

# Chapter 1

## Purpose of and Need for Action



### 1.1 Document Structure

The U.S. Department of Agriculture Forest Service (Forest Service) has prepared this environmental impact statement (EIS) in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. This EIS discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed Middle Kyle Complex project (Proposed Action) and alternatives. The document is organized into the following five chapters.

- Chapter 1, *Purpose of and Need for Action*: The chapter includes information on the history of the action proposal, the purpose of and need for the Proposed Action, and the Forest Service's proposal for achieving the objectives identified. This section also details how the Forest Service informed the public of the proposal and discloses the significant and nonsignificant issues identified as a result of the public comments received

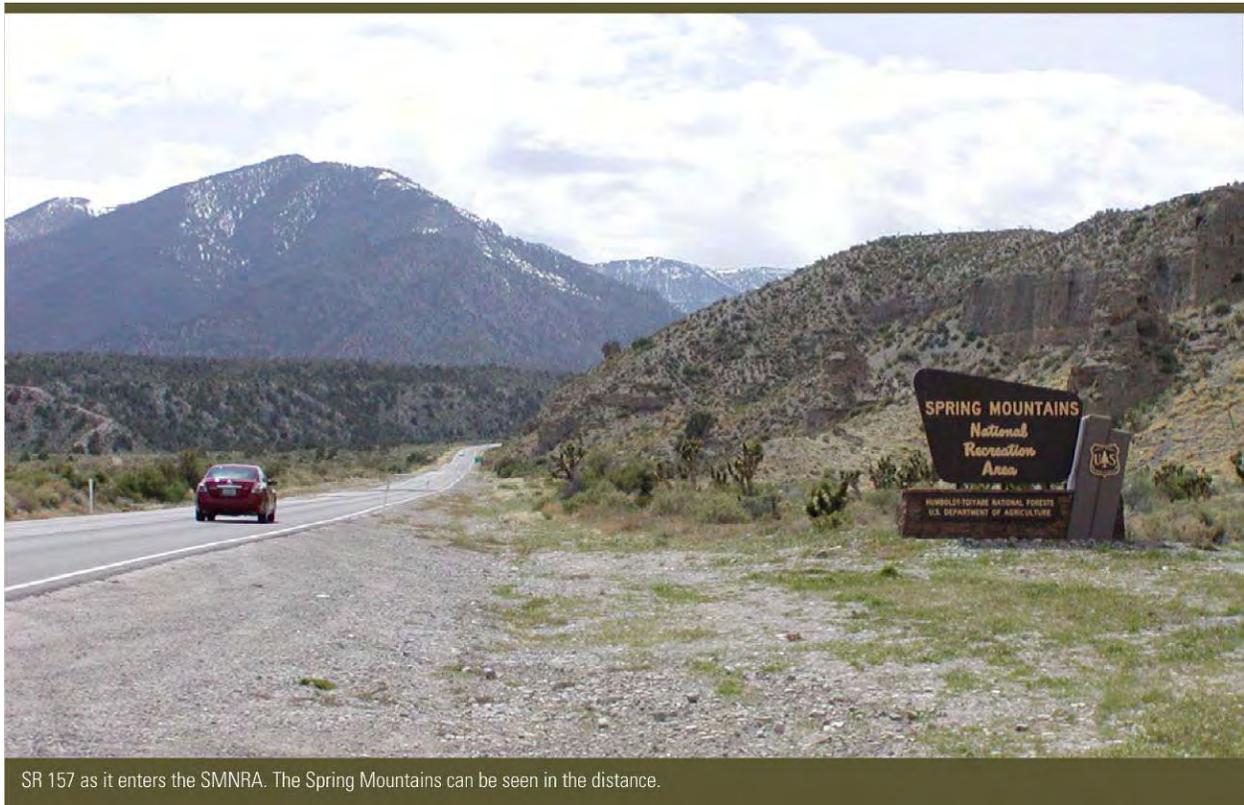
during the initial scoping period. The Middle Kyle Complex Draft EIS (DEIS) Appendix A, *Forest Service Responses to Scoping Comments*, includes those public comments identified as requiring a response from the Forest Service. Public comments received on the DEIS are included in Appendix A, *Response to Public Comment* of this Final EIS (FEIS).

