



# **Decision Notice & Finding of No Significant Impact**

## Telephone Canyon Trails Project

**Spring Mountain National Recreation Area  
Humboldt-Toiyabe National Forest  
Clark and Nye Counties, Nevada**

**United States  
Department of  
Agriculture**

**Forest Service  
Intermountain  
Region (R4)**

**October 2012**



**For Information Contact:**

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## **I. Decision Summary**

This Decision Notice (DN) and Finding of No Significant Impact (FONSI) documents my decision to authorize the Telephone Canyon Trails Project. The Forest Service (FS) staff of the Spring Mountains National Recreation Area (NRA) has prepared an Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. The EA discloses the environmental impacts that would result from implementation of the Proposed Action. A No Action Alternative was also analyzed in the EA to compare the impacts of taking no action with the impacts of the Proposed Action.

I have decided to implement the Proposed Action to construct a non-motorized, multi-use trail network in the Telephone Canyon area of the NRA. The project will include construction of non-motorized, multi-use trails for hiking, biking and equestrian use, as appropriate, and a small trailhead parking area adjacent to Angel Peak Road.

## **II. Introduction**

### ***Location***

The project is located on the NRA, Humboldt-Toiyabe National Forest (HTNF), approximately 35 miles northwest of Las Vegas in Clark County, Nevada. The project area is approximately 16 miles west of the intersection of State Route (SR) 157 (Kyle Canyon Road) and U.S. Highway 95. It is located directly northeast of the confluence of SR 157 and SR 158 (Deer Creek Highway) and south of Angel Peak Road in an area identified as the Telephone Canyon area.

### ***Background***

On December 31, 2009, the Forest Supervisor of the HTNF signed a Record of Decision (ROD) for the Middle Kyle Complex (MKC) Project. The Forest Supervisor selected the Market Supported Alternative (Alternative 3) with modifications as the decision, which included construction of a trailhead and multiple use trails in the Telephone Canyon area. During planning and environmental analyses for the MKC project, several trails in the Telephone Canyon area had to be relocated because of resource concerns. Several of those trail locations had not been surveyed for cultural or biological resources, and because of a limited window of opportunity to conduct plant surveys at that altitude, the relocated trails were not analyzed in the Environmental Impact Statement (EIS) for the MKC Project. The MKC decision stated that one of the more significant components of the Market Supported Alternative not included in the decision was approximately 8.2 miles of multi-use trails in the Telephone Canyon area.

The Telephone Canyon Trails Project will provide a continuous system of trails, constructed to meet Forest Service trail standards, as an extension of the trails system authorized in the MKC decision, and to address resource impacts caused by the user-created trails in the area. The trails system will respond to current and future recreation demands and direct recreation users to less congested areas of the NRA away from the upper canyons where concentrations of at-risk plant and wildlife species are located. The project is consistent with and tiers to the MKC EIS.

## **III. Purpose and Need**

The purpose of this action is to provide a diverse range of additional non-motorized trail opportunities and experiences that will respond to public expectations in areas outside of the sensitive Upper Kyle, Lee, and Deer Creek Canyons.

### ***Existing Conditions in the Project Area***

The staff of the NRA identified a need for a non-motorized, multi-use trail system that offers a variety of experiences for trail users in the Middle Kyle Canyon area. Clark County, Nevada, which includes the Las Vegas Valley area, has been considered one of the fastest growing urban areas in the United States. The Kyle, Lee, and Deer Creek canyons serve as an urban park for valley residents and

regional population growth is likely to increase demand for outdoor recreation and contribute to impacts on the federally managed lands that surround Las Vegas, especially the NRA. Many of the users of the NRA have expressed a need for a greater variety of opportunities and in some cases more “extreme” recreation opportunities such as rock climbing, zip-lining, and mountain biking.

There has been an increase in the number of mountain bike users over the past ten years. There are many organized groups that ride every weekend on federal lands in the Las Vegas area. Currently, mountain bikers have limited areas in which to ride and unauthorized bike trails have been created by users east of State Route (SR) 158 and north of SR 157 in the Telephone Canyon area. Mountain bikers’ use of these trails also involves crossing SR 158 at an unmarked location where drivers have poor visibility, and crossing SR 157. The area offers relatively easy highway access for drop-off and pick-up and because of the elevation differences between these points, downhill mountain biking has become a popular activity in the Telephone Canyon area.

Equestrian trail users have also contributed to the proliferation of unauthorized trails in the Telephone Canyon area. Public comments on the MKC EIS indicated a strong interest from equestrian advocates for expanded equestrian and multi-use trails that provide connectivity to other larger trail networks with a variety of riding experiences and lengths.

### ***Desired Future Conditions***

The need to construct new trails and convert user-created trails to National Forest System Trails is identified in the General Management Plan (GMP) for the NRA, an amendment to the Toiyabe National Forest Plan (1996). The desired future conditions for the NRA are identified in the GMP and many of those same desired conditions are also described in the Conservation Agreement, entered into by and between the U.S. Forest Service, Nevada State Department of Natural Resources, and the U.S. Fish and Wildlife Service.

