

NV-2001-16



# United States Department of the Interior

BUREAU OF RECLAMATION

Lower Colorado Regional Office

P.O. Box 61470

Boulder City, NV 89006-1470

IN REPLY REFER TO:

MAY 14 2001

LC-2502  
ENV 6.00

To: All Interested Persons

Subject: Final Environmental Assessment and Finding of No Significant Impact for Robert B. Griffith Water Project Title Transfer

Dear Sir or Madam:

The Bureau of Reclamation (Reclamation) has prepared the attached Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Robert B. Griffith Water Project (Project). Reclamation has been directed by an Act of Congress (Griffith Project Prepayment and Conveyance Act of 2000) to transfer title of the Project water delivery facilities to the Southern Nevada Water Authority. The Project is a water delivery system for delivery of Colorado River water to the Las Vegas Valley, Nellis Air Force Base, and Boulder City.

No changes to the Draft EA were necessary based on the eight public comment letters or any other new information, therefore the Final EA is in summary form and incorporates the Draft EA.

For questions or to request a copy of the Draft and Final EA and FONSI, contact Dave Curtis (LC-2502), Bureau of Reclamation, P.O. Box 61470, Boulder City, Nevada 89006-1470 or telephone (702) 293-8132

Sincerely,

Robert W. Johnson  
Regional Director

ACTING FOR

Enclosure



IN REPLY REFER TO:

# United States Department of the Interior

BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

## FINDING OF NO SIGNIFICANT IMPACT (FONSI) 00 - LC - 002 - FONSI

### Robert B. Griffith Water Project Title Transfer Clark County, Nevada

Based on a thorough review of the comments received and analysis of the environmental impacts presented in the Final Environmental Assessment, Reclamation concludes that implementation of the proposed action will not significantly affect the quality of the human environment within the project area. The title transfer will relieve the Federal government of ownership, responsibility, and liability for project facilities and appurtenant lands that are not of national importance. The transfer will benefit the Southern Nevada Water Authority by facilitating their management of the facilities and expediting routine operations and maintenance of the entire Southern Nevada Water System, of which the project facilities are a part.

This Finding of No Significant Impact has, therefore, been prepared and is submitted to document environmental review and evaluation of the proposed action in compliance with the National Environmental Policy Act of 1969, as amended.

Prepared : *Dave Curtis*  
Environmental Specialist

Date: 5/14/01

Recommended: *[Signature]*  
Manager, Environmental Compliance and Realty Group

Date: 5-14-01

Approved: *Bruce C. Moore*  
Regional Director Lower Colorado Region

Date: 5/14/01

ACTING FOR

## **FINDING OF NO SIGNIFICANT IMPACT**

**00-LC-002**

**Robert B. Griffith Water Project**

**Title Transfer**

**Clark County, Nevada**

### **BACKGROUND**

The Robert B. Griffith Water Project (Project), located in Clark County, Nevada, is a single-purpose water delivery system that transports Colorado River water to the Las Vegas Valley (Valley), including Nellis Air Force Base, and Boulder City. The Project facilities, which were constructed in phases, completed in 1971 and 1982, include an intake in Lake Mead, pipelines, a tunnel, and pumping stations.

The Bureau of Reclamation (Reclamation) has been directed by an Act of Congress (Griffith Project Prepayment and Conveyance Act of 2000) to transfer title of the Robert B. Griffith Water Project water delivery facilities to the Southern Nevada Water Authority (Authority). As part of the acquisition of title, the Authority will repay the discounted remaining repayment obligation from the contract with the Federal government for the Project's construction costs. Also associated with the transfer is the grant or assignment to the Authority of perpetual rights-of-way, easements, or permits over existing Federal public or withdrawn lands, which are administered by Reclamation, Bureau of Land Management (BLM), National Park Service (NPS), and the United States Air Force (Nellis Air Force Base). The Authority will acquire title to parcels of land within the Valley that were previously non-Federal lands purchased by the Federal government for the sites of pumping stations and other facilities.

### **ALTERNATIVES CONSIDERED**

The No Action Alternative was the only other alternative considered.

### **THE RECOMMENDED ALTERNATIVE**

Reclamation, acting for the United States, would transfer title of the water delivery facilities associated with the Project. The Authority is seeking title for all Federal facilities that comprise the Project, including the Saddle Island intake facilities, the aqueducts, the tunnel through the River Mountains, pumping plants, pipelines, and associated facilities within the Valley. As part of the acquisition of title, the Authority would repay the discounted remaining repayment obligation from the contract with the Federal government for the Project's construction costs. In accordance with the Griffith Project Prepayment and Conveyance Act, the repayment amount is \$121,204,348, which shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, until the date on which the prepayment occurs.

Associated with this proposed transfer is the grant or assignment to the Authority of perpetual rights-of-way, easements, or permits over existing Federal public and withdrawn lands (Figure 1

in the Draft EA). These public and withdrawn lands are administered by Reclamation, BLM, NPS, and Nellis Air Force Base. The Authority would not acquire Federal public and withdrawn lands; therefore, Federal ownership, management, and oversight responsibilities on these lands would not change. Appendix C of the Draft EA provides a description of the Federal lands managed by BLM on which Project facilities are located.

The Authority would acquire title to Project lands within the Valley which were acquired in fee by the Federal government specifically for construction of Project facilities. These parcels were previously non-Federal lands that were purchased for the sites of pumping stations, rate of flow control stations, and a regulating tank. The proposed transfer would also include the grant or assignment of perpetual easements or rights-of-way which were acquired by the Federal government over non-Federal lands for the construction of the water pipelines.

No existing water entitlements and subcontracts with existing water users, including Nellis Air Force Base, would be modified by the Proposed Action. The existing water delivery and repayment contract between the United States and the State of Nevada, which was assigned by the State to the Authority, may be modified to remove the repayment and Project operation and maintenance provisions.

The Federal actions considered under the Proposed Action are administrative. There would be no change in the current operation and maintenance of the Project by the Authority.

## **ENVIRONMENTAL IMPACTS**

Following is a summary of the major issues addressed in the Final EA.

Air Quality - The Las Vegas Valley has been classified as a serious non-attainment area for particulate matter with a diameter of 10 microns or less and as a non-attainment area for carbon monoxide. Transfer of title to Project facilities and acquired lands will have no effect on air quality. The Authority will continue to be responsible for routine operations and maintenance activities, and there will be no increase in pollutant emissions. The Authority will continue to comply with Clark County air quality regulations, including obtaining any necessary permits. Transfers of title are exempt from air conformity determination requirements pursuant to 40 CFR 93.153(2)(xiv).

Cultural Resources - Transfer of title of the Project facilities will have no effect or change Federal stewardship or associated cultural resources protection on Federal public and withdrawn lands. Two significant cultural properties are within the Project area and are within the area of potential effect (APE). These properties will not be affected by the transfer of Project facilities. The Project was determined not to be eligible for nomination to the National Register of Historic Places and thus is not itself an historic property requiring further Section 106 consultation with the Nevada State Historic Preservation Office.



Indian Sacred Sites - No Indian Sacred Sites have been identified within the Project area, therefore the transfer of title will have no effect on such sites.

Environmental Justice - The transfer will have no effect on minority or low-income populations and communities, including Native American tribes.

Financial Conditions - In the Griffith Project Prepayment and Conveyance Act, a lump sum amount of \$121.2 million was identified as the discounted repayment obligation (subject to adjustment to reflect accrued unpaid interest and additional principal payments since September 15, 1999 until the date of the prepayment). Because the repayment obligation to the Federal government will be satisfied without loss of revenue, the Proposed Action will have no adverse effect on the United States Treasury.

Indian Trust Assets (ITA) - No effect on ITA will result from the proposed transfer of title of the Project facilities. The Las Vegas Paiute tribe currently receives water from an Authority member, which will not be affected by this action.

Lands - The proposed title transfer will have no effect on lands. Title to the Project facilities and the rights in land acquired by the United States for the Project, together with rights-of-way across other public and withdrawn lands for the operation, maintenance, replacement, and repair of the Project, will be conveyed pursuant to the Griffith Project Prepayment and Conveyance Act and other legislative authority, to the extent applicable. The Proposed Action will not result in a change in land uses or the management of Federal lands by the Federal agencies.

Threatened and Endangered Species - Biological field surveys and a records search indicated that no threatened or endangered species had been recorded or were found on the Project sites. Threatened or endangered species that have been documented or may occur within the vicinity of the Project sites, rights-of-way, and easements within the Valley include the threatened desert tortoise, and the Las Vegas bearpoppy. Reclamation has determined that the proposed title transfer would have no effect on any threatened or endangered species. Since there would be no change in Federal stewardship on Federal public and withdrawn lands, there would be no change in the protection afforded to threatened and endangered species on these lands under the Endangered Species Act.

Water Resources - The State of Nevada has a consumptive use apportionment of 300,000 acre-feet per year and 4% of any surplus water that may be determined annually. The Authority's service area includes Las Vegas, North Las Vegas, Henderson, Boulder City, Nellis Air Force Base, and other portions of Clark County. Transferring title of the Project's facilities from the United States to the Authority will not change the existing water right allocations. The title transfer will have no effect on the local sale and use of water from the Project, which is independently determined by Authority members.

## **PUBLIC INVOLVEMENT, CONSULTATION, AND COORDINATION**

### **Public Involvement**

A public scoping meeting was held on August 19, 1999 at the Las Vegas Valley Water District. Notices of the meeting were published 2 weeks in advance in five local and minority newspapers. Notices were also mailed to potentially interested Federal, State, and local agencies, organizations, and individuals. A period for submitting written comments was open from August 5 through September 3, 1999. No one attended the scoping meeting, and no written comments were received.

A similar noticing process, as described above, was used to announce the availability of the Draft EA. A 30-day review period for the Draft EA began August 28 and ended September 28, 2000. A public meeting was held on September 12, 2000, to receive comments. The only person who attended was a reporter from a local newspaper. Eight comment letters were received and all expressed support for the title transfer (see Attachment 1 of the attached Final EA for copies of the comment letters). None of the comments required a change to the Draft EA. See Table 1 in the attached Final EA for a list of the comment letters and responses.

Since no changes to the Draft EA were required as the result of comments or other new information, the availability of the Final EA and FONSI was jointly noticed through various Las Vegas area media.

### **Consultation and Coordination**

Consultation with the State Historic Preservation Officer (SHPO) was completed on May 10, 2001. The SHPO concurred that the Robert B. Griffith Water Project is not eligible for the National Register of Historic Places and that the transfer would have no effect on historic properties (copy of SHPO letter attached). No comments or concerns regarding the Project were brought up by Native American tribes.