- Chapter 2, *Alternatives, Including the Proposed Action*: This chapter provides a more detailed description of the Forest Service's Proposed Action as well as alternative methods for achieving the stated purpose. These alternatives were developed based on significant issues raised by the public and other agencies. This discussion includes design criteria and mitigation measures. Alternatives considered but eliminated from detailed study and the reasons why these alternatives were eliminated are also presented in this chapter. Finally, this section provides a summary table of the environmental consequences associated with each alternative.
- Chapter 3, *Affected Environment and Environmental Consequences*: This chapter describes the environmental effects of implementing the Proposed Action and other alternatives. This analysis is organized into sections based on the significant issues identified during the initial public scoping period after publication of the notice of intent (NOI) in the *Federal Register* (FR) and internal interdisciplinary team (IDT) discussions, as well as the effects analysis required by the Council on Environmental Quality's (CEQ's) NEPA regulations. This chapter also includes an essay prepared by the Nuwuvi Working Group describing the Nuwuvi relationship to the Spring Mountains landscape.
- Chapter 4, *Consultation and Coordination*: This chapter lists preparers and agencies consulted during the development of the EIS including the agencies, organizations, and persons receiving copies of the EIS.
- Chapter 5, *References*: This chapter contains references cited in this EIS.
- Acronyms and Abbreviations: This section lists acronyms, abbreviations, and terminology used in the EIS.
- Index: The index provides page references for topics discussed in the document.
- Appendices: The appendices provide more detailed information to support analyses presented in the EIS. These appendices include *Response to Public Comment*, *Detailed Comparison of Alternatives*, *Summary of Revisions since the Draft EIS*, and technical appendices.

Additional documentation, including more detailed analyses of resources in the project area, may be found in the project planning record located at the Spring Mountains National Recreation Area (SMNRA) District Office in Las Vegas, Nevada.

## 1.2 Background

The Spring Mountains are a unique collection of landscape types in the American Southwest. The range is an isolated “sky island,” meaning that it is separated from other ecologically similar areas by large tracts of desert that act as barriers to migration. As a result of this physical disconnection, the area’s plants and animals evolved in isolation and the range is home to many plant and animal species found nowhere else (Shapins Associates and AJC Architects 2007). The regional location of the SMNRA is shown on Figure 1-1 and the project vicinity is shown on Figure 1-2.



SR 157 as it enters the SMNRA. The Spring Mountains can be seen in the distance.

The rapid population growth of Clark County, Nevada, is exerting pressure on existing recreation facilities in the SMNRA. In July 2008, the population of Clark County was estimated at 1,986,146, of which the Las Vegas Valley urban area accounted for 96.5% of the population; by 2035, the population of Clark County is expected to increase to 3.6 million (Clark County Department of Comprehensive Planning 2008). The Forest Service anticipates the sustained Clark County population growth will result in continued demand for recreational opportunities within the SMNRA.

Management of the SMNRA is guided by several legislative mandates, land management plan direction, guidance documents, and relevant resource documents. Section 1.2.1 provides information on the Spring Mountains National Recreation Area Act of 1993 (SMNRA Act), which established the SMNRA, and the Southern Nevada Public Land Management Act of 1998, as

amended (SNPLMA), which provides funding for this Proposed Action. Section 1.2.2 provides information on land management plan direction described in the SMNRA General Management Plan (GMP). Section 1.2.3 identifies two agency guidance documents: the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and the Conservation Agreement (CA) for the SMNRA. In addition, Section 1.2.4 provides information on the SMNRA Landscape Analysis (LA), a relevant resource document providing recommendations on species/habitat management strategies and actions. These documents set the management direction and guidance that balances recreation management on the SMNRA with the protection of associated biological resources.

## 1.2.1 Legislative Mandates

### Spring Mountains National Recreation Area Act

The SMNRA was established in 1993 by a special act of Congress (Public Law 103-63) to serve three purposes:

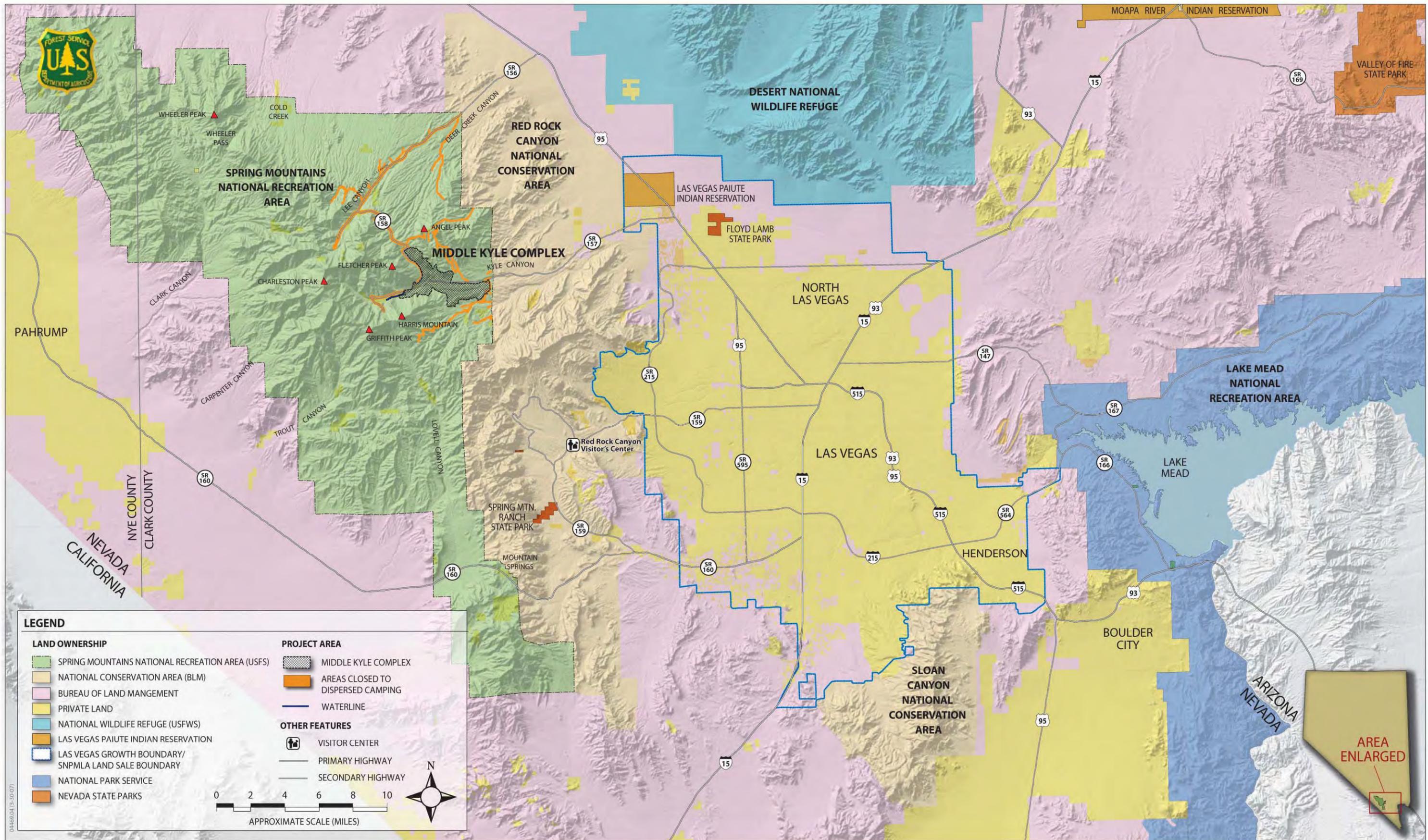
- To preserve scenic, scientific, historic, cultural, natural, wilderness, watershed, riparian, wildlife, threatened and endangered species, and other values contributing to public enjoyment and biological diversity in the Spring Mountains of Nevada;
- To ensure appropriate conservation and management of natural and recreation resources in the Spring Mountains; and
- To provide for the development of public recreation opportunities in the Spring Mountains for the enjoyment of present and future generations.

The act directed the Forest Service to prepare a GMP for the SMNRA as an amendment to the Toiyabe Forest Plan. The GMP for the Spring Mountains National Recreation Area, An Amendment to the Land and Resource Management Plan, Toiyabe National Forest was completed in 1996.

### Southern Nevada Public Land Management Act

In 1998, the SNPLMA was signed into law as Public Law 105-263. The SNPLMA, as amended, allows the U.S. Department of the Interior Bureau of Land Management (BLM) to sell BLM-administered public land within a specific boundary around Las Vegas, Nevada. The SNPLMA land sale boundary is shown on Figure 1-1. The monies derived from the land sale are split between the State of Nevada General Education Fund (5%), the Southern Nevada Water Authority (10%), and a special account available to the Secretary of the Interior for:

- Parks, trails, and natural areas;
- Capital improvements;
- Conservation initiatives;



# MIDDLE KYLE COMPLEX

USDA FOREST SERVICE • SPRING MOUNTAINS NATIONAL RECREATION AREA

**FIGURE 1 -1: REGIONAL LOCATION**





- Multispecies Habitat Conservation Program;
- Environmentally sensitive land acquisitions; and
- Lake Tahoe restoration projects.

Specifically, the SNPLMA allows for funds in the special account to be assigned by the Secretary of the Interior for capital improvements of old or inadequate infrastructures at specific locations including SMNRA. Additional information regarding the SNPLMA program can be found on the web at: <http://www.blm.gov/nv/st/en/snplma.html> (BLM 2009).

The SNPLMA does not mandate that the Forest Service must implement the Middle Kyle Complex project; however, it does provide a unique funding opportunity to move the SMNRA toward its Desired Future Condition.

## 1.2.2 Agency Direction Document

The following document provides guidelines for management of the SMNRA and development of the Proposed Action and alternatives.

