and he said all he got was a phone call. I don't think they
20 met with the council, because I had been at most of the
21 council meetings where, you know, they express their
22 concerns. And usually what we do is we'll bring in someone
23 from the group and say tell us what you've got and tell us
24 what you can do for us. And as far as I know, that didn't
25 happen.

1 And I guess my biggest concern was that they
2 changed the zoning, you know, from whatever it was to
3 whatever.

4 But looking at the EIS, and I think it was Lynn,
5 too, several times in her -- in the young lady's report that
6 I don't think they did real much study into the site itself,
7 you know, because the problem we have with Nevada Power is
8 that it emits a, you know -- they dry out the ponds or they
9 stock pile their ash up there against the hill, and they're
10 trying to build more, but their ponds are never always
11 filled so it emits a cloud of dust.

12 It's really -- I'm not sure what it contains, but
13 I think for some reason it has to affect our health, because
14 we come walking out of there and we're rasping and gasping
15 for air, and we have a lot of elders that have to require
16 clean air. And so that -- that cloud comes over.

17 And my thing, I think I asked this the last time,
18 I said, Well, what happens if this big cloud comes over from
19 the south, you know? Do you shut down the prison? What do
20 you do? Do you close the vents? Or do you lock up the
21 prisoners so they don't breath what we breathe? And so I
22 thought, Well, maybe they could have chosen a better site.

23 And I also pointed this out that the township, I
24 think, stretches from Glendale to Coyote Springs, and how
25 far that way? Somebody tell me how far from the highway

1 goes past Lasco. Up to the Lincoln County line, right?

2 MS. SCHREIBER: No, not the township.

3 MR. SWANK: Okay. But, anyway, there's enough
4 land that I thought to myself that instead of putting it
5 there, you know, why did they choose that site when they had
6 acres and acres? Lasco is right up here. A mile beyond
7 Lasco, a mile on the other side of the railroad tracks --
8 and the land belongs to BLM -- why didn't they put it there,
9 you know? And I don't think there would have been much
10 bickering.

11 And the reason why I say this, prior to coming
12 back home -- I work for the Bureau of Indian Affairs and the
13 correctional department with the California Department of
14 Corrections so I know prisons. I asked the young lady where
15 she had experience; she said back East. And I know what
16 prisons can do to a community.

17 And it's -- and like I said the last time, I said
18 I didn't oppose, you know, the detention site itself, but I
19 just oppose the site, you know.

20 And I don't know who did the EIS, because they
21 didn't consult us and they alluded -- and I don't know this
22 for a fact, but they said that we had 36 Indians living on
23 the reservation, and I kind of chuckled and I said, Well,
24 they probably didn't come up anyway. But, you know, I just
25 wanted to make that clear. And I don't know if it's gonna

1 make a change because it's -- apparently the town board has
2 voted four to one to make that change, you know. And it's
3 like putting the cart before the horse, you know, and I
4 don't know how it's gonna work, you know.

5 But, to me, there should have been more
6 consideration given to the site than putting it over there
7 right next to the reservation where we have kids running,
8 and those, too, are our ancestral sites. We hunted in
9 there. We fought. We fought Fremont in there, too, because
10 he tried to cross the river on us. But those are the things
11 that is our history, that's our culture.

12 And to have someone intrude just up -- like
13 backing up to our back door and say, Hey, now we're gonna
14 put this up, you know, and it's right next to the
15 reservation. And that's my biggest concern more than
16 anything, you know.

17 And they alluded to federal detainees. I don't
18 know what they mean by federal detainees. I guess because
19 I'm a federal Indian I could go to that jail so I won't have
20 to be far if I got picked up.

21 But those are the -- those are my real concerns.
22 You know, those are really my real concerns. And I don't --
23 like I say, I don't know what we can do at this time, but I
24 was trying to be nice so I didn't send it to my attorney
25 yet, but they're coming in tomorrow so I'll be meeting with

1 them tomorrow on this very issue and find out, you know,
2 where we're gonna go with it. Because it's like I stated
3 before, no one's consulted with us. Now, to call me up on
4 the phone and say, Yeah, I consulted with you, sir, is that
5 consultation?

6 See, we have a government to government
7 relationship with the United States Government. And if
8 that's not taking place, then we do have a very serious
9 problem. With that, I thank you.

10 MR. NARDI: Thank you.

11 Is there anyone else who would like to speak
12 tonight?

13 Not hearing anyone else come forward I think we'll
14 adjourn the meeting.

15 Let the record show that 27 individuals attended
16 tonight's public hearing which ended at 7:50 p.m.

17 Thank you all for coming and have a safe trip
18 home.

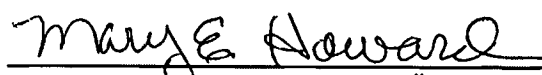
19 (The proceedings concluded at 7:50
20 p.m.)

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I, MARY E. HOWARD, CCR #762, RPR, do hereby
certify that I was present at the time and place specified
herein

That the proceedings were recorded by me
stenographically and that the typewritten pages that appear
hereinbefore is a transcription of my stenographic notes
done to the best of my knowledge, skill and ability.



Mary E. Howard, CCR #762, RPR

**PUBLIC HEARING TRANSCRIPT:
JANUARY 17, 2008 – PAHRUMP, NEVADA**

1 PUBLIC HEARING CONCERNING THE DRAFT
2 ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED
3 CONTRACTOR DETENTION FACILITY, LAS VEGAS, NEVADA AREA

4
5 PAHRUMP, NYE COUNTY, NEVADA

6 THURSDAY, JANUARY 17, 2008
7

8 Appearances:

9 Scott P. Stermer

10 Assistant Trustee

11 Procurement Division

12 Office of the Federal Detention Center

13 U. S. Department of Justice

14 4601 North Fairfax Drive, 9th Floor

15 Arlington, Virginia 20530
16

17 Claudia Hill, Assistant Trustee

18 Detention Standards & Compliance Division
19

20 Robert J. Nardi

21 The Louis Berger Group, Inc.

22 412 Mount Kemble Avenue

23 Morristown, New Jersey 07960
24
25

1 THURSDAY, JANUARY 17, 2008

7:08 P.M.

2 ----oOo----

3 MR. NARDI: I think we're ready to begin.

4 Good evening. Thank you for coming. My
5 name is Bob Nardi. I'm a senior vice-president for
6 The Louis Berger Group. The Berger Group is assisting
7 the Office of the Federal Detention Trustee to
8 evaluate the environmental consequences of its
9 proposal to house 1,000 to 1500 federal detainees at a
10 contractor-owned and contractor-operated detention
11 facility.

12 I'm here this evening with representatives
13 of the Federal Detention Trustee and the United States
14 Marshals Service to conduct a public hearing in order
15 to receive comments concerning the Draft Environmental
16 Impact Statement and the proposal for the detention
17 facility.

18 Before we begin, I would like to introduce
19 representatives of the Office of the Federal Detention
20 Trustee who are here with us this evening.

21 Joining us from the Trustee's headquarters
22 in Arlington, Virginia, is Mr. Scott Stermer, to my
23 left, the Assistant Trustee for Procuring. And in the
24 back of the room is Miss Claudia Hill, who's Assistant
25 Trustee for Detention Standards and Compliance.

1 Also with us this evening is Laurie Cooper,
2 who will be preparing a written transcript of
3 tonight's hearing.

4 And I also want to express our appreciation
5 to the Town for allowing us to use the Community
6 Center for tonight's hearing.

7 I also want to take a moment to thank you
8 for coming to tonight's hearing. This is your second
9 formal opportunity to learn about this proposal and,
10 by offering comments and suggestions, influence the
11 direction of this particular action. We're interested
12 in your opinions about the proposed action as well as
13 the contents of the Draft Environmental Impact
14 Statement, more commonly referred to as the Draft EIS.

15 Some of the topics and issues discussed
16 within the Draft EIS may be of concern to you, and
17 therefore, they are of concern to us as well. So
18 sharing your comments with us tonight will allow us to
19 address those concerns as we complete the
20 environmental impact study process.

21 As described in the Draft EIS, the federal
22 detainee population has experienced considerable
23 growth as a result of expanded federal law enforcement
24 initiatives and resources. The detainee population
25 has increased significantly over the past two decades,

1 rising from approximately 3,000 detainees in 1981 to
2 over 55,000 today.

3 Projections indicate that the federal
4 detainee population will continue to grow in the
5 foreseeable future. To house these prisoners, a
6 combination of local, state, federal and private
7 facilities located around the country are currently in
8 use. Unfortunately, the growth in the federal
9 detainee population is occurring at the same time that
10 available space to house those detainees in local
11 jails is decreasing. It's for this reason that the
12 Office of the Federal Detention Trustee is proposing
13 to house 1,000 to 1500 federal detainees in a
14 contractor-owned and contractor-operated detention
15 facility.

16 When we last met in June, ten sites located
17 in Clark County, Nye County, and Mojave County,
18 Arizona, were under consideration as locations for
19 that detention facility. Each of the ten sites are
20 located within a 75-mile radius of the United States
21 Courthouse located in downtown Las Vegas. Since June,
22 six of those sites have been withdrawn from further
23 consideration, leaving four sites -- two in Nye County
24 and two in Clark County -- remaining as possible
25 locations for this facility, and your handout

1 describes them and the Environmental Impact Statement
2 addresses all four of them.

3 They are simply known as:

4 The 630 East Parque Avenue site, located
5 here in Pahrump;

6 The 2250 East Mesquite Avenue site also
7 located in Pahrump;

8 The Moapa site, which is located in the town
9 of Moapa about 50 miles north of Las Vegas;

10 And there's a fourth site which, up until
11 last night, was also being considered, but has been
12 withdrawn from consideration. And in your booklet
13 that's described as the Apex Industrial Site Zone A,
14 which, as I said a moment ago, has been withdrawn and
15 is no longer in consideration.

16 Information about the sites is in the Draft
17 EIS and in the booklet tonight.

18 We're governed this evening by the National
19 Environmental Policy Act of 1969, generally referred
20 to as NEPA. You'll hear us talking about NEPA
21 throughout the evening. One requirement of NEPA is to
22 insure that before federal agencies, such as the
23 Office of the Federal Detention Trustee and Marshal
24 Service -- before they reach a decision about a
25 project or actions such as that being discussed

1 tonight, it first prepares a Draft and then a Final
2 Environmental Impact Statement.

3 NEPA also provides the public with
4 opportunities to review and comment on those
5 documents, and that's the primary reason why we're
6 here tonight. The Detention Trustee considers the
7 NEPA process as an important opportunity to learn the
8 public's preferences early enough so that it can
9 address those concerns properly. So you're encouraged
10 to make your interests and concerns about the proposal
11 known to us tonight and throughout the environmental
12 review process.

13 Publication of the Draft EIS initiated a
14 45-day review and comment period which began in
15 December and will end on December -- on February 4th,
16 2008. Written comments will be accepted by the
17 Detention Trustee up to that date and will be
18 considered in conjunction with any verbal and written
19 comments you may wish to offer this evening. Once
20 that review period ends, all comments received on the
21 Draft EIS will be reviewed by Mr. Stermer, Miss Hill,
22 and others at the Federal Detention Trustee's Office
23 and incorporated within the Final Environmental Impact
24 Statement.

25 The final EIS will respond to all

1 substantive comments received during that 45-day
2 comment period. Following publication of the final
3 EIS, a second comment period will be initiated, this
4 time lasting no less than 30 days.

5 A decision whether or not to proceed with
6 the proposed action will be made thereafter, and that
7 decision will take into account all the environmental
8 analyses and public comments and will be documented by
9 what is known as a Record of Decision as required by
10 the NEPA regulations.

11 If you had an opportunity to review the
12 Draft EIS, you know that it addresses a broad range of
13 environmental issues including topography, geology,
14 soils, water resources, biological and cultural
15 resources, visual and aesthetic conditions, population
16 and economics, land use, utility services, traffic and
17 transportation, air quality, mineralogy and noise.
18 The potential environmental impacts resulting from
19 both construction and operation of the detention
20 facility at each of the locations under consideration
21 were evaluated for each of those topics.

22 As I mentioned earlier, our primary purpose
23 of this hearing is to obtain your comments concerning
24 the proposed project and the Draft Environmental
25 Impact Statement. However, it is not a question-and-

1 answer session. Instead, you will be making comments
2 on the record about the proposal and about the
3 contents of the Draft EIS. And while there are no
4 restrictions governing your remarks, we do ask that
5 your comments focus on the project and the Draft EIS.
6 We are not here this evening to discuss other issues
7 or problems facing the Town or the County.

8 All verbal comments this evening will be
9 made part of a written transcript which will be
10 published in the Final Environmental Impact Statement,
11 and Ms. Cooper has joined us this evening to help us
12 with that effort.

13 The format for the hearing will be as
14 follows. I will call upon individuals who wish to
15 speak and ask them to offer their comments or make
16 their presentation. Please come to the front of the
17 room and speak, and state and spell your name and
18 place of residence.

19 For those wishing to speak this evening, we
20 requested that you first sign up, and I've got a
21 number of people here who have done that already. I
22 will be calling upon them shortly in the order that
23 they signed up.

24 For those that prefer to offer written
25 comments we try to make your life easy by including a

1 form within the booklet. The last page can be used
2 for that purpose. Merely fill it out, hand it to us
3 this evening, or mail it to us to the address that's
4 on the form. We'll consider it in the same manner as
5 we consider any other comments or -- written or verbal
6 that we may receive.

7 For those interested in receiving a copy of
8 the Final EIS, please see me after the hearing and
9 we'll make sure your name is added to the mailing
10 list. And if you have any written statements with you
11 this evening, we'll be pleased to accept them and
12 consider them.

13 Now, without further delay, we'll begin the
14 public portion of the hearing. And the first speaker
15 to start this evening is Mary Balloqui.

16 MS. BALLOQUI: I didn't check the box to
17 speak, so --

18 MR. NARDI: Okay. Then the second person
19 who signed up is Al Balloqui.

20 MR. BALLOQUI: Thank you.

21 My name is Al Balloqui. I come before you
22 as a citizen of Pahrump, a business owner of Pahrump,
23 and the Economic Development Coordinator of Pahrump.

24 I've come to give encouragement for the
25 selection of the detention center in our community.

1 I have a letter from some of our other citizens that
2 have stated that.

3 "I write to you in support of the
4 proposed federal detention center and
5 request that you choose the 630 East
6 Parque Avenue, Pahrump, as your site.
7 Since the beginning of your assessment
8 process nearly one year ago, Pahrump has
9 been working closely with all the
10 communities bidding on your project.
11 These are some of the steps we have taken
12 in order to -- in our community to show
13 our interest in the project. We have
14 passed zoning approvals to approve all
15 the sites under consideration to be
16 considered. The Pahrump Town Board
17 passed a resolution in support of the
18 detention center. At the last meeting,
19 the Town Board approved the Pahrump
20 Alliance for Valley Economic Development
21 to serve as a liaison between the Town
22 and the County to determine the best way
23 to meet the detention center's water and
24 wastewater needs. I also hold a position
25 as the chairperson for PAVED. That's the

1 Pahrump Alliance for Valley Economic
2 Development. We have been told that the
3 community's acceptance is a key component
4 for your project. As evidenced above,
5 our community is excited about the
6 opportunity to host your facility."

7 I had originally intended to read some of
8 the names of the letters that came forth, but due to
9 the amount that was received, I think I'll spare you,
10 of the 87 people that have signed, printed and
11 provided their name, address.

12 And I would appreciate it if you would put
13 that into the record.

14 MR. NARDI: Thank you.

15 The next speaker is Dan Schinhofen.

16 MR. SCHINHOFEN: Thank you.

17 My name is Dan Schinhofen,
18 S-c-h-i-n-h-o-f-e-n. I'm the vice-president of PAVED,
19 Pahrump Alliance Valley Economic Development. I'm
20 also a small business owner.

21 We're excited about the possibility of
22 having this detention center located here. Although
23 I signed -- I was one of the ones who signed the
24 letters there, if you can't see Parque as being your
25 site, Mesquite is a very good site also. Anywhere up

1 here would be good.

2 We have Nevada Job Connect here to help with
3 placing employees, and the vast majority of people
4 I've spoken to here are in favor of this project.

5 And that's about all I think I can say.
6 Everything looks good. Decide. Send it to us. Thank
7 you.

8 MR. NARDI: Thank you.

9 The next speaker who signed up is
10 Victoria Balint.

11 MS. BALINT: Good evening. Victoria Balint.
12 V-i-c-t-o-r-i-a, B- as in boy -a-l-i-n-t.

13 I'm the manager of the Southern Nevada Rural
14 Job Connect located here in Pahrump, Nevada. As a
15 representative for the Southern Nevada Workforce
16 Investment Board, we are in full support of your
17 project being located here in Pahrump. Having the
18 only comprehensive Nevada Job Connect Center here in
19 Nevada for southern Nevada, we have a service delivery
20 of all of Nye, Lincoln, Esmeralda and rural Clark.
21 That type of impact on jobs and workforce development
22 is critical to any artery in a community such as
23 Pahrump. We have the people, the programs and the
24 incentives to provide a ready and willing quality work
25 force.

1 Once again, on behalf of the Southern Nevada
2 Workforce Investment Board, we trust that you will
3 find that Pahrump offers the most advantageous
4 selection for all parties concerned.

5 Thank you.

6 MR. NARDI: Thank you.

7 The last person who signed up to speak is
8 Karen Spalding.

9 MS. SPALDING: Hi. I'm Karen Spalding. I'm
10 co-owner of two businesses here, and I'm all for the
11 detention center.

12 I came from California. I lived in a
13 community that was next door to a community that had a
14 prison come in. I remember all the negative things
15 that the community was worried about, and I see the
16 differences between the prison and what your detention
17 center is going to be, and I'm not concerned at all.