This action is expected to meet direction outlined in the GMP and move the project area toward the following desired future conditions described in the GMP:

- Increase the quality and quantity of developed and general recreation opportunities through the development of additional multi-use, non-motorized trails outside of the developed canyons;
- Lessen visitor impacts on species of concern and other cultural and sensitive ecological resources by focusing recreation development at lower elevations in the least sensitive areas;
- Increase multi-use, non-motorized trail opportunities and improve connections to existing trailheads to create trail networks for hikers, equestrians, mountain bikers, and other non-motorized users;
- Close informal trails causing resource damage and upgrade trails to an interconnected trail system that is consistent with Forest Service trail system standards, with an emphasis on safety, resource protection and customer satisfaction.

One of the primary desired future conditions spelled out in the GMP is a diverse range of recreation opportunities that responds to public expectations and demand and provides increased customer service. A designated trail system designed for mountain biking and other non-motorized uses would provide opportunities for various skill levels in the Middle Kyle Canyon and Telephone Canyon areas. The trail system would be designed to minimize resource impacts.

## **IV. Decision and Rationale**

### ***Decision***

My decision is to authorize the Proposed Action to construct a non-motorized, multi-use trail network for hiking, biking and equestrian use, as appropriate, and a small trailhead parking area adjacent to Angel Peak Road in the Telephone Canyon area of the Spring Mountains NRA. I base my decision on

the analysis documented in the EA, specialists' reports, other information in the project file, and public comments. The Proposed Action meets the purpose and need for the project.

My decision includes the following actions:

- Construct approximately 10.7 miles of new, non-motorized, multiple use (hiking, biking, equestrian) trails, and designate for specific use as appropriate;
- Construct approximately 0.5 miles of trails dedicated to hiking and biking only;
- Reconstruct and convert approximately 7.3 miles of user-created trails to multiple use, non-motorized system trails;
- Decommission approximately 7.8 miles of user-created trails;
- Construct a small native surface trailhead parking area to accommodate eight to ten passenger vehicles located adjacent to the Angel Peak Road;
- Excavate the cut bank on the north side of the Angel Peak road and slope it back to improve sight distance for vehicles exiting the trailhead or turning around at the trailhead; and
- Relocate and install signs as necessary in and around the trailhead.

Other elements of my decision include the following direction:

### ***Trails Construction***

New trails and existing user-created trails converted to National Forest System Trails will be constructed to meet Forest Service trail standards. They will be native surface with trail tread width between 24 and 36 inches. The proposed trail network will connect to the Telephone Canyon multi-use trails and the main Telephone Canyon Trailhead that were authorized for construction in the MKC ROD. On the east edge of the project, a 0.5 mile hiking/biking trail will connect to a hiking/biking trail on the south side of SR 157, and to the Slot Canyon Trailhead, both of which were also authorized in the MKC ROD. The SR 157 trail crossing will be by way of an existing highway box culvert located at mile marker 7.3.

Existing user-created routes not designated for conversion to system trails will be decommissioned by closing the first 50 feet (plus or minus) of the unauthorized trails where they intersect with the proposed new system trails. Decommissioning may consist of brushing in with construction slash from trail construction or other effective low cost techniques to disguise and discourage use of the unauthorized routes not designated to remain. Trail designation and directional signage on system trails will also be included.

### ***Trailhead Construction***

A new, unpaved trailhead parking area will be located on the south side of Angel Peak Road, at approximately 0.56 miles east of the intersection with Deer Creek Highway. The parking area will be designed to accommodate approximately eight to ten passenger vehicles and will include a two-panel information kiosk. Although the installation of toilet facilities were not part of the Proposed Action, if funding permits, a toilet building may be located at this trailhead. The cut bank on the north side of the Angel Peak road will be sloped back to improve sight distance for vehicles exiting the trailhead or turning around at this location.

The Clark County signs at the Deer Creek Highway intersection will be moved to the east of the proposed trailhead location. Just east of the Hilltop Campground entrance, new road sign(s) will be installed to inform travelers of the trailhead/turnaround and that the road beyond that point is closed to through traffic.

My decision also includes implementing the Project Design Criteria as outlined in Appendix B of this Decision Notice.

My decision is consistent with the National Environmental Policy Act (NEPA) and its implementing regulations. I considered the range of alternatives and determined the impacts to be minor to non-existent. The project is not a connected action to other projects because the activities included in this decision are stand-alone intended to address trails construction and reconstruction, and are not interdependent on other activities.

All practical means to avoid or minimize environmental harm have been adopted in the design of this project. I have included all of the project design features and mitigation measures that I believe are necessary to avoid, minimize, or rectify impacts on resources affected by implementation of this project. My conclusion is based on a review of the record that indicates a thorough review of impacts from project activities using best available science. The resource analyses identify effects analysis methodologies, reference scientific sources that informed the analyses, and disclose limitations of the analyses. I based my findings on information contained in the following specialists' reports:

- Botanical and Wildlife Species Biological Evaluation and Biological Assessment (BE/BA), dated September 4, 2012;
- Biological Specialist's Report that analyzes species that are not evaluated in the BE/BA, dated September 4, 2012;
- Cultural Resources Report, dated April 10, 2012, and subsequent submittals to the Nevada Historic Preservation Office;
- Recreation Specialist Report, dated June 14, 2012;
- Hydrology Field Trip Report, dated November 15-16, 2011;
- Non-native Invasive Species Plant Report and Risk Assessment, dated November 19, 2009.