### **General Management Plan for the Spring Mountains National Recreation Area**

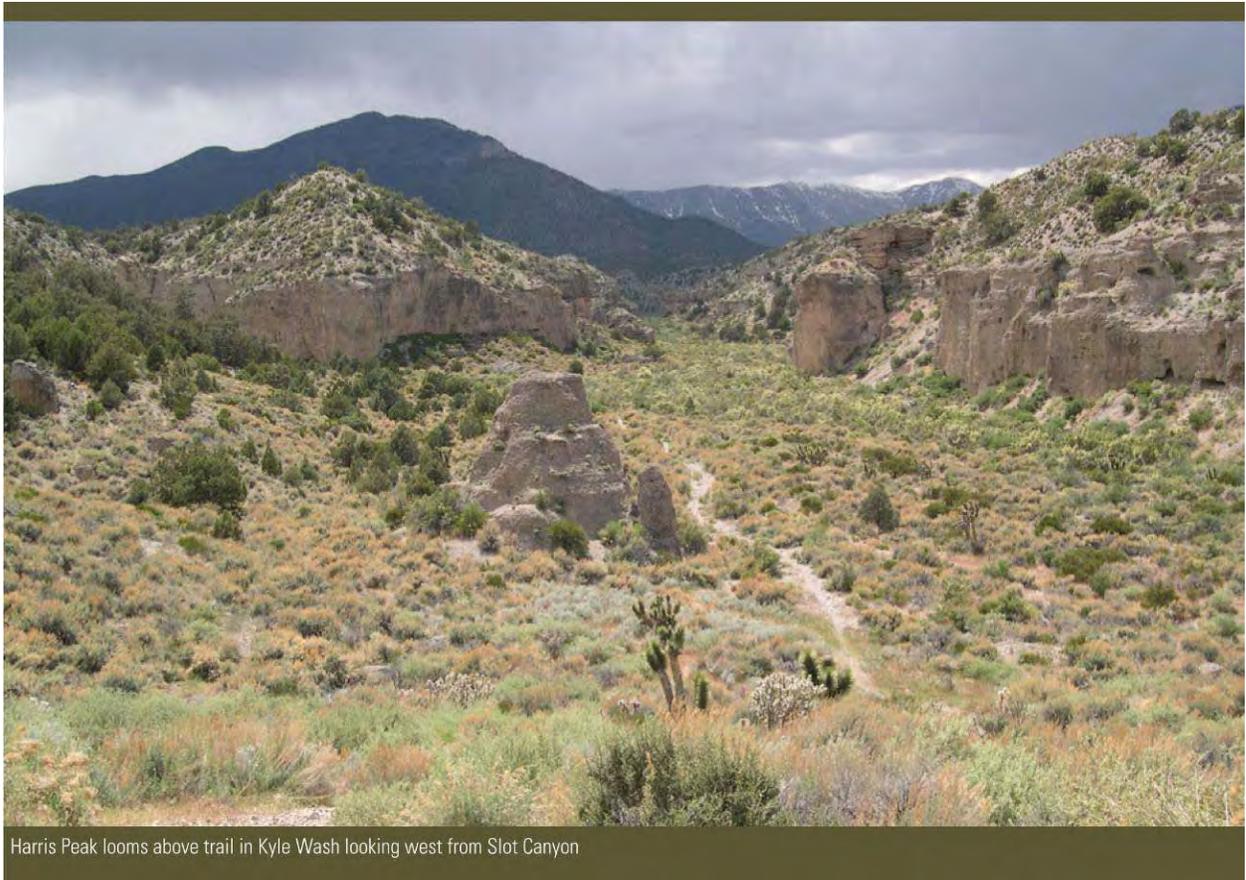
The SMNRA GMP supplements the Forest-wide Standards and Guidelines found in the existing Toiyabe Forest Plan and establishes the management direction to achieve the main purposes established under the SMNRA Act.

The GMP divides the Spring Mountains into four management areas. The Proposed Action is located within the SMNRA Management Area 11: Developed Canyons. The SMNRA-wide goals for the desired future condition for the SMNRA and Management Area 11 are to:

- Conserve the health, diversity, integrity, and beauty of the ecosystem;
- Protect American Indian cultural uses and cultural resources;
- Avoid disruptions to current uses and users of the Spring Mountains; and
- Provide additional opportunities for recreation, where consistent with the above.

These SMNRA-wide goals for the desired future condition provide protection for sensitive species and ecosystems without undue burden on the existing users of SMNRA. Provisions will be made for new recreation opportunities located away from the most sensitive areas in recognition of the increasing demand for recreation and other human uses and the concurrent need to protect sensitive species and habitats (Forest Service 1996).