18 Plus we need the jobs here and we've got a
19 good work force here.

20 Thank you.

21 MR. NARDI: Thank you.

22 There aren't any other individuals who
23 signed up to speak, so I'll open up the podium to
24 anyone else who has not yet spoken who would like to
25 do so.

1 Again, just state your name and please spell
2 it.

3 MR. STEVENS: Dave Stevens, citizen of
4 Pahrump. And I don't want that prison to come here.
5 I don't want it in my back yard. You talk about
6 environment. It will bring environment all right, the
7 wrong kind of environment. And the only good thing I
8 can see coming out of it, it might make all these
9 millions of dollars like these business people say,
10 and I might be able to sell my house and get out of
11 this town.

12 Thank you.

13 MR. NARDI: Thank you.

14 Is there anyone else who would like to speak
15 this evening?

16 MR. IRVING: Good evening. I'm Bob Irving,
17 I-r-v-i-n-g.

18 I'm for this -- this detention center.
19 I think that it would be an asset to the community of
20 Pahrump. And at the present time I'm on the
21 incorporation board for Pahrump, and so I think that
22 as far as -- we're looking around to find out how
23 we're going to be able to make a good tax basis in
24 this town, and I think that the detention center would
25 be a -- good for the workers that we get in here, plus

1 the different businesses that will probably be brought
2 in here.

3 And as for the gentleman before me, some
4 criminals don't want to stay in the area that they
5 escape from, so I don't think we have to worry about
6 them much staying in Pahrump.

7 Thank you.

8 MR. NARDI: Thank you.

9 Again, is there anyone else who would like
10 to come forward, offer any comments or questions or
11 thoughts?

12 Seeing none, I want to thank everybody for
13 coming this evening. Let the record reflect that
14 thirty individuals attended tonight's public hearing,
15 which ended at 7:30 p.m.

16 Thank you again for coming, and have a safe
17 trip home.

18 (Public hearing concluded at 7:30 p.m.)
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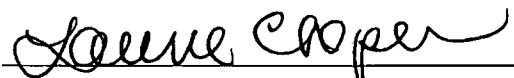
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STATE OF NEVADA)
COUNTY OF NYE)
_____)

I, LAURIE COOPER, Nevada CCR 848, CRR, do
hereby certify that the foregoing transcript
comprises a full, true, and correct transcription
of my stenographic notes to the best of my
ability.

Dated this 29th day of January, 2008.



LAURIE COOPER, CRR, Nevada CCR 848

APPENDIX G
SUPPLEMENTAL BIOLOGICAL SURVEY INFORMATION

**EXCERPTS FROM
SUPPLEMENTAL BIOLOGICAL SURVEY INFORMATION
630 EAST PARQUE AVENUE SITE
PAHRUMP, NEVADA**



EEE Consulting, Inc.

Environmental, Engineering and Educational Solutions

TO: Brad Wiggins, CCA
FROM: Ian Frost, EEE Consulting
SUBJECT: Results of Wetland Delineation and Special Status Species Survey for the proposed Detention Facility in Pahrump, Nye County, Nevada
DATE: January 22, 2008
ATTACHMENTS: Attachment A: Figures
Attachment B: Site Photographs
Attachment C: USFWS, NNHP and NDOW Species Lists
Attachment D: Special Status Species Survey Data Forms

1.0 INTRODUCTION

The purpose of this Technical Memorandum is to present a summary of the results of the biological surveys conducted by staff from EEE and PBS&J on December 21 and 26, 2007 for the proposed Detention Facility to be constructed in Pahrump, Nye County, Nevada. The proposed 40 acre project site is located on private land owned by the Town of Pahrump (Nye County 2007) at 630 East Parque Avenue in Pahrump, Nevada (see Attachment A; Figure 1). The proposed project site is located in Township 19 South, Range 53 East, Section 3.

The detention basin facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations and office space. These surveys were conducted in support of feasibility studies for the potential purchase of the 40 acre parcel of land owned by the Town of Pahrump.

2.0 PROJECT SITE DESCRIPTION

The project site is located to the east of the intersection of State Route 160 and north of Parque Avenue. The vegetation in this area is characterized as creosote scrub habitat. A general description of the soils, vegetation, and hydrology found within the proposed Pahrump Detention Facility project site is provided in this section.

2.1 Soil

The project site is located on erosional alluvial fan remnants derived from mixed rock sources. The ground surface is covered with desert pavement and stones. The project site consists of Canoto-Arizo Complex Association soil series (U. S. Department of Agriculture [USDA] 2007b). This series is described as a combination of the Canoto series and the Arizo series.

The Canoto series is located on alluvial fans with slopes ranging from 2 to 4 percent and is mostly covered with stones and boulders. It is a well drained soil that does not experience flooding or ponding. The typical profile for Canoto is 0 to 11 inches of very gravelly loam and 11 to 60 inches of stratified extremely gravelly loamy coarse sand to gravelly loam (USDA 2007b).

The Arizo series is located on inset fans with slopes ranging from 2 to 4 percent and is mostly covered with stones and boulders. It is an excessively drained soil that does not flood or pond. The typical profile

for Arizo is 0 to 8 inches of very gravelly sandy loam and 8 to 60 inches of stratified cobbly coarse sand to extremely gravelly sand (USDA 2007b).

These soil series are not on the Hydric Soils List for Nevada (Natural Resources Conservation Service [NRCS] 2007).

2.2 Vegetation

The project area is located in the northern portion of the Mojave Desert. The vegetation in this area is characterized as creosote scrub habitat. Plant species identified in the project area are listed in Table 1. The dominant vegetation in the proposed project area included creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), and silver cholla (*Opuntia echinocarpa*). None of the plants observed on the proposed project site are indicators for the presence of wetlands in the Intermountain Region 8 (USDA 2007a).

Table 1. Plant Species Identified in Survey Area

Scientific Name	Common Name	Region 8 Indicator Status*
<i>Ambrosia dumosa</i>	White bursage	NI
<i>Amsinckia tessellata</i>	Bristly fiddleneck	NI
<i>Bromus rubens</i>	Red brome	NI
<i>Chamaesyce</i> spp	Prostrate spurge	NI
<i>Chaenactis fremontii</i>	Desert pincushion	NI
<i>Chorizanthe rigida</i>	Rigid spiny herb	NI
<i>Chrysothamnus</i> spp	Rabbitbrush	NI
<i>Echinocactus polycephalus</i>	Cottontop Cactus	NI
<i>Echinocereus engelmannii</i>	Hedgehog Cactus	NI
<i>Eschscholzia glyptosperma</i>	Desert poppy	NI
<i>Ephedra nevadensis</i>	Mormon tea	NI
<i>Eriogonum deflexum</i>	Skeleton weed	NI
<i>Eriogonum inflatum</i>	Desert trumpets	NI
<i>Erioneuron pulchellum</i>	Fluffgrass	NI
<i>Erodium cicutarium</i>	Redstem stork's bill	NI
<i>Hymenoclea salsola</i>	Cheesebush	NI
<i>Krameria erecta</i>	Littleleaf ratany	NI
<i>Larrea tridentata</i>	Creosote bush	NI
<i>Opuntia basilaris</i>	Beavertail Cactus	NI
<i>Opuntia echinocarpa</i>	Silver Cholla	NI
<i>Plantago ovata</i>	Desert Indianwheat	NI
<i>Senecio flaccidus</i>	California butterweed	NI
<i>Xylorhiza tortifolia</i>	Mojave aster	NI
<i>Yucca schidigera</i>	Mojave Yucca	NI
NI=No Indicator Source: USFWS 1988		

2.3 Hydrology

The proposed project site lies within the Basin and Range Physiographic Province. It is characterized by dry ephemeral washes that function primarily as storm water runoff channels. There are no large washes on or adjacent to the project site (see Attachment B for site photographs) but several small shallow swales and braided channels exist on the site. The drainage pattern is generally from the northeast to the

southwest (see Attachment A, Figure 2). Most of the drainage features on the proposed project site can be classified as swales or multi-braided washes.

There are multiple improvements west of the project site. Just west of the project site there is a graded gravel road and then further to the west there are residential developments and Highway 160, which runs north-south in that area. These improvements appear to have altered (blocked) the flow of runoff to the west of the site.

3.0 WETLAND DELINEATION/WATERS OF THE U.S. DETERMINATION

The USACE regulates the discharge of dredged or fill material into waters of the U.S. (WOUS). The term WOUS applies to the jurisdictional limits of the authority of the USACE. The limits of jurisdiction of the USACE extend to the ordinary high water mark (OHWM). The OHWM is generally defined as the clear, natural line on the shore or channel bank established by water fluctuations. The line would be indicated by physical characteristics such as shelving, changes in soil character or vegetation, or presence of litter or debris. As applied to this project, WOUS by definition includes interstate waters, tributaries of interstate waters, and wetlands adjacent to interstate waters and tributaries.

The Pahrump Dry Lake is an interstate water. All interstate waters, including adjacent wetlands, are defined as "waters of the U. S." and are under the jurisdiction of the USACE according to 33 CFR Part 328.3. The Pahrump Dry Lake is located approximately 10 miles southwest of the proposed project site. The Pahrump Dry Lake is identified as a wetland on the USFWS National Wetlands Inventory (NWI) (USFWS 2007a), and therefore, it and any tributaries with a significant nexus to a traditional navigable water would be jurisdictional under the authority of the USACE.

3.1 Methodology

Field investigations were conducted by EEE and PBS&J on December 20 and 26, 2007 to identify the presence of WOUS. The focus of the field surveys was to identify any definable channel bed and bank, to determine the OHWM, and to determine if drainage features located on the proposed project site have connectivity to the Pahrump Dry Lake to determine if the washes have jurisdictional limits under the authority of the USACE.

Data sources reviewed prior to the field survey to assist in locating and identifying potential WOUS included aerial photography (Fall 2006), U.S. Geological Survey topographic maps, and the USFWS NWI online maps (USFWS 2007a). Topographic maps and aerial photos were used to identify drainage patterns and washes through the project site. The NWI map was used to identify any existing delineated wetlands in the vicinity of the project site. No designated wetlands were identified in the vicinity of the project site by the NWI. The NWI map is included in Attachment A; Figure 3.

The 1987 *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *United States Army Corps of Engineers (USACE) Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory 2006) were used as guidance for delineating wetlands. These guidelines define wetlands based on three criteria – hydrophytic vegetation, hydric soils, and wetland hydrology. Generally, all three criteria must be present for an area to be defined as a wetland. Some exceptions occur in disturbed areas or in newly formed wetlands where one indicator (such as hydric soils) might be lacking. These particular areas are dealt with on an individual basis as outlined in the *Field Guide for Wetland Delineation* (Wetland Training Institute, Inc. 1991).

The Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States (USACE 2004), Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest (USACE 2001), and the U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook (USACE 2007) were used as guidance for identifying and determining limits of the USACE jurisdiction in ephemeral washes. The guidance identifies three main features associated with arid stream systems that are useful for delineation purposes, including hydrology, geomorphology, and vegetation. The limits of jurisdiction of the USACE extend to the ordinary high water mark (OHWM). The OHWM is generally defined as the clear, natural line on the shore or channel bank established by water fluctuations.

3.2 Determination Results

Most of the project site is relatively flat and would only convey sheet flow during storm events. There are some small, shallow swales that may convey storm water runoff. Most of the drainage features within the project area are not defined and are consistent with the shallow, multi-braided drainage features typically occurring on alluvial fans. Some of the drainage features on the proposed project site do contain a discernible bed and bank. These features have OHWMs that range from less than one foot up to three feet wide with average depths of two to four inches. The majority of these features flattens out and turns to sheet flow just west of the project site. Others are interrupted by roads and residential developments before reaching any WOUS. The drainage features within the project site do not have connectivity to the Pahrump Dry Lake, nor do they significantly contribute to the biological, physical, or chemical integrity of this interstate water (see Figure 4 in Attachment A).

There are no wetlands on the project site. There are no wetlands identified in the proposed project area by the USFWS National Wetlands Inventory (2007a) (see Figure 3 in Attachment A). The three criteria that define wetlands were not met within the survey area. No hydric soils occur, there are no hydrophytic vegetative species, and the hydrology is not indicative of wetlands.

4.0 SPECIAL STATUS SPECIES SURVEY

Information about special status species was acquired from correspondence between EEE Consulting and the U.S. Fish and Wildlife Service (USFWS) (USFWS 2007b), Nevada Natural Heritage Program (NNHP) (NNHP 2007), and the Nevada Department of Wildlife (NDOW) (NDOW 2007). Special status species information from USFWS, NNHP and NDOW are included in Attachment C.

Species of federal concern that may potentially occur on the project include the Desert tortoise (*Gopherus agassizii*). Species of state concern identified as potentially occurring within the project area include the Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*), the Pahrump Valley buckwheat (*Eriogonum bifurcatum*), Gila monster (*Heloderma suspectum*), burrowing owl (*Athene cunicularia*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), lesser nighthawk (*Chordeiles acutipennis*), and kit fox (*Vulpes macrotis*). In addition to these species, cacti and yucca have the potential to occur on the project site. All native cacti, yuccas, and evergreen trees are protected and regulated by the State of Nevada under Nevada Revised Statute 527.060-.120. This provision does not allow the removal or destruction of the listed plant species on Nevada state lands, county lands, reserved or unreserved lands owned by the federal government, and from privately owned lands without written permission, permit and/or tag issued by the Nevada Division of Forestry.

4.1 Methodology

EEE and PBS&J conducted 100 percent coverage pedestrian transect biological surveys on December 20 and 26, 2007. The biological surveys followed protocols as described in the Procedures for ESA Compliance for

the Mojave Desert Tortoise (USFWS 1992). The location of all tortoise sign encountered was recorded using a handheld GPS and data forms were completed for each burrow/sign that was identified. The habitat within the proposed project site was assessed for its potential suitability for state species of concern. All cacti and yucca species encountered were identified and counted.

4.2 Special Status Species Survey Results

Desert Tortoise (*Gopherus agassizii*)

The Mojave population of the desert tortoise occurs north and west of the Colorado River in the Mojave Desert eco-region in California, Nevada, Arizona, and Utah. The desert tortoise is a large herbivorous reptile found at elevations ranging from below mean sea level (msl) to 5,000 feet (1,524 meters) above msl. The desert tortoise occurs in creosote scrub, Joshua tree, and blackbrush habitats. The desert tortoise primarily forages on annual wildflowers and native desert grasses, especially galleta (*Hilaria* sp.) and Indian rice grass (*Achnatherum hymenoides*). The Mojave population of the desert tortoise was federally listed as Threatened by the USFWS in 1990.

Desert tortoise sign observed on the project site included one Class 2 burrow with Class 3 scat, one Class 3 burrow, one Class 5 burrow, one Class 3 carcass, and one Class 4 carcass (see Attachment D for Special Status Species Data Forms). The Class 4 carcass located at waypoint location T1 was crushed by an off-road vehicle (see Photo Plate 9 in Attachment B). The location of all tortoise sign observed on the proposed project site is included on Figure 5 in Attachment A. The proposed project site does contain suitable habitat for the desert tortoise.

Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*)

The Pahrump silverscale is an annual plant that is restricted to the Pahrump and Stewart Valleys of California and Nevada. This species occurs on saline valley bottoms with saltbush, creosote bush, mesquite, and annual weedy grasses and forbs (Flora of North America 2007). No individuals of this species were observed during surveys and suitable habitat does not exist within the project area.

Pahrump Valley buckwheat (*Eriogonum bifurcatum*)

The Pahrump Valley buckwheat is an annual species that occurs in Clark and Nye County, Nevada and within the Pahrump Valley of California. This species grows in barren, saline, heavy clay or silty hardpan soils on and near dry playa margins, and on adjacent shore terraces and stabilized sand dunes (NNHP 2001). No individuals of this species were observed during surveys and suitable habitat does not exist within the project area.

Gila monster (*Heloderma suspectum*)

The Gila monster is a large, venomous reptile that ranges throughout the Mojave and Sonoran Deserts. It can be found in Mojave Desert scrub habitats in canyon bottoms, arroyos, and rocky slopes. Gila monsters are mainly terrestrial but infrequently climb into vegetation. Refuges include spaces under rock, dense shrubs, burrows, or woodrat nests (NatureServe 2007a). No individuals of this species were observed during surveys; however, potential habitat does exist.

Burrowing owl (*Athene cunicularia*)

Burrowing owls are found throughout open landscapes of North and South America. The owls are approximately 10 inches tall and live in underground burrows in the desert where it is insulated from extreme temperatures and protected from predators. This ground-nesting owl prefers dry desert scrub areas and open conifer habitats at higher elevations. It often nests in colonies; it is active year round and produces young from mid March through August. It is an "evaluation species" for the Clark County Multiple Species Conservation Plan (CCMSCP) and is protected under the Migratory Bird Treaty Act. Killing or possessing burrowing owls or destruction of their nests with eggs or young is prohibited

(USFWS 2007c). No individuals of this species were observed during surveys; however, the proposed project area does contain suitable habitat to support this species.

Prairie Falcon (*Falco mexicanus*)

The prairie falcon is a medium-sized falcon that generally resides in southern Nevada throughout the year. It may be found in open deserts, grasslands, and on agricultural lands. This species generally nests on cliffsides, but forages in open spaces (Sibley 2003). No individuals of this species were observed during surveys; however, potential foraging habitat does exist.