The proposed title transfer and preparation of the Draft and Final EA was coordinated with the BLM, Las Vegas Field Office, and the NPS, Lake Mead National Recreation Area.

## **PROJECT COMMITMENTS AND STIPULATIONS**

1. No hazardous materials will be used or stored on BLM property.
2. There are no pumping or flow control structures where chemicals might be used or stored and no chemical storage facilities are located on BLM easements associated with this Project.
3. Easements granted under the Robert B. Griffith Water Project by the BLM are only occupied by pipeline installations.



KENNY C. GUINN  
Governor

MICHAEL D. HILLERBY  
Department Director

STATE OF NEVADA  
DEPARTMENT OF MUSEUMS, LIBRARY AND ARTS  
STATE HISTORIC PRESERVATION OFFICE

100 N. Stewart Street  
Carson City, Nevada 89701-4285

RONALD M. JAMES  
State Historic Preservation Officer

May 10, 2001

Mr. William J. Liebhauser  
Manager  
Bureau of Reclamation  
Lower Colorado Regional Office  
Environmental Compliance and Realty Group  
P.O. Box 61470  
Boulder City NV 89006-1470

RE: Transfer of Title to Federal Water Conveyance Facilities Associated with the  
Robert B. Griffith Water Project, Las Vegas Valley and Lake Mead, Clark  
County (LC-NV-00-01).

Dear Mr. Liebhauser:

The Nevada State Historic Preservation Office (SHPO) reviewed the additional information provided for the subject undertaking. The SHPO concurs with the Bureau of Reclamation's determination that the Robert B. Griffith Water Project is not eligible for the National Register of Historic Places under any of the Secretary's criteria.

The SHPO concurs with the Bureau of Reclamation's determination that no historic properties will be affected by the transfer of the Robert B. Griffith Water Project to the Southern Nevada Water Authority.

If you have any questions concerning this correspondence, please feel free to call Rebecca Lynn Palmer at (775) 684-3443 or by E-mail at [rlpalmer@clan.lib.nv.us](mailto:rlpalmer@clan.lib.nv.us).

Sincerely,

Alice M. Baldrica, Deputy  
State Historic Preservation Officer

## **FINAL ENVIRONMENTAL ASSESSMENT**

**00-LC-002**

**Robert B. Griffith Water Project**

**Title Transfer**

**Clark County, Nevada**

A Draft Environmental Assessment (EA) for the transfer of title of the Robert B. Griffith Water Project (Project) from the Federal government to the Southern Nevada Water Authority (Authority) was completed in August, 2000. It was released to the public for a 30-day review and comment period, which ended September 28, 2000. No new information has developed from the public review period or agency coordination, and no Project plans have changed from those described in the Draft EA. Since no revisions to the Draft EA were needed, this document becomes the Final EA. This Final EA presents a summary of the Project and results of the public review and agency consultation.

### **Project Summary**

The Robert B. Griffith Water Project, located in Clark County, Nevada, was authorized by Acts of Congress in 1965 and 1966. Originally known as the Southern Nevada Water Project, the water system delivers Colorado River water to the Las Vegas Valley, including Nellis Air Force Base and Boulder City. It was constructed in two stages in response to the water requirements of the region, the first completed in 1971 and the second in 1982. The first stage is comprised of an intake in Lake Mead, a 3-mile main aqueduct, a 3.8-mile tunnel through the River Mountains, 8 pumping plants, and over 31 miles of pipeline. The second stage enlarged the first system by expanding some of the existing facilities, and included a 2.4-mile second main aqueduct, 5 pumping plants, and about 30 miles of pipeline and laterals with surge tanks, regulating tanks, and other delivery facilities. The State of Nevada constructed the Alfred Merritt Smith Water Treatment Facility in tandem with the first stage, and expanded it to accommodate additional water supplies in the second stage. At the completion of the second stage, these facilities were capable of conveying approximately 299,000 acre-feet of Colorado River water per year (one acre-foot is approximately the amount of water used by a family of five in one year).

The combination of Federal and State facilities is currently known as the Southern Nevada Water System (SNWS), and supplies about 85% of all water used in the Las Vegas Valley, including Nellis Air Force Base and Boulder City. The Bureau of Reclamation (Reclamation) administers the Robert B. Griffith Water Project facilities on the behalf of the Federal government. The Authority operates the SNWS and repays the State of Nevada obligation for repayment of the Robert B. Griffith Water Project facilities' construction costs under a water delivery and repayment contract with the Federal government.

Reclamation has been directed by an Act of Congress (Griffith Project Prepayment and Conveyance Act of 2000, Public Law 106-249) to transfer title of the Robert B. Griffith Water Project facilities to the Authority. As part of the acquisition of title, the Authority would repay the discounted remaining repayment obligation from the contract with the Federal government. Also associated with the transfer is the grant or assignment to the Authority of perpetual rights-of-way, easements, or permits over existing Federal public or withdrawn lands, which are



administered by Reclamation, Bureau of Land Management, National Park Service, and United States Air Force (Nellis Air Force Base). The Authority would not acquire Federal public or withdrawn lands, and therefore, Federal ownership, management, and oversight responsibilities on these lands would not change. However, the Authority would acquire title to parcels of land within the Las Vegas Valley that were previously non-Federal lands purchased by the Federal government for the sites of pumping stations and other facilities.

The Federal actions being considered are administrative, and do not involve any new construction. The Authority would not change the current operation and maintenance of the water delivery facilities.

### **Public Review of the Draft EA**

A notice of the availability of the Draft EA was released as a Reclamation press release, and was published as a legal notice in local newspapers (Las Vegas Review Journal, Las Vegas Sun, Henderson Home News, and Boulder City News).

A public meeting was held on September 12, 2000, to inform the public about the title transfer and to receive public comments. One person attended the meeting, a reporter from a local newspaper. A newspaper article regarding the Project was published in the Las Vegas Sun on September 13, 2000.

A total of eight written comments were received during the public comment period (Attachment 1). A summary of the comments received and responses to those comments is provided in Attachment 2. None of the comments required any revisions to the Draft EA.

### **Agency Consultation**

Consultation with the State Historic Preservation Officer was completed on May 10, 2001. The SHPO concurred that the Project is not eligible for the National Register of Historic Places and thus there would be no effect on historic properties.

No comments or concerns regarding the Project were brought up by Native American tribes.

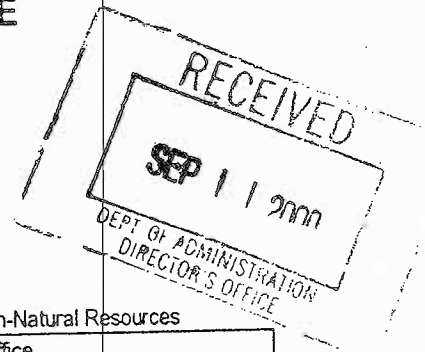
### **Project Commitments and Stipulations**

1. No hazardous materials will be used or stored on BLM property.
2. There are no pumping or flow control structures where chemicals might be used or stored and no chemical storage facilities located on BLM easements associated with this Project.
3. Easements granted under the Robert B. Griffith Water Project by the BLM are only occupied by pipeline installations.

## **Attachment 1 – Public Comment Letters**

# 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



DATE: August 28, 2000

Governor's Office  
Agency for Nuclear Projects  
Agriculture  
Business & Industry  
Energy  
Minerals  
Economic Development  
Tourism  
Fire Marshal  
Human Resources  
Aging Services  
Health Division  
Indian Commission  
Colorado River Commission

Legislative Counsel Bureau  
Information Technology  
Emp. Training & Rehab Research Div.  
PUC  
Transportation  
UNR Bureau of Mines  
UNR Library  
UNLV Library  
Historic Preservation  
Emergency Management  
Office of the Attorney General  
Washington Office  
Nevada Assoc. of Counties  
Nevada League of Cities

## Conservation-Natural Resources

Director's Office  
State Lands  
Environmental Protection  
Forestry  
Wildlife  
Region 1  
Region 2  
Region 3  
Conservation Districts  
State Parks  
Water Resources  
Water Planning  
Natural Heritage  
Wild Horse Commission

Nevada SAI # E2001-025  
Project: DEA for the Robert Griffith Water Project Title Transfer

Yes	No	Send more information on this project as it becomes available.
-----	----	--

### CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. 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 **Sept. 27, 2000**. 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? Heather Elliott, 684-0209.

### THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

<input type="checkbox"/> No comment on this project	<input type="checkbox"/> Conference desired (See below)
<input type="checkbox"/> Proposal supported as written	<input type="checkbox"/> Conditional support (See below)
<input type="checkbox"/> Additional information below	<input type="checkbox"/> Disapproval (Explain below)

### AGENCY COMMENTS:

Any water wells or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is located in any well or borehole it shall be controlled as required in NRS 534.060(3) of the Nevada Revised Statutes.

Signature CARL BARRICK s:\shardat\clear\clear.doc

WATER RESOURCES

Agency

9-06-00

Date

# 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

DATE: August 28, 2000

Governor's Office

Agency for Nuclear Projects

Agriculture

Business & Industry

Energy

Minerals

Economic Development

Tourism

Fire Marshal

Human Resources

Aging Services

Health Division

Indian Commission

Colorado River Commission

Legislative Counsel Bureau

Information Technology

Emp. Training & Rehab Research Div.

PUC

Transportation

UNR Bureau of Mines

UNR Library

UNLV Library

Historic Preservation

Emergency Management

Office of the Attorney General

Washington Office

Nevada Assoc. of Counties

Nevada League of Cities

Conservation-Natural Resources

Director's Office

State Lands

Environmental Protection

Forestry

Wildlife

Region 1

Region 2

Region 3

Conservation Districts

State Parks

Water Resources

Water Planning

Natural Heritage

Wild Horse Commission

Nevada SAI # E2001-025

Project: DEA for the Robert Grffith Water Project Title Transfer

☐ Yes ☐ No Send more information on this project as it becomes available.

## CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. 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 **Sept. 27, 2000**. 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? Heather Elliott, 684-0209.

## THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☐ No comment on this project  
☒ Proposal supported as written  
☐ Additional information below

☐ Conference desired (See below)  
☐ Conditional support (See below)  
☐ Disapproval (Explain below)

## AGENCY COMMENTS:

RECEIVED

SEP 28 2000

DEPT. OF ADMINISTRATION  
DIRECTOR'S OFFICE

Signature

s:\shardat\clear\clear.doc

Agency

Date

STATE LANDS

9.27-00





# Department of Comprehensive Planning

500 S Grand Central Pky • Ste 3012 • PO Box 551741 • Las Vegas NV 89155-1741  
(702) 455-4181 • Fax (702) 385-8940

John L. Schlegel, Director • Phil Rosenquist, Assistant Director • Lesa Coder, Assistant Director

September 1, 2000

Mr. Dave Curtis (LC-2502)  
Bureau of Reclamation  
Lower Colorado Regional Office  
PO Box 61470  
Boulder City, NV 89006-1470


9/6 *dae* *LC 2502*

Dear Mr. Curtis:

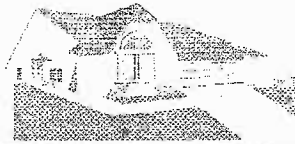
Thank you for the opportunity to comment on the Environmental Assessment for the Title Transfer of the Robert B. Griffith Water Project from the Bureau of Reclamation to the Southern Nevada Water Authority. The Southern Nevada Water Authority is a prime example of local agencies addressing regional issues through cooperative agreements. Clark County has continually supported local initiatives in cooperation with federal and state agencies as a means to address the needs of the community.

We look forward to working with your office on future cooperative efforts in providing information or commentary as requested. If you have any questions on Clark County's comments, please contact Fred Turnier at 455-5529.

Sincerely,

  
JOHN L. SCHLEGEL  
Director

cc: Ms. Lisa Luptowitz  
Southern Nevada Water Authority  
1001 S. Valley View Boulevard  
Las Vegas, Nevada 89153



## **RIVER MOUNTAIN RANCH ESTATES HOMEOWNERS ASSOCIATION**

P.O. Box 90963  
Henderson, NV. 89009-0963  
VOICE# 564-7574 FAX# 564-2170

September 7, 2000

9/11 dave 2502

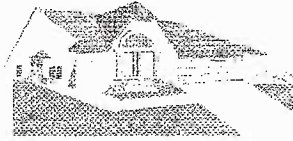
Mr. Dave Curtis [LC 2502]  
Bureau of Reclamation  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

Re: **DRAFT EA. [Transfer of the Robert B. Griffith Water Project to Southern Nevada Water Authority COMMENT PERIOD ENDING September 28, 2000]**

While we see the need for this transfer of the PROJECT, we would like to be on the record:

That under ALL CIRCUMSTANCES, IT IS UNDERSTOOD, the people of Section's 27 & 28, Township 22 South, Range 63 East MDB&M WANT THE LAND THAT IS CURRENTLY ON WITHDRAWAL STATUS [Section's 23w 1/2, 26w 1/2 & 35, Township 22 South, Range 63 East, MDB&M] TO REMAIN ON WITHDRAWAL through the current Congressional approved year, 2012. We feel that the ABOVE DESCRIBED LAND, DOES NOT QUALIFY FOR "CRITERIA FOR SALE" under section [202-F] Public Law, 94-579, October 21, 1976

FURTHER, that in the event such land is deemed UNSUITABLE for the current WITHDRAWAL reason, the residents/property owners of Section 27 and 28 have a representative from the River Mountain Ranch Estates Homeowners Association appointed to the "Advisory Council" that would be "Assessing" such need. [see Public Law 94-579, Section 309 -October 21, 1976] AND that ALL PROPERTY OWNERS are NOTIFIED BY LETTER / U.S. MAIL, OF ANY PROPOSED SALE OF THIS LAND. [see Public Law 94-579, Section 210].



**We understand that a portion of this land has been designated as "Area of Critical Environmental Concern"; coupled with the "Easement" of the Boulder City Historical Train Museum's planned Railroad, which we support, just straightens the need for WITHDRAWAL.**

**We have attached the original signed petition's for your review and request that all petitions will be entered into the record of comment.**

**Cordially,**

**Diane M. Booker, President**

**encl: Petition signed by the residents, pages numbered; 1 through 8, Total Signatures #58**

**cc: Lisa Luptowitz, SNWA, 1001 S. Valley View blvd., Las Vegas, NV 89153**

**cc: File**

SEP 21 2000

Las Vegas  
Valley  
Water  
District

September 21, 2000

PATRICIA MULROY  
GENERAL MANAGER

DAVID A. DONNELLY, P.E.  
DEPUTY GENERAL MANAGER  
ENGINEERING/OPERATIONS

RICHARD J. WIMMER  
DEPUTY GENERAL MANAGER  
ADMINISTRATION

CHARLES K. HAUSER  
GENERAL COUNSEL

9/25 due 2001 2502

Mr. Dave Curtis (LC-2502)  
Bureau of Reclamation  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, Nevada 89006-1470

Dear Mr. Curtis:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT FOR THE ROBERT B.  
GRIFFITH WATER PROJECT TITLE TRANSFER

We have reviewed the Draft Environmental Assessment (DEA) for the Robert B. Griffith Water Project Title Transfer. The DEA duly evaluates potential environmental impacts from the administrative actions being considered by the Bureau of Reclamation for the title transfer, and the Las Vegas Valley Water District (District) urges Reclamation to issue a Finding of No Significant Impact. The District supports the transfer of the Robert B. Griffith Water Project water delivery facilities to the Southern Nevada Water Authority. Transferring title of these facilities will provide cost savings to Southern Nevada Water Authority purveyor members, including the District, and will expedite operation and maintenance of the entire Southern Nevada Water System.

Sincerely,



Nick Braybrooke, P.E.  
Director, LVVWD Resources

NB:mep

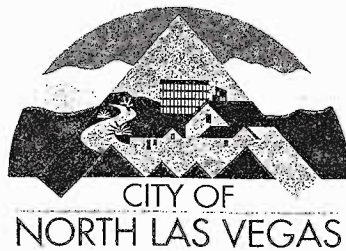
BOARD OF DIRECTORS

Myrna Williams, President • Yvonne Atkinson Gates, Vice-President  
Dario Herrera, Erin Kenny, Mary J. Kincaid, Lance M. Malone, Bruce L. Woodbury



Mayor  
**Michael L. Montandon**

Council Members  
**William E. Robinson**  
**John K. Rhodes**  
**Stephanie S. Smith**  
**Shari Buck**



City Manager  
**Kurt Fritsch**

Assistant City Managers  
**Michele F. Richardson**

*Your Community of Choice*  
**Public Works Department - Utilities Division**  
2829 Fort Sumter Dr. • North Las Vegas, Nevada 89030  
Telephone: (702) 633-1275 • Fax: (702) 649-9784  
Web Address: [www.cityofnorthlasvegas.com](http://www.cityofnorthlasvegas.com)

September 25, 2000

Mr. Dave Curtis (LC-2502)  
Bureau of Reclamation  
Lower Colorado Regional Office  
PO Box 61470  
Boulder City, NV 89006-1470

Ms. Lisa Luptowitz  
Southern Nevada Water Authority  
1001 S. Valley View Boulevard  
Las Vegas, NV 89153

SUBJECT: Environmental Assessment for the Robert B. Griffith Water Project Title Transfer

Mr. Curtis & Ms. Luptowitz:

This letter serves as a letter of support for the Draft Environmental Assessment for the Robert B. Griffith Water Project Title Transfer from the City of North Las Vegas. The Environmental Assessment is dated August 2000.

It is the City's understanding that the transfer would not have any negative impact on the operation and maintenance of the water delivery facilities and it would assure the Southern Nevada Water Authority perpetual rights-of-way, easements or permits over existing public lands. In addition, since the proposed action would be entirely administrative, the action would not have any negative impact on the environmental, endangered species or property management.

If you have any further questions regarding the City's support of the Draft Environmental Assessment for the Robert B. Griffith Water Project Title Transfer, please contact me at (702)633-1259.

Sincerely,

  
Leslie Long, P.E.  
Assistant Public Works Director (Acting)

7/27/00  
Cae  
2502



IN REPLY REFER TO:

LC-2502  
ENV 6.00

# United States Department of the Interior

BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

Property of Environmental  
Compliance Office at LC-2626

**NV-2001-16**

**AUG 22 2000**

To: Interested Persons, Organizations, and Agencies

From: Deanna J. Miller, Director  
Resource Management Office

Subject: Draft Environmental Assessment (EA) for Robert B. Griffith Water Project Title Transfer

The Bureau of Reclamation (Reclamation), in cooperation with Southern Nevada Water Authority (Authority), National Park Service, and Bureau of Land Management, has issued the attached Draft EA for Robert B. Griffith Water Project Title Transfer.

Reclamation has been directed by an Act of Congress (Griffith Project Prepayment and Conveyance Act of 2000) to transfer title of the Robert B. Griffith Water Project water delivery facilities to the Authority. The Robert B. Griffith Water Project, located in Clark County, Nevada, was authorized by Acts of Congress in 1965 and 1966. The project is a water delivery system, constructed in phases completed in 1971 and 1982, to deliver Colorado River water to Las Vegas Valley, including Nellis Air Force Base, and Boulder City. As part of the acquisition of title, the Authority would repay the discounted remaining repayment obligation from the contract with the Federal government for the project's construction costs. Also associated with the transfer is the grant or assignment to the Authority of perpetual rights-of-way, easements, or permits over existing Federal, public, or withdrawn lands, which are administered by Reclamation, Bureau of Land Management, National Park Service, and United States Air Force (Nellis Air Force Base). The Authority would acquire title to parcels of land within the Las Vegas Valley that were previously non-Federal lands purchased by the Federal government for the sites of pumping stations and other facilities.

The Federal actions considered in the EA are administrative, and do not involve any new construction. The Authority would not change the current operation and maintenance of the water delivery facilities.

An open house public meeting is planned to answer questions and receive comments. This meeting will be held on Tuesday, September 12, 2000, at the Las Vegas Valley Water District offices, Mead Conference Room, 1001 South Valley View Boulevard, Las Vegas, Nevada, from 6:30 p.m. to 8:00 p.m.