### ***Rationale for the Decision***

This project was proposed to complete the trails network authorized in the MKC decision to facilitate an interconnected trail network in the Telephone Canyon area of Middle Kyle Canyon, which was a major factor influencing my decision. My responsibility as the decision maker for the Spring Mountains NRA is, in summary, to provide for recreation opportunities and to maintain the viability of the species found on the NRA. These are my first considerations when making a decision regarding a project. In making my decision, I must take a broad view and determine what I believe to be the best decision for the public at large, especially the residents of the Las Vegas Valley that recreate on the NRA. I believe that my decision is the best decision for the recreating public and minimizes the impacts to species and other resources.

I will make an administrative decision to separate uses if a demonstrated need arises. The separation of uses on the trails network is an administrative decision and not subject to analysis under NEPA. It is my expectation the improved system network will reduce user conflicts by virtue of improved trail surfaces, widths and grades to help control the speed of mountain bike descents, and trail relocation, vegetation pruning and development of alignments that allow for visual equity and improved line of sight distance.

### ***General Management Plan***

The GMP for the Spring Mountains NRA provides direction for managing the Spring Mountains NRA. Much of this direction comes from the Spring Mountains National Recreation Act (1993).

I conclude that my decision to authorize the Proposed Action is responsive to direction in the GMP because it will enhance customer service and take into consideration recreation trends for trails, while protecting cultural and natural resources. I expect my decision will meet the desired future conditions for the NRA by closing trails causing resource damage, upgrading trails to an interconnected trail system consistent with Forest Service trail system standards, and developing additional multi-use, non-motorized trails outside of the developed canyons for use by hikers, equestrians, mountain bikers, and other non-motorized users.

### **Design Criteria**

Design criteria is built into the Proposed Action and will be followed in all cases. Project design criteria, as outlined in Appendix B of my decision, will provide short- and long-term measures to reduce the potential for impacts to wildlife and plants and other resources. Mitigation measures will be implemented if necessary, as described in the project design criteria, such as with the unanticipated unearthing of a cultural resource, in which case project implementation will be halted until the site is evaluated by the district archaeologist. The goal is to employ the least impacting method to accomplish tasks during implementation. In all cases, project design criteria to reduce impacts to resources will employ Best Management Practices, as outlined in the FS manuals and handbooks or in compliance with state standards, as in the case of sedimentation and erosion control (EA, Appendix B, p. 54).

### **V. Public Involvement**

The proposal was listed in the Schedule of Proposed Actions (SOPA) in April 2011. The proposal was provided to the public and other agencies for comment during scoping from July 15, 2011, to August 15, 2011. The SOPA is a document that is published quarterly by the HTNF and is accessible on the Forest Service World Wide Web at the following web link: <http://www.fs.fed.us/sopa>. Since the project was commenced in 2011, the project has been available for viewing on the SOPA.

The scoping notice for the Telephone Canyon Trails Project was sent to federal, state, and local agencies, businesses in Kyle and Lee Canyons, residents, and equestrian, hiking, and mountain biking organizations. The Public Affairs Specialist presented the project proposal to the Mt. Charleston Town Advisory Board on July 28, 2011. Residents at the Town Advisory Board meeting expressed concerns over potential user conflicts between equestrians and mountain bike riders. The Trails Program Manager met with an individual from the public on August 15, 2011, to discuss volunteer opportunities and to request that the Forest Service provide adequate equestrian parking.

Eleven individuals submitted comments during the scoping period. Comments included topics such as maintaining challenge features for more experienced mountain bikers, ensuring adequate equestrian parking, providing adequate sight distances, user conflicts between mountain bikers and equestrians, and statements of support.

The EA was provided to the public on August 24, 2012, for review during a 30-day notice and comment period, as required by 36 CFR 215 Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities. Members of the public, federal agencies, tribal governments, and state and local governments were notified of the availability of the EA and opportunity to comment. The mailing lists are available and on file in the project record. Comments received were analyzed and are attached to this decision as Appendix C. In making my decision, I have taken into consideration these comments consistent with 40 CFR 1503.4.

To ensure compliance with the Endangered Species Act of 1973, as amended, the Forest Service entered into informal consultation with biologists from the U.S. Fish and Wildlife Service, Southern Nevada Field office. The Nevada State Historic Preservation Office was also consulted during the development of the EA. We have received concurrence on our findings from both of these agencies.

### **VI. Government-to-Government Tribal Consultation**

On June 14, 2011, the tribal liaison for the NRA forwarded a copy of the Forest's consultation newsletter to the tribal chairs and the cultural coordinators of the following tribes: Chemehuevi Indian Tribe, Colorado River Indian Tribes, Kaibab Paiute, Las Vegas Paiute, Moapa Paiute, Pahrump Paiute, and the Paiute Indian Tribe of Utah. The newsletter included a description of the Telephone Canyon Trails proposal and its anticipated effects on cultural and natural resources. Two weeks following, the tribal liaison made follow-up phone calls to the cultural coordinators, collectively known as the

Working Group, to discuss any concerns the nations had regarding the projects included in the letter. None of the Working Group members had any concerns about the Telephone Canyon Trails proposal.