Loggerhead Shrike (*Lanius ludovicianus*)

The loggerhead shrike is a small member of the robin family that may reside in southern Nevada year-round. This species often breeds in desert scrub habitat and builds its nests in shrubs or small trees (NatureServe 2007b). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Lesser Nighthawk (*Chordeiles acutipennis*)

The lesser nighthawk is a breeding resident of southern Nevada, flying south for the winter. This species forages at night in open country, desert regions, and scrub habitats (Sibley 2003). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Kit Fox (*Vulpes macrotis*)

Kit foxes occur throughout the Mojave Desert in creosote bush scrub habitats. Young are born in an underground den. These dens usually have multiple entrances and may be 3-6 m long, reaching 127 cm in depth. Most kit fox dens occur on flat, well-drained uplands. Several dens may be used, especially in summer (NatureServe 2007c). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Cacti Species

Cacti and yucca species encountered on the project site includes beavertail (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), cottontop (*Echinocactus polycephalus*), hedgehog cactus (*Echinocereus engelmannii*), Mojave yucca (*Yucca schidigera*), and fishhook cactus (*Mammillaria tetrancistra*). See Table 2 for a complete count of the cacti and yucca species observed on the project site.

Table 2. Number of Cacti and Yucca Species Observed on the Proposed Project Site

Scientific Name	Common Name	# Observed
<i>Echinocactus polycephalus</i>	Cottontop cactus	73
<i>Echinocereus engelmannii</i>	Hedgehog cactus	385
<i>Mammillaria tetrancistra</i>	Fishhook cactus	6
<i>Opuntia basilaris</i>	Beavertail cactus	15
<i>Opuntia echinocarpa</i>	Silver cholla	721
<i>Yucca schidigera</i>	Mojave yucca	180

5.0 REFERENCES

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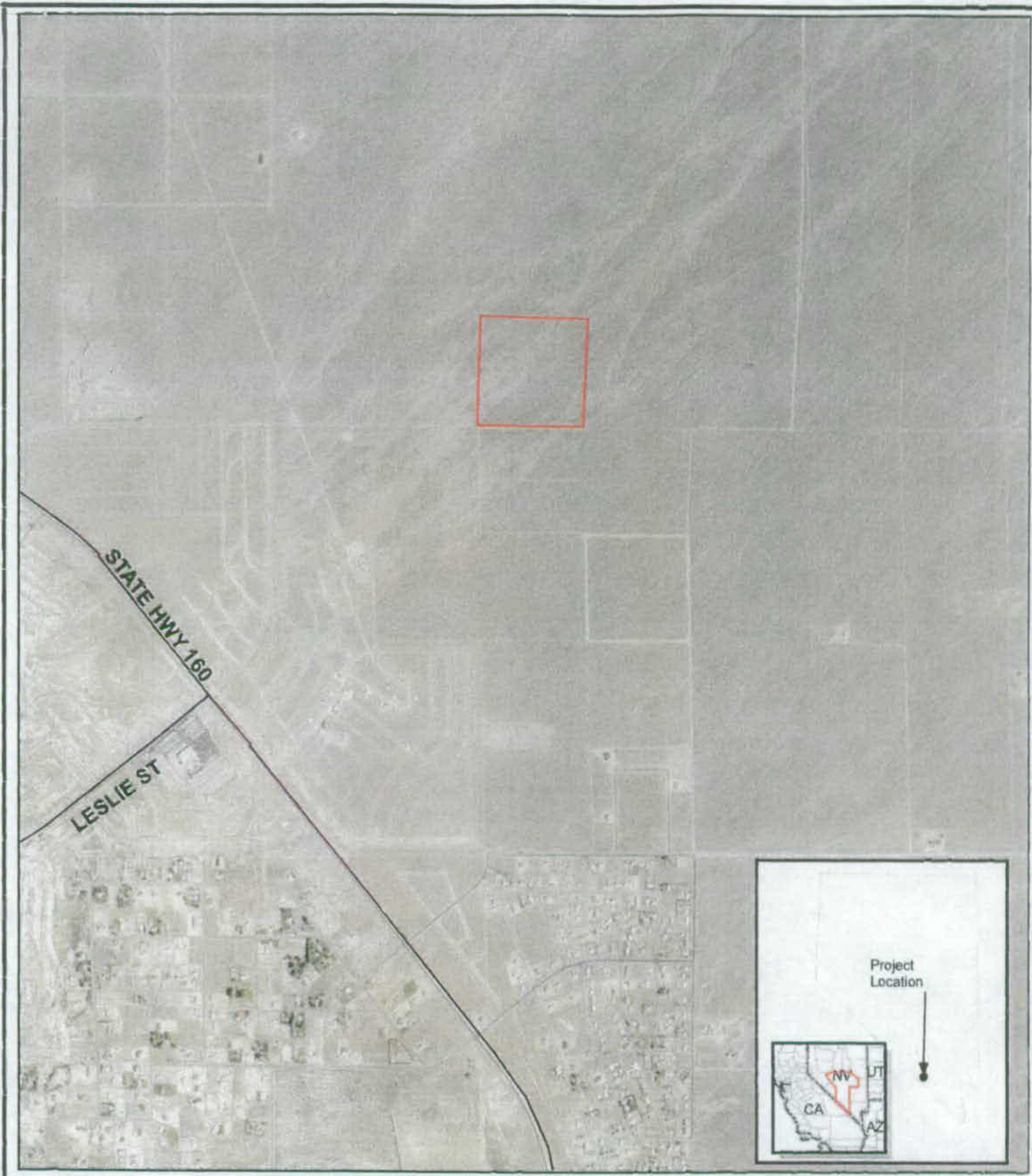
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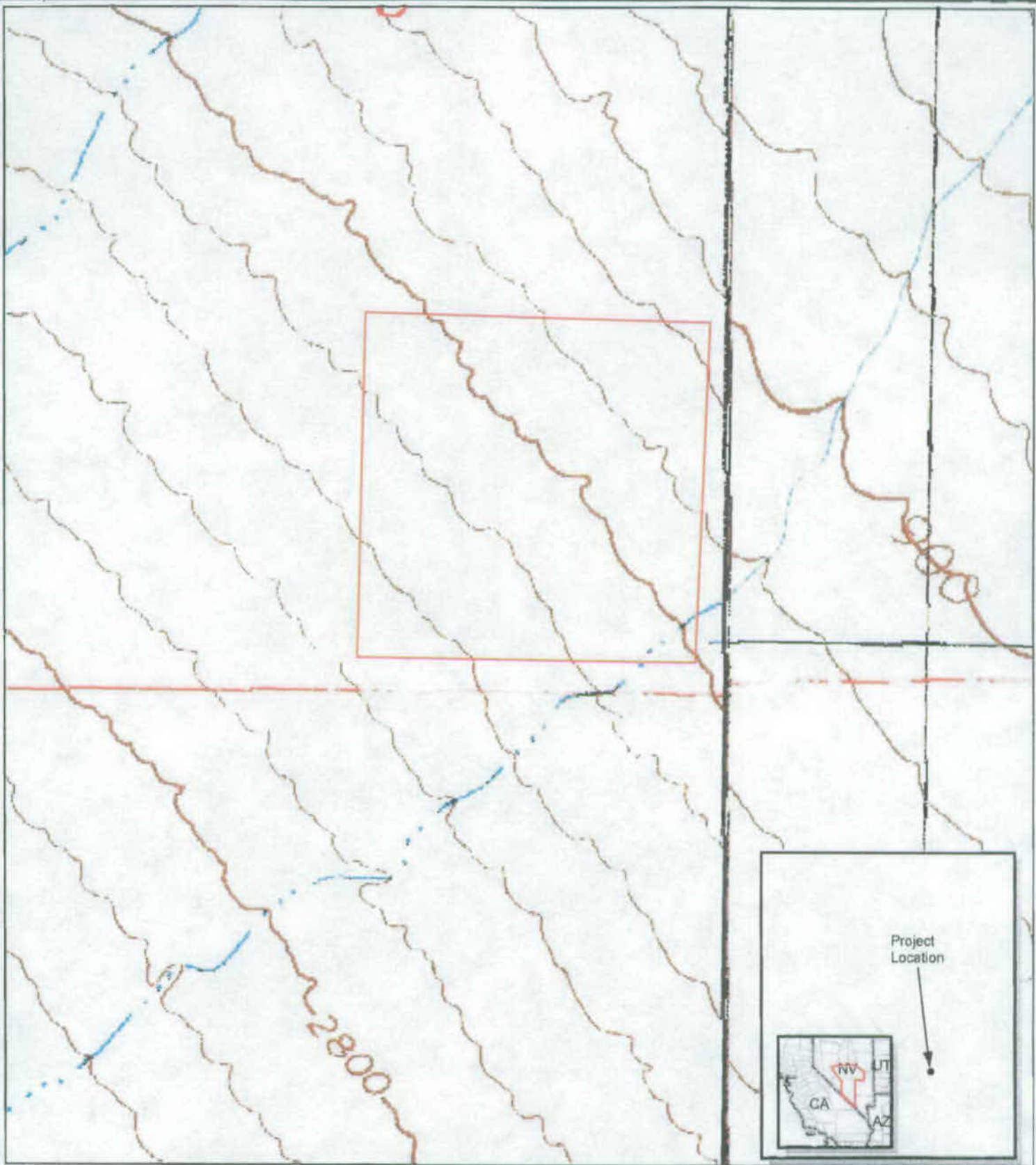


Aerial Source: 2006

Pahrump 40 Acre Site
Figure 1: Project Location

Legend
□ 40 Acre Site

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1 inch equals 0.3 miles

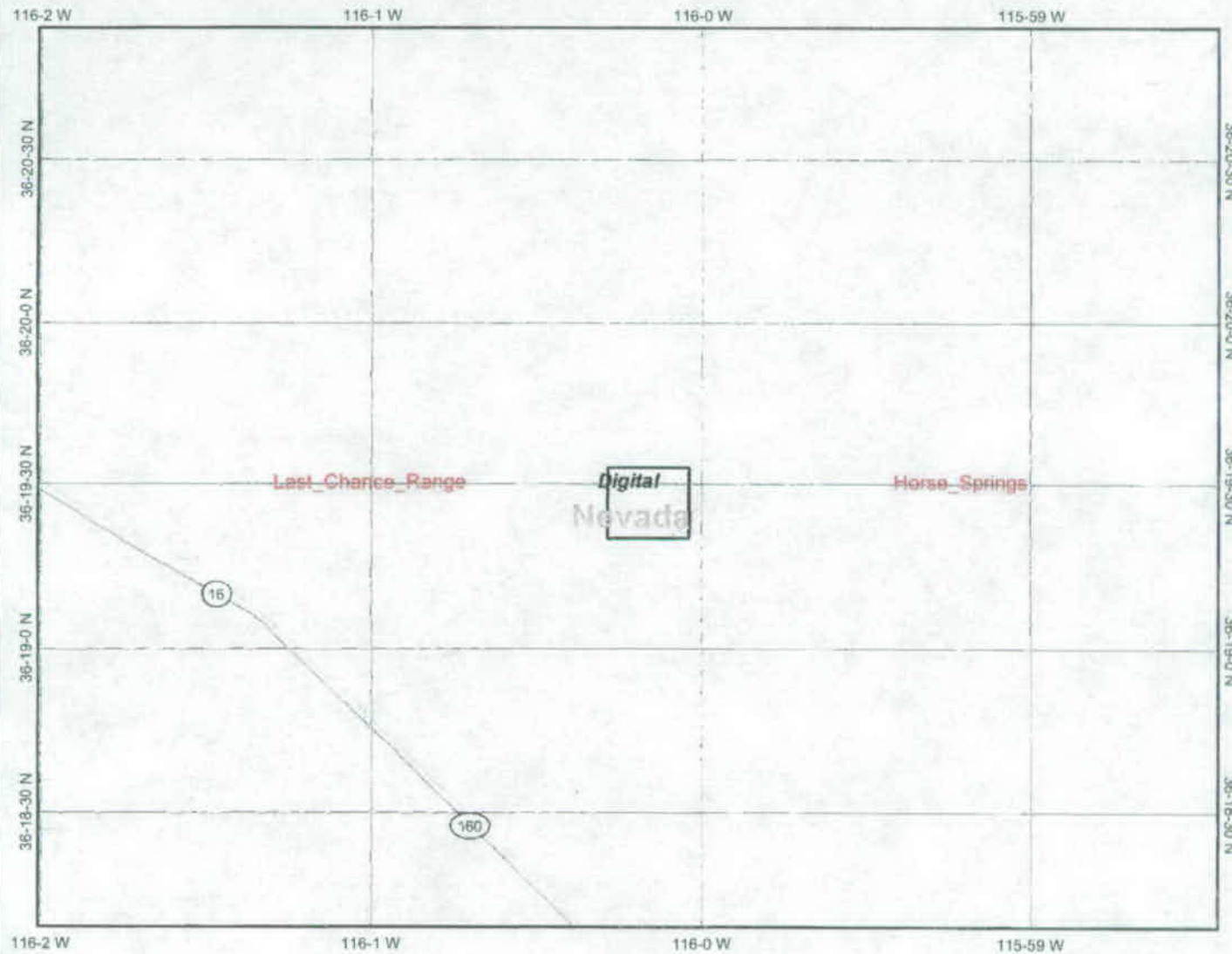


Legend
Project Area

0 400 800 Feet
1 inch equals 500 feet

Pahrump 40 Acre Site
Figure 2: Topo Map

Pahrump 40 Acres Survey Site



Legend

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 - 1
 - Out of range
- Roads**
- Interstate
 - Major Roads
 - Other Road
 - Interstate
 - State highway
 - US highway
- Cities**
- USGS Quad Index 24K
- Lower 48 Wetland Polygons**
- Estuaries and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
- Lower 48 Available Wetland Data**
- Non-Digital
 - Digital
 - No Data
 - Scan
 - NHD Streams
- Counties 100K**
- States 100K
 - South America
 - North America

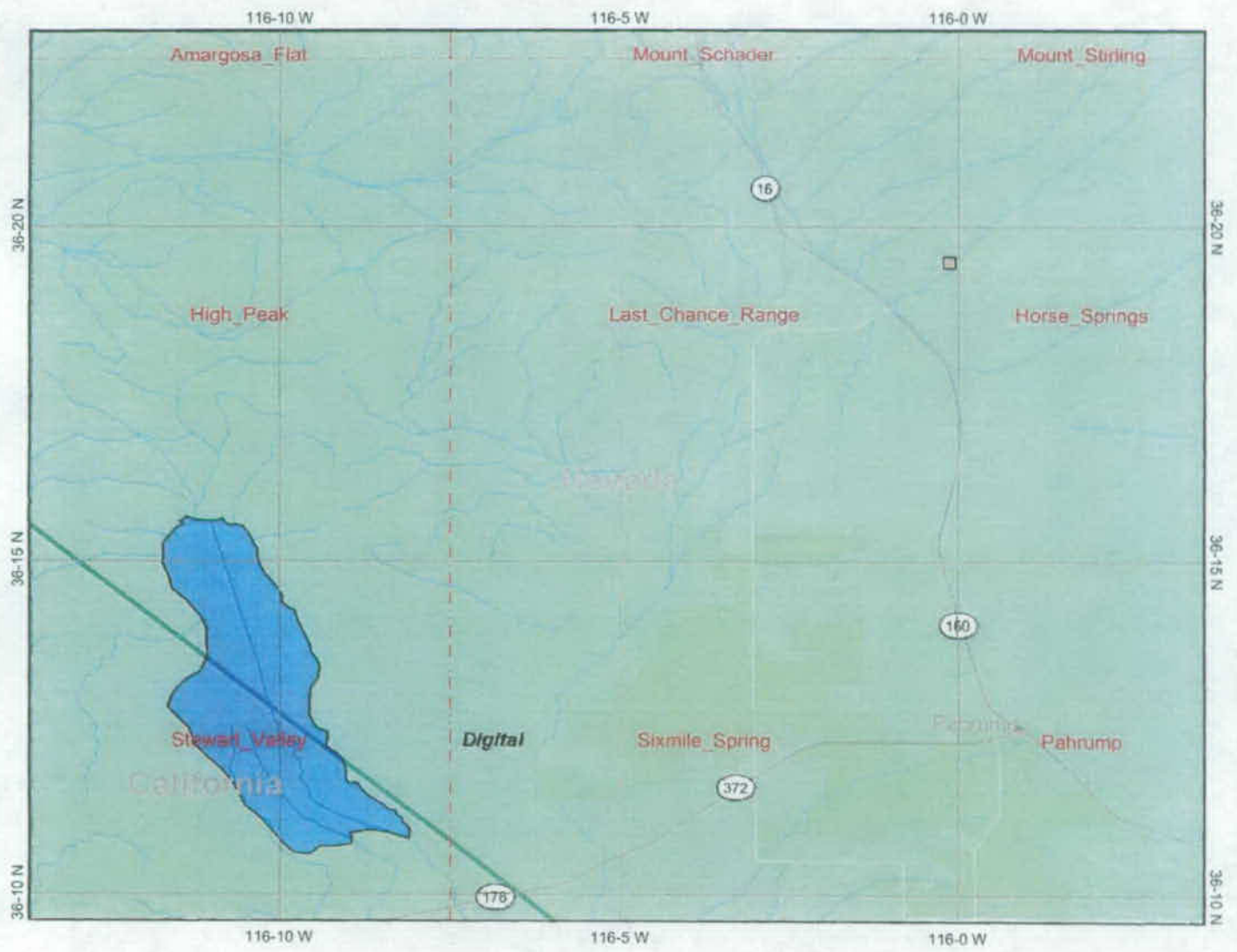
Map center: 36° 19' 32" N, 116° 0' 13" W