*Final*

***DRAFT***  
**ENVIRONMENTAL ASSESSMENT**

**Robert B. Griffith Water Project  
Title Transfer**

U.S. Bureau of Reclamation  
Lower Colorado Region  
Boulder City, Nevada



Southern Nevada Water Authority  
Las Vegas, Nevada



Southern Nevada  
Water Authority

**August 2000**

A 30-day public review process on the Draft EA will begin on August 28, 2000. Comments must be received by September 28, 2000, and may be sent by mail, fax, or e-mail. For information on this EA, or to submit written comments, please contact:

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Lower Colorado Regional Office  
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Boulder City NV 89006-1470  
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Southern Nevada Water Authority  
1001 S. Valley View Boulevard  
Las Vegas NV 89153  
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Attachment



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## **Introduction**

The United States Bureau of Reclamation (Reclamation) is directed to transfer title to the Robert B. Griffith Water Project (Project) water delivery facilities to the Southern Nevada Water Authority (Authority). This transfer includes lands acquired for Project purposes, and granting or assigning to the Authority perpetual rights-of-way over applicable Federal lands. The Project, located in Clark County, Nevada, is currently owned by the United States, administered by Reclamation, and operated by the Authority. Acts of Congress in 1965, 1966, and 1982 authorized the project for the purpose of providing municipal and industrial (domestic) water supply for use within Clark County, Nevada.

Reclamation is the lead Federal agency for preparation of this Environmental Assessment (EA), in compliance with the National Environmental Policy Act (NEPA). Reclamation is an agency in the United States Department of the Interior and was established by Congress in 1902. Reclamation's mission is to manage, develop and protect water resources in 17 western states in the interest of the American public. Reclamation is responsible for administration of the Project for the United States and for management of Federal lands in Clark County that were withdrawn for Project purposes.

The Authority is a co-lead agency for this document. The Authority is a political subdivision of the State of Nevada and was formed in 1991 through a cooperative agreement among seven water and wastewater management agencies in the Las Vegas region. They are the Cities of Boulder City, Henderson, Las Vegas, and North Las Vegas, the Las Vegas Valley Water District, the Big Bend Water District, and Clark County Sanitation District. The primary purpose of the Authority is to develop and manage regional water resources. The Authority operates the Project and has been assigned by the State of Nevada the Project's water delivery and repayment contract with the Federal government.

The Bureau of Land Management (BLM) and National Park Service (NPS), Lake Mead National Recreation Area, manage Federal lands within Clark County on which Project facilities are located. They are cooperating agencies for this environmental analysis.

## **PURPOSE AND NEED**

As part of the Federal government's National Performance Review, Reclamation has undertaken a program to transfer title of single purpose project facilities that could be efficiently and effectively managed by non-Federal entities and that are not of national importance. This transfer would relieve the Federal government of ownership, responsibility, and liability for project facilities and appurtenant lands. The Authority's purpose for undertaking the transfer is to facilitate management and expedite routine operations and maintenance of the entire Southern Nevada Water System (SNWS), of which Project facilities are a part.

## **TITLE TRANSFER PROCESS**

While the National Performance Review generally encourages Reclamation to transfer title of certain types of projects, it does not specifically authorize Reclamation to transfer title of the Project. The Griffith Project Prepayment and Conveyance Act (Public Law 106-249), however, directs the Secretary of the Interior to transfer title to the Project to the Authority (Appendix A), subject to prepayment of the Project's Federal repayment obligation for construction costs of stages one and two of the Project.

Reclamation's policy requires that title transfers be carried out in an open and public manner, and that proposed transfers be evaluated against six broad public interest criteria (Appendix B). In addition to satisfying the requirements of NEPA, this draft EA will also evaluate the proposed title transfer using the following six criteria:

1. The Federal Treasury, and thereby the taxpayer's financial interest, must be protected.
2. The title transfer must comply with all applicable State and Federal laws.
3. Interstate compacts and agreements must be protected.
4. The Secretary of the Interior's Native American trust responsibilities must be met.
5. Treaty obligations and international agreements must be fulfilled.
6. The public aspects of the project must be protected.

The Federal actions considered in this EA are administrative. In accordance with the Griffith Project Prepayment and Conveyance Act, the Secretary of the Interior is directed to convey and assign to the Authority all of the right, title, and interest of the United States in improvements and facilities of the Project and all rights in land acquired by the United States for the Project. In addition, Reclamation, BLM, and NPS would issue rights-of-way at no cost to the Authority across public and withdrawn lands for Project facilities and for the operation, maintenance, replacement, and repair of the Project.

## **RESULTS OF SCOPING**

One scoping meeting was held in Las Vegas, Nevada on August 19, 1999. Despite notices published in local newspapers and mailed to potentially interested parties, there was no attendance at the scoping meeting and no comments were received.

## **PROJECT DESCRIPTION AND HISTORY**

Original settlement of the Las Vegas Valley (Valley) utilized groundwater to meet water needs, but depletion of the groundwater aquifer was identified as early as 1944. To help meet the Valley's increasing water demands, the Nevada State legislature passed a bill in 1947 authorizing the transport of Colorado River water into the Valley via a pipeline from Lake Mead. Federal legislation authorizing construction, operation, and maintenance of the delivery system, known today as the Robert B. Griffith Project, was passed on October 22, 1965 (Public Law 89-292). This Federal legislation was amended on June 19, 1966 to clarify water rights (Public Law 89-510).

Originally known as the Southern Nevada Water Project, the water delivery system was constructed in two stages. Construction of the first stage began in 1968 and was completed in 1971. Deliveries of Colorado River water from the first stage began in 1971. Components of the first stage were a Lake Mead intake on the east side of Saddle Island, a 3-mile main aqueduct, a 3.8-mile tunnel through the River Mountains, eight pumping stations, and over 31 miles of pipeline. In conjunction with these facilities, the State of Nevada built the Alfred Merritt Smith Water Treatment Facility. These stage one facilities were capable of providing up to 132,200 acre-feet per year of Colorado River water from Lake Mead to purveyors in Boulder City, Nellis Air Force Base, and the Las Vegas Valley area. Construction of the second stage began in 1977 and was completed in 1983. The second stage enhanced the first stage system by expanding some of the existing facilities. New features included a 2.4-mile second main aqueduct line, five pumping stations, and about 30 miles of pipeline and laterals, surge tanks, regulating tanks, and other delivery facilities. The State of Nevada also enlarged and modified the Alfred Merritt Smith Water Treatment Facility to accommodate additional water supplies. At the completion of stage two, the system was capable of providing up to 299,000 acre-feet

per year of Colorado River water. Legislation passed on December 22, 1982 changed the name of the Federal portion of the project to the Robert B. Griffith Project (Public Law 97-381). The combination of Federal and State facilities is known as the SNWS (Figure 1). The State of Nevada added additional capacity to the existing system and delivered 353,068 acre-feet of water in 1999.

A contract between the United States and the State of Nevada, acting through the Colorado River Commission of Nevada, was signed in 1967 for the first stage of the Project, renegotiated in 1976 for the second stage, and amended in 1992 (Contract No. 7-07-30-W0004). This contract specified the repayment obligation for construction costs, with interest, to the United States by the State of Nevada, and also identified that the State of Nevada was responsible for system operation, maintenance, and replacement. In 1991, the Authority was formed through cooperative agreement among water and wastewater management entities in southern Nevada. State of Nevada legislation, and subsequent Federal approval, assigned most of the State's interest in and contract obligations for the SNWS (which includes the Robert B. Griffith Project) from the Colorado River Commission of Nevada to the Authority, effective January 1, 1996.

### **CONFORMANCE WITH LAS VEGAS RESOURCE MANAGEMENT PLAN**

The Proposed Action is in conformance with the Las Vegas Resource Management Plan, effective October 5, 1998, specifically Objectives RW-1 and RW-1h.

### **RELATED LEGISLATION**

The following descriptions include some, but not all, laws which may be related to the Project and the proposed action.

**Griffith Project Prepayment and Conveyance Act of 2000.** This act directs the Secretary of the Interior to transfer to the Authority title to the Project facilities and the rights in land acquired by the United States for the Project, and provides the legislative authority for Reclamation, BLM, and NPS to issue rights-of-way to the Authority across public and withdrawn lands for the operation, maintenance, replacement, and repair of the Project (Public Law 106-249).

**Lake Mead National Recreation Area Act of 1964.** This act established the Lake Mead National Recreation Area, and placed it under the administration of the NPS.

**Southern Nevada Water Project Act of 1965.** This act authorized the construction and maintenance of facilities on Federal lands for delivery of water from Lake Mead to southern Nevada. Legislation passed on December 22, 1982 changed the name of the Federal portion of the system to the Robert B. Griffith Project (Public Law 97-381).

**State of Nevada Assembly Bill 542 of 1995.** This legislation transferred the State of Nevada's interest in the SNWS from the Colorado River Commission of Nevada to the Authority.

**Federal Land Policy Management Act of 1976.** This act established public land policy, established guidelines for its administration, provided for the management, protection, development, and enhancement of the public lands, and other purposes.



## **Proposed Action and Alternatives**

Two alternatives are evaluated in this EA: the Proposed Action, which is to transfer the water delivery facilities and certain land interests associated with the Project to the Authority, the entity which operates the Project; and the No Action, which serves as a basis for evaluating and comparing potential environmental consequences of the Proposed Action.

### **PROPOSED ACTION**

Under this alternative, Reclamation, acting for the United States, would transfer title of the water delivery facilities associated with the Project. The Authority is seeking title for all Federal facilities that comprise the Project, including the Saddle Island intake facilities, the aqueducts, the tunnel through the River Mountains, pumping plants, pipelines, and associated facilities within the Valley. As part of the acquisition of title, the Authority would repay the discounted remaining repayment obligation from the contract with the Federal government for the Project's construction costs. In accordance with the Griffith Project Prepayment and Conveyance Act, the repayment amount is \$121,204,348, which shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, until the date on which the prepayment occurs.

Associated with this proposed transfer is the grant or assignment to the Authority of perpetual rights-of-way, easements, or permits over existing Federal public and withdrawn lands (see Figure 1). These public and withdrawn lands are administered by Reclamation, BLM, NPS, and the United States Air Force (Nellis Air Force Base). The Authority would not acquire Federal public and withdrawn lands; therefore, Federal ownership, management, and oversight responsibilities on these lands would not change. Appendix C provides a description of the Federal lands managed by BLM on which Project facilities are located.

The Authority would acquire title to Project lands within the Valley which were acquired in fee by the Federal government specifically for construction of Project facilities. These parcels were previously non-Federal lands that were purchased for the sites of pumping stations, rate of flow control stations, and a regulating tank. The proposed transfer would also include the grant or assignment of perpetual easements or rights-of-way which were acquired by the Federal government over non-Federal lands for the construction of the water pipelines.

No existing water entitlements and subcontracts with existing water users, including Nellis Air Force Base, would be modified by the Proposed Action. The existing water delivery and repayment contract between the United States and the State of Nevada, which was assigned by the State to the Authority, may be modified to remove the repayment and Project operation and maintenance provisions.

The Federal actions considered under the Proposed Action are administrative. There would be no change in the current operation and maintenance of the Project by the Authority.