The tribal liaison for the NRA notified the Nuwuvi (Southern Paiute) Working Group of the availability of the EA for comment during the 30-day notice and comment period. The Working Group representatives did not express any concerns relating to the project.

## **VII. Alternatives**

The IDT developed the Proposed Action based on the purpose and need of the project and key issue development. Since no key issues were identified, no alternatives to the Proposed Action were developed. A comparison of the No Action Alternative with the Proposed Action Alternative and potential environmental consequences associated with the alternatives can be found on pages 12-13 in the EA, which is incorporated herein by reference.

### ***Alternatives Considered but Eliminated from Detailed Study***

Federal agencies are required by the NEPA to rigorously explore and objectively evaluate a range of reasonable alternatives, and to briefly discuss the reasons for eliminating any alternatives that were not considered in detail (40 CFR 1502.14). My staff did not identify any key issues or unresolved conflicts about the effects of the Proposed Action on the human environment. The one issue that posed an unresolved conflict with the Proposed Action was that of potential conflicts between mountain bike users and equestrians. The separation of uses on the trails network is an administrative decision and not subject to analysis under NEPA. I instructed my staff that I will make an administrative decision to separate uses if a demonstrated need arises. Based on my direction, the staff of the NRA did not pursue additional alternatives.

### ***Alternatives Studied in Detail***

#### **NO ACTION ALTERNATIVE**

Under the No Action alternative, current management plans would continue to guide management of the project area. No new trails would be built and no trails would be decommissioned to accomplish the Purpose and Need for the project or to meet project goals.

#### **PROPOSED ACTION**

The Proposed Action is described in detail in the Decision and Rationale section of my decision.

## **VIII. Climate Change**

The analysis of project activities includes the construction of trails using mechanized equipment. The excavators used for this project will be licensed to comply with state air quality standards. Given the scope of this project, it is not possible to quantify nor qualify the direct or indirect effects from equipment emissions, nor establish a cause-effect relationship between this single project and global climate change.

## **IX. Finding of No Significant Impact**

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

### **1. Impacts that may be both beneficial and adverse.**

The EA identifies no direct, indirect, or cumulatively significant effects associated with any of the actions. My finding of no significant environmental effects is not biased by the beneficial effects of the selected action.

**2. The degree to which the Proposed Action affects public health or safety.**

Public health and safety would be enhanced in the project area. The Proposed Action will allow for improvement to the quality and condition of the trails, thereby contributing to a safer environment. By bringing these trails under Forest Service Management, public health and safety will be enhanced by reducing user conflicts through trail relocation, widening existing routes to allow for passing, pruning within the trail prism to allow for improved sight distance, reconstructing existing trails, reducing grades to reduce descent speeds, and providing maps and a sign plan for the trail system.

The proposed construction of a new trailhead on the Angel Peak Road, near the Hilltop Campground, and construction of a new trail segment to connect this trailhead with the main trail network will address safety concerns associated with mountain bikers having to cross SR 157 and SR 158. The new trail design will keep all of the designated trail use on one side of the highway, thereby increasing safety.

User conflicts not addressed by the Proposed Action may be managed in the future through a decision by the Responsible Official to designate trails as limited access, for example, mountain bike/hiker only or equestrian/hiker only.

**3. Unique characteristics of the geographic area.**

There will be no significant effects on unique characteristics of the geographic area. The trails proposed for this project were routed to avoid cultural and biological resources. Archeological surveys for historic cultural resources indicated no adverse effects from project activities and the State Historic Preservation Office concurred with the findings on September 26, 2012. The project area is not located in an ecologically critical area, although in the project area there are FS sensitive species, species of concern as listed in the Conservation Agreement between federal and state agencies, including the FS, and covered species as listed in the Clark County Multiple Species Habitat Conservation Plan. Resource specialists determined there will be no significant effects to any of these species. The project area is not located in or near park lands, prime farmlands, wetlands, or wild and scenic river corridors.

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Based on the involvement of forest resource specialists and members of the public, I do not expect the effects of the proposed actions on the quality of the human environment to be highly controversial in a scientific context. Some respondents have expressed a desire that trail designations separate mountain bike use from equestrian use; however, the separation of uses is an administrative decision that I will make should a demonstrated conflict between uses arises. The opinions respondents expressed during public comment opportunities, which were considered in the EA, did not disclose any significant adverse effects on the quality of the human environment that would result from project activities.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The effects on the human environment are not uncertain, nor involve unique or unknown risks. The NRA has significant experience with trails construction projects. Uncertainties relating to effects to sensitive species do not exist, based on determinations outlined in the BA/BE and Specialists' Reports for the project; therefore, there are no unique or unknown risks associated with the project. Uncertainties relating to noxious weeds will be reduced through weed prevention practices set out in the USFS and Humboldt-Toiyabe NF Weeds Management Best