Scale: 1:35,702

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Pahrump 40 Acres Survey



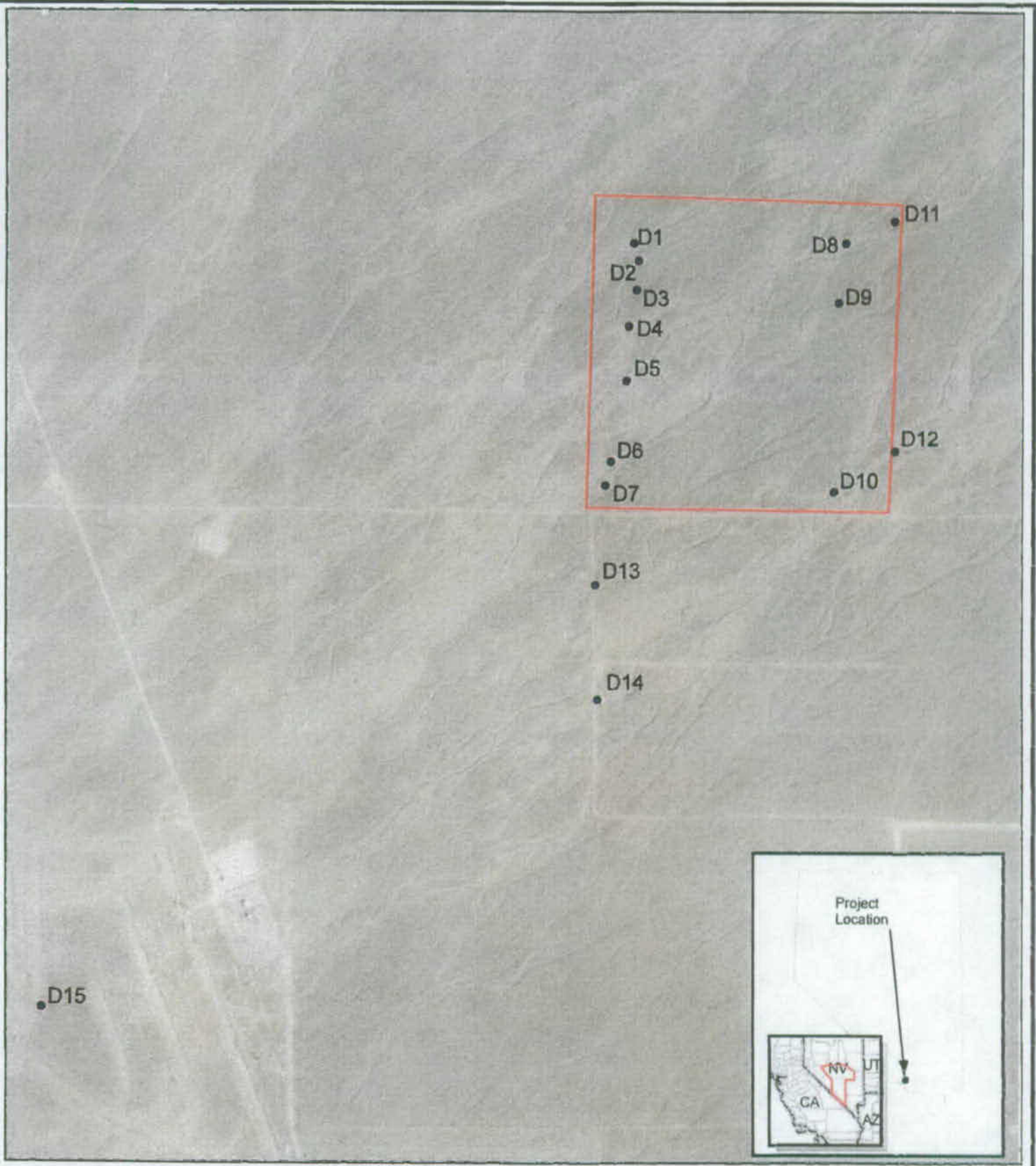
Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Cities
- USGS Quad Index 24K
- Lower 48 Available Wetland Data**
- Non-Digital
- Digital
- No Data
- Scan
- NHD Waterbodies**
- LAKE/POND
- RESERVOIR
- STREAM/RIVER
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America
- North America

Map center: 36°16' N, 116°5' W

Scale: 1:172,741

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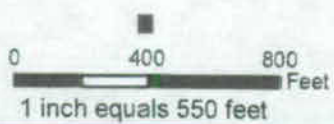


Aerial Source: 2006

Pahump 40 Acre Site Attachment B: Photo Points

Legend

- Project Area
- Photo Points





Photograph 1. View of the drainage feature at photo location 1, looking downstream.



Photograph 2. View of the drainage feature at photo location 2, looking upstream.

Environmental Survey Site Photographs

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 1

December 20, 2007



Photograph 3. View of the drainage feature at photo location 3, looking downstream.



Photograph 4. View of the drainage feature at photo location 4, looking upstream.

Environmental Survey Site Photographs

December 20, 2007

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 2



Photograph 5. View of the drainage feature at photo location 5, looking upstream.



Photograph 6. View of the drainage feature at photo location 6, looking upstream.

Environmental Survey Site Photographs

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 3

December 20, 2007



Photograph 7. View of the drainage feature at photo location 7, looking upstream.



Photograph 8. View of the drainage feature at photo location 8, looking upstream.

Environmental Survey Site Photographs

December 20 and 26, 2007

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 4



Photograph 9. View of the drainage feature at photo location 9, looking downstream.



Photograph 10. View of the drainage feature at photo location 10, looking downstream.

Environmental Survey Site Photographs

December 26, 2007

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 5



Photograph 11. View of the drainage feature at photo location 11, looking downstream.



Photograph 12. View of the drainage feature at photo location 12, looking downstream.

Environmental Survey Site Photographs

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 6

December 26, 2007



Photograph 13. View of the drainage feature at photo location 13, looking downstream.



Photograph 14. View of the drainage feature at photo location 14, looking downstream.

Environmental Survey Site Photographs

December 26, 2007

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 7



Photograph 15. View of the drainage feature at photo location 15, looking downstream.



Photograph 16. View of the proposed project site from the northeast corner, facing southwest.

Environmental Survey Site Photographs

December 26, 2007

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 8



Photograph 17. View of the carcass found at location T1.



Photograph 18. View of the carcass found at location T9.

Environmental Survey Site Photographs

PROPOSED DETENTION FACILITY
ON 630 PARQUE AVE, PAHRUMP,
NEVADA

PLATE 9

December 20 and 26, 2007

SPECIAL STATUS SPECIES SURVEY DATA FORM

Page 1 of 1

Project Name Panrump 40 Acre - FEE
 Area Name or No. _____
 Transect No. / ZOI Distance _____

Date (mm/dd/yy) 12/20/2007
 Biologist(s) HSanders
SGARNCAZ

Start time: 0840 Climate: Air temp at 12 in. _____ °F Cloud cover _____ % Wind 15-20 mph
 End time: 1500 Surface temp. _____ °F Rainfall 0 in. Rainfall in last 30 days _____ in.

Vegetation: Perennials: Dominant LATR, AMDU
 Others _____
 Annuals: Dominant PLOV, BERU
 Others _____

WPT ID#	UTMs		Burrow					Tortoise			Carcass	Scat	Other Misc.	# of Corrected Tortoise Sign
	Northing	Easting	Code	Width (in)	Height (in)	Depth (in)	See end?	Code	Width (in)	Length (in)	Code	Code - number**	Code	
T1											4			
T2			5	19	9	24	Y							
Total corrected tortoise sign:														

*Use the Data Dictionary to develop WPT ID#s.

Burrows and Dens:

- 1 = Currently active, with tortoise or recent tortoise sign
- 2 = Good condition, definitely tortoise; no evidence of recent use
- 3 = Deteriorated, definitely tortoise
- 4 = Deteriorated, possibly tortoise
- 5 = Good condition, possibly tortoise

Scat:

- 1 = Wet (but not from rain or dew) or freshly dried, obvious odor
 - 2 = Dry with glaze and some odor; no bleaching; dark brown
 - 3 = Dry without glaze or odor; light brown; tightly packed material
 - 4 = Dry without glaze or odor; yellow; loose material; scaly appearance
 - 5 = Dry without glaze or odor; bleached white; tightly packed material
- ** If numerous scat are found in/near a burrow, indicate # of pieces.

Tortoises:

- 1 = Adult
- 2 = Juvenile

Carcasses:

- 1 = Fresh or putrid, tissue present
- 2 = Normal color, scutes adhered to bone
- 3 = Scutes peeling off bone
- 4 = Bones falling apart, growth rings on scutes are peeling
- 5 = Disarticulated and scattered

Other Miscellaneous Sign:

- 1 = Tracks
- 2 = Egg shell
- 3 = Drinking site
- 4 = Courtship ring
- 5 = Vegetation grazed

WPT ID#	UTMs		Other Special Status Species Observations		
	Northing	Easting	Scientific Name	Common Name	Comments

*Use the Data Dictionary to develop WPT ID#s.

Surveyor	Date	Page	Notes Panrump 40 Acre - EEE							
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
H Sanders	81		9	336		207				
Notes	other = Mamillaria tetrancliotra									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
SGarcia	53		6	267		125	44			6
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
Notes										

Surveyor	Date	Page	Notes Pahrump 40 Acre - EEE							
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
K Goodwin	27			60		32	19			
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
S Garncafe	19			58		21	10			
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										

**EXCERPTS FROM
SUPPLEMENTAL BIOLOGICAL SURVEY INFORMATION
2520 EAST MESQUITE AVENUE SITE
PAHRUMP, NEVADA**



EEE Consulting, Inc.

Environmental, Engineering and Educational Solutions

TO: Brad Wiggins
FROM: Ian Frost, EEE Consulting
SUBJECT: Results of Wetland Delineation and Special Status Species Survey for the proposed Detention Facility in Pahrump, Nye County, Nevada
DATE: December 28, 2007
ATTACHMENTS: Attachment A: Figures
Attachment B: Site Photographs
Attachment C: USFWS, NNHP and NDOW Species Lists
Attachment D: Special Status Species Survey Data Forms

1.0 INTRODUCTION

The purpose of this Technical Memorandum is to present a summary of the results of the biological surveys conducted by staff of EEE and PBS&J on November 12th and 13th, 2007 for the proposed Detention Facility to be constructed in Pahrump, Nye County, Nevada. The proposed 120 acre project site is located on private land owned United Holdings Corporation (Nye County 2007) at 2250 Mesquite Avenue in Pahrump, Nevada (see Attachment A; Figure 1). The proposed project site is located in Township 19 south, Range 53 east, section 36.

The detention basin facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations and office space. These surveys were conducted in support of feasibility studies for the potential purchase of the 120 acre parcel of land owned by United Holdings Corporation.

2.0 PROJECT SITE DESCRIPTION

The project site is located to the east of the intersection of State Route 160 and north of Mesquite Avenue. The vegetation in this area is characterized as creosote scrub habitat. A general description of the hydrology and vegetation found within the proposed Pahrump Detention Facility project site is provided in this section.

2.1 Soil

The project site is located on erosional alluvial fan remnants derived from limestone and dolomite. The ground surface is covered with desert pavement and stones. The project site consists of Commski-Lastchance Association soil series (Natural Resources Conservation Service [NRCS] 2007). This series is described as a combination of the Commski series and Lastchance series.

The Commski series is located on inset fans with slopes ranging from 2 to 8 percent and is mostly covered with stones and boulders. It is a well drained soil that does not experience flooding or ponding. The typical profile for Commski is 0 to 5 inches of very gravelly fine sandy loam, 5 to 14 inches of extremely gravelly sandy loam, and 14 to 60 inches of extremely gravelly coarse sandy loam (NRCS 2006).

The Lastchance series is located on fan remnants with slopes ranging from 2 to 8 percent and is mostly covered with stones and boulders. It is a well drained soil that does not flood or pond. The typical profile for Lastchance is 0 to 2 inches of extremely gravelly loam, 2 to 20 inches of very gravelly loam, and 20 to 60 inches of cemented material (NRCS 2006).

These soil series are not on the Hydric Soils List for Nevada (NRCS 2007).

2.2 Vegetation

The project area is located in the northern portion of the Mojave Desert. The vegetation in this area is characterized as creosote scrub habitat. Plant species identified in the project area are listed in Table 1. The dominant vegetation in the proposed project area included creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), spiny menodora (*Menodora spinescens*) and Mojave yucca (*Yucca schidigera*).

Table 1. Plant Species Identified in Survey Area

Scientific Name	Common Name	Region 8 Indicator Status*
<i>Ambrosia dumosa</i>	White bursage	NI
<i>Amsinckia tessellata</i>	Bristly fiddleneck	NI
<i>Asclepias erosa</i>	Common milkweed	NI
<i>Baileya multiradiata</i>	Desert Marigold	NI
<i>Camissonia brevipes</i>	Golden evening primrose	NI
<i>Castilleja angustifolia</i>	Indian paintbrush	NI
<i>Chorizanthe rigida</i>	Rigid spiny herb	NI
<i>Echinocactus polycephalus</i>	Cottontop Cactus	NI
<i>Echinocereus engelmannii</i>	Hedgehog Cactus	NI
<i>Encelia virginensis</i>	Green encelia	NI
<i>Ephedra nevadensis</i>	Mormon tea	NI
<i>Eriogonum inflatum</i>	Desert trumpets	NI
<i>Erodium cicutarium</i>	Redstem stork's bill	NI
<i>Ericameria linearifolia</i>	Linear-leaved goldenbush	NI
<i>Krameria erecta</i>	Littleleaf ratany	NI
<i>Larrea tridentata</i>	Creosote bush	NI
<i>Menodora spinescens</i>	Spiny menodora	NI
<i>Opuntia basilaris</i>	Beavertail Cactus	NI
<i>Opuntia echinocarpa</i>	Silver Cholla	NI
<i>Plantago ovata</i>	Desert Indianwheat	NI
<i>Psilotrophe cooperi</i>	Whitestem paperflower	NI
<i>Salsola tragus</i>	Prickly Russian thistle	NI
<i>Stephanomeria pauciflora</i>	Desert straw	NI
<i>Yucca brevifolia</i>	Joshua Tree	NI
<i>Yucca schidigera</i>	Mojave Yucca	NI
NI=Not Indicator Source: USFWS 1988		

2.3 Hydrology

The proposed project site lies within the Basin and Range Physiographic Province. It is characterized by dry ephemeral washes that function primarily as storm water runoff channels. There are no large washes

on or adjacent to the project site (see Attachment B for site photographs) but several small shallow swales exist on the site. The drainage pattern is generally from east to the west (see Attachment A, Figure 2). Most of the project site is relatively flat and would only convey sheet flow.

There are multiple improvements west of the project site. Just west of the project site there is a graded gravel road and then further to the west there are residential developments and Highway 160, which runs north-south in that area. These improvements appear to have altered (blocked) the flow of runoff to the west of the site.

3.0 WETLAND DELINEATION/WATERS OF THE U.S. DETERMINATION

The USACE regulates the discharge of dredged or fill material into waters of the U.S. (WOUS). The term WOUS applies to the jurisdictional limits of the authority of the USACE. The limits of jurisdiction of the USACE extend to the ordinary high water mark (OHWM). The OHWM is generally defined as the clear, natural line on the shore or channel bank established by water fluctuations. The line would be indicated by physical characteristics such as shelving, changes in soil character or vegetation, or presence of litter or debris. As applied to this project, WOUS by definition includes interstate waters, tributaries of interstate waters, and wetlands adjacent to interstate waters and tributaries.

The Pahrump Dry Lake is an interstate water. All interstate waters, including wetlands, are defined as "waters of the U. S." and are under the jurisdiction of the USACE according to 33 CFR Part 328.3. The Pahrump Dry Lake is located approximately 10 miles west of the proposed project site. The Pahrump Dry Lake is identified as a wetland on the USFWS National Wetlands Inventory (USFWS 2007a), and therefore, it and any tributaries with a significant nexus would be jurisdictional under the authority of the USACE.

3.1 Methodology

Field investigations were conducted by EEE and PBS&J on November 12th and 13th, 2007 to identify the presence of WOUS. The focus of the field survey was to identify a definable channel bed and bank and determine the OHWM to determine if the washes have jurisdictional limits under the authority of the USACE.

Data sources reviewed prior to the field survey to assist in locating and identifying potential WOUS included aerial photography (Fall 2006), U.S. Geological Survey topographic maps, and the U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) online maps (USFWS 2007a). Topographic maps and aerial photos were used to identify drainage patterns and washes through the project site. The NWI map was used to identify any existing delineated wetlands in the vicinity of the project site. No designated wetlands were identified in the vicinity of the project site by the NWI. The NWI map is included in Attachment A; Figure 3.

The 1987 *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *United States Army Corps of Engineers (USACE) Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2006) were used as guidance for delineating wetlands. These guidelines define wetlands based on three criteria – hydrophytic vegetation, hydric soils, and wetland hydrology. Generally, all three criteria must be present for an area to be defined as a wetland. Some exceptions occur in disturbed areas or in newly formed wetlands where one indicator (such as hydric soils) might be lacking. These particular areas are dealt with on an individual basis as outlined in the *Field Guide for Wetland Delineation* (Wetland Training Institute, Inc. 1991).

The *Review of Ordinary High Water Mark Indicators for Delineating Arid Streams in the Southwestern United States* (USACE 2004) and *Guidelines for Jurisdictional Determinations for Waters of the United*

States in the Arid Southwest (USACE 2001) were used as guidance for identifying and determining limits of the USACE jurisdiction in ephemeral washes. The guidance identifies three main features associated with arid stream systems that are useful for delineation purposes, including hydrology, geomorphology, and vegetation. The limits of jurisdiction of the USACE extend to the ordinary high water mark (OHWM). The OHWM is generally defined as the clear, natural line on the shore or channel bank established by water fluctuations.

3.2 Determination Results

Most of the project site is relatively flat and would only convey sheet flow during storm events. There are some small, shallow swales that may convey storm water runoff. Most of the drainage features within the project area are not defined and are consistent with the shallow, multi-braided drainage features typically occurring on alluvial fans. These swales do not have a defined bed and bank and actually flatten out and turn to sheet flow just west of the project site. Additionally, construction of residential developments and Highway 160 appear to have cut off any flow conveyance to the west of the project site. The swales within the project site do not have connectivity to the Pahrump Dry Lake, nor do they contribute to the biological, physical, or chemical integrity of this interstate water (see Figure 4 in Attachment A).

