

USDA
Forest Service

Humboldt-Toiyabe
National Forest

Spring Mountains
National Recreation
Area



**Decision Notice
And
Finding Of No Significant Impact
For The
Wheeler Well to Indian Springs Route
Spring Mountains National Recreation Area
Motorized Trails Designation Project**

Clark County, Nevada

May 31, 2007

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Finding of No Significant Impact
For The
Wheeler Well to Indian Springs Route**

**Spring Mountains National Recreation Area
Motorized Trails Designation Project**

Background

On June 6, 2004, the District Ranger for the Spring Mountains National Recreation Area (SMNRA) issued a Motorized Trail Plan Decision Notice and Finding of No Significant Impact (DN) which resolved most of the Spring Mountains National Recreation Area motorized route designation issues. The 2004 Decision for the Motorized Trail Designation Project covered the entire Spring Mountains National Recreation Area, except for one existing route through the Mount Stirling Wilderness Study Area (WSA) from Wheeler Well to Indian Springs. Therefore, the status of that route is unresolved.

Since the 2004 decision, the Travel Management Rule (November 2005) provided national direction applicable to all National Forest System lands. This rule requires designation of all roads, trails, and areas that are open to motor vehicle use. Since the Indian Springs Route through the WSA was excluded from the June 2004 decision, it must be addressed at this time to comply with the Travel Management Rule.

The Mount Stirling WSA is managed under provisions of the Federal Land Policy and Management Act of 1976, the National Forest and Public Lands Enhancement Act of 1988, the BLM Statewide Wilderness Report of 1991, the Spring Mountains National Recreation Area Act of 1993, and the General Management Plan for the Spring Mountains National Recreation Area of 1996. These statutes and decisions provide a consistent mandate to maintain the suitability of the WSA for wilderness preservation.

In addition to the above listed laws, reports and plans, this decision is based on the Environmental Assessment (EA) titled "Spring Mountains National Recreation Area Motorized Trails Designation Project – June 2, 2004." The assessment displays an analysis of the proposed action and five alternatives. Alternative 3 of the EA documents the effects of not designating the Indian Springs Route as an OHV trail. I have reviewed the 2004 EA and conclude that its analysis of environmental impacts remains current. In April, 2007, the SMNRA conducted additional public involvement preparatory to making this decision. No new information was submitted bearing on the environmental impacts of the proposed action or alternatives.

Representatives of Clark County have raised the question of R.S. 2477 status in relation to the Wheeler Well to Indian Springs route addressed by this decision. (This issue was not raised by Clark County in the County comments recorded in the 1991 *Nevada BLM Statewide Wilderness Report*.) Resolving the issue of potential R.S. 2477 status is outside the scope of this decision. If they choose to do so, Clark County has the discretion to assert jurisdiction over the route and initiate proceedings to perfect a claim of R.S. 2477 status. Unless and until the County successfully establishes jurisdiction over the route, the U.S. Forest Service is responsible for determining appropriate use of the route.

Decision

Based on my review of the Environmental Assessment including the effects analysis, review of the public, agency and organization comments received during the analysis process, and careful review of the applicable Federal Laws, it is my decision to prohibit motor vehicle use on any portion of the Wheeler Well to Indian Springs Route that is located on National Forest System land within the Mt. Stirling WSA. Approximately 1.7 miles of the route affected by this decision is designated Forest System Road 556. This decision does not prohibit motor vehicle use on the remainder of Forest System Road 556, which is located outside of the Mt. Stirling WSA.

This decision in no way supercedes the “Decision Notice and Finding of No Significant Impact for the Spring Mountains National Recreation Areas Motorized trails Designation, June 2, 2004.” This decision does not affect Forest System Road 556E which ends at the wildlife guzzler. This decision is limited to deciding the status of the Indian Springs Route within the Mt. Stirling WSA and its availability for motorized use.