### **NO ACTION ALTERNATIVE**

Under the No Action Alternative, the United States would retain title to the Project facilities and all acquired Project lands and associated rights-of-way, easements, and/or permits over existing Federal public and withdrawn lands. The United States would not grant or assign to the Authority perpetual rights-of-way over applicable Federal public and withdrawn lands. The Authority would continue to operate and maintain the Project facilities and repay the Project's construction costs under the terms and conditions of the existing contract with the Federal government.

## Affected Environment and Environmental Impacts

This chapter addresses the affected environment and potential environmental impacts of the Proposed Action and the No Action Alternative.

### CRITICAL ELEMENTS OF THE ENVIRONMENT

The following critical elements of the environment would not be affected by the Proposed Action or the No Action alternatives, but are listed below as required by statutes, regulations, or executive orders.

Areas of Critical Environmental Concern: A project tunnel crosses beneath the River Mountains Area of Critical Environmental Concern, but because the Proposed Action and No Action are administrative actions and would not change the Project, there would be no effect on this Area of Critical Environmental Concern.

Farm Lands (Prime or Unique): No prime or unique farmlands are located within the Project area.

Floodplains: Project facilities cross beneath designated floodplains, but because the Proposed Action and No Action are administrative actions and would not change the Project, there would be no effect on floodplains.

Noxious Weeds: The Proposed Action and No Action alternatives would not change existing operation and maintenance of the Project by the Authority, and would not spread noxious weeds, including invasive and exotic species.

Wastes, Hazardous or Solid: No hazardous or solid wastes would be generated or otherwise affected by the Proposed Action or No Action alternatives.

Water Quality, Drinking/Ground: The Proposed Action and No Action alternatives would not change existing operation and maintenance of the Project by the Authority, and would not affect water quality.

Wetlands/Riparian Zones: Project facilities cross beneath wetlands in the Las Vegas Wash, but because the Proposed Action and No Action are administrative actions and would not change the Project, there would be no effect on these wetlands.

Wild and Scenic Rivers: There are no Wild and Scenic Rivers within the Project area.

Wilderness: Project facilities are not located in any designated wilderness areas. Some facilities are located in proximity to the Sunrise Mountain Natural Area, but because the Proposed Action and No Action are administrative actions and would not change the Project, there would be no effect on this area.

### AIR QUALITY

The Federal government, through the Environmental Protection Agency, has established air quality standards under the Clean Air Act of 1969. In Clark County, the Clark County Health District Air Pollution Control Division administers the air pollution control program, including implementing countywide regulations and conducting air quality monitoring. The Las Vegas Valley has been

classified as a serious non-attainment area for particulate matter with a diameter of 10 microns or less and as a non-attainment area for carbon monoxide. In concert with the Environmental Protection Agency, the County is pursuing efforts to achieve attainment status for both of these pollutants.

*Proposed Action* – Transfer of title to Project facilities and acquired lands would have no effect on air quality. The Authority would continue to be responsible for routine operations and maintenance activities, and there would be no increase in pollutant emissions. The Authority would continue to comply with Clark County air quality regulations, including obtaining any necessary permits. 40 CFR 93.153(2)(xiv) identifies transfers of title as exempt from air conformity determination requirements.

*No Action* – Retaining title to the Project facilities and acquired lands by the Federal government would have no effect on air quality. The Authority would continue to be responsible for routine operations and maintenance activities, and there would be no increase in pollutant emissions. The Authority would continue to comply with Clark County air quality regulations, including obtaining any necessary permits.

### **CULTURAL RESOURCES / NATIVE AMERICAN RELIGIOUS CONCERNS**

The National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Grave Protection and Repatriation Act provide for protection of cultural resources under Federal stewardship. Since the Federal government would retain ownership, management, and oversight responsibilities on the Federal public or withdrawn lands in the Project area, cultural resource protections on these lands would not change. A cultural resource investigation of the Project sites, rights-of-way, and easements within the Valley that would be acquired by the Authority from the Federal government was conducted in September, 1999. No new cultural sites were found during the field surveys, but there are three previously recorded cultural resources sites in or near the Project area. The first of these is a historic railroad grade near Boulder City. Due to residential development, the portion of the grade within the Project area no longer exists. The other two sites are situated within the boundaries of the Las Vegas Valley Water District's North Well Field, which is also known as the Las Vegas Springs Preserve. One of these sites is listed on, and the other considered eligible for listing on, the National Register of Historic Places. The Charleston Heights Lateral crosses through both sites. However, the pipeline crosses between cultural loci of the sites, and does not encroach upon any cultural remains. Subsurface soils testing along the pipeline did not reveal any cultural deposits.

*Proposed Action* – Transfer of title of the Project facilities would have no effect on the Federal stewardship and associated cultural resources protections on Federal public and withdrawn lands. However, for the Project sites, rights-of-way, and easements within the Valley that would be acquired by the Authority, Federal cultural resources statutes would no longer apply. Although two significant cultural sites are within the Project area, Project facilities are outside of the areas containing cultural material. These cultural sites and the surrounding area are also being protected by the Las Vegas Valley Water District's development of the Las Vegas Springs Preserve. Additionally, since the Authority is a political sub-entity of the State of Nevada, the State statutes on the protection of historical and archaeological properties (NRS 383.121) and human skeletal remains (NRS 383.170) would continue to apply to the Authority's operation and maintenance activities. For these reasons, the Proposed Action would have no effect on cultural resources.



*No Action* – If the Federal government retained title to the Project facilities, there would be no change to existing cultural resources or their legal protection. The Authority's preservation plans at the Las Vegas Springs Preserve do not have Federal involvement, and would not be affected.

### **Indian Sacred Sites**

Reclamation is required, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to avoid adversely affecting the physical integrity of Indian sacred sites and to allow access by Indian religious practitioners to such sites (Executive Order 13007).

*Proposed Action* - No Indian Sacred Sites have been identified within the Project area, therefore the transfer of title would have no effect on such sites.

*No Action* – Since no Indian Sacred Sites have been identified within the Project area, the No Action would have no effect on such sites.

## **ENVIRONMENTAL JUSTICE CONSIDERATIONS**

In accordance with Executive Order 12898, issued in February of 1994, Federal agencies are required to identify and address disproportionately high and adverse human health and environmental effects of Federal programs, policies, and activities on minority and low-income populations in the United States. The Project facilities were constructed prior to the date of this order, and the State of Nevada, initially through the Colorado River Commission of Nevada and subsequently through the Authority, has been responsible for operation and maintenance of the Project facilities since the date of first operation. Operation of the Project's Colorado River water delivery facilities does not serve specific end-users, but delivers Colorado River water to purveyors (Authority members). Benefits and risks of the system accrue equally to customers of these purveyors and to the community in general.

*Proposed Action* – Should the Proposed Action be completed, no change in operation, maintenance, and replacement of the Project facilities by the Authority would occur. Therefore, transfer of title to Project facilities from the Federal government to the Authority would have no effect on minority or low-income populations and communities. Transfer of ownership of Project facilities would also have no effect on the sale and use of Colorado River water by Authority members to minority or low-income populations and communities.

*No Action* – Federal retention of title to the Project facilities would have no effect on minority or low-income populations and communities.

## **FINANCIAL CONDITIONS**

The Colorado River Commission funded construction of the first and second stages of the State of Nevada portion of the SNWS by issuing State of Nevada general obligation bonds and with a \$1.5 million grant from the United States Department of Housing and Urban Development. Reclamation funded construction of the first and second stages of the Project from Federal budget appropriations. Reclamation determined reimbursable costs of constructing the first and second stages of the Project, and the Federal government and the Colorado River Commission entered into a water service and repayment contract to repay those costs plus interest (excluding the portion of the first stage used by Nellis Air Force Base). The terms of the repayment contract require annual payments over fifty years at 3.25% interest. To ease the burden of this debt service on the Colorado River Commission initially,

the reimbursement agreements were negatively amortized for the first eight years after completion of each phase. Table 1 shows sources of funds to construct the SNWS after completion of the first and second phases.

**Table 1**  
**Southern Nevada Water System Phase I and II Debt Structure**

Funding Source	Amount (\$ millions)			
	Phase I	Phase II	Total	% of Total
Federal Repayment Contracts	51.6	131.5	183.1	71%
State of Nevada General Obligation Bonds	8.9	63.0	71.9	28%
United States Dept of Housing & Urban Development	1.5	---	1.5	1%
Total	62.0	194.5	256.5	---

As of April 1999, the amount of the remaining repayment obligation to the Federal government was \$270,998,811, including \$169,236,043 of principal and \$101,762,768 in interest. The number of years remaining in the repayment schedule is 34.

The role of the Federal government in financing improvements of the SNWS has been declining. At completion of the first phase, the Federal government had financed 83% of the SNWS. After completion of the second phase, that ratio had been reduced to 71%. As of June 30, 1999, the ratio of outstanding Federal debt to total outstanding debt of the SNWS is 14%. That ratio will decline to 6% at completion of the Authority's Capital Improvements Plan in the year 2017.

Pursuant to the Griffith Project Prepayment and Conveyance Act of 2000, rights-of-way issued or assigned to the Authority shall be valid in perpetuity and fees for payment of rental are waived.

*Proposed Action* – The Authority must prepay its repayment obligations to the Federal government before title to Project facilities may be transferred to the Authority. Federal policy requires that a prepayment does not decrease the net proceeds otherwise available to the United States Treasury. Therefore, the prepayment amount for the proposed action must make the Federal government indifferent between receiving \$271 million over 34 years or a discounted amount in a lump-sum prepayment. "Discounting" is the process for finding the present value of an amount that will be received or paid out in the future, where the future value is discounted to a lower present value to account for the effects of the time value of money.

In the Griffith Project Prepayment and Conveyance Act, a lump sum amount of \$121.2 million was identified as the discounted repayment obligation (subject to adjustment to reflect accrued unpaid interest and additional principal payments since September 15, 1999 until the date of the prepayment). The discount rate used was 6.08%, which was the yield on the 30-year Treasury Bond as of September 30, 1999. The 30-year bond was chosen because the period of maturity approximates the number of years remaining in the repayment contract schedule. Discounting \$271 million at 6.08% over 34 years results in a lump sum payment of \$121.2 million. Assuming that 6.08% is the Federal government opportunity cost of capital, the Federal government would be equally well off receiving \$271 million over 34 years or receiving \$121.2 million in a lump sum



payment. Because the repayment obligation to the Federal government would be satisfied without loss of revenue, the Proposed Action would have no adverse effect on the United States Treasury.