There are no wetlands on the project site. There are no wetlands identified in the proposed project area by the USFWS National Wetlands Inventory (2007) (see Figure 3 in Attachment A). The three criteria that define wetlands were not met within the survey area. No hydric soils occur, there are no hydrophytic vegetative species, and the hydrology is not indicative of wetlands.

4.0 SPECIAL STATUS SPECIES SURVEY

Information about special status species was acquired from correspondence between EEE Consulting and the US Fish and Wildlife Service (USFWS) (USFWS 2007b), Nevada Natural Heritage Program (NNHP) (NNHP 2007), and Nevada Department of Wildlife (NDOW) (NDOW 2007). Special status species information from USFWS, NNHP and NDOW are included in Attachment C.

Species of federal concern that may potentially occur on the project include the Desert tortoise (*Gopherus agassizii*). Species of state concern identified as potentially occurring within the project area include the Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*), the Pahrump Valley buckwheat (*Eriogonum bifurcatum*), Gila monster (*Heloderma suspectum*), burrowing owl (*Athene cunicularia*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), lesser nighthawk (*Chordeiles acutipennis*), and kit fox (*Vulpes macrotis*). In addition to these species, cacti and yucca have the potential to occur on the project site. All native cacti, yuccas, and evergreen trees are protected and regulated by the State of Nevada under Nevada Revised Statute 527.060-.120. This provision does not allow the removal or destruction of the listed plant species on Nevada state lands, county lands, reserved or unreserved lands owned by the federal government, and from privately owned lands without written permission, permit and/or tag issued by the Nevada Division of Forestry.

4.1 Methodology

EEE and PBS&J conducted 100 percent coverage pedestrian transect biological surveys on November 12th and 13th, 2007. The biological surveys followed protocols as described in the Procedures for ESA Compliance for the Mojave Desert Tortoise (USFWS 1992). The location of all tortoise sign encountered was recorded using a handheld GPS and data forms were completed for each burrow/sign that was identified. All cacti and yucca species encountered were identified and counted.

4.2 Special Status Species Survey Results

Desert Tortoise (*Gopherus agassizii*)

The Mojave population of the desert tortoise occurs north and west of the Colorado River in the Mojave Desert eco-region in California, Nevada, Arizona, and Utah. The desert tortoise is a large herbivorous reptile found at elevations ranging from below mean sea level (msl) to 5,000 feet (1,524 meters) above msl. The desert tortoise occurs in creosote scrub, Joshua tree, and blackbrush habitats. The desert tortoise primarily forages on annual wildflowers and native desert grasses, especially galleta (*Hilaria* sp.) and Indian rice grass (*Achnatherum hymenoides*). The Mojave population of the desert tortoise was federally listed as Threatened by the USFWS in 1990.

Desert tortoise sign observed on the project site included three Class 2 burrows, two collapsed Class 3 burrows, five class 3 burrows and three Class 2 burrows with Class 3-4 scat (see Attachment D for Special Status Species Data Forms). Three Class 2 burrows were located in the northeast corner of the project site (see Attachment A; Figure 5). The proposed project site does contain suitable habitat for the desert tortoise.

Pahrump silverscale (*Atriplex argentea* var. *longitrichoma*)

The Pahrump silverscale is an annual plant that is restricted to the Pahrump and Stewart Valleys of California and Nevada. This species occurs on saline valley bottoms with saltbush, creosote bush, mesquite, and annual weedy grasses and forbs (Flora of North America 2007). No individuals of this species were observed during surveys and suitable habitat does not exist within the project area.

Pahrump Valley buckwheat (*Eriogonum bifurcatum*)

The Pahrump Valley buckwheat is an annual species that occurs in Clark and Nye County, Nevada and within the Pahrump Valley of California. This species grows in barren, saline, heavy clay or silty hardpan soils on and near dry playa margins, and on adjacent shore terraces and stabilized sand dunes (NNHP 2001). No individuals of this species were observed during surveys and suitable habitat does not exist within the project area.

Gila monster (*Heloderma suspectum*)

The Gila monster is a large, venomous reptile that ranges throughout the Mojave and Sonoran Deserts. It can be found in Mojave Desert scrub habitats in canyon bottoms, arroyos, and rocky slopes. Gila monsters are mainly terrestrial but infrequently climb into vegetation. Refuges include spaces under rock, dense shrubs, burrows, or woodrat nests (NatureServe 2007). No individuals of this species were observed during surveys; however, potential habitat does exist.

Burrowing owl (*Athene cunicularia*)

Burrowing owls are found throughout open landscapes of North and South America. The owls are approximately 10 inches tall and live in underground burrows in the desert where it is insulated from extreme temperatures and protected from predators. This ground-nesting owl prefers dry desert scrub areas and open conifer habitats at higher elevations. It often nests in colonies; it is active year round and produces young from mid March through August. It is an "evaluation species" for the Clark County Multiple Species Conservation Plan (CCMSCP) and is protected under the Migratory Bird Treaty Act. Killing or possessing burrowing owls or destruction of their nests with eggs or young is prohibited (USFWS 2007c).

One burrowing owl was identified on the project site in a desert tortoise burrow. It was found in TB01 (see Attachment A; Figure 4 and Attachment B: photo plate 2) northwest of the project site. The proposed project area does contain suitable habitat to support this species.

Prairie Falcon (*Falco mexicanus*)

The prairie falcon is a medium-sized falcon that generally resides in southern Nevada throughout the year. It may be found in open deserts, grasslands, and on agricultural lands. This species generally nests on cliffsides, but forages in open spaces (Sibley 2003). No individuals of this species were observed during surveys; however, potential foraging habitat does exist.

Loggerhead Shrike (*Lanius ludovicianus*)

The loggerhead shrike is a small member of the robin family that may reside in southern Nevada year-round. This species often breeds in desert scrub habitat and builds its nests in shrubs or small trees (NatureServe 2007). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Lesser Nighthawk (*Chordeiles acutipennis*)

The lesser nighthawk is a breeding resident of southern Nevada, flying south for the winter. This species forages at night in open country, desert regions, and scrub habitats (Sibley 2003). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Kit Fox (*Vulpes macrotis*)

Kit foxes occur throughout the Mojave Desert in creosote bush scrub habitats. Young are born in an underground den. These dens usually have multiple entrances and may be 3-6 m long, reaching 127 cm in depth. Most kit fox dens occur on flat, well-drained uplands. Several dens may be used, especially in summer (NatureServe 2007). No individuals of this species were observed during surveys; however, suitable habitat does exist within the project area.

Cacti Species

Cacti and yucca species encountered on the project site includes beavertail (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), cottontop (*Echinocactus polycephalus*), hedgehog cactus (*Echinocereus engelmannii*) Mojave yucca (*Yucca schidigera*) and Joshua tree (*Yucca brevifolia*). See Table 2 for a complete count of the cacti and yucca species observed on the project site.

Table 2. Number of Cacti and Yucca Species Observed on the Project Site

Scientific Name	Common Name	# Observed
<i>Echinocactus polycephalus</i>	Cottontop Cactus	174
<i>Echinocereus engelmannii</i>	Hedgehog Cactus	265
<i>Opuntia basilaris</i>	Beavertail Cactus	151
<i>Opuntia echinocarpa</i>	Silver Cholla	196
<i>Yucca schidigera</i>	Mojave Yucca	1092
<i>Yucca brevifolia</i>	Joshua Tree	43

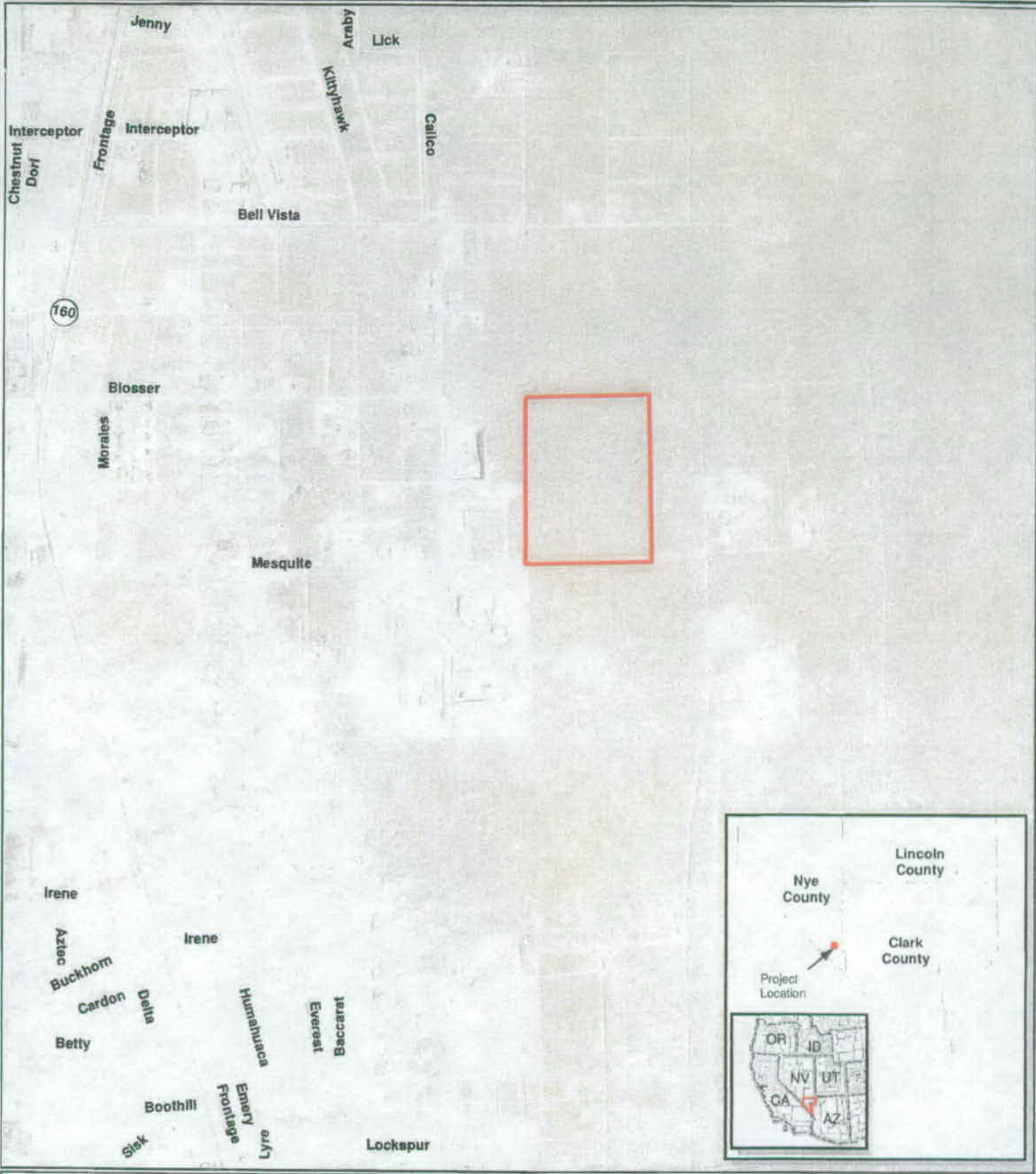
5.0 REFERENCES

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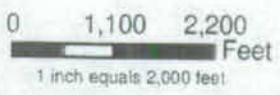
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- _____. 2007. *Vulpes macrotis* - Merriam, 1888, Kit Fox. URL: <http://www.natureserve.org>. Site accessed on December 10, 2007.
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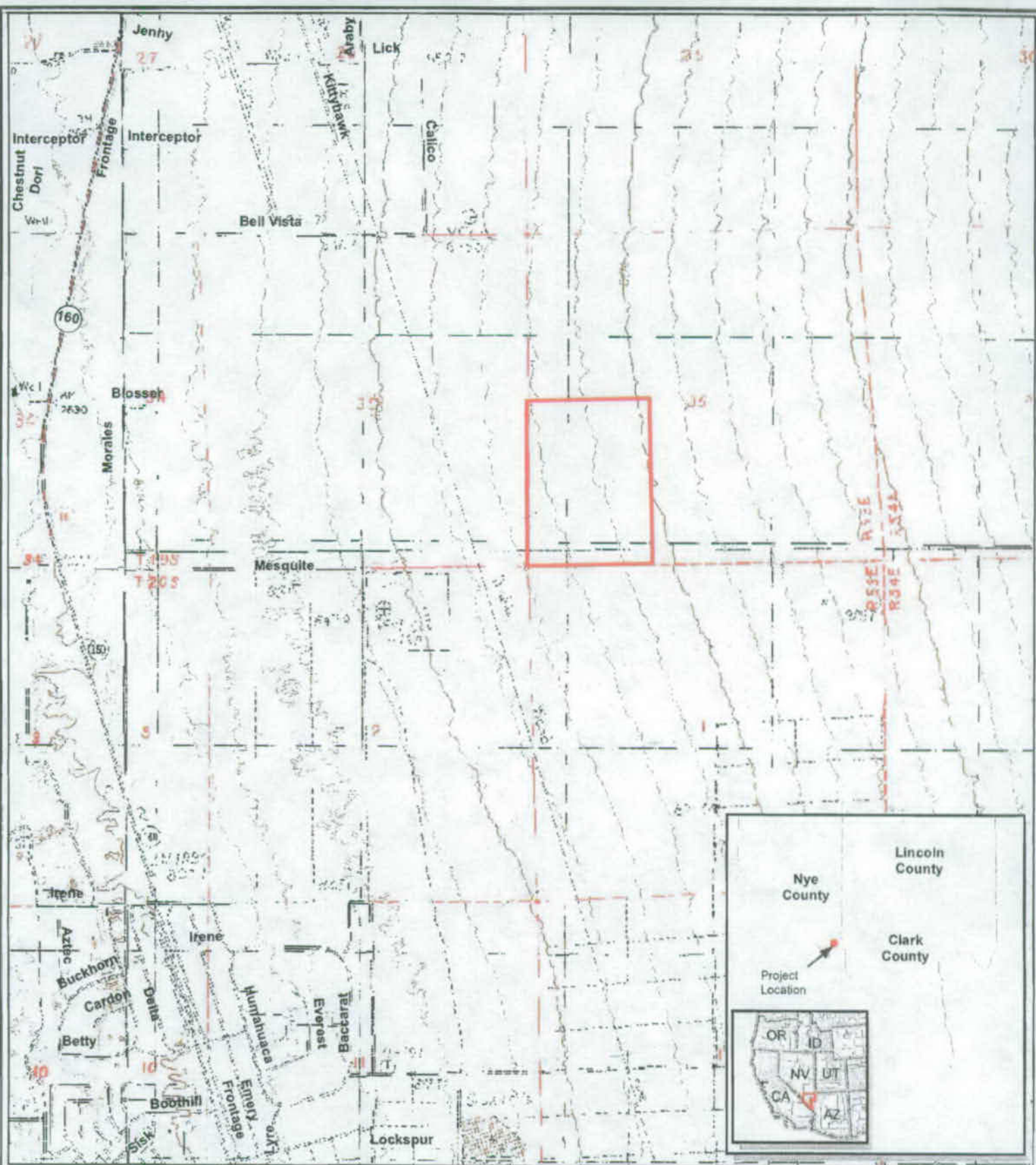


Mesquite Avenue, Pahrump, NV
 Figure 1 - Location Map

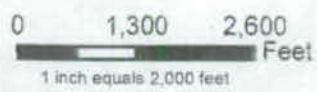


Legend

 Mesquite Avenue Site Boundary



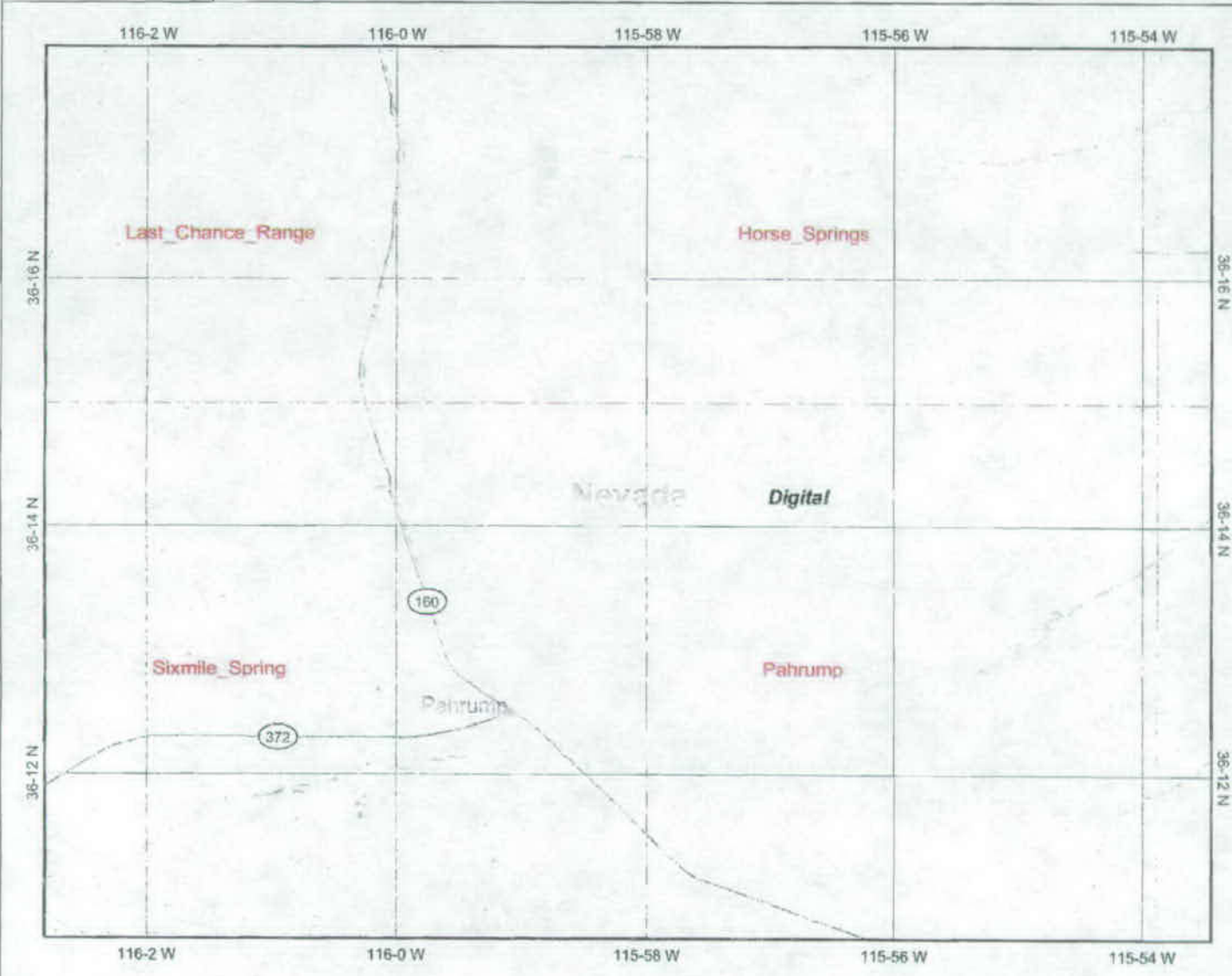
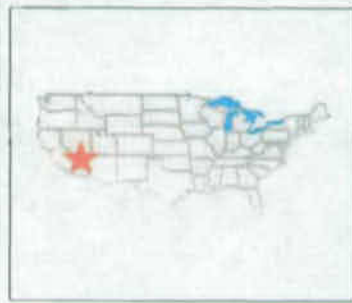
Mesquite Avenue, Pahrump, NV
Figure 2 - Topography Map