My decision will maintain and enhance the following qualities within the WSA, thereby maintaining eligibility for future wilderness designation:

- The imprint of man’s work is substantially unnoticeable.
- Areas provide outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- No permanent or temporary roads.
- No use of motorized vehicles or motorized equipment.

Other Alternatives Considered

The EA analyzed the effects of six alternatives (see EA, Alternative Description, pages 16-17). Alternative 3 of the EA documents the effects of not designating the Indian Springs Route as an OHV trail. .

Public Involvement

Scoping efforts for the environmental assessment completed in 2003 were extensive, including the use of mailings, phone conversations and presentations/discussions with local community groups.

The Scoping Notice, which included the Proposed Action and a comment form, was sent on March 5, 2003 to a mailing list of 703 individuals, organizations, agencies, and Native American tribal representatives that have an interest in the Spring Mountains National Recreation Area. A media advisory was sent to Southern Nevada media explaining the project and the Forest Service's request for public input on the proposed action. An article about the project was published in the Daily Sun Newspaper on March 3, 2003. The Scoping Notice was posted on the Forest web-site at www.fs.fed.us/r4/htnf/projects. A complete list of the responses received and how comments were addressed in the original analysis is located in Appendix A of the EA.

On November 25, 2003 an EA for this project, along with a CD containing maps of the alternatives evaluated, were sent to 128 agencies, organizations, individuals, and seven Native American Tribes for review and comment. Large maps of the alternatives and the EA were made available for public review at libraries in Las Vegas, Pahrump and Mount Charleston. Notice of the 30-day review and comment opportunity was posted in the Las Vegas Review-Journal, and news releases were submitted to Southern Nevada media. Articles about the project and the EA were printed in both the Review Journal and Pahrump Valley Times Newspapers.

During the 30-day comment period, the Spring Mountains NRA received approximately 50 letters, e-mail and phone responses to the EA. Comments to the EA were addressed as shown in Appendix A to the June 2004 Decision Notice. The EA was revised to address many of the comments received.

Notification of this decision included sending a letter to 51 individuals and organizations who commented on the EA in 2004. The letter, sent on March 21, 2007, notified the recipients that a decision would be made regarding the status of the Wheeler Well to Indian Springs route, and included a briefing paper outlining the legislation that would affect the decision.

In May 2007, Native American Tribes were contacted regarding this decision per our agreements with them.

Finding Of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. There will be no significant effects on public health and safety because of the location and limited nature of the closure (6 miles of motorized vehicle route). (See EA, Issue #3 – Air Quality on Page 11 and the Effects of Selected Alternative on Issue #3, pages 32-33.)
3. There will be no significant effects on unique characteristics of the area including Biodiversity Hotspots or Species of Concern habitat (see EA, Environmental Consequences pages 49-53) as well as elk and wild horse habitat (see EA, Environmental Consequences

pages 25-32) . WSA characteristics will be measurably improved by this decision (see EA, Environmental Consequences page 23-24). There are no prime farmlands, wetlands, wild and scenic rivers or unique cultural properties known in the project area (see EA, Issue Statements, pages, 9-15).

4. The effects on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project (see EA, Environmental Consequences/Effects related to Required Analysis Factors, pages 56-62.)
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA, Environmental Consequences/Effects related to Required Analysis Factors, pages 56-62.)
6. The action is not likely to establish a precedent for future actions with significant effects, because the original decision dated June 2004 resolved the status of all other Motorized Vehicle Routes in the WSA (see EA, Alternative 5 and Decision Notice dated June 2004).
7. The cumulative impacts are not significant (see EA, Environmental Consequences on pages 22-55.)
8. The action will have no adverse effects on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. All affected tribal leaders were contacted on this project and were sent a draft of this DN prior to finalization (see EA, Issue #6 on page 11 and the Effects of Selected Alternative on Issue #6 beginning on page 36).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because no Endangered or Threatened species are shown to be associated with, or anticipated to be affected by, this project. In addition, this project will have an added beneficial effect of increased protection of sensitive species and species of concern in the Mount Stirling WSA (see EA, Environmental Consequences, pages 49-53 and the USFW June 3, 2004 Letter of Concurrence with the BE/BA and the Specialist Report for the project.)
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Toiyabe National Forest Land and Resource Management Plan as amended and the General Management Plan for the Spring Mountains National Recreation Area (see EA, Environmental Consequences/Effects related to Required Analysis Factors, pages 61-62).