*No Action* – If no action is taken, the Federal government would retain title to Project facilities and no change in the current financial arrangement would occur. The Federal government would receive \$271.0 million in payments of principal and interest over the next 34 years.

## INDIAN TRUST ASSETS

United States Department of the Interior policy (Secretary of the Interior Order 3175) requires that actions under NEPA consider potential effects on Indian Trust Assets (ITA). ITA are legal interests in property held in trust by the Federal government for the benefit of Indian tribes or individuals. Examples of trust assets include lands, mineral rights, hunting and fishing rights, and water rights. Reclamation policy requires that it will carry out activities in a manner which protects ITA and avoids adverse impacts where possible. No ITA have been identified on the Project facility sites.

*Proposed Action* – No effect on ITA would result from the proposed transfer of title on the Project facilities. The Las Vegas Pauite tribe currently receives water from an Authority member, which would not be affected by this action.

*No Action* – Retaining title to the Project facilities by the Federal government would have no effect on ITA.

## LANDS

Federal lands in the Project area are managed by Reclamation, BLM, NPS, and United States Air Force (Nellis Air Force Base) (see Figure 1). The Federal government purchased in fee parcels of previously private lands for the sites of pumping stations, rate of flow control stations, and a regulating tank. Project pipelines also cross municipal and private lands, for which perpetual easements or rights-of-way were obtained by the Federal government prior to construction.

*Proposed Action* – The Proposed Action would involve administrative actions by the Federal agencies, including the conveyance and assignment of title to Project facilities and acquired lands, and the issuance of rights-of-way across other public and withdrawn lands. The Griffith Project Prepayment and Conveyance Act provides the legislative authority for the agencies to complete the Proposed Action. Therefore, title to the Project facilities and the rights in land acquired by the United States for the Project, together with rights-of-way across other public and withdrawn lands for the operation, maintenance, replacement, and repair of the Project, would be conveyed pursuant to the Griffith Project Prepayment and Conveyance Act and other legislative authority, to the extent applicable. The Proposed Action would not result in a change in land uses or the management of Federal lands by the Federal agencies. In accordance with Federal regulations, the Authority would consult with the Federal agencies prior to making a substantial change in location or use of the Project if required during operation, maintenance, or replacement, and amended right-of-way applications would be filed if needed. In some areas, Project facilities are jointly located with other existing rights-of-way of other entities for pipeline, fiber optic, and power line facilities. The Proposed Action would have no effect on these other existing rights-of-way, and existing agreements would remain in place. For these reasons, the Proposed Action would have no effect on lands.

*No Action* – Retaining title to the Project facilities and acquired lands by the Federal government would have no effect on Project lands or Federal management of those lands. The Federal government would continue to hold title to acquired lands and easements or rights-of-way across private lands for Project facilities.

## THREATENED AND ENDANGERED SPECIES

Threatened and endangered species that may occur in the area of the Project facilities are listed in Table 2. Because the Federal government would retain ownership, management, and oversight responsibilities on the Federal public or withdrawn lands in the Project area, there would be no change in the protection afforded to species on these lands under the Endangered Species Act. Biological field surveys and a records search of the Nevada Natural Heritage Program database were conducted for the Project sites, rights-of-way, and easements within the Valley that would be acquired by the Authority from the Federal government (including the formerly private lands that the Federal government purchased specifically to construct Project facilities). These sites were disturbed by construction activities, and no threatened or endangered species had been recorded or were found on these sites. Threatened or endangered species that have been documented or may occur within the vicinity of the Project sites, rights-of-way, and easements within the Valley include the threatened desert tortoise (*Gopherus agassizii*), and the Las Vegas bearpoppy (*Arctomecon californica*).

The desert tortoise is the largest reptile in the Mojave Desert. It is found in Mojave Desert Creosote Bush Scrub vegetation associations at elevations below 5,000 feet from southwestern Utah and southern Nevada to southeastern California and Arizona. The Mojave population (west of the Colorado River) was listed in 1990 as a threatened species under the Endangered Species Act due to declining populations throughout its range. Incidental take of desert tortoises on non-Federal lands within Clark County is covered by the Section 10(a) permit included in the Clark County Desert Conservation Plan (Recon, 1995). The Desert Conservation Plan also applies to Federal lands "as they are transferred out of Federal ownership." A Biological Opinion for desert tortoise was also issued to the BLM for implementation of the Management Framework Plan within the Las Vegas Valley (USFWS, 1996). This Biological Opinion covers incidental take of desert tortoises within the programmatic area from disposal of lands through land sales, leases, exchanges, and rights-of-way. The United States Air Force has also obtained a Biological Opinion for incidental take of desert tortoises for operation of existing facilities and development on Nellis Air Force Base (USFWS, 1992).

The Las Vegas bearpoppy (*Arctomecon californica*) is listed as critically endangered by the State of Nevada and is protected by Nevada Revised Statute 527.270. This species is found mainly in Clark County, Nevada with a few populations in northwestern Arizona. It occurs on soils with high gypsum content. Las Vegas bearpoppy populations have been declining, particularly in the rapidly developing Las Vegas Valley. Populations of the Las Vegas bearpoppy identified in the vicinity of Project facilities include the Las Vegas Valley Water District's North and South Well Fields, Nellis Air Force Base, and the North Las Vegas Airport. The population at the Las Vegas Valley Water District's site has been protected by a Habitat Management Plan (LVVWD, 1999), and the populations on Nellis Air Force Base and the North Las Vegas Airport have been protected by multi-agency conservation agreements. The Las Vegas bearpoppy populations within Clark County will also be protected by the Clark County Multi-Species Conservation Plan (in preparation) which will include a conditional permit from the Nevada Division of Forestry for disturbance or destruction of the Las Vegas bearpoppy within the Plan's covered areas.

Table 2 Threatened and Endangered Species Potentially Occurring in the Project Area			
Scientific Name	Common Name	Federal Status	State Status
<b>PLANTS</b>			
<i>Astragalus geyeri</i> var. <i>triquetrus</i>	Threecorner milkvetch	---	Critically Endangered
<i>Astragalus mohavensis</i> var. <i>hemigyris</i>	Curve-podded Mojave milkvetch	Candidate	Critically Endangered
<i>Cryptantha insolita</i>	Unusual catseye	---	Critically Endangered
<i>Eriogonum viscidulum</i>	Sticky buckwheat	---	Critically Endangered
<i>Calochortus striatus</i>	Alkali mariposa lily	Candidate	
<i>Arctomecon californica</i>	Las Vegas bearpoppy	Candidate (proposed)	Critically Endangered
<b>REPTILES</b>			
<i>Gopherus agassizii</i>	Desert tortoise	Threatened	Threatened
<i>Heloderma suspectum cinctum</i>	Banded gila monster	---	Protected
<b>BIRDS</b>			
<i>Haliaeetus leucocephalus</i>	Bald eagle	Threatened	Endangered
<i>Falco peregrinus anatum</i>	American peregrine falcon	---	Endangered
<i>Empidonax traillii eximius</i>	Southwestern willow flycatcher	Endangered	Protected
<i>Athene cunicularia hypugea</i>	Western burrowing owl	Candidate	Protected
<i>Phainopepla nitens</i>	Phainopepla	---	Protected
<b>MAMMALS</b>			
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's big-eared bat	Candidate	
<i>Euderma maculatum</i>	Spotted bat	Candidate	Threatened
<i>Eumops perotis californicus</i>	Greater western mastiff bat	Candidate	
<i>Idionycteris phyllotis</i>	Allen's big-eared bat	Candidate	
<i>Macrotus californicus</i>	California leaf-nosed bat	Candidate	---
<i>Myotis ciliolabrum</i>	Small-footed myotis	Candidate	
<i>Myotis evotis</i>	Long-eared myotis	Candidate	
<i>Myotis thysanodes</i>	Fringed myotis	Candidate	
<i>Myotis velifer</i>	Cave myotis	Candidate	
<i>Myotis volans</i>	Long-legged myotis	Candidate	
<i>Myotis yumanensis</i>	Yuma myotis	Candidate	
<i>Nyctinomops macrotis</i>	Big free-tailed bat	Candidate	
<i>Ovis canadensis nelsoni</i>	Desert bighorn sheep	---	Game

**Federal Status:**

Endangered: Federally listed as Endangered.

Threatened: Federally listed as Threatened.

Candidate: Species for which the United States Fish and Wildlife Service presently has sufficient information on biological status and threats to propose as endangered or threatened under the Endangered Species Act.

**State Status:**

Critically Endangered: Species or subspecies of native flora determined by the state forester firewarden, pursuant to Nevada Revised Statutes (NRS) Section 527.270, to be Threatened or Endangered and whose survival requires assistance. These species will therefore be placed on the list of fully protected species and no member of its kind may be removed or destroyed except under special permit issued by the state forester firewarden.

Endangered: Listed as Endangered by the State of Nevada Division of Wildlife (NDOW) pursuant to State of Nevada Administrative Code (NAC) Section 503.050.

Threatened: Listed as Threatened by NDOW pursuant to NAC Section 503.080 and 503.030.

Protected: Species that is protected from hunting or killing pursuant to NAC Section 503.030 and 503.050.

Game: Species of wildlife classified as game pursuant to NAC Section 503.101.



*Proposed Action* – Reclamation has determined that the proposed title transfer would have no effect on any threatened or endangered species. Since there would be no change in Federal stewardship on Federal public and withdrawn lands, there would be no change in the protection afforded to threatened and endangered species on these lands under the Endangered Species Act. No threatened or endangered species were found on the Project sites, rights-of-way, and easements that would be acquired by the Authority. These were disturbed by construction of the Project and can no longer support threatened or endangered species because vegetation is generally kept cleared for operational purposes. The Authority would continue with current routine operations and maintenance on Project facilities. In the unlikely event that a desert tortoise is encountered on one of these sites, it would be covered under the Clark County Desert Conservation Plan.

*No Action Alternative* – If the United States retains ownership of the Project facilities, there would be no effects on any threatened or endangered species. The Authority would continue with current routine operations and maintenance on Project facilities.

## **WATER RESOURCES**

Lake Mead was created by the completion of Hoover Dam (originally known as the Boulder Dam) in 1935. The State of Nevada withdraws its apportionment of Colorado River water from Lake Mead and the Colorado River below Hoover Dam. The State of Nevada has a consumptive use apportionment of 300,000 acre-feet per year and 4% of any surplus water that may be determined annually. The Authority's service area includes Las Vegas, North Las Vegas, Henderson, Boulder City, Nellis Air Force Base, and other portions of Clark County. The Authority members independently market their water supply allocations to users within their service areas.