Legend

Mesquite Avenue Site Boundary

Internet Mapping Framework



Legend

CONUS_wet_scan

- 0
- 1
- Out of range

Interstate

Major Roads

- Other Road
- Interstate
- State highway
- US highway

Roads

- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Lower 48 Available Wetland Data

- Non-Digital
- Digital
- No Data
- Scan

NHD Streams

- Counties 100K
- Urban Areas 300K
- States 100K
- South America

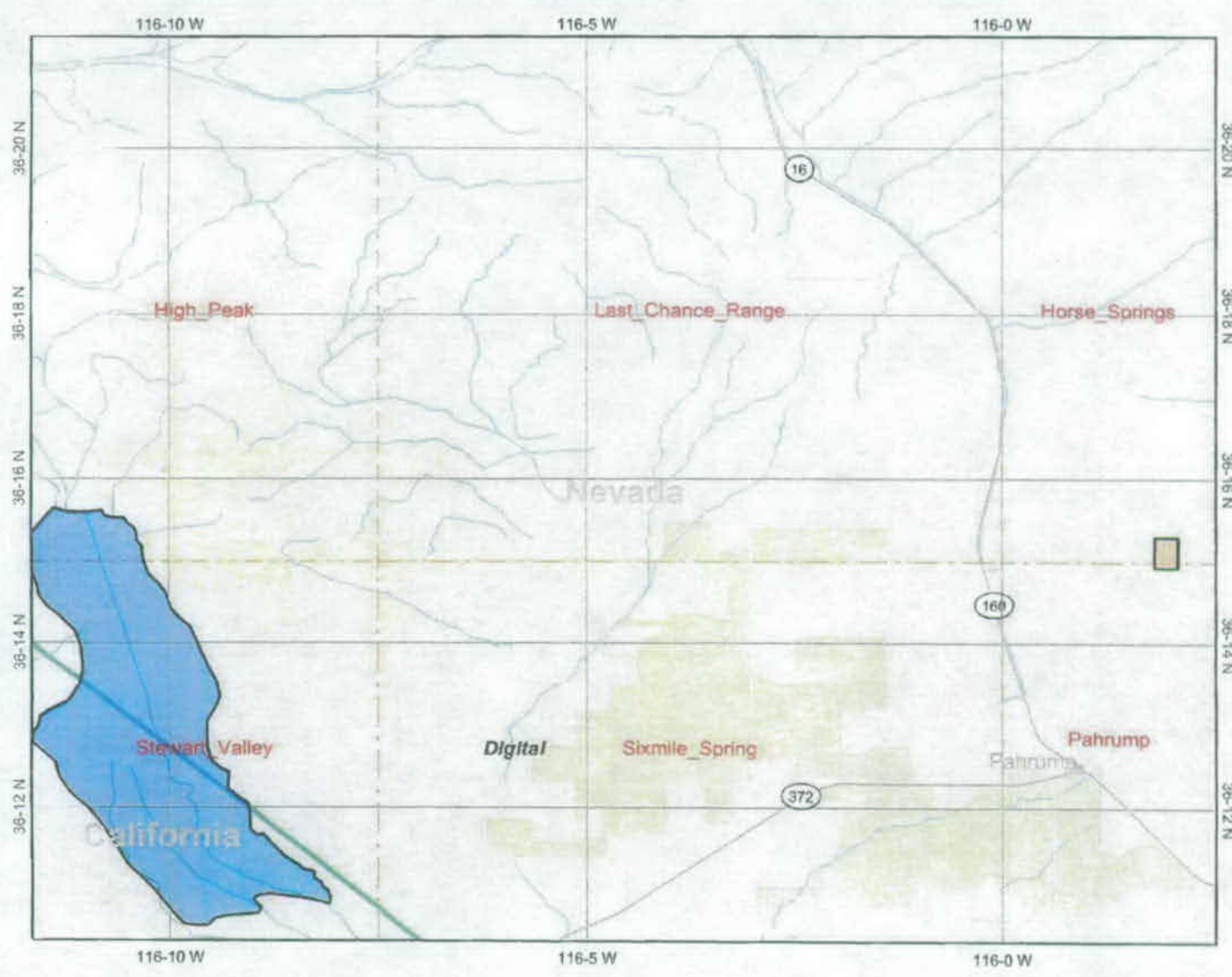
Map center: 36°14' N, 115°58' W



Scale: 1:93,565

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Mesquite Avenue Site in Pahrump, NV



Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Cities
- USGS Quad Index 24K
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Waterbodies
- LAKE/POND
- RESERVOIR
- STREAM/RIVER
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America
- North America



Scale: 1:141,871

Map center: 36°15' N, 116°4' W

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Photograph 1. View of the surveyed area from the northwest corner, facing southeast..



Photograph 2. View of the surveyed area from the southwest corner, facing northeast.

Attachment B: Site Photographs
Pahrump, NV

November 12, 2007

PROPOSED DETENTION
FACILITIES. MAESQUITE AVE,
PAHRUMP, NEVADA

PLATE 1

PBS



Photograph 3. View of the burrow at waypoint location T01. This burrow was occupied by a burrowing owl.



Photograph 4. View of the desert tortoise burrow found at waypoint location T11.

Attachment B: Site Photographs
Pahrump, NV

November 12-13, 2007

PROPOSED DETENTION
FACILITIES. MAESQUITE AVE,
PAHRUMP, NEVADA

PLATE 2

PBS

SPECIAL STATUS SPECIES SURVEY DATA FORM - Side 2

Page _____ of _____

Project Name Mesquite Ave in Pahrump - EEF

Date (mm/dd/yy) 11/13/2007

Area Name or No. _____

Biologist(s) K Goodwin

Transect No. / ZOI Distance _____

H Sanders

Start time: 0900 Climate: Air temp at 12 in. 62 °F Cloud cover 0 % Wind 0-5 mph
 End time: 1600 Surface temp. 75 °F Rainfall 0 in. Rainfall in last 30 days T in.

Vegetation: Perennials: Dominant _____
 Others _____
 Annuals: Dominant _____
 Others _____

WPT ID#*	UTMs		Burrow					Tortoise			Carcass	Scat	Other Misc.	# of Corrected Tortoise Sign
	Northing	Easting	Code	Width (in)	Height (in)	Depth (in)	See end?	Code	Width (in)	Length (in)	Code	Code - number**	Code	
T05			2	18	7	22	Y					2		
T06	Pallet		3	12	6	5	Y							
T07			2	10	6	22	N							
T08			3	11	6	14	Y							
T09			3	12	6	16	Y							
T10			2	11	6	24	Y					3-4		
T11			2	13	7	48	Y					3-4		
T12			3	7	4	9	Y							
T13			3	9	4	10	Y							
Total corrected tortoise sign:														

*Use the Data Dictionary to develop WPT ID#s.

Burrows and Dens:

- 1 = Currently active, with tortoise or recent tortoise sign
- 2 = Good condition, definitely tortoise; no evidence of recent use
- 3 = Deteriorated, definitely tortoise
- 4 = Deteriorated, possibly tortoise
- 5 = Good condition, possibly tortoise

Scat:

- 1 = Wet (but not from rain or dew) or freshly dried, obvious odor
- 2 = Dry with glaze and some odor; no bleaching; dark brown
- 3 = Dry without glaze or odor; light brown; tightly packed material
- 4 = Dry without glaze or odor; yellow; loose material; scaly appearance
- 5 = Dry without glaze or odor; bleached white; tightly packed material

** If numerous scat are found in/near a burrow, indicate # of pieces.

Tortoises:

- 1 = Adult
- 2 = Juvenile

Carcasses:

- 1 = Fresh or putrid, tissue present
- 2 = Normal color, scutes adhered to bone
- 3 = Scutes peeling off bone
- 4 = Bones falling apart, growth rings on scutes are peeling
- 5 = Disarticulated and scattered

Other Miscellaneous Sign:

- 1 = Tracks
- 2 = Egg shell
- 3 = Drinking site
- 4 = Courtship ring
- 5 = Vegetation grazed

WPT ID#*	UTMs		Other Special Status Species Observations		
	Northing	Easting	Scientific Name	Common Name	Comments

*Use the Data Dictionary to develop WPT ID#s.

Surveyor	Date	Page	Notes							
S GARIBAY	10/12/07		FROM the NW corner Photo #1-S, #2-SE, #3-E Photos #4-10-1 #6 N #5-10-2 #7 NE #8 E							
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
N 5 1-2	 									
Notes	46	2	7	4		4		3		
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
N 5 3-4	 									
Notes	38	1	4	2		4	8			
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
N 5 5-6	 									
Notes	50	1	2	1		6	8			
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
N 5 7-8	 									
Notes	53	5	7	4		9	7			
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
N 5 9-10	 									
Notes	Photo #9 + 10 plus Plant									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	(233)	(12)	(25)	(15)		(31)	(33)			
Notes								8/11 4405 2/11		

Surveyor	Date	Page	Notes Mesquite Ave in Panrump - EEE							
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 	 	 	 		 	 			
Notes	75		30	25		60	30			
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 		 	 		 	 			
Notes	80		20	20		33	30			
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 			 						
Notes	75			20						
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 			 						
Notes	75									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 			 						
Notes	65									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 									
Notes	33									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	 									
Notes	403	8	51	70		93	64			

Surveyor	Date	Page	Notes							
H. Sanders	mgjane Yucca	Joshua tree	barren hill silver cholla hedgehog cotton-top							
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
	50	1	20	25		45	30			
Notes	[Handwritten tally marks]									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
	49		19	20		30	19			
Notes	[Handwritten tally marks]									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
	50		1	20		20				
Notes	[Handwritten tally marks]									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
	40			20						
Notes	[Handwritten tally marks]									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
	45									
Notes	[Handwritten tally marks]									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivapara	Ferocactus cylindraceus	Other Species
	25									
Notes	[Handwritten tally marks]	(259)	(11)	(40)	(85)	(85)	(49)			

indiana point bench

**EXCERPTS FROM
SUPPLEMENTAL BIOLOGICAL SURVEY INFORMATION
MOAPA SITE
MOAPA, NEVADA**



EEE Consulting, Inc.

Environmental, Engineering and Educational Solutions

TO: Brad Wiggins
FROM: Carter Teague
SUBJECT: Results of Wetlands Delineation and Special Status Species Survey for the proposed Detention Facility in Moapa, Clark County, Nevada

DATE: November 20, 2007
ATTACHMENTS: Attachment A: Figures
Attachment B: Site Photographs
Attachment C: Wetlands Determination Data Forms
Attachment D: USFWS and NNHP Species Lists
Attachment E: Special Status Species Survey Data Forms

1.0 INTRODUCTION

The purpose of this Technical Memorandum is to present a summary of the results of the wetlands delineation and biological surveys conducted by EEE and PBS&J personnel on October 15, 2007 for the Detention Facility proposed to be constructed in Moapa, Clark County, Nevada. The proposed 80 acre (32 ha) project site is located on private land owned Moapa 80 LLC (Clark County 2007) at 2251 East Basin Avenue in Moapa, Nevada (see Figure 1 in Attachment A). It is situated to the southwest of Reid Gardner Power Station and west of Hidden Valley Road in Clark County, Nevada. The proposed project site is located in Township 15 south, Range 66 east, Section 6.

The detention facility will consist of multiple detached units to accommodate adult inmates and additional buildings for administration/operations office space. This technical memorandum is being provided to EEE Consulting Inc. in support of an Environmental Assessment they are currently preparing.

2.0 PROJECT SITE DESCRIPTION

The project site is located just north of the Muddy River. The vegetation on the site consists of desert riparian habitat and creosote scrub habitat.

2.1 Soil

There are two types of soil found in the project site; Badland (BD) and Overton silty clay, strongly saline (On). The badland soil is characteristically described as severely eroded and gullied landscape. The Badland Soil is commonly found on old escarpments and consists of stratified sand, silt, and clay that contain large amounts of gypsum and calcium, and the slope reanges from 15 to 50 percent and can be up to 100 percent. The run off is very rapid, and there is a high hazard for erosion (Soil Conservation Service 1980). This soil is not listed on the Hydric Soils of Nevada list (Natural Resources Conservation Service 1995).

Located on the western section of the project site is Overton silty clay, strongly saline soil. Overton silty clay, strongly saline soil is deep, very poorly drained soil that is found on floodplains. The soil is derived from alluvium and is composed of sedimentary rock and lacustrine materials. The upper portion of the Overton silty clay, strongly saline soil is gray silty clay and clay and is about 16 inches (41 cm)

thick, the subsoil is gray to pale yellow in color and is approximately 9 inches (23 cm) thick, and the substratum of the Overton silty clay, strongly saline soil is a pale yellow to a light reddish brown and occurs up to a depth of 60 inches (152 cm). The subsoil and substratum are stratified silty clay to fine sandy loam. The Overton silty clay, strongly saline soil occurs on 0 to 2 percent slope at elevations between 1,300 and 1,500 feet (396 to 457 meters). The permeability of the soil is slow, and has a high water capacity. The water table is shallow for this soil and ranges from 1 to 6 feet (30 to 183 cm) deep (Soil Conservation Service 1980). This soil is listed on the *Hydric Soils of Nevada* list (Natural Resources Conservation Service 1995).

2.2 Vegetation

The project area is located in the northern portion of the Mojave Desert. The vegetation in this area is characterized as desert riparian and creosote scrub habitat. Plant species identified adjacent to the Muddy River in the project are listed in Table 1.

Table 1. Plant Species Identified Adjacent to the Muddy River in the Project Area

Scientific Name	Common Name	Region 8 Indicator Status*
<i>Atriplex canescens</i>	Fourwing saltbush	UPL
<i>Atriplex lentiformis</i>	Quailbush	FAC+
<i>Xanthium strumarium</i>	Cocklebur	FAC
<i>Pluchea sericea</i>	Arrowweed	FACW
<i>Salsola</i> spp.	Russian thistle	FACU
<i>Sporobolus airoides</i>	Alkali sacaton	FAC
<i>Tamarix ramosissima</i>	Tamarisk (saltcedar)	FACW
<i>Allenrolfea occidentalis</i>	Pickleweed	FACW
<i>Prosopis glandulosa</i>	Honey mesquite	NI
<i>Acacia greggii</i>	Catclaw acacia	FACU
<i>Cynodon dactylon</i>	Bermuda Grass	FAC
FAC=Facultative FACU=Facultative Upland FACW=Facultative Wetland UPL=Upland NI=Not Indicator Source: USFWS 1988		

Of the species identified, 9 are listed on the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, Intermountain Region 8 as indicator plants that could possibly occur in wetlands. The quailbush, alkali sacaton, and cocklebur are classified as facultative (FAC) because they are equally likely to occur in wetlands or non-wetlands. The catclaw acacia is classified as facultative upland (FACU) because it usually occurs in non-wetlands but are occasionally found in wetlands. The arrowweed, saltcedar, and pickleweed, are classified as facultative wetland (FACW) because they usually occur in wetlands but are occasionally found in non-wetlands. The Honey Mesquite is not listed as a species that occurs in wetlands in any region of the country, or insufficient information is available to determine an indicator status (i.e., no indicator).

2.3 Hydrology

The Muddy River runs in a northwest/southeast direction south of the proposed site. The Muddy River is the conveyance facility for storm runoff from three large upstream watersheds that combine near Glendale, Nevada. These watersheds include the California Wash, Meadow Valley Wash, and Upper Muddy River which includes the Pahranaagat Valley. The California wash and the Meadow Valley Wash converge with the Muddy River southeast of the project site.

The project site is located in the Lower Muddy River watershed. The Muddy River in this location is classified as a Floodway Area within 100-year Zone AE (see Figure 2 in Attachment A). The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the one percent annual chance flood can be carried without substantial increases in flood heights. Flood Zone AE is a special flood hazard area inundated by the 100-year flood. The rest of the project site is located in Zone X, which is determined to be outside the 500-year floodplain (FEMA 2002). The project area is on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map Panel 32003C0670E (Map 670 of 4090).