Management Practices manuals. Weeds will be monitored and, if necessary, treated for three years post-implementation.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The action is not likely to establish a precedent for future actions with significant effects. As a stand-alone decision, the action is not dependent on past projects, nor is it likely to establish a precedent for future actions with significant effects, nor does it represent the potential for future decisions.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The effects analysis in the EA discloses the direct, indirect and cumulative effects of the Proposed Action and alternatives, as directed by FS NEPA procedures (36 CFR part 220). The cumulative impacts of the selected action, when added to those of past, present, and reasonably foreseeable future actions will not be significant (see EA, Environmental Consequences, pp. 15-31, and project record). The action is not related to other actions with individually insignificant but cumulatively significant impacts. There are no connected actions associated with this project.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss of destruction of significant scientific, cultural, or historic resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. All trails in the project area were routed away from the known archaeological sites; therefore, there are no sites that would be actively impacted by the project. With implementation of the project as designed, I have determined that the proposed trails project will have No Effect on the integrity of the cultural resource sites located within the project Area of Potential Effect. The State Historic Preservation Officer concurred with the findings.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

By letter dated August 28, 2012, the U.S. Fish and Wildlife Service concurred with the Forest Service's findings contained in the following documents: 1) the Biological Assessment/Biological Evaluation (BA/BE) that evaluates Threatened, Endangered and Proposed (TEP) species and FS Region Four (R4) Sensitive Species; and 2) the Specialists' Report that evaluates species of concern listed under the Conservation Agreement (CA) for the SNMRA and Clark and Nye Counties, Nevada (4/13/1998), covered species listed under the Clark County Multiple Species Habitat Conservation Plan (MSHCP 2000), Management Indicator Species listed in the GMP, and species protected under the Migratory Bird Treaty Act of 1918 and Executive Order 13186.

There will be no effects to threatened or endangered listed species or species proposed for listing under the Endangered Species act of 1973. The BA/BE reached a no effect determination for federally listed species because the project area does not contain existing or potential suitable habitat for three federally listed species. The Mt. Charleston blue butterfly is

a federal proposed endangered species with the potential to occur in the project area; however, the BA/BA concluded there will be no effect to the species.

Based on project area knowledge, analysis, design criteria, conservation measures, and restoration and mitigation measures, the BA/BE and the Specialist Reports identified thirty individual species and their habitat on which the project may have an impact, but project activities are not likely to cause a trend toward federal listing or loss of viability within the planning area, and thirty-four (34) species (including all federally listed and candidate species) with a no effect or no impact determination.

**10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27).**

As outlined in the Section X of this Decision Notice, the selected action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered for this project. The action is consistent with the General Management Plan for the NRA, an Amendment to the Toiyabe National Forest Land and Resource Management Plan (1986).

**X. Findings Required by Other Laws and Regulations**

My decision is consistent with and meets requirements of the National Environmental Policy Act, as amended (42 USC 4321-4347; 40 CFR 1500, et seq.) and all laws, regulations, and USFS policies. The most relevant of these include the following:

- National Forest Management Act, as amended (16 USC §§ 1600-1614) (EA, p. 33)
- National Historic Preservation Act (16 USC 470) and its parallel authority, Protection of Historic Properties (36 CFR 800) (EA, pp. 18-20)
- Endangered Species Act (16 USC 1531-1543) (EA, pp. 8; 26-31)
- Migratory Bird Treaty Act of 1918, as amended (16 USC 703-712) and Executive Order 13186 (EA, pp. 12-13; 24)
- Noxious Weed Act, as amended (7 USC. 2801, et seq.) (EA, pp. 12; 15-16; 53)
- Executive Order 12898, Environmental Justice (Feb. 11, 1994, 59 Fed. Reg. 7629) (EA, pp. 47-48)
  - The physical effects to surface resources from the ground disturbance itself would be localized to the disturbance footprint; therefore, there will be no disproportionately high or adverse human health or environmental effects that would fall disproportionately on low-income, minority populations, American Indian tribes, women, or affect the civil rights of any United States citizen.
- General Management Plan for the Spring Mountains National Recreation Area (10/1996), an amendment to the Toiyabe National Forest Land and Resource Management Plan (EA, pp. 3; 5; 33)

Other applicable laws, regulations and USFS policies and guidance that were considered in the EA relating to the implementation of this project include:

- Southern Nevada Public Lands Management Act (SNPLMA)
- Spring Mountains National Recreation Area Act (16 U.S.C. §460hhh; Pub. L. 103-63, Aug. 4, 1993, 107 Stat. 297)
- USFS Handbooks and Manuals
- Conservation Agreement for the Spring Mountains National Recreation Area, 4/13/1998 (EA, pp. 3; 21; 26-33)
- Clark County Multiple Species Habitat Conservation Plan (EA, pp. 26-31)

## **XI. Public Notification, Administrative Appeal Process, Implementation**

### **Contact Information**

Copies of the Environmental Assessment and Decision Notice/FONSI are available at the Spring Mountains National Recreation Area Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130, at the Mt. Charleston Public Library, the Kyle Canyon Visitor Center, or on the web site <http://www.fs.usda.gov/goto/htnf/projects>. For additional information concerning this decision or the Forest Service appeal process, contact Jane Schumacher, (702) 839-5560.

