



U.S. Department
of Transportation
**Federal Aviation
Administration**

Air Traffic Organization
Western Service Center

2200 S. 216th St.
Des Moines, WA 98198-6547

January 27, 2020

Ms. Rebecca Palmer
State Historic Preservation Officer
Historic Preservation Office
Nevada Department of Cultural resources
901 S. Stewart Street, Suite 5004
Carson City, NV 89701

RE: Section 106 Consultation for the proposed Las Vegas Metroplex Project

Dear Ms. Palmer:

As previously outlined in our letter dated October 29, 2018, and in our telephone conversations and correspondence since, the Federal Aviation Administration (FAA) is proposing to optimize the efficiency of aircraft routes for aircraft operating under Instrument Flight Rules and the supporting airspace management structure through the implementation of the Las Vegas (LAS) Metroplex Project. The FAA has determined that the LAS Metroplex Project is an undertaking subject to Section 106 of the National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. § 470 et seq.) and its implementing regulations at 35 C.F.R. Part 800. This letter presents the FAA's revised Area of Potential Effect (APE) under Section 106 of the NHPA, the FAA's efforts to identify properties within the revised APE, and the FAA's assessment of effects and determination that no historic properties would be affected by the undertaking. With your agreement, the FAA would like to address these steps in the Section 106 process in this letter, as provided in 36 CFR §800.3(g).

Revised Area of Potential Effects

The Section 106 regulations define the APE as "the geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." 36 CFR § 800.16(d). The LAS Metroplex Project's potential effects would be limited to non-physical effects of aircraft overflights. For purposes of the LAS Metroplex Project, the FAA initially proposed delineating the APE as the entire General Study Area for the agency's Environmental Assessment under the National Environmental Policy Act (NEPA). Because the undertaking's potential effects would be limited to non-physical effects of aircraft overflights, the FAA considered the potential for the

undertaking to introduce visual, atmospheric, or audible elements that could diminish the integrity of a historic property's significant historic features. The FAA compared the proposed flight procedures in the undertaking with current flight tracks within the General Study Area. Based on this comparison, the FAA determined that there would be no new areas overflowed within the General Study Area, and therefore no potential to introduce new visual, atmospheric or audible elements.

The FAA also considered the potential for the undertaking to have noise effects that could alter the character or use of historic properties. The FAA conducted a noise modeling analysis to determine how this undertaking would affect current aircraft noise exposure levels in the General Study Area. This analysis indicated that the undertaking would not result in any noise increase that would be “significant” under FAA policy.¹ However, FAA policy recognizes that the “significant” standard may not be relevant to determining the potential for effects on certain historic properties where a quiet setting is a generally recognized purpose and attribute. To capture the potential for noise effects on any such properties, the FAA considered whether there were any areas within the General Study Area that would experience an increase in noise that would be “reportable” under FAA policy.² The FAA identified such an area, roughly rectangular in shape and approximately 13.5 square miles in size, extending north-south just west of the Jean Airport. Accordingly, as noted in email correspondence with your office in October 2019, the FAA has identified this area as its revised APE. See **Attachment A** for the location of the revised APE within the project General Study Area.

The revised APE is located in Clark County and includes an approximately 2.5 statute-mile portion of the Old Spanish Trail, as well as portions of US Interstate 15, County Road 161 (Goodsprings Road), and an aerobatic box (used by aircraft operating at the Jean Airport). It does not contain any tribal lands. The revised APE is adjacent to the Jean Airport, a U.S. Postal facility, a casino hotel complex, a state correctional facility, and a gas station/convenience store/fast food complex.

Identification of Historic Properties

There are no historic properties within the revised APE that are listed in the National Register of Historic Places. However, as noted above, the revised APE includes a 2.5 statute-mile portion of the Old Spanish Trail, which is co-administered by the Bureau of

¹ Under FAA policy, an increase in the Day-Night Average Sound Level (DNL) of 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, is significant. FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1. DNL is the 24-hour average sound level, in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between midnight and 7 a.m., and between 10 p.m., and midnight, local time. For more information about the elements comprising DNL and FAA’s use of the DNL noise metric, please see Appendix E, *Basics of Noise*, of the Draft Environmental Assessment for the Las Vegas Metroplex Project, available at: http://www.metroplexenvironmental.com/las_metroplex/las_docs.html and attached hereto.

² Under FAA policy, noise increases are “reportable” if the DNL increases by 5 dB or more within areas exposed to DNL 45-60 dB, or by 3 dB or more within areas exposed to DNL 60-65 dB. FAA Order 1050.1F, Appendix B, section B-1.4.

Land Management (BLM) and the National Park Service (NPS). The FAA has consulted with the National Park Service's National Trails Office for the Old Spanish Trail. The National Trails Office, with concurrence from its counterpart in BLM, has indicated that the revised APE does not include land of historic significance under the criteria for listing on the National Register. After reviewing the LAS Metroplex Project against its database of High Potential resources, the National Trails Office confirmed that there were no High Potential Historic Sites or High Potential Route Segments in the revised APE. See **Attachment B**.

Since the revised APE contains other BLM lands and is located within Clark County, BLM and Clark County are also consulting parties. BLM has not identified any potentially eligible or listed properties within the revised APE. However, Mr. Mark Hall-Patton, Administrator for the Clark County Museum System, identified one property in the revised APE: a large concrete arrow on the ground approximately one mile south of Jean and east of I-15. See **Attachment C**. The arrow was part of an airmail route that was in use from the 1920s to the 1960s. Based on the information provided by Mr. Hall-Patton (see his January 21, 2020 email in **Attachment H**), the FAA considers the concrete arrow a potentially eligible property.