Findings Required By Other Laws and Regulations

This decision is in conformance with land and resource management plan standards and guidelines as set forth in the Toiyabe National Forest Land and Resource Management Plan as

amended and incorporates appropriate land and resource management plan guidelines. In addition the project meets all of the following laws and executive orders:

Federal Land Policy and Management Act of 1976 (FLPMA): This act required the Secretary of the Interior to recommend areas suitable for wilderness preservation. The Secretary is required to manage those lands under wilderness review so as not to impair their suitability until Congress acts upon those recommendations [Section 603(c)].

National Forest and Public Lands Enhancement Act of 1988: This act made the Mount Stirling WSA, along with much of the rest of what is now the NRA, a part of the National Forest System. Section 5(a) of the act directs that management of the WSA by the Secretary of Agriculture shall be in accordance with the provisions of Section 603(c) of FLPMA. The act also required the Secretary of the Interior to “recommend to the Congress whether any WSA or portion thereof transferred to the jurisdiction of the Forest Service by this Act should be included in the National Wilderness Preservation System.”

Record of Decision (ROD), Nevada BLM Statewide Wilderness Report, October 1991: The Secretary of the Interior’s decision recommended the majority (50,682 of 69,732 acres) of the Mount Stirling WSA for wilderness preservation. The report accompanying the ROD showed the southern end of the route as excluded from the WSA for approximately three miles, but the majority of the route was within the area mapped as WSA and recommended for wilderness.

Spring Mountains National Recreation Act, August, 1993: The act that designated this NRA also stated “The general management plan for the Recreation Area shall include the recommendations of the BLM as to the suitability or non-suitability for preservation as wilderness... Pending submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, acting through the Chief of the Forest Service, shall manage the lands and waters within the WSAs...so as to maintain their potential for inclusion within the National Wilderness Preservation System.”

Executive Order 12898, dated February 11, 1994: Establishes the requirements to address environmental justice concerns within the context to agency operations. As part of the National Environmental Policy Act (NEPA) process, agencies are required to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income communities. This project will not have a disproportionate effect on minority and low-income communities. Every group will be equally affected by the approved action.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Las Vegas Review Journal, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the Las Vegas Review Journal is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

The Appeal Deciding Officer is Forest Supervisor Ed Monnig. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. E-mailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 am to 4:30 pm, Monday through Friday, excluding holidays.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact: Paul Schaefer, Spring Mountains National Recreation Area, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301 or call (702) 839-5560.