### **Administrative Review or Appeal Opportunities**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215.11. Only those individuals or organizations that submitted comments during the comment period specified at 36 CFR 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

The appeal must be filed by regular mail, facsimile transmission, email (Microsoft Word (.doc), rich text format (.rtf)), or Adobe (.pdf)), hand-delivery, express delivery, or messenger service. The appeal must have an identifiable name attached and verification of identity will be required when requested. A scanned signature may serve as verification on electronic appeals. The office business hours for those submitting hand-delivered appeals are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays.

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 for this decision. Attachments received after the 45-day appeal period will not be considered. The publication date in the newspaper of record 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 (36 CFR 215.15).

Appeal filing information:

USDA Forest Service  
c/o Planning, Appeals and Litigation  
324 25th Street  
Ogden, UT 84401  
Facsimile: (801) 625-5277

Electronic mail: [appeals-intermtn-regional-office@fs.fed.us](mailto:appeals-intermtn-regional-office@fs.fed.us)

Office hours: Monday through Friday 8:00 a.m. through 4:30 p.m.

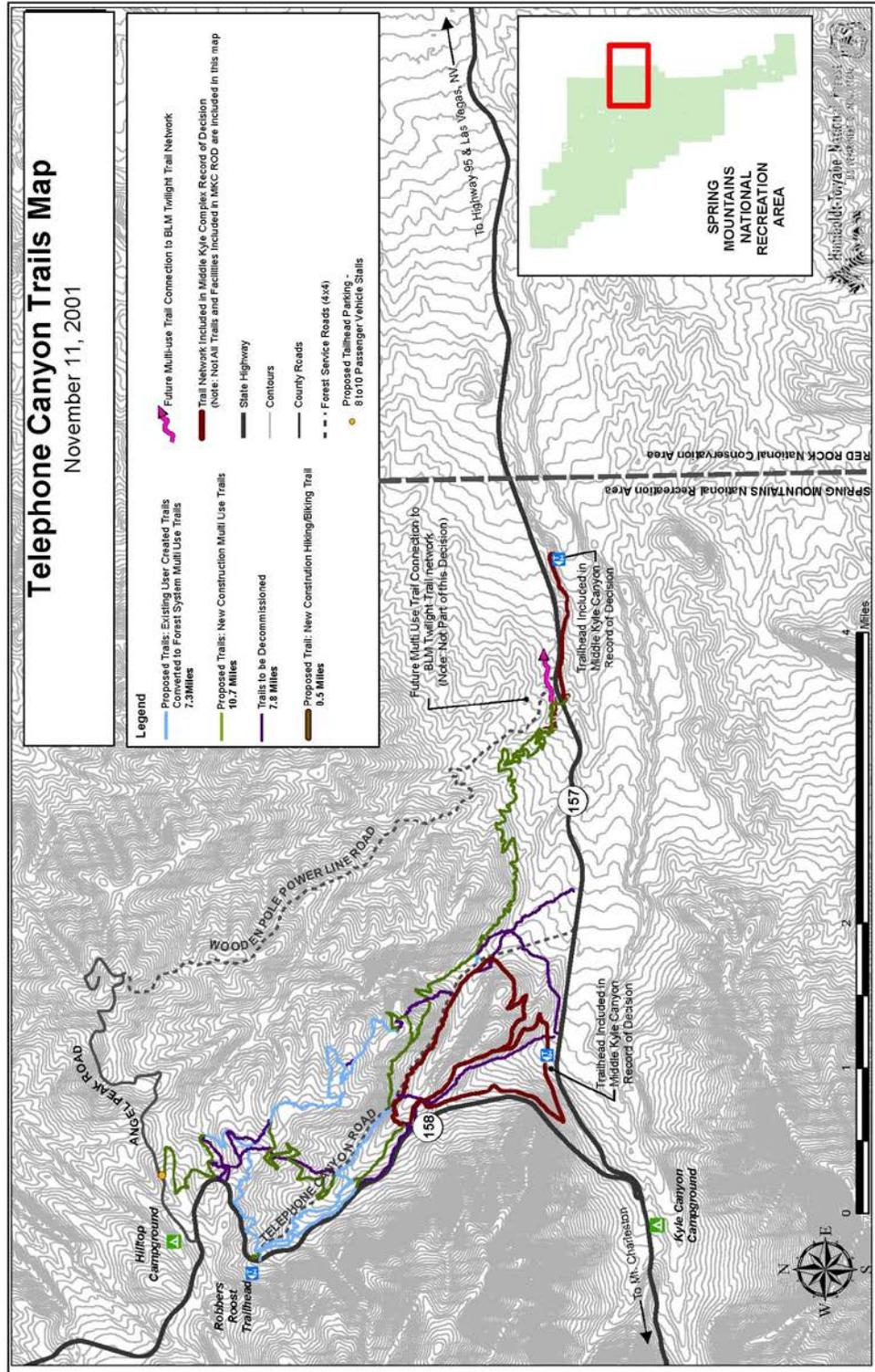
### **Implementation Date**

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, five 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.

s/Theresa M. Frolli  
THERESA M. FROLLI  
Acting Area Manager  
Spring Mountains National Recreation Area  
Humboldt-Toiyabe National Forest

October 3, 2012  
Date

# Appendix A Map of the Project Area



**Appendix B**  
**Design Criteria, Mitigation and Conservation Measures**  
**Telephone Canyon Trails Project**

**Botanical and Biological**

These design criteria would be included as part of the Proposed Action specific to the project area and are designed to minimize potential impacts to flora and fauna species with implementation of this project.