A complete list of the Forest-wide Goals, Standards, and Guidelines with application to the SMNRA, the SMNRA-wide Standards and Guidelines, and those guidelines specific to Management Area 11: Developed Canyons are included in the SMNRA GMP. The GMP is available for review upon request at the SMNRA District Office in Las Vegas, Nevada.



### 1.2.3 Agency Guidance Documents

The following documents provide guidelines for management of the SMNRA and development of the Proposed Action and alternatives.

#### **Clark County Multiple Species Habitat Conservation Plan**

In 2000, the Clark County MSHCP was completed to provide for conservation of a wide variety of species and their habitats throughout Clark County. The goal of the MSHCP is to allow expansion of the municipal areas within Clark County while providing for “the overall goal of no net unmitigated loss or fragmentation of habitat and to maintain stable or increasing populations of covered species.” The CA and its species of concern are incorporated in the MSHCP as an appendix (RECON 2000). Additional information regarding the Clark County

MSHCP can be found on the web at:  
[http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp\\_mshcp.aspx](http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp_mshcp.aspx).

## **Conservation Agreement for the Spring Mountains National Recreation Area, Clark and Nye Counties, Nevada**

In 1998, representatives of the Forest Service, the U.S. Fish and Wildlife Service (USFWS), and the State of Nevada Department of Conservation and Natural Resources signed the CA to provide long-term protection of 57 species of concern. Accomplishing this purpose involves “consideration of conservation values through early project planning, in conjunction with an ongoing program of species, habitat and ecosystem inventory, monitoring, protection, restoration, research and education” (Forest Service, Intermountain Region et al. 1998). Successful implementation of the terms of the CA would result in no additional listings of species as threatened or endangered under the federal Endangered Species Act (ESA).

The CA establishes five guidelines based on an ecosystem management approach for conservation of the 57 species. These guidelines are meant to:

- Maintain viable populations of all native species in their natural habitats;
- Represent, with protected areas, all native ecosystem types across their natural range of variation;
- Maintain evolutionary and ecological processes (e.g., disturbance regimes, hydrological processes, nutrient cycles, etc.);
- Manage over periods of time long enough to maintain the evolutionary potential of species and the ecosystem; and
- Accommodate human use and occupancy within these constraints.

There are six project planning commitments and three major educational commitments. The six planning commitments are as follows.

- Maintain a philosophy of adaptive management in implementing the CA that provides the basis for changes and midcourse corrections as determined to ensure species viability and habitat protection;
- Develop new trails and encourage trail use outside of biodiversity hotspots to avoid further adverse effects on rare and sensitive species;
- Implement the principles of ecosystem management in the SMNRA;
- Conduct preactivity surveys for the species of concern prior to any actions that may affect them and design projects to minimize or avoid adverse effects. Ensure that surveys consider unique habitat components of the species of concern (e.g., mud and puddles for butterflies);
- Secure funding for projects involving inventory, monitoring, research, protection, restoration, and education in the SMNRA; and

- Secure funding for additional staff positions including a field ecologist, a biologist, a botanist, interpreters, visitor center personnel, a wilderness manager and rangers, dispersed recreation rangers, and law enforcement officers.

The three education commitments are listed below.

- Ensure SMNRA staff members are familiar with the basic habitat elements of the species of concern, including requirements of endemic butterflies (larval host plants, nectar sources, puddles and mud), bats (open water, caves, mines, cliffs, crevices, and other roost sites), Palmers chipmunk (shelter requirements), and rare plants (soil conditions and other requirements);
- Use all opportunities where the public is contacted (e.g., ranger stations, future visitor center and entrance stations, public meetings) to distribute materials emphasizing biodiversity protection and ecosystem management. Ensure that educational materials are focused on critical issues such as staying on trails, controlling pets, and avoidance of vegetation trampling and wildlife harassment; and
- Secure funding for education materials, including brochures, displays, driving programs, and school materials (Forest Service, Intermountain Region et al. 1998).

The CA and the MSHCP incorporate the concept of *biodiversity hotspots*. Biodiversity hotspots are defined as areas of any size with any number of ecologically significant elements sharing habitats in the same area. In 1994, The Nature Conservancy published a report stating both middle and upper Kyle Canyon contained such ecologically sensitive areas. In Kyle Canyon there are seven biodiversity hotspots totaling 3,170 acres; three of these biodiversity hotspots are included in the Middle Kyle Complex project area (see Figure 1-2). Significant elements of biodiversity hotspots include species of plants or animals that are:

- Listed as “threatened” or “endangered” under Section 7 of the ESA;
- Candidate species, which are species being considered by USFWS for listing under the ESA;
- Species restricted to or peculiar to a locality or region (endemic species);
- Species that are locally rare; and
- Unique communities of species, such as riparian streams and springs (The Nature Conservancy 1994).