The Muddy River has been subject to intermittent flooding events recorded from the early 1900s to the present. Urbanization of the Lower Moapa Valley along the Muddy River has further increased the impact of the flooding as residential structures replace open fields (G.C. Wallace Inc. 2001). Muddy River flows vary based on precipitation, seasonal water diversions, groundwater recharge, vegetation transpiration, evaporation, and irrigation return flows.

3.0 WETLANDS DELINEATION

The USACE regulates the discharge of dredged or fill material into waters of the U.S. (WOUS). The term WOUS applies to the jurisdictional limits of the authority of the USACE. As applied to this project, WOUS by definition include interstate waters, tributaries of interstate waters, and wetlands adjacent to interstate waters and tributaries.

3.1 Methodology

Field investigations were conducted by PBS&J in October 2007 to identify the presence of adjacent wetlands to the Muddy River within the project area. The focus of the field survey was to delineate the boundaries of the adjacent wetlands. This information is intended to determine the jurisdictional limits under the authority of the USACE.

The *1987 Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the United States Army Corps of Engineers (USACE) Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2006) was used as guidance for delineating wetlands. This manual defines wetlands based on three criteria – hydrophytic vegetation, hydric soils, and wetland hydrology. Generally, all three criteria must be present for an area to be defined as a wetland. Some exceptions occur in disturbed areas or in newly formed wetlands where one indicator (such as hydric soils) might be lacking. These particular areas are dealt with on an individual basis as outlined in the *Field Guide for Wetland Delineation* (Wetland Training Institute, Inc. 1991).

Informational resources were reviewed prior to the field survey to assist in locating and identifying potential WOUS. Aerial photography (Fall 2006), U.S. Geological Survey topographic maps, and National Wetland Inventory maps were used to identify drainage patterns, washes, and wetlands in the parcels and surrounding area.

A Global Positioning System (GPS) including a portable tablet computer and ArcPad software were used to document sample points and polygons. Photographs were taken and wetlands data forms were completed at each location. Site photographs are included in Attachment B. Attachment C contains the completed wetland determination data forms.

3.2 Determination Results

The boundary of the wetland on the project site was delineated using the methods described above. According to the Cowardin (1979) classification for wetlands, the wetland within the project area is classified as scrub-shrub wetland. The delineated wetland area is shown on Figure 3 in Attachment A. Total wetland acreage within the project site is approximately 3.8 acres (1.5 ha).

4.0 SPECIAL STATUS SPECIES SURVEY

Information about special status species was acquired from correspondence between EEE Consulting and the US Fish and Wildlife Service (USFWS) (USFWS 2007). Information about other special status species with the potential to occur on the project site was acquired from the Nevada Natural Heritage Program (NNHP) (NNHP 2007). Special status species information from the USFWS and NNHP are included in Attachment D.

Species of federal concern that may potentially occur on the project site include the southwestern willow flycatcher, yellow-billed cuckoo, and the desert tortoise. In addition to these species, cacti and yucca have the potential to occur on the project site. All native cacti, yuccas, and evergreen trees are protected and regulated by the State of Nevada under Nevada Revised Statute 527.060-.120. This provision does not allow the removal or destruction of the listed plant species on Nevada state lands, county lands, reserved or unreserved lands owned by the federal government, and from privately owned lands without written permission, permit and/or tag issued by the Nevada Division of Forestry.

4.1 Methodology

PBS&J conducted 100 percent coverage pedestrian transect surveys on October 16 and 17, 2007. Survey methodology followed protocols as described in the procedures for Endangered Species Act compliance for the Mojave desert tortoise (USFWS 1992). The location of all tortoise sign encountered was recorded with a handheld GPS and data were recorded on Special Status Species Survey Forms. Copies of the completed data forms are included in Attachment E. All cacti encountered were identified and counted.

4.2 Special Status Species Survey Results

Cacti Species

Cacti were encountered on the project site (see Table 2) and included beavertail cactus (*Opuntia basilaris*), silver cholla (*Opuntia echinocarpa*), and cottontop cactus (*Echinocactus polycephalus*). No yucca or evergreen trees were observed on the project site.

Table 2. Number of Cacti Observed on the Project Site.

Scientific Name	<i>Opuntia basilaris</i>	<i>Opuntia echinocarpa</i>	<i>Echinocactus polycephalus</i>
Common Name	Beavertail Cactus	Silver Cholla	Cottontop Cactus
# Observed	222	25	10

Southwestern Willow Flycatcher (*Empidonax traillii extimus*)

The southwestern willow flycatcher is a USFWS federally listed Endangered bird species that is a neotropical migrant. It winters in Mexico, Central America and possibly northern South America (Sogge et al. 1997). Arizona, southern California, New Mexico, extreme southern portions of Utah and Nevada, and southwestern Texas comprise the majority of the historic and current breeding range of this

subspecies. The southwestern willow flycatcher nests in densely vegetated habitats along rivers, streams, and wetlands throughout southwestern riverine systems where willow, arrowweed (*Pluchea* sp.), buttonbush (*Cephalanthus* sp.), Russian olive (*Eleagnus* sp.), and tamarisk (*Tamarix* sp.) are present, often with a scattered overstory of cottonwood (Sogge et. al. 1997).

According to Nevada Natural Heritage (2006) there have been no documented occurrences of southwestern willow flycatchers along the Muddy River Corridor in Moapa. There was one documented sighting at the Moapa Valley National Wildlife Refuge (MVNWR) in 2005. The MVNWR is located approximately seven miles northwest of the proposed project site.

The proposed project site is located directly north of the Muddy River. The southern and western portion of the project site consisted primarily of riparian habitat and the dominant vegetation was honey mesquite (*Prosopis glandulosa*) and salt cedar (*Tamarix ramosissima*). Cottonwoods were very uncommon around the proposed project site and the height of riparian vegetation averaged between 15 and 20 feet (4.6 to 6.1 meters), was fairly uniform, and contained no significant overstory. The width of riparian vegetation within the project site is greater than 400 feet (122 meters) and is contiguous with riparian habitat off the proposed project site. According to Sogge et al's (1997) description of potential nesting habitat, the southwestern willow flycatcher may nest in riparian habitats that consist of nearly monotypic, dense stands of exotics, such as salt cedar, that are 13 to 33 feet (4 to 10 meters) in height. Linear habitats should be greater than 33 feet (10 meters) to be considered suitable for nesting. The proposed project site does contain habitat that is suitable for southwestern willow flycatcher nesting. This potential habitat is located on the far western portion of the proposed project site where the delineated wetlands are located (see Figure 3 in Attachment A).

Western Yellow-billed Cuckoo (*Coccyzus americanus occidentalis*)

The western yellow-billed cuckoo is a federal candidate for listing as Threatened or Endangered west of the Rocky Mountains. The western yellow-billed cuckoo is a migratory species historically found in very limited patches of riparian habitat in California, Arizona, New Mexico, and Mexico, and is considered a rare species in Nevada. It breeds in the southwestern U.S. from June to mid-July and utilizes dense cottonwood (*Populus fremontii*) and willow (*Salix* sp.) dominated thickets along broad floodways of large river systems for nesting and foraging. Nests are located on branches in dense riparian foliage 5 to 46 feet (1.5 to 14 meters) above ground.

The last recorded sighting of a western yellow-billed cuckoo along the Muddy River Corridor in Moapa was in 1971 (NNHP 2006). This was a lone individual, not part of a breeding pair. One individual was observed in 2005 in the MVNWR.

In the desert southwest, preferred breeding habitat for the yellow-billed cuckoo is composed of riparian woodlands dominated by cottonwoods and willows that have large canopies, particularly those that have an ungrazed understory (Wiggins 2005). Broadleaf tree species were uncommon to absent within the proposed project site. In addition, the area is actively used as a cattle grazing site, and cattle were observed during site surveys. It is unlikely that the project site currently supports any breeding pairs of yellow-billed cuckoos. Preferred breeding habitat does not exist within the project site.

Desert Tortoise (*Gopherus agassizii*)

The Mojave population of the desert tortoise occurs north and west of the Colorado River in the Mojave Desert eco-region in California, Nevada, Arizona, and Utah. The desert tortoise is a large herbivorous reptile found at elevations ranging from below mean sea level (msl) to 5,000 feet (1,524 meters) above msl. The desert tortoise occurs in creosote scrub, Joshua tree, and blackbrush habitats. The desert tortoise

primarily forages on annual wildflowers and native desert grasses, especially galleta (*Hilaria* sp.) and Indian rice grass (*Achnatherum hymenoides*). The Mojave population of the desert tortoise was federally listed as Threatened by the USFWS in 1990.

Desert tortoise sign observed on the project site included seven Class 2 burrows, one Class 2 burrow with Class 3 scat, one Class 2 burrow with egg shell fragments at the entrance, two Class 3 burrows, and three Class 5 burrows (see Attachment D for Special Status Species Data Forms). Two of the Class 2 burrows were located directly east of the proposed project site (see Figure 4 in Attachment A for locations of tortoise sign). The proposed project site does contain suitable habitat for the desert tortoise.

Other Special Status Species

State listed and Bureau of Land Management Special Status Wildlife Species with the potential to occur on the project site include the southwestern toad (*Bufo microscaphus*), banded Gila monster (*Heloderma suspectum cinctum*), the western least bittern (*Ixobrychus exilis hesperis*), and phainopepla (*Phainopepla nitens*). Although no individuals of any of these species were observed on the proposed project site, potential habitat does exist on the site for these species. Special Status Plant Species identified as potentially occurring on the project site include the rosey twotone beardtongue (*Penstemon bicolor* ssp. *roseus*) and the Nye milkvetch (*Astragalus nyensis*). The rosey twotone beardtongue grows on rocky calcareous, granitic, or volcanic soils. No individuals of this species were observed and suitable habitat does not exist on the proposed project site. The Nye milkvetch is an annual herb that prefers calcareous outwash fans, gravelly flats, and sandy soils. No individuals of this species were observed; however, potential habitat does exist.

5.0 REFERENCES

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<http://gisgate.co.clark.nv.us/openweb/asp/openweb.asp>. Site accessed on November 1, 2007.
- Clark County Regional Flood Control District, 2007. Section 300 of the Drainage Policy. Web Site
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Aerial Source: Fall 2006

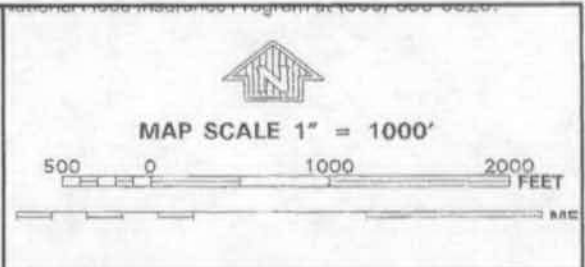
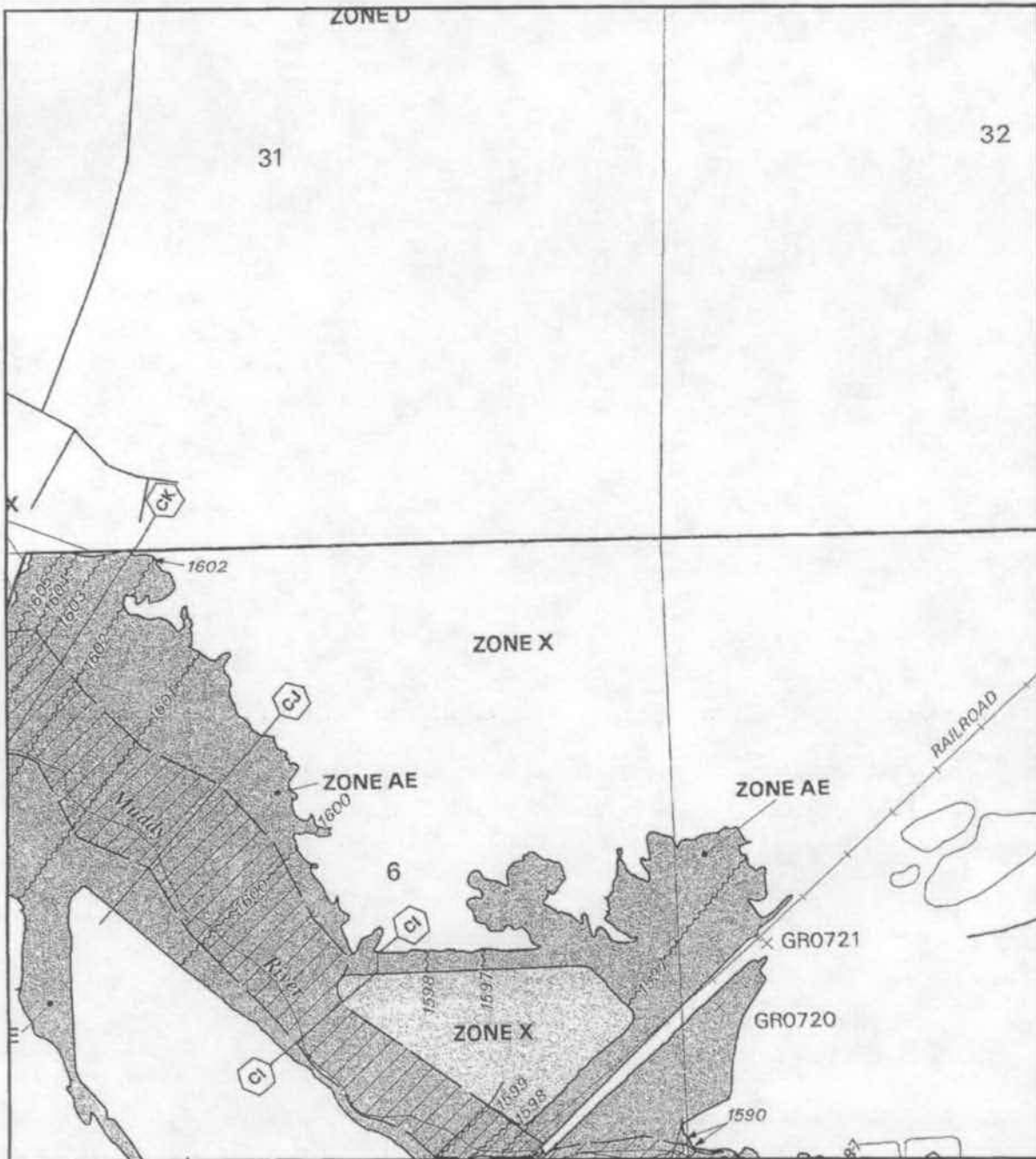


0 1 2 Miles

Legend

 Moapa 80 acre Site

Moapa 80 acre Site
Figure 1 - Location Map



PANEL 0670 E

FIRM
FLOOD INSURANCE RATE MAP
 CLARK COUNTY,
 NEVADA AND
 INCORPORATED AREAS

PANEL 670 OF 4090
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SHEET
CLARK COUNTY, UNINCORPORATED AREAS	30960	670	E

Notice to User: The Map Number shown below should be used when placing new orders. The Emergency Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
32003C0670 E

MAP REVISED:
SEPTEMBER 27, 2002

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.nsc.fema.gov

Figure 2 - FEMA Flood Zones



Aerial Source: Clark County GISMO, Spring 2007

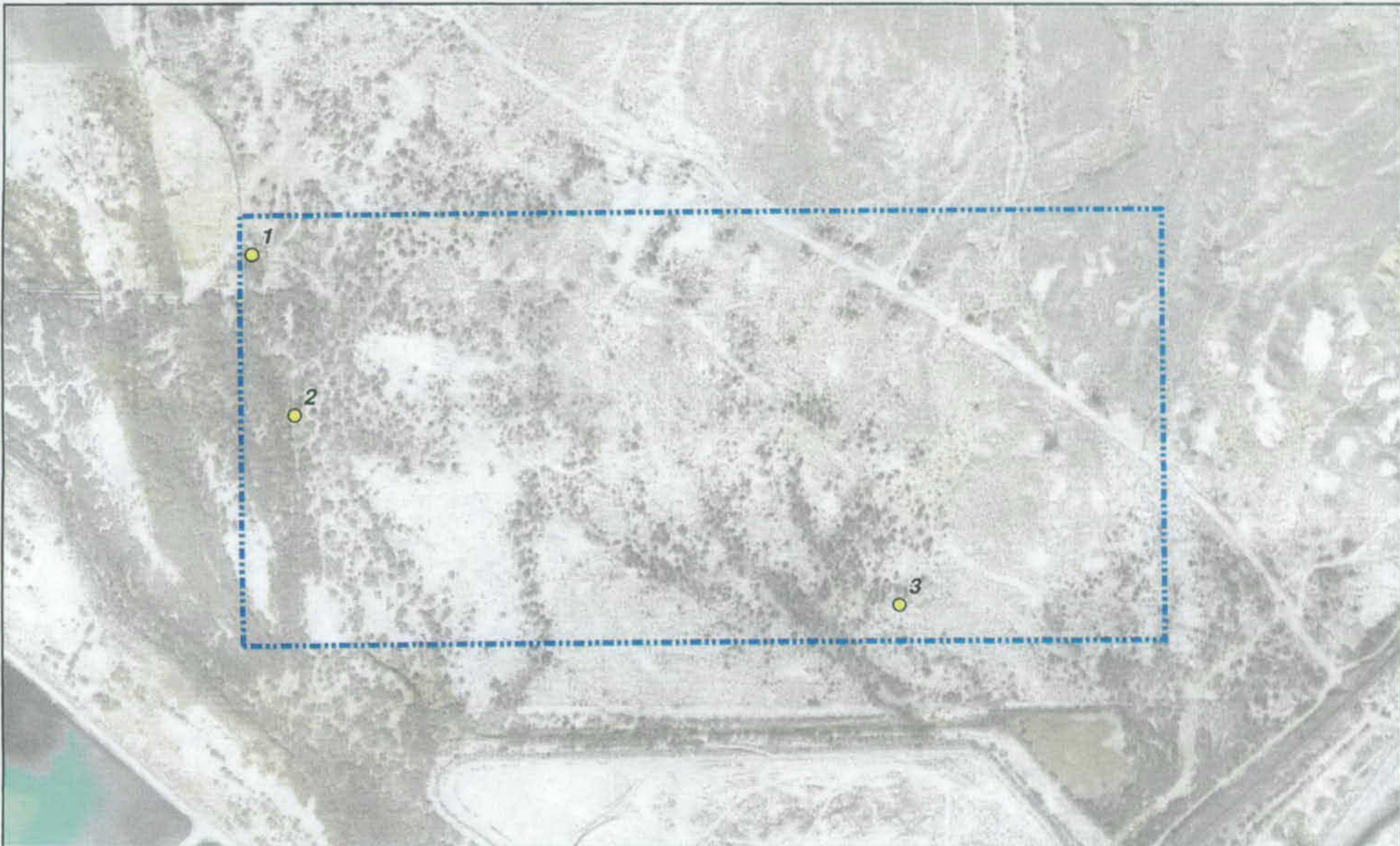
Moapa 80 acre Site
Figure 3 - Wetlands



0 200 400
 Feet

Legend

- Soil Pit Locations
- Wetlands
- Moapa 80 acre Site
- Floodway
- 100-Yr Flood Zone
- 500-Yr Flood Zone




Aerial Source: Clark County GISMO, Spring 2007

Moapa 80 acre Site Attachment D - Photo Points Locations



0 200 400
Feet

Legend

-  Moapa 80 acre Site
-  Photo Points



Photograph 1: Photo point 1, facing west.