<b>PROJECT DESIGN FEATURES</b>	<b>POTENTIAL IMPACTS ADDRESSED</b>
<p><b>Limited Operating Periods (LOP) for raptors, and other migratory birds:</b> Vegetation removal and gate installation will occur outside of bird breeding season (May 20 – July 20). If an exception is requested, it may be granted if a nest search is conducted and substrates (i.e., trees or bushes) upon which nests are found are avoided until nestlings fledge. Appropriate buffers will be designated for any nests located based on the species habitat requirements by a NRA wildlife biologist.</p>	<p>Reduce nest abandonment and loss of young raptors and migratory birds, and potential direct and indirect impacts to a variety of small mammals including, and not limited to, Palmer chipmunks and bats.</p>
<p><b>LOP for nocturnal species:</b> No construction or demolition activities will be allowed between the official sunset and sunrise times for the Spring Mountains and no artificial lights will be allowed to be used at any time for project implementation.</p>	<p>Minimize potential impacts to foraging bats and nocturnal raptors</p>
<p><b>Conservation Agreement Plants:</b> USFWS recommends that during trail layout and implementation, Conservation Agreement butterfly and plant species be flagged and avoided as follows:  A USFS botanist or trained biologist will identify and assist in flagging and avoiding individuals where possible (if topography and cultural resource concerns allow and standards can be met) during project layout and implementation. During trail design and layout, proposed trail alignments will be adjusted to the extent feasible to avoid populations.</p>	<p>Minimize impacts to Conservation Agreement species</p>
<p><b>Trees &amp; Snag Loss Preservation:</b> No trail construction, reconstruction, or demolition will fall any existing snag or green tree larger than 8 inches in diameter at breast height, with the potential exception of the trailhead and parking area construction.</p>	<p>Minimize potential impacts to roosting bats and nesting bird species</p>
<p><b>Entrapment Prevention:</b> Hollow posts of any material or color, used to mark boundaries as part of the trail system, will be capped if open-ended. Exposed holes near the top of posts will be closed to prevent many species from being trapped.</p>	<p>Reduce loss of individuals of Palmer’s chipmunk and other small mammals, birds, amphibians, and reptiles.</p>
<p><b>Weed Prevention:</b> USFS and Humboldt-Toiyabe NF Weeds Management Best Management Practices (Humboldt-Toiyabe Supplemental FSM 2080) will be employed during construction and reclamation activities. A full list of prevention measures are listed in the Non-Native / Invasive species Report for Plants (MKC FEIS, p. 3.1-5).  <b>Weed Prevention Monitoring:</b> Post-implementation, the project area will be monitored for 3 years for introduced weeds. Any introduced weeds observed will be treated.</p>	<p>Reduce the potential risk from introduction and spread of weeds.  Reduce the risk of alteration and degradation of native habitats.</p>

<b>PROJECT DESIGN FEATURES</b>	<b>POTENTIAL IMPACTS ADDRESSED</b>
<b>Erosion Control:</b> USFS Soil and Water Best Management Practices (including FSH 2509.22 Region 4 Amendment No. 1) will be employed during construction and reclamation activities.	Minimize degradation of suitable habitat, soils, and water.

### **Cultural, Archaeological and Historic Resources**

With implementation of the project as designed, the Forest has determined that the proposed trails project on the NRA will have No Effect on the integrity of the cultural resource sites located within the project Area of Potential Effect.

<b>PROJECT DESIGN FEATURES</b>	<b>POTENTIAL IMPACTS ADDRESSED</b>
<ul style="list-style-type: none"> <li>• Avoid identified cultural sites during trail construction, reconstruction and decommissioning activities,</li> <li>• Stop work if any archeological sites are located during construction, while the District Archeologist assesses the situation; and</li> <li>• Monitor in identified culturally-sensitive areas.</li> </ul>	Reduce potential impacts to cultural resources

**Appendix C**  
**Summary of Public Comments and Responses**  
**in Response to 30-Day Opportunity to Comment Pursuant to 36 CFR 215**  
**Telephone Canyon Trails Project Environmental Assessment**