/s/ Scott Lamoreux
District Ranger
Spring Mountains National Recreation Area

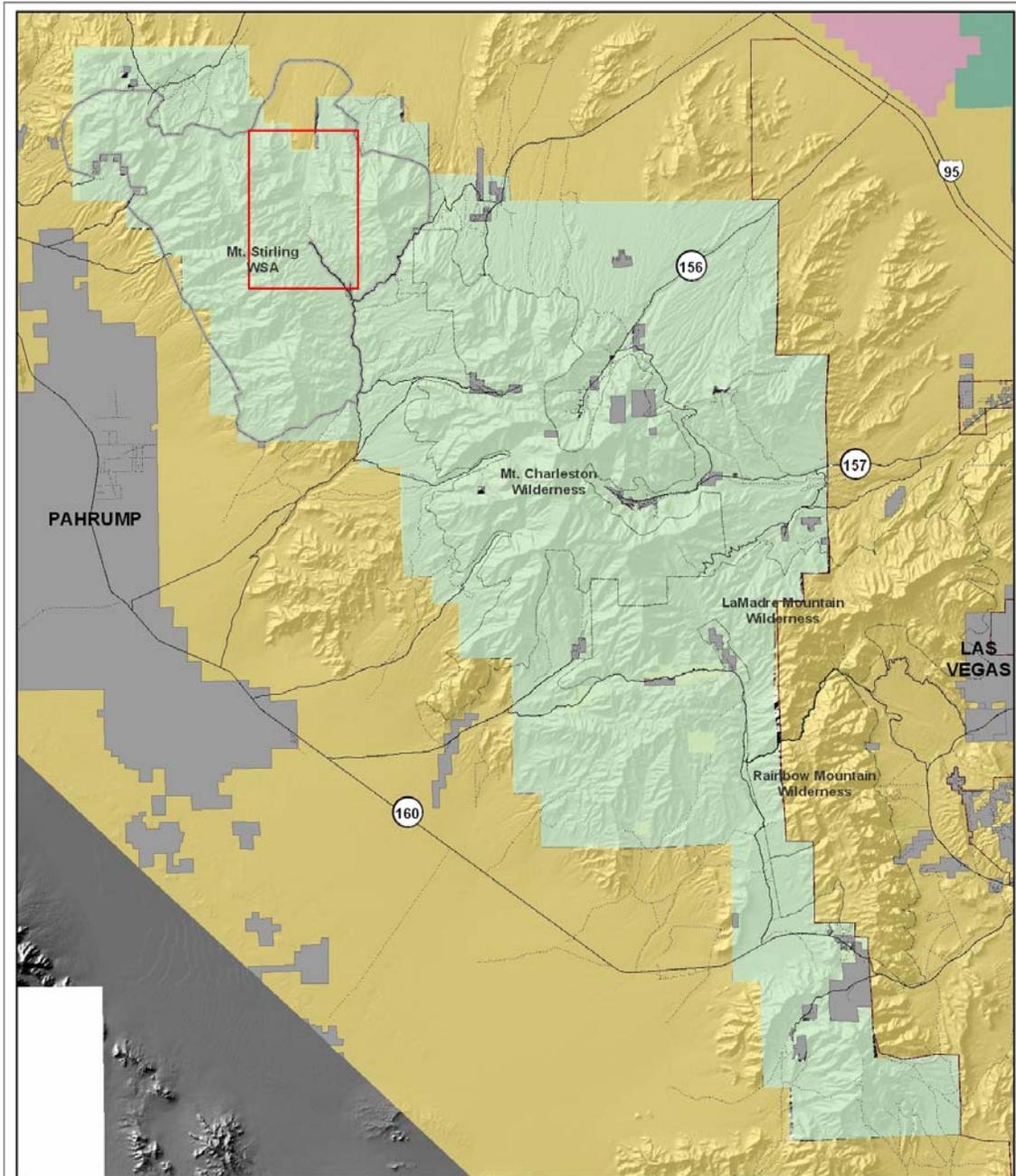
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Date

