



Department of Comprehensive Planning

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Nancy A. Amundsen, Director

September 28, 2018

Ms. Deb MacNeill, Acting Area Manager
Spring Mountains National Recreation Area
701 N. Torrey Pines Drive
Las Vegas, NV 89130

RE: Draft Environmental Impact Statement – Lee Canyon EIS #50649

Dear Ms. MacNeill:

The Clark County Department of Comprehensive Planning thanks you for the opportunity to submit comments related to the above referenced project. Many of the concerns can be addressed through a comprehensive land use submittal to Clark County, however in Section 1.9 of the EIS, there is no notation that the project will be required to obtain land use approval by the Clark County Board of County Commissioners through the land use entitlement process. Generally, federal facilities on federal land are not subject to local zoning regulations due to the Supremacy Clause. However, private lessees engaged in proprietary functions on federal land are subject to local zoning regulations. Kleppe v. New Mexico, 426 U.S. 529, 543 (1976); see also, e.g., Dupuis v. Submarine Base Credit Union, Inc., 365 A.2d 1093 (Conn. 1976)(holding that local zoning and building regulations apply to the construction of a facility on land leased from the federal government).

In this case, the proposed facility expansion does not fall under the guise of a governmental use. Instead, the applicant is engaged in a commercial, nongovernmental use. Using the land as private recreation area on leased federal land would be considered a proprietary use, and thus, zoning regulations would apply. The facility has, in the past, received County land use approval for a number of uses and events.

As was noted previously, most of our concerns will be addressed through the land use entitlement process, however we would like to provide a summary for the record:

Soil, Water, and Watershed Resources

Clark County has a concern related to the potential impacts to Camp Lee Canyon and the existing County facilities on that site. A detailed drainage study was not submitted that verifies that soil erosion or drainage issues can be mitigated on-site to not increase any off-site flows.

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Recreation

The Bristlecone Trail is one of the most used in the Spring Mountains National Recreation Area year round. The proposed additional ski run as well as the introduction of conflicts with snowcats and downhill skiers/snowboarders will greatly impact the casual snow shoeing user of the trail. In addition, the mountain coaster as well as the mountain bike routes that will traverse the trail will provide an unsafe environment and eventually discourage the traditional use of the trail.

Safety

With additional conflicts between trail uses and visitors to the proposed expansion. Chair #8 will drop to runs that cross the bristlecone trail in the winter and the proposal for mountain bike trails, mountain coaster, and zip lines crossing the trail in the summer will create a collision hazard. The concerns of the Mount Charleston Fire District have been sent under separate cover.

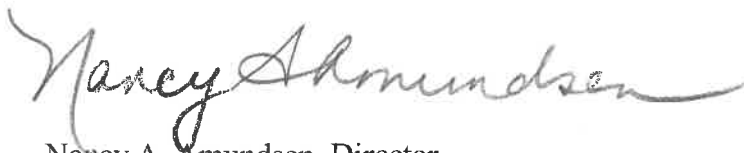
Traffic

The increased use of the ski area will negatively impact the traffic flow on Lee Canyon Road as well as Deer Creek and Kyle Canyon Roads. A comprehensive Traffic Impact Analysis would be required through the land use entitlement process with the County.

In summary, there are a number of unanswered concerns in this proposal that can be addressed through the land use entitlement process for Clark County. The applicant is advised that until approval has been received through the Forest Service AND the Clark County Board of County Commissioners for the expansion of this recreation facility, no expansion can commence.

Please feel free to contact me at nancya@clarkcountynv.gov should you have any questions.

Sincerely,



Nancy A. Amundsen, Director
Clark County Department of Comprehensive Planning

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