The terms of the CA provide guidelines for management of the SMNRA in addition to those of the SMNRA GMP and Toiyabe Forest Plan. The CA expired in 2008 and is in the process of being amended. It is anticipated that the CA amendment will be completed in 2010 to incorporate findings and recommendations contained in the LA. The LA moves away from the concept of designated biodiversity hotspots with an emphasis on management of the individual species. Initially the biodiversity hotspots were used as a tool to focus biological data collection, species and habitat monitoring, and project planning.

Over time, however, knowledge regarding species and unique communities has expanded, and the use of biodiversity hotspots as a management tool within the SMNRA has become less valuable. The Spring Mountains have long been recognized as “an island of endemism”; agency professionals and partners providing conservation management for the SMNRA have come to recognize that the majority of the SMNRA is simply a single large biodiversity hotspot based on the original definition provided by The Nature Conservancy.

Additional information regarding the CA can be found in Appendix G of the Clark County MSHCP on the web at: <[http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp\\_mshcp.aspx](http://www.accessclarkcounty.com/depts/daqem/epd/dcp/Pages/dcp_mshcp.aspx)>.

## 1.2.4 Other Relevant Resource Documents

The following document provides additional guidelines and recommendations to be included in the development of the Proposed Action and alternatives.

### **Spring Mountains National Recreation Area Landscape Analysis**

The LA was completed by the Forest Service in collaboration with the USFWS in August 2008. Representatives of Nevada Department of Wildlife, Nevada Natural Heritage Program, and Clark County Desert Conservation Program also provided data, reviewed documents, and added valuable insight and expertise to the final assessment.

The LA provides a synthesis of current and reference conditions through characterization of the physical, biological, and social aspects of a defined area, the SMNRA. The synthesis provides the context for identifying management strategies and actions. A focus of the assessment was to look at the relationship between recreation management, species/habitat protection, and species viability. The final step in preparation of the LA identified the findings from the synthesis and developed management recommendations. A few of the more significant recommendations are listed below.

- Refine the list of special status species for the SMNRA. The analysis indicated that some species are more imperiled and require more attention, while other species are more secure and/or more broadly distributed than previously thought. The recommendation is to group species into three categories:
  - Species to include in the revised CA;
  - Species protected through existing laws and regulations; and
  - Species to be dropped from the special status list.
- Develop vegetation management, renovation, and operation and maintenance plans for the recreational sites that specifically address special status species and enhance resources.

- Use integrated resource planning and focus on a strategic landscape perspective for vegetation treatment and prescriptions in areas where fire suppression will continue. Through monitoring of various treatments, determine which species benefit from vegetation treatments and which prefer late seral habitats.
- Develop, operate, and maintain the combination of recreation services, facilities, and opportunities recommended in the SMNRA Market, Financial and Operational Analysis.
- Use the Adaptive Management Guidelines for Recreation from the Southern California Forests Plan to resolve potential conflicts between recreation use and important species (Entrix 2008).

The LA findings and recommendations will be used to guide the future revisions of two significant documents; the CA and the GMP. Additional information regarding the LA can be found on the web at:  
<[http://www.fs.fed.us/r4/htnf/districts/smnra/landscape\\_assess/index.shtml](http://www.fs.fed.us/r4/htnf/districts/smnra/landscape_assess/index.shtml)>.