In a letter dated November 27, 2018, and a follow-up telephone conversation with the FAA on September 26, 2019, your office advised the FAA that information on certain eligible and listed historic properties can only be found in the Restricted Nevada Cultural Resources Information System (NVCRIS). Therefore, your office recommended that the FAA obtain access to the Restricted NVCRIS. In response to your office's direction, Thomas Cuddy, an FAA environmental specialist with the necessary qualifications, obtained access to the Restricted NVCRIS computer system and reviewed the relevant information. Mr. Cuddy confirmed that there are no listed properties (in either the National Register or the Nevada State Register of Historic Places) within the revised APE. He also noted that the NVCRIS database shows only archaeological sites to be present in the revised APE, none of which are managed for recreation or with a quiet setting as part of their historic character. See **Attachment D** for Mr. Cuddy's description of his review and conclusions.

As noted above, there are no tribal lands in the revised APE. However, in addition to the identification efforts discussed above, the FAA has engaged in extensive outreach with Federally-recognized tribes that the FAA identified within a 250-mile radius of the Las Vegas area. In a letter dated July 13, 2017, the FAA invited 35 tribes to participate in consultation under Section 106 of the NHPA. See **Attachment E**. The letter requested information from the tribes on any locations within a 70-mile radius of McCarran International Airport (essentially the General Study Area) to which they attached religious or cultural significance. In the letter, the FAA offered to meet with the tribes to provide an overview of the Project and request their input. In a letter dated September 17, 2018, the FAA again sought input from the tribes (and one additional tribe) on any Project-related concerns and invited the tribes to meet with the FAA to receive information about the Project and provide their input. See **Attachment F**. The FAA also sought information on historic properties in the General Study Area in a letter, dated October 25, 2018, to Tribal Historic Preservation Officers (THPOs) of tribes within the General Study Area, namely the: Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Washoe Tribe, Colorado River

Indian Tribes, Hualapai Tribe, Timbisha Shoshone Tribe, and Twenty-Nine Palms Band of Mission Indians. See **Attachment G**.

The only tribe that responded to these FAA letters was the Hualapai Tribe, which expressed interest in consulting in person with the FAA regarding the LAS Metroplex Project. On March 26, 2019, the FAA's Western Pacific Region Deputy Regional Administrator and other FAA representatives met with the Chairman of the Hualapai Tribe to discuss the proposed undertaking. The Chairman expressed no concerns regarding the undertaking nor did he identify any traditional cultural properties (TCPs) or other historic properties.

In Mr. Cuddy's review of the NVCRIS database, he did not observe anything that he would expect to be of particular interest to Indian tribes from an archaeological perspective. See **Attachment D**.

Assessment of Effects and Determination

Because the revised APE is based on the potential for increased aircraft noise from the undertaking to alter the character or use of historic properties, the FAA's assessment of effects considered whether the noise increases from the undertaking in the revised APE would diminish the integrity of a property's significant historic features. The results of the FAA's noise modeling analysis indicate that the undertaking would result in increases in aircraft noise exposure levels in the revised APE that would be reportable, but not significant, under FAA policy. As noted above, the FAA's review of the Restricted NVCRIS showed only archeological sites in the revised APE, none of which are managed for recreation or with a quiet setting as part of their historic setting. Based on Mr. Cuddy's review of the NVCRIS, he concluded that the modeled increases in aircraft noise exposure from the undertaking would have no effect on these archaeological resources.

Furthermore, the consultation process has not revealed any historic property within the revised APE for which a quiet setting is a characteristic that qualifies it for the National Register, and that therefore could be affected by the modeled increases in aircraft noise exposure levels.

With respect to the concrete arrow identified by Clark County (see **Attachment C**), the purpose of this property was to serve as a navigational guide for aircraft. Mr. Hall-Patton indicated that he did not think the increase in aircraft noise from the undertaking would affect this property. See **Attachment H**.

Based on the foregoing, the FAA is making a finding of "no historic properties affected" by the undertaking. We are notifying the other consulting parties of this finding by providing a copy of this letter, and will make it available to the public online at:

http://www.metroplexenvironmental.com/las_metroplex/las_docs.html and
https://www.faa.gov/air_traffic/community_involvement/las/.

Please let us know within 30 days if you object to this finding. We look forward to your response. If you have any questions in the meantime, please contact Augustin Moses at (206) 231-2218 or augustin.moses@faa.gov.

Sincerely,

JEROME F WOODS  Digitally signed by
JEROME F WOODS
Date: 2020.01.27
08:11:06 -08'00'

Shawn Kozica
Manager
Operations Support Group
Air Traffic Organization Western Service Center

Attachments:

Attachment A – Figure of Revised APE
Attachment B – 12/12/19 Email from NPS National Trails Office to Augustin Moses at the
FAA
Attachment C – Figure of Revised APE with Location of US Air Mail Arrow Identified
Attachment D – 1/14/20 Memorandum from Thomas Cuddy to FAA Las Vegas Metroplex
Project File
Attachment E – 7/13/17 FAA Letter to Tribes
Attachment F – 9/17/18 FAA Letter to Tribes
Attachment G – 10/25/18 FAA Letter to THPOs
Attachment H – 01/21/20 Email Correspondence with Clark County

Cc:

Mr. Mark Hall-Patton, Museum Administrator, Clark County Museum System
Ms. April Rabuck, BLM, Assistant Field Manager, Las Vegas Office
Ms. Jill Jensen, NPS National Trails Office