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Maps

Map 1 - Project Location

Map 2 - Wheeler Wells to Indian Springs Route



**Wheeler Well to
Indian Springs
Route Project Area**
April 2007

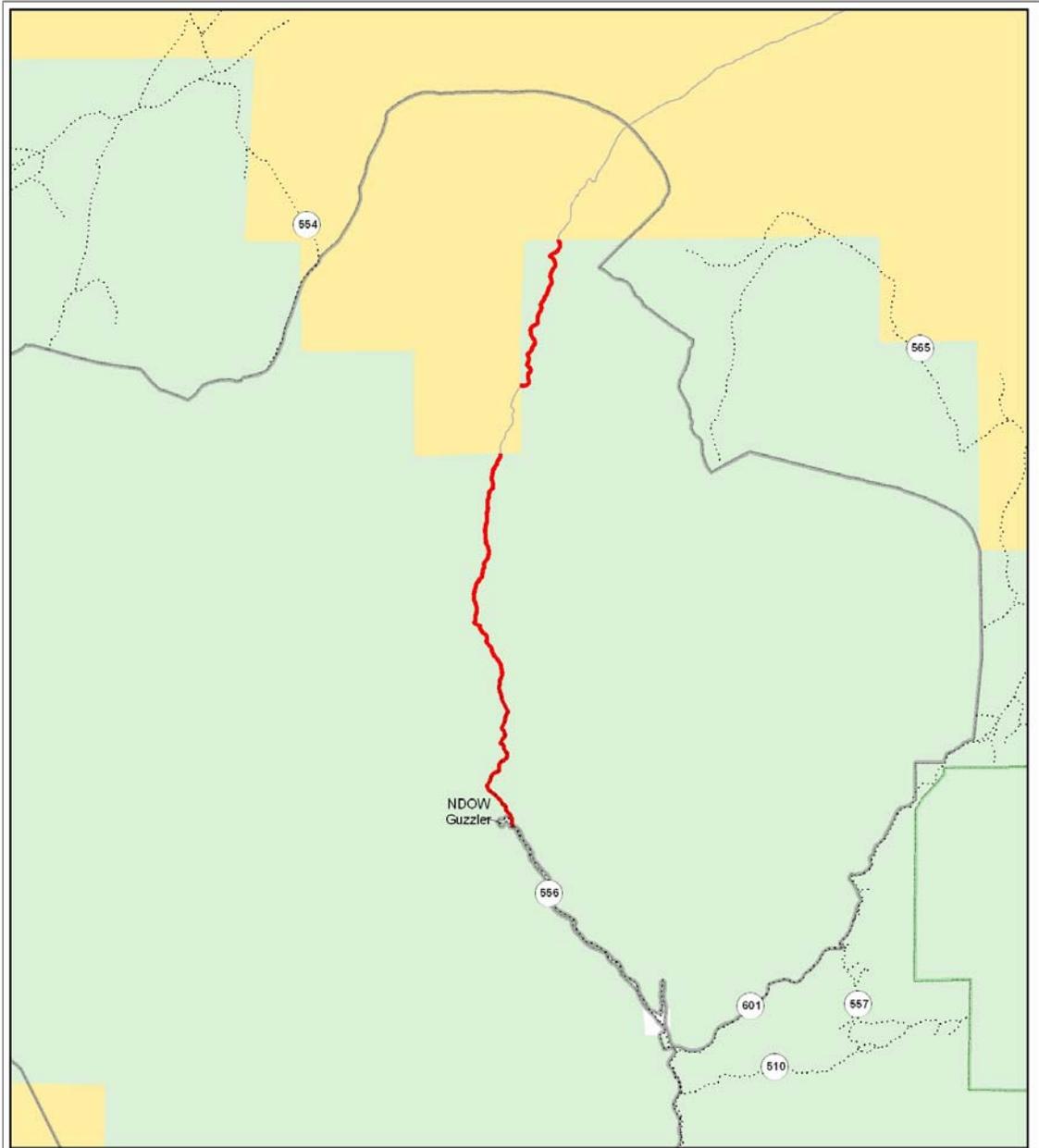


Legend		
 Project Area	 Mt. Stirling WSA	 Red Rock NCA
 Bureau of Land Management	 LaMadre Mountain Wilderness	 Highways
 Department of Defense	 Mt. Charleston Wilderness	 Forest Roads
 US Fish and Wildlife Service	 Rainbow Mountain Wilderness	
 US Forest Service		
 Private Lands		

**Humboldt-Toiyabe National Forest
Spring Mountains National Recreation Area**
Las Vegas, Nevada



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**Wheeler Well to
Indian Springs
Route**
April 2007



Legend

- Motor Vehicle Use Prohibited
- GPSed Unofficial Routes
- Mt. Stirling WSA
- Mt. Charleston Wilderness
- ⊙ Forest Roads
- Bureau of Land Management
- US Forest Service

Humboldt-Toiyabe National Forest
Spring Mountains National Recreation Area
Care Walker, Nevada



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