*Proposed Action* – Transferring title of the Project's facilities from the United States to the Authority would not change the existing water right allocations. The title transfer would have no effect on the local sale and use of water from the Project, which is independently determined by Authority members.

*No Action* – If title of the Project's facilities were retained by the Federal government, no change in the existing water rights allocations would occur. Likewise, the No Action alternative would have no effect on the local sale and use of water from the Project, which is independently determined by Authority members.

## **Environmental Commitments**

The following environmental commitment is made by the Authority as part of the Proposed Action.

1. The Authority would continue to comply with the Nevada State statutes regarding the protection of the historic and archaeological properties (NRS 383.121) and human skeletal remains (NRS 383.170) located on the Project property which would be included in the title transfer from the United States to the Authority. The Authority would consult, as needed, with the Nevada State Historic Preservation Officer to consider the effects of its operations, maintenance, and replacement activities.

## **Cumulative Impacts**

The Proposed Action that is considered in this EA is administrative. There would be no change in the current operation and maintenance of the Project by the Authority. Transfer of title to Project facilities and acquired lands, and the issuance of rights-of-way or easements across public or withdrawn lands, would not result in any environmental impacts and would not have any cumulative impacts in connection with other past, present, and reasonably foreseeable future actions.

## **Consultation and Coordination**

### **PUBLIC INVOLVEMENT**

The public was afforded an opportunity to participate in scoping of this draft EA. A public scoping meeting was held on August 19, 1999 at the Las Vegas Valley Water District, Mead room. Notices of the meeting were published two weeks in advance in five local and minority newspapers: the Las Vegas Review Journal, the Las Vegas Sun, the Henderson Home News, the Boulder City News, and El Mundo. Notices were also mailed to potentially interested Federal, State, and local agencies, organizations, and individuals. A period for submitting written comments was open from August 5 to September 3, 1999. There was no attendance at the scoping meeting, and no written comments were received.

### **AGENCY COORDINATION**

The proposed title transfer and preparation of the EA has been coordinated with potentially concerned agencies, including:

Bureau of Land Management, Las Vegas Field Office  
National Park Service, Lake Mead National Recreation Area



## LIST OF PREPARERS

Name	Discipline	Document Responsibility
<b>BUREAU OF RECLAMATION</b>		
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Nancy DiDonato	Contract and Repayment Specialist	Agency Participation
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Bill Martin	Natural Resource Specialist	Agency Participation
Jeannie Rutherford	Realty Specialist	Agency Participation
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<b>SOUTHERN NEVADA WATER AUTHORITY</b>		
Lisa Luptowitz	Environmental Planner	EA Manager, Document Preparation
Nina Merrill	Environmental Biologist	Threatened and Endangered Species
Greg Seymour	Archaeologist	Cultural Resources
Matt Thorley	SNWA Controller	Financial Analysis
Dianja White	Permits Specialist	Document Preparation

## DISTRIBUTION LIST

### Cooperating Agencies

Bureau of Land Management, Las Vegas Field Office, Las Vegas, Nevada  
 National Park Service, Lake Mead National Recreation Area, Boulder City, Nevada

### Other State and Federal Agencies

Environmental Protection Agency, Region 9, San Francisco, California  
 Colorado River Commission, Las Vegas, Nevada  
 Nevada State Clearinghouse, Carson City, Nevada  
 State of Nevada Division of Environmental Protection, Carson City, Nevada  
 State of Nevada Division of Wildlife, Southern Region, Las Vegas, Nevada  
 United States Air Force, Nellis Air Force Base, Nevada  
 United States Army Corps of Engineers, Reno, Nevada  
 United States Fish and Wildlife Service, Ecological Services, Las Vegas, Nevada  
 United States Fish and Wildlife Service, Nevada Fish and Wildlife Office, Reno, Nevada

### Local Agencies

City of Boulder City  
 City of Henderson  
 City of Las Vegas  
 City of North Las Vegas  
 Clark County Sanitation District  
 Clark County Department of Comprehensive Planning  
 Clark County Department of Parks and Recreation  
 Clark County Regional Flood Control District  
 Clark County Sanitation District

Native American Tribes

Fort Mojave Indian Tribe  
Moapa Band of Paiutes  
Las Vegas Paiute Tribe  
Hualapai Indian Tribe  
Colorado River Indian Tribe  
Pahrump Paiute Indian Tribe  
Chemehuevi Indian Tribe  
Las Vegas Indian Center

Other Interested Parties

Basic Management, Inc., Henderson, Nevada  
Friends of the Desert Wetlands Park, Las Vegas, Nevada  
Lake Las Vegas Resort, Henderson, Nevada  
Larry Paulson, Las Vegas, Nevada  
River Mountains Ranch Estates Homeowners Association, Henderson, Nevada

## References

- LVVWD (Las Vegas Valley Water District), 1999. Habitat Management Plan for the Las Vegas Bearpoppy (*Arctomecon californica*) Populations on Las Vegas Valley Water District North and South Well Fields.
- Recon, 1995. Clark County Desert Conservation Plan. August.
- Seymour, Gregory R., 1998. The Las Vegas Springs Heritage Site. Studies of a Cultural Landscape Parts I and II. Prepared for the Federal Highway Administration, Nevada Department of Transportation, and the Las Vegas Valley Water District. HRC Report 2-1-31. Contributions by Elizabeth von Till Warren, Jeffrey Wedding, Hal Rager, Fred Nials, and Catherine Fowler.
- USFWS (United States Fish and Wildlife Service), 1992. Biological Opinion for the Proposed Operation of Existing Facilities and Development on the Nellis Air Force Base. File No. 1-5-91-F-237. Issued by Reno Field Office May 12, 1992.
- , 1996. Biological Opinion on Implementation of the Management Framework Plan and Proposed Stateline Resource Management Plan within the Las Vegas Valley. File No. 1-5-96-F-23R. Issued by Nevada State Office April 11, 1996.

APPENDIX A – GRIFFITH PROJECT PREPAYMENT AND CONVEYANCE ACT

S. 986

One Hundred Sixth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,  
the twenty-fourth day of January, two thousand*

An Act

To direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Griffith Project Prepayment and Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Authority" means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term "Griffith Project" means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89-292, as amended (commonly known as the "Southern Nevada Water Project Act") (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to "Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation", on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89-292, as amended.

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Acquired Land(s)" means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89-292, as amended for the Griffith Project.

(5) The term "Public Land" means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term "Withdrawn Land" means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89-292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88-639 under the jurisdiction of the National Park Service.

**SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.**

(a) **IN GENERAL.**—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of \$121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right-of-way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights-of-way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights-of-way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights-of-way.

(d) **REPORT.**—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

**SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.**

The Secretary and the Authority may modify Contract No. 7-07-30-W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

**SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.**

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17,

1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88-639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



## APPENDIX B – RECLAMATION’S FRAMEWORK FOR TITLE TRANSFER

### FRAMEWORK FOR THE TRANSFER OF TITLE BUREAU OF RECLAMATION PROJECTS AUGUST 7, 1995

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The criteria and guidance outlined in this document applies to "uncomplicated" projects. "Uncomplicated" projects are generally defined in the Scope of Application section following. This guidance is intended to initiate the Bureau of Reclamation's title transfer process.

This guidance does not apply to the more complicated projects, e.g., large multi-purpose projects where there is no consensus among the project beneficiaries concerning the transfer, where more than one competent beneficiary has expressed an interest in acquiring title, or where the institutional and legal concerns cannot be readily resolved.

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**BACKGROUND:** The Reclamation program was founded in 1902. Its original mission was one of civil works construction to develop the water resources of the arid Western United States to promote the settlement and economic development of that region. The results of that work are well known in the hundreds of projects that were developed to store and deliver water. That substantial infrastructure made Reclamation the largest wholesale supplier of water in the United States, the sixth largest electric power generator, and the manager of 45 percent of the surface water in the Western United States. Many of these projects were constructed at a time when there were no local communities and utilities. Today much of the West is settled and is, in some respects, the most urbanized region of the country. Reclamation owns and operates public utility facilities which, if located in other parts of the country, would likely be owned, operated, and funded by publicly regulated private corporations or local government agencies. While it has been Reclamation's policy for decades to transfer operation and maintenance of projects to local entities where and when appropriate, interest in the actual transfer of title (with its attendant responsibilities) is now growing.

## **PURPOSE**

As part of the second phase of the National Performance Review (REGO II), Reclamation is undertaking a program to transfer title of facilities that could be efficiently and effectively managed by non-Federal entities and that are not identified as having national importance. This effort is a recognition of Reclamation's commitment to a Federal Government that works better and costs less. The transfer of title will divest Reclamation of the responsibility for the operation, maintenance, management, regulation of, and liability for the project. The transfer of title to a project will, in effect, sever Reclamation's ties with that project.<sup>1</sup>

## **SCOPE OF APPLICATION OF FRAMEWORK**

It is the intent of Reclamation to transfer title and responsibility for certain projects or facilities, when and where appropriate, to qualifying non-Federal interests. Uncomplicated projects are projects or facilities where there are no competing interests, the facilities are not hydrologically integrated with other projects, the financial arrangements are relatively simple and easily defined, and the legal and institutional concerns<sup>2</sup> associated with a transfer can be readily addressed. In other words, after meeting the requirements set forth in the Criteria section below, projects will be selected for title transfer on the basis of the transfer being achievable and able to move forward quickly.

For purposes of this document and the transfer of title to the projects, the terms "beneficiary" and "stakeholder" are defined as follows: (a) **beneficiary** refers to (i) contractors and others who receive direct benefits under the authorized purposes for that project and (ii) non-Federal governmental entities in the project area; (b) **stakeholder** is a broader term and includes the beneficiaries, as well as those individuals, organizations, or other entities which receive indirect benefits from the project or may be particularly affected by any change from the status quo.

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Note: Reclamation recognizes that the complete severance of the relationship between Reclamation and the transferee may not be possible in all instances.

Such concerns include, but are not limited to, unresolved Native American claims, endangered species considerations, international or interstate issues, absence of consensus among beneficiaries, significant disagreements raised by the stakeholders, a need to prepare an Environmental Impact Statement, and substantive objections from other governmental entities.