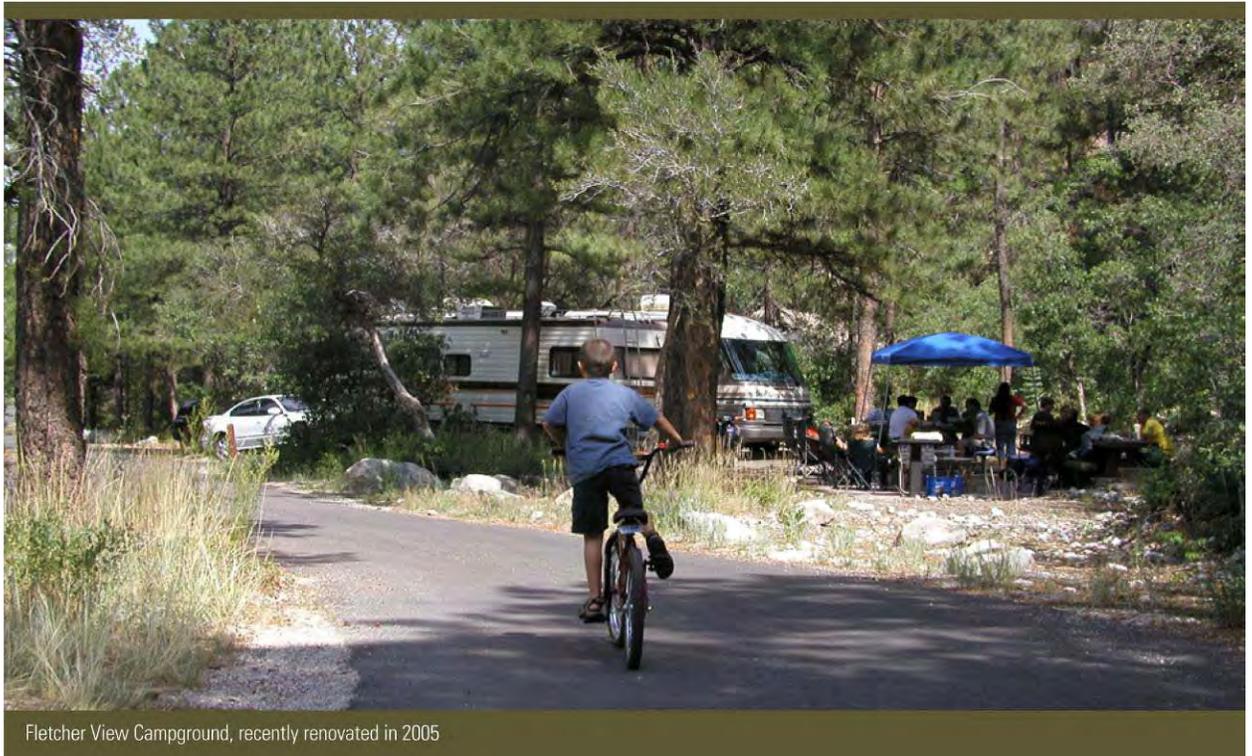
## 1.3 Purpose and Need for Action

This section specifies the underlying purpose and need to which the Forest Service is responding in proposing the alternatives and Proposed Action (40 Code of Federal Regulations [CFR] 1502.13). The need for action is defined by the gap between the existing and desired conditions. The purpose, or primary objective, of the Proposed Action is to eliminate or reduce that gap. The purpose defines the standards that the Proposed Action and alternatives must satisfy.

The need for action statement is presented first, followed by a discussion of the existing conditions, desired conditions, and, ultimately, the purpose of the action. Three need-for-action statements were identified.

### 1.3.1 Need Statement 1

There is a need to provide new SMNRA recreation facilities and visitor services that a) respond to anticipated increased SMNRA recreation demands from population growth in Las Vegas and Clark County; b) respond to future types of public recreation activities and trends; c) direct recreation users to less congested areas of the SMNRA and into developed recreation sites; and d) are outside of upper Kyle, Lee, and Deer Creek Canyons to reduce natural resource impacts to major concentrations of plant and wildlife species of concern.



## Existing Condition

Clark County, Nevada, (including the Las Vegas Valley area) has been considered one of the fastest growing urban areas in the United States. Recently, the population of Las Vegas has seen a slight decline; however, the county's population is expected to increase to 3.6 million by 2035 (Clark County Department of Comprehensive Planning 2008). Much of the recent growth is occurring in the northwest part of Clark County near the SMNRA. For example, a master plan for 16,000 new homes has been approved at the intersection of State Route (SR) 157 and U.S. Highway 95 (US 95). This development is currently on hold but it is anticipated that this area will eventually undergo residential development. 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 SMNRA. In fact, a study conducted for the Forest Service by PricewaterhouseCoopers (PwC) in 2008 revealed that the majority of SMNRA visitors are thought to be residents of the Las Vegas Valley.

The existing recreation facilities on the SMNRA were developed to match visitation rates of the 1960s and 1970s, and did not anticipate the increase in use that has occurred in recent years. According to one estimate, visitation to the SMNRA increased by an estimated 44% between 1991 and 2001 and by 2020 visitation is expected to increase to 3.9 million visitors (Hutton 2005). Although there is a general increase in visitors to the SMNRA, recent studies have shown that the SMNRA facilities are experiencing fluctuating levels of

visitation. During weekends and holidays, facilities are often above capacity; however, facilities are underutilized during other times. In particular, the Forest Service reports the Cathedral Rock Picnic area is consistently over capacity during peak visitation times. It is expected that existing facilities would be inadequate to meet future demands of the growing Clark County population including the Las Vegas Valley urban area. It is also reasonable to expect an increase in use levels when current plans to rebuild and improve Kyle and Lee Canyon campgrounds, picnic areas, toilets, and other facilities are completed.