<b>Name of Commenter</b>	<b>Date Submitted</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Mary Sue Kunz	9/3/2012	It is encouraging to see that safety between mountain bikes and horses is near the top of the list in the design of the trails, since these two groups primarily use this area.	Thank you for your support of the project.
Mary Sue Kunz	9/3/2012	Signage is badly needed for trail designation to separate mountain bike and hiker/equestrian use and to disallow equestrian use of upper Bristlecone trail.	Signs will be installed as necessary on trails and in and around the trailhead. The Bristlecone trail is outside the scope of this analysis.
Mary Sue Kunz	9/3/2012	I saw a motorcycle leave Hwy. 159 and head into Telephone Canyon on a bicycle trail. This cannot continue because of potential for equestrians and bicyclists being run down by a motorcycle.	Forest Protection Officers and Law Enforcement Officers have the authority to cite motorized vehicle users on non-motorized trails (36 CFR 261.16(n)).
Mary Sue Kunz	9/3/2012	I look forward to the changes coming with this project. Being able to see other users coming will allow polite accommodation to each other head of time.	The trails will have improved trail surfaces, widths and grades to help control the speed of mountain bike descents. Trail relocation, vegetation pruning and development of alignments will improve line of sight distance.
Mary Sue Kunz	9/3/2012	Users need to be educated as to who yields to whom for safety's sake. Everyone should yield to horses since they can be unpredictable and sometimes unmanageable when frightened. Accidents can be avoided if users watch out for one another and remember manners.	Signs will be installed as necessary on trails and in and around the trailhead.
Mary Sue Kunz	9/3/2012	There may be places where detour or parallel trails might be called for to avoid having bikes and horses on the same trail at the same time since bikers enjoy faster, exciting places. Equestrians don't want to spoil their fun, but it can be dangerous.	The Middle Kyle Canyon project provides hiking/biking trail use only in portions south of SR 157. At this time, this decision does not separate uses. An administrative decision to separate uses will be issued should a demonstrated need arise.

<b>Name of Commenter</b>	<b>Date Submitted</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Mary Sue Kunz	9/3/2012	We don't want to see our trails become ones where extreme bikers from out of town have taken over equestrian trails. A number of trail riders and horses have been badly hurt by extreme bicyclists, who sometimes don't even stop after an accident. Telephone Canyon is not the place for extreme challenging biking due to the terrain.	The trails in this project will be non-motorized multi-use trails. It is expected the improved system network will reduce user conflicts by virtue of improved trail surfaces, widths and grades to help control the speed of mountain bike descents, and trail relocation, pruning and development of alignments that allow for visual equity and improved sight distance.
Mary Sue Kunz	9/3/2012	The new Cliff Rose Rim Trail needs to be open to horses since equestrians have been helping build it and are riding it.	The Cliff Rose Rim Trail is not within the scope of this environmental analysis.
Mary Sue Kunz	9/3/2012	It is good to keep the equestrian staging area in the current location adjacent to the old dude string operation. Please, no asphalt, big rocks, tire bumpers, delineating parking spaces or enclosing fences. We need room to maneuver.	We are limited in the size of our proposed parking area off of Angel Peak Road. Currently, the proposed parking area is only large enough to accommodate 8-10 passenger cars. Equestrian parking for Telephone Canyon Trails is provided off of Kyle Canyon Road as a part of the Middle Kyle Canyon Project, where we can better accommodate the large turning radius of horse trailers.
Mary Sue Kunz	9/3/2012	Connecting trails will be great.	Thank you for your support of the project.
Mary Sue Kunz	9/3/2012	The biggest problem today is illegal motorized vehicle use on trails and it must be stopped because they are destroying our woods.	This decision will designate the trails as non-motorized. Forest Protection Officers and Law Enforcement Officers will then have the authority to cite motorized vehicle users on non-motorized trails (36 CFR 261.16(n)).
Laurie Howard-Malm	9/4/2012	Having the opportunity to address concerns before the completion of this trail system can avoid issues and improve the communication between multi-use enthusiasts without setting any one discipline against the other.	Thank you for your support of the project.

<b>Name of Commenter</b>	<b>Date Submitted</b>	<b>Public Comment</b>	<b>Forest Service Response</b>
Laurie Howard-Malm	9/4/2012	Signs are needed to explain the dangers of not yielding, riding up a horses back end and rushing past them, which can result in serious if not deadly consequences. Bicycles were never seen on trails 40 years ago and they now dominate trail landscapes with city folk who lack knowledge and common sense about hoses and their temperaments.	Signs installed at the Angel Peak trailhead parking area may include “share the trail” information. By educating trail users to yield to other users, we can provide more recreation opportunities for all groups on the mountain.
Laurie Howard-Malm	9/4/2012	Motorized vehicles on these trails are inherently dangerous and should be outlawed, along with other trails, in the forest area.	Motorized vehicle use on non-motorized trails is illegal, pursuant to 36 CFR 261.16(n), and violators can be cited.
Laurie Howard-Malm	9/4/2012	Staging locations need to be large for horse trailers and truck turn-around feasibility, parking locations for equestrian usage should be marked so other vehicles don’t park there, and parking surfaces should be safe for horses to load and unload.	Equestrian parking for Telephone Canyon Trails is provided off of Kyle Canyon Road as a part of the Middle Kyle Canyon (MKC) Project, where we can better accommodate the large turning radius of horse trailers.