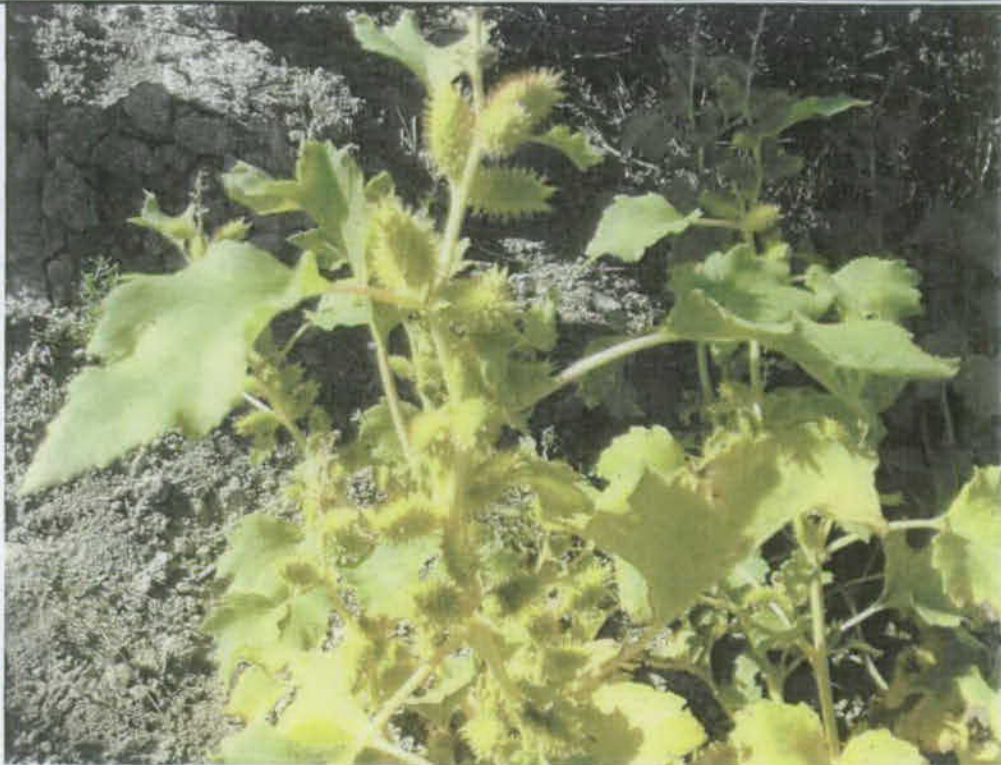
Photograph 2: Photo point 1, facing southwest.

Site Photographs

PROPOSED DETENTION FACILITY IN
MOAPA, NEVADA

PLATE 1

October 16, 2007



Photograph 3: Photo point 2. Cocklebur plant found on the proposed project site.



Photograph 4: Photo point 3, facing south.

Site Photographs

October 16, 2007

**PROPOSED DETENTION FACILITY IN
MOAPA, NEVADA**

PLATE 2

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: MOAPA 80 City/County: CLARK Sampling Date: 10/15/07
 Applicant/Owner: MOAPA 80 LLC State: NV Sampling Point: WT-1
 Investigator(s): S. GARNICARZ + H. SANDERS Section, Township, Range: S.6 T15S R66E
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): NONE Slope (%): 0
 Subregion (LRR): D Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: BADLAND NWI classification: NONE

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? NO Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? NO (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks: _____ _____ _____	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Prosopis glandulosa</u>	<u>40</u>	<u>YES</u>	<u>NE</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)
2. <u>Tamarix ramosissima</u>	<u>20</u>	<u>YES</u>	<u>FACW</u>	Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (A/B)
4. _____				
Total Cover: _____				
Sapling/Shrub Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>Pluchea sericea</u>	<u>30</u>	<u>YES</u>	<u>FACW</u>	Total % Cover of: _____ Multiply by: _____
2. _____				OBL species <u>0</u> x 1 = <u>0</u>
3. _____				FACW species <u>2</u> x 2 = <u>4</u>
4. _____				FAC species <u>0</u> x 3 = <u>0</u>
5. _____				FACU species <u>0</u> x 4 = <u>0</u>
Total Cover: _____				UPL species <u>0</u> x 5 = <u>0</u>
				Column Totals: <u>2</u> (A) <u>4</u> (B)
				Prevalence Index = B/A = <u>.5</u>
Herb Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation indicators:
1. <u>GRASS UNKNOWN</u>	<u>50</u>	<u>YES</u>		<input checked="" type="checkbox"/> Dominance Test is >50%
2. _____				___ Prevalence Index is ≤3.0'
3. _____				___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
4. _____				___ Problematic Hydrophytic Vegetation ¹ (Explain)
5. _____				
6. _____				
7. _____				
8. _____				
Total Cover: _____				¹ Indicators of hydric soil and wetland hydrology must be present.
Woody Vine Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. _____				Yes <input checked="" type="checkbox"/> No _____
2. _____				
Total Cover: _____				
% Bare Ground in Herb Stratum <u>35</u> % Cover of Biotic Crust <u>0</u>				

Remarks:
HEAVY cattle use, grass was chewed down to ground.

SOIL

Sampling Point: WT-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	10yr 4/4						Silt/loam	
3-12+	7.5yr 4/3						Silt/loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (If present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input checked="" type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input checked="" type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Flowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)
		<input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No Depth (inches): _____

Water Table Present? Yes _____ No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No Depth (inches): _____

Wetland Hydrology Present? Yes No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

located in flood plain

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Moapa 80 City/County: CLARK Sampling Date: 10/15/07
 Applicant/Owner: Moapa 80 LLC State: NV Sampling Point: WT-2
 Investigator(s): S. GARNICAPZ + H. SANDERS Section, Township, Range: S. 6 T15S R 66E
 Landform (hillslope, terrace, etc.): TERRACE Local relief (concave, convex, none): NONE Slope (%): 0
 Subregion (LRR): D Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: BADLAND NWI classification: NONE
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? NO Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? NO (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A/B)
4. _____	_____	_____	_____	
Total Cover: _____				
Sapling/Shrub Stratum				Prevalence Index worksheet:
1. <u>Larrea tridentata</u>	<u>10</u>	<u>YES</u>	<u>NI</u>	Total % Cover of: _____ Multiply by: _____
2. <u>Ambrosia dumosa</u>	<u>10</u>	<u>YES</u>	<u>NI</u>	OBL species <u>0</u> x 1 = <u>0</u>
3. <u>Opuntia basilaris</u>	<u>10</u>	<u>YES</u>	<u>NI</u>	FACW species <u>0</u> x 2 = <u>0</u>
4. <u>Atriplex lentiformis</u>	<u>10</u>	<u>YES</u>	<u>FAC+</u>	FAC species <u>1</u> x 3 = <u>3</u>
5. _____	_____	_____	_____	FACU species <u>0</u> x 4 = <u>0</u>
Total Cover: <u>40</u>				UPL species <u>0</u> x 5 = <u>0</u>
Herb Stratum				Column Totals: <u>1</u> (A) <u>3</u> (B)
1. _____	_____	_____	_____	Prevalence Index = B/A = <u>.33</u>
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
Total Cover: _____				
Woody Vine Stratum				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
Total Cover: _____				
% Bare Ground in Herb Stratum <u>60</u>		% Cover of Biotic Crust <u>0</u>		
Remarks:				Hydrophytic Vegetation Present? Yes _____ No <u>X</u>

SOIL

Sampling Point: Wt-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type	Loc ²		
0-12"	7.5yr	5/4					Sandy loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (If present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biolic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Flowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)
		<input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No Depth (inches): _____

Water Table Present? Yes _____ No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No Depth (inches): _____

Wetland Hydrology Present? Yes _____ No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Moapa 80 City/County: CLARK Sampling Date: 10/16/07
 Applicant/Owner: Moapa 80 LLC State: NV Sampling Point: WT-3
 Investigator(s): S. GARNICARE & H. SANDERS Section, Township, Range: S6 T15S R66E
 Landform (hillslope, terrace, etc.): TERRACE Local relief (concave, convex, none): CONCAVE Slope (%): 5
 Subregion (LRR): D Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: OVERTON Silty Clay, strongly saline NWI classification: NONE
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? NO Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? NO (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No _____	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No _____	
Remarks:		

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <u>Prosopis glandulosa</u>	<u>20</u>	<u>YES</u>	<u>NT</u>	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>4</u> (A)
2. <u>Tamarix ramosissima</u>	<u>60</u>	<u>YES</u>	<u>FACU</u>	Total Number of Dominant Species Across All Strata:	<u>5</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>4</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
Total Cover: <u>80</u>				Total % Cover of:	Multiply by:
<u>Seeping/Shrub Stratum</u>				OBL species	<u>0</u> x 1 = <u>0</u>
1. <u>Tamarix ramosissima</u>	<u>25</u>	<u>YES</u>	<u>FACU</u>	FACW species	<u>1</u> x 2 = <u>2</u>
2. <u>Xanthium strumarium</u>	<u>60</u>	<u>YES</u>	<u>FAC</u>	FAC species	<u>2</u> x 3 = <u>6</u>
3. _____	_____	_____	_____	FACU species	<u>0</u> x 4 = <u>0</u>
4. _____	_____	_____	_____	UPL species	<u>0</u> x 5 = <u>0</u>
5. _____	_____	_____	_____	Column Totals:	<u>3</u> (A) <u>8</u> (B)
Total Cover: <u>85</u>				Prevalence Index = B/A = <u>.38</u>	
<u>Herb Stratum</u>				Hydrophytic Vegetation Indicators:	
1. <u>Cynodon dactylon</u>	<u>99</u>	<u>YES</u>	<u>FAC</u>	<input checked="" type="checkbox"/> Dominance Test is >50%	
2. _____	_____	_____	_____	___ Prevalence Index is ≤3.0 ¹	
3. _____	_____	_____	_____	___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
4. _____	_____	_____	_____	___ Problematic Hydrophytic Vegetation ¹ (Explain)	
5. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present.	
6. _____	_____	_____	_____	Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____	
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
Total Cover: <u>99</u>					
<u>Woody Vine Stratum</u>					
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
Total Cover: _____					
% Bare Ground in Herb Stratum <u>1</u> % Cover of Biotic Crust <u>0</u>					
Remarks:					

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Moapa 80 City/County: CLARK Sampling Date: 10/16/07
 Applicant/Owner: Moapa 80 LLC State: NV Sampling Point: WT-4
 Investigator(s): S. GARNICARZ & H. SANDERS Section, Township, Range: S. 6 T15S R66E
 Landform (hillslope, terrace, etc.): TERRACE Local relief (concave, convex, none): NONE Slope (%): 0
 Subregion (LRR): D Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: OVERTON Silty Clay, STRONGLY SALINE NWI classification: NONE
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? NO Are "Normal Circumstances" present? Yes X No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? NO (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X</u> Hydric Soil Present? Yes _____ No <u>X</u> Wetland Hydrology Present? Yes _____ No <u>X</u>	Is the Sampled Area within a Wetland? Yes _____ No <u>X</u>
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Prosopis glandulosa</u>	<u>60</u>	<u>YES</u>	<u>NI</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____				Total Number of Dominant Species Across All Strata: <u>2</u> (B)
3. _____				
4. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A/B)
Total Cover: <u>60</u>				
Sapling/Shrub Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>Atriplex lentifolias</u>	<u>40</u>	<u>YES</u>	<u>FACW</u>	Total % Cover of: _____ Multiply by: _____
2. _____				OBL species <u>0</u> x 1 = <u>0</u>
3. _____				FACW species <u>0</u> x 2 = <u>0</u>
4. _____				FAC species <u>1</u> x 3 = <u>3</u>
5. _____				FACU species <u>0</u> x 4 = <u>0</u>
6. _____				UPL species <u>0</u> x 5 = <u>0</u>
Total Cover: <u>40</u>				Column Totals: <u>1</u> (A) <u>3</u> (B)
Prevalence Index = B/A = <u>.33</u>				
Herb Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. _____				___ Dominance Test is >50%
2. _____				___ Prevalence Index is ≤3.0 ¹
3. _____				___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
4. _____				___ Problematic Hydrophytic Vegetation ¹ (Explain)
5. _____				
6. _____				
7. _____				
8. _____				
Total Cover: _____				¹ Indicators of hydric soil and wetland hydrology must be present.
Woody Vine Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. _____				Yes _____ No <u>X</u>
2. _____				
Total Cover: _____				
% Bare Ground in Herb Stratum <u>40</u> % Cover of Biotic Crust <u>0</u>				
Remarks:				

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	10YR 3/3						Silt loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils ³ :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)
Primary Indicators (any one indicator is sufficient)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)
		<input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No Depth (inches): _____
 Water Table Present? Yes _____ No Depth (inches): _____
 Saturation Present? (includes capillary fringe) Yes _____ No Depth (inches): _____

Wetland Hydrology Present? Yes _____ No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Attachment D

USFWS and NNHP Species List

SPECIAL STATUS SPECIES SURVEY DATA FORM - Side 2

Page ____ of ____

Project Name Moapa 80 Ac. Prison Site

Date (mm/dd/yy) 10/15/2007

Area Name or No. _____

Biologist(s) K Goodwin

Transect No. / ZOI Distance _____

C Teague

Start time: 0830 Climate: Air temp at 12 in. _____ °F Cloud cover 0 % Wind 0-5 mph

End time: _____ Surface temp. _____ °F Rainfall 0 in. Rainfall in last 30 days _____ in.

Vegetation: Perennials: Dominant LATR, AMPU, EPNE
 Others _____
 Annuals: Dominant _____
 Others _____

WPT ID#	UTMs		Burrow					Tortoise			Carcass	Scat	Other Misc.	# of Corrected Tortoise Sign	
	Northing	Easting	Code	Width (in)	Height (in)	Depth (in)	See end?	Code	Width (in)	Length (in)	Code	Code - number**	Code		
T+01			2	9	4.5	34	Y								
T+02			2	8	5	21	Y								
T+03			2	10	4	36	Y					3			
T+04			2	12	5	29	Y					2	2		
T+05			2	5	2.5	12	Y								
T+06			2	8	4.5	57	N								
T+07	2 burrows		5	7	4	unk	N								
T+08			2	9	4	unk	N								
T+09			3	7	4	27	Y								
T+10			2	8	5	30	Y								
T+11			2	9	4	34	Y								
Total corrected tortoise sign:															

*Use the Data Dictionary to develop WPT ID#s.

Burrows and Dens:

- 1 = Currently active, with tortoise or recent tortoise sign
- 2 = Good condition, definitely tortoise; no evidence of recent use
- 3 = Deteriorated, definitely tortoise
- 4 = Deteriorated, possibly tortoise
- 5 = Good condition, possibly tortoise

Scat:

- 1 = Wet (but not from rain or dew) or freshly dried, obvious odor
- 2 = Dry with glaze and some odor; no bleaching; dark brown
- 3 = Dry without glaze or odor; light brown; tightly packed material
- 4 = Dry without glaze or odor; yellow; loose material; scaly appearance
- 5 = Dry without glaze or odor; bleached white; tightly packed material

** If numerous scat are found in/near a burrow, indicate # of pieces.

Tortoises:

- 1 = Adult
- 2 = Juvenile

Carcasses:

- 1 = Fresh or putrid, tissue present
- 2 = Normal color, scutes adhered to bone
- 3 = Scutes peeling off bone
- 4 = Bones falling apart, growth rings on scutes are peeling
- 5 = Disarticulated and scattered

Other Miscellaneous Sign:

- 1 = Tracks
- 2 = Egg shell
- 3 = Drinking site
- 4 = Courtship ring
- 5 = Vegetation grazed

WPT ID#	UTMs		Other Special Status Species Observations		
	Northing	Easting	Scientific Name	Common Name	Comments

*Use the Data Dictionary to develop WPT ID#s.

Surveyor	Date	Page	Notes							
	15 Oct 2007									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Moapa 80 Acre			103	14			6			
Notes	Surveyor: K Goodwin									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
			77	11			4			
Notes	Surveyor: C Teague									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
			24							
Notes	Surveyor: H Sanders									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
			18							
Notes	16 Oct 2007 Surveyor: K Goodwin									
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										
Transect	Yucca shidigera	Yucca brevifolia	Opuntia basilaris	Opuntia echinocarpa	Opuntia ramosissima	Echinocereus engelmannii	Echinocactus polycephalus	Escobaria vivipara	Ferocactus cylindraceus	Other Species
Notes										