The existing recreation facilities were designed with an emphasis on primitive camping and hiking experiences because these were traditionally provided by the Forest Service in the 1960s and 1970s. In contrast, present and projected future needs will require more day-use activities and transitional experiences from the urban to the wilderness environment. In public meetings held as part of the 2005 Middle Kyle Canyon Framework Plan development process, the public expressed its desire for the SMNRA to provide easy access, better directional information, a safe environment, and family-oriented day-use activities. Overall, demand figures show an increased need for camping facilities. Demand also increases for picnicking and trailhead facilities, including a demand for short looped hiking trails (1 to 5 miles in length) that are easy to moderate in the level of difficulty. The 2006 National Visitor Use Monitoring Surveys for the SMNRA found that hiking and viewing natural features were the most popular activities for visitors to the SMNRA (57% each), followed by relaxing (46%), viewing wildlife (43%), and driving for pleasure (41%) (Forest Service 2006a).

The demographics in Clark County continue to change. In 2005, Clark County's population was approximately 57% white; 26% Hispanic; 9% black; 7% Asian or Pacific Islander; and 1% American Indian, Eskimo, or Aleut. By 2020, it is projected that 50% will be white and 32% will be Hispanic, with little change in percentages for the other ethnicities (Clark County Department of Comprehensive Planning 2007). The ethnic composition of the population is important because the Forest Service hopes to create in the Middle Kyle Complex an area that is sufficiently appealing to attract users from a broad range of demographics and thereby create a socially sustainable site over the long term.

It is important to recognize that different ethnic communities appear to experience the outdoors and recreate in different ways. For instance, the Hispanic community often gathers at day-use areas in large groups of extended family members, while white user groups tend to gather in smaller groups and are more likely to participate in an overnight experience (PwC 2008). Culturally affiliated Nuwuvi nations and other American Indians continue to frequent the Spring Mountains landscape for spiritual reasons, to collect resources, and to recreate.

Predicted changes in demographics will, therefore, change the demand for specific recreational opportunities such as large group and family picnicking facilities. Currently, there are four picnic areas in SMNRA-developed canyons. However, they are located in congested areas within the upper canyon sensitive resource areas, and there are not enough picnic spaces to meet the current demand during the peak season. Forest Service personnel have observed visitors waiting in their vehicles for a picnic site to become available or leaving after

waiting an extended period to pursue alternate picnic sites in the general forest area. Picnicking and other recreational activities outside of designated facilities increase the risk of damage to sensitive resources.

There is also a growing demand for mountain biking opportunities, especially for families with children. Currently, mountain bikers have limited areas in which to ride, and unauthorized bike trails have been created by users east of SR 158 and north of SR 157.



Cathedral Rock Picnic Area in upper Kyle Canyon is heavily used.

Kyle Canyon is the most popular and frequently visited area in the Spring Mountains because Kyle Canyon Road (SR 157) is the nearest point of access to the SMNRA from Las Vegas. The majority of the existing SMNRA campgrounds, picnic areas, and administrative sites are concentrated in the upper Kyle and Lee Canyons because of cooler summer temperatures and the attraction of being in the stately ponderosa pine forest. Figure 1-2 shows the location of the Middle Kyle Complex in relation to the surrounding area. Similarly, there are private residential and commercial properties located in the upper canyons. As a result the upper canyons are congested; recreational use conflicts are high; and there is little opportunity for constructing new recreation facilities due to the limitations of the steep topography and sensitive species habitat that exists in the upper canyons. Residents of Mt. Charleston, a community of approximately 900 residents in upper Kyle Canyon, have reported instances of visitors picnicking and camping on private property (Forest Service 1996).



A family enjoys playing in winter snow in middle Kyle Canyon area.

The SMNRA supports more than 70 sensitive plant and animal species, the majority of which occur in the upper elevations of the Spring Mountains, including upper Kyle and Lee Canyons. The concentration of recreational use in the same locations as the sensitive species has resulted in damage to sensitive species by collection or removal of the species or by the loss of habitat through trampling; soil compaction; and disturbance.

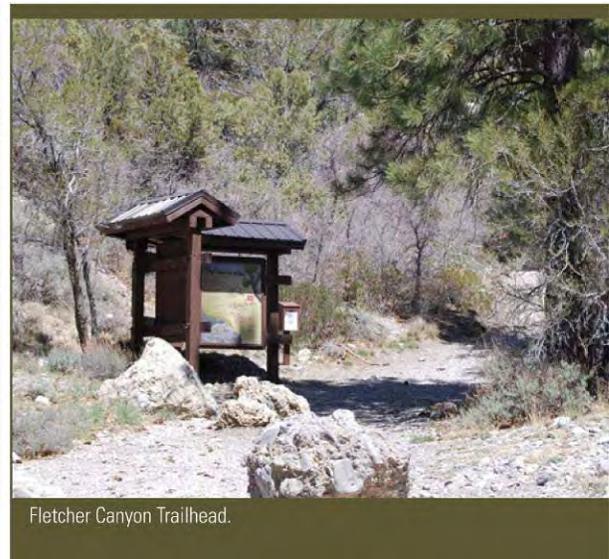