## **CRITERIA FOR TITLE TRANSFER**

Following are the six major criteria that must be met before any project is transferred:

- 1) The Federal Treasury, and thereby the taxpayer's financial interest, must be protected
- 2) There must be compliance with all applicable State and Federal laws
- 3) Interstate compacts and agreements must be protected
- 4) The Secretary's Native American trust responsibilities must be met
- 5) Treaty obligations and international agreements must be fulfilled
- 6) The public aspects of the project must be protected

## **GENERAL GUIDANCE FOR DETERMINING PROJECTS ELIGIBLE FOR TRANSFER**

Reclamation Area offices will review projects nominated by an interested transferee and will pursue negotiations regarding those projects where the issues associated with transfer are relatively easy to resolve. This could include projects with multiple purposes and numerous stakeholders, but only if it is clear that outstanding issues are resolved and that there is consensus among the stakeholders.

Reclamation will not initiate negotiations on those projects where title transfer will involve a protracted process to ensure that the six criteria listed above are met.

Generally, Reclamation will not pursue transfer of powerhouses and generating facilities where power is marketed by the Power Marketing Administrations or where such power is used for purposes not directly associated with project purposes.

## **GENERAL GUIDELINES APPLYING TO TRANSFERS**

All transfers will be voluntary.

Reclamation's intent is to transfer projects to current project beneficiaries, including non-Federal governmental entities, or to entities approved by the current beneficiaries.

All transfers must have the consent of other project beneficiaries. If another beneficiary raises substantive objections which cannot be resolved, the project will remain in Federal ownership.

Reclamation will comply with National Environmental Policy Act and other applicable laws in all transfers.<sup>3</sup>

All transfers must ensure the United States' Native American trust responsibilities are satisfied. In addition, outstanding Native American claims that are directly pending before the Department and that would be directly affected by the proposed transfer will be resolved prior to transfer.

Reclamation officials will meet with representatives from all interested Federal and State agencies to consider their concerns early in the transfer process.

Potential transferees must be competent to manage the project and be willing and able to fulfill all legal obligations associated with taking ownership of that project, including compliance with Federal, State, and tribal laws that apply to facilities in private ownership and assumption of full liability for all matters associated with ownership and operation of the transferred facilities. Potential transferees must be able to demonstrate the technical capability to maintain project safety on a permanent basis and an ability to meet financial obligations associated with the project.

In general, it is Reclamation's expectation that, upon the transfer of title to a project, its jurisdiction over that project will be divested. Reclamation further recognizes that in some cases the complete divestiture of jurisdiction may not be attainable because the transferee still receives water supplied from a Reclamation facility, or only a portion of the project was transferred and the rest of the project remains in Federal ownership, or there are other extenuating circumstances. The degree to which the Reclamation Reform Act of 1982 will apply following transfer will be negotiated on a case-by-case basis.

The financial interests of the Government and general taxpayers will be protected. Transferees must agree to fair and equitable terms based upon the factual circumstances associated with each project. (See attachment which describes the valuation of projects.) Transferees will be expected to pay upfront the estimated transaction costs, such as costs associated with

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<sup>3</sup> Reclamation is proceeding to develop a new Categorical Exclusion (CE) for those title transfers which would not significantly impact the environment and thus could be categorically excluded from a detailed NEPA review. Generally, Reclamation would anticipate such a CE would apply on projects involving transfer of title of Reclamation projects or facilities, in whole or in part, to entities who would operate and maintain the facilities or manage the lands so that there would be no significant changes in operation and maintenance or in land and water use in the reasonably foreseeable future. It is Reclamation's expectation that a CE would apply to a relatively small number of projects, i.e. some of the small single-purpose projects where no change in use is anticipated after the transfer.



compliance with the National Environmental Policy Act, real estate boundary surveys, and so forth. Reclamation will not provide new loans to finance transfers.

No transferred Federal asset will be considered for federal assistance for project operation, maintenance, and replacement or capital construction purposes following completion of the transfer.

Prior to the initiation of detailed discussions on title transfer, Reclamation and the potential transferees will execute an agreement covering the responsibilities of all parties during the negotiations.

A base value will be determined for each project as it becomes the subject of serious negotiations for transfer. (See attached guidance on valuation.) The negotiated price for the project may deviate up or down from the base value. It will be necessary for Reclamation and the interested non-Federal entity to document how the factual circumstances and equitable treatment considerations justify such adjustments. In addition, Reclamation may consider future uses on the transferred lands and waters in establishing a price.

Potentially affected State, local, and tribal governments, appropriate Federal agencies, and the public will be notified of the initiation of discussions to transfer title and will have (1) the opportunity to voice their views and suggest options for remedying any problems and (2) full access to relevant information, including proposals, analyses, and reports related to the proposed transfer. The title transfer process will be carried out in an open and public manner.

Once Reclamation has negotiated an agreement with a transferee, Reclamation will seek legislation specifically authorizing the negotiated terms of the transfer of each project or feature.



## APPENDIX C – PROJECT ALIGNMENTS ACROSS FEDERAL LANDS

The rights-of-way to be granted or assigned to the Authority, which are or may have been across Federal lands under the jurisdiction and management of Reclamation, BLM, and NPS, are located in the following general areas, as described in BLM case file number N-1521. Specific legal descriptions will be documented at the time of rights-of-way issuance.

Southwest Quarter of Northwest Quarter, West Half of Southwest Section 1 T20S R62E MDM Clark County Nevada.

Southeast Quarter of Southeast Quarter of Section 11 T20S R62E MDM Clark County Nevada.

West Half of Northwest Quarter, Northwest Quarter of Southwest Quarter of Section 12 T20S R62E MDM Clark County Nevada.

East Half of Northeast Quarter, Southwest Quarter of the Northeast Quarter, East Half of the Southwest Quarter, Southwest Quarter of the Southwest Quarter of Section 14 T20S R62E MDM Clark County Nevada.

Southwest Quarter of the Northwest Quarter, West Half of Southwest Quarter of Section 02 T21S R62E MDM Clark County Nevada.

West Half of West Half of Section 11 T21S R62E MDM Clark County Nevada.

West Half of West Half, Southeast Quarter of Southwest Quarter of Section 14 T21 S R62E MDM Clark County Nevada.

Northeast Quarter, Northeast Quarter of Northwest Quarter Section 23 T21S R 62 MDM Clark County Nevada.

South Half of Northwest Quarter, Northeast Quarter of Southwest Quarter, West Half of Southeast Quarter, Southeast Quarter of Southeast Quarter Section 24 T21S R62E MDM Clark County Nevada.

Southwest Quarter of Southwest Quarter, Section 28 T21S R62E MDM Clark County Nevada.

Northwest Quarter, Northeast Quarter, Southeast Quarter Section 33 T21S R62E MDM Clark County Nevada.

Lot 4 Section 19 T21S R63E MDM Clark County Nevada.

Northeast Quarter of Southwest Quarter, South Half of Southwest Quarter, North Half of Southeast Quarter Section 24 T21S R63E MDM Clark County Nevada.

Northwest Quarter of Northwest Quarter Section 25 T21S R63E MDM Clark County Nevada.

Lots 1 and 2 Section 26 T21S R63E MDM Clark County Nevada.

East Half of Northeast Quarter, Southwest Quarter of Northeast Quarter, Northwest Quarter of Southeast Quarter Section 26 T21S R63E MDM Clark County Nevada.

South Half of South Half Section 29 T21S R63E MDM Clark County Nevada.

Lot 1 Section 30 T21S R63E MDM Clark County Nevada.

South Half of Northeast Quarter, East Half of Northwest Quarter Section 30 T21S R63E MDM Clark County Nevada.

South Half Section 34 T21S R63E MDM Clark County Nevada.

Lot 1, Lots 4 and 5 Section 34 T21S R63E MDM Clark County Nevada.

West Half of Northeast Quarter, South Half of Northwest Quarter, North Half of Southwest Quarter Section 34 T21S R63E MDM Clark County Nevada.

Lot 2 Section 35 T21S R63E MDM Clark County Nevada.

Lots 5 to 8, inclusive, Section 01 T22S R63E MDM Clark County Nevada.

Lots 5 to 8, inclusive, Section 02 T22S R63E MDM Clark County Nevada.

Lots 5 and 6 Section 03 T22S R63E MDM Clark County Nevada.

Lot 5 Section 01 T22S R63 ½ E MDM Clark County Nevada.

North Half of Southeast Quarter Section 01 T22S R63 ½ E MDM Clark County Nevada.

South Half of Southwest Quarter Section 29 T21S R64E MDM Clark County Nevada.

South Half of Northwest Quarter, Northeast of Southwest Quarter, North Half of Southeast Quarter, Southeast Quarter of Southeast Quarter Section 30 T21S R64E MDM Clark County Nevada.

West Half of East Half, Northeast Quarter of Northwest Quarter, Southeast Quarter of Southeast Quarter Section 32 T21S R64E MDM Clark County Nevada.

Southwest Quarter of Southwest Quarter Section 02 T22S R64E MDM Clark County Nevada.

Lots 7 and 9 Section 03 T22S R64E MDM Clark County Nevada.

Southwest Quarter of Northeast Quarter, Southeast Quarter of Northwest Quarter, Northeast of Southwest Quarter, South Half of Southwest Quarter, Southeast Quarter Section 03 T22S R64E MDM Clark County Nevada.

Lots 6 to 8, inclusive, 10, 11 Section 04 T22S R64E MDM Clark County Nevada.

Southwest Quarter, South Half of Southeast Quarter, Section 04 T22S R64E MDM Clark County Nevada.

Lots 5 and 6 Section 05 T22S R64E MDM Clark County Nevada.

Southeast Quarter of Northeast Quarter, Southwest Quarter, North Half of Southeast Quarter, Section 05 T22S R64E MDM Clark County Nevada.

Lots 15 and 16 Section 06 T22S R64E MDM Clark County Nevada.

Northeast Quarter of Southwest Quarter, North Half of Southeast Quarter Section 06 T22S R64E MDM Clark County Nevada.

Northeast Quarter of Northeast Quarter, West Half of West Half Section 10 T22S R64E MDM Clark County Nevada.

Northwest Quarter Section 11 T22S R64E MDM Clark County Nevada.

East Half of Northwest Quarter, Northwest Quarter of Northwest Quarter, Northeast Quarter of Southwest Quarter, Northwest of Southeast Quarter, South Half of Southeast Quarter, Section 15 T22S R64E MDM Clark County Nevada.

East Half of Northeast Quarter, Northeast Quarter of Southeast Quarter, West Half of Southeast Quarter, Section 22 T22S R64E MDM Clark County Nevada.

Northwest Quarter of Northeast Quarter, East Half of Northwest Quarter, North Half of Southwest Quarter, Southwest Quarter of Southwest Quarter, Section 27 T22S R64E MDM Clark County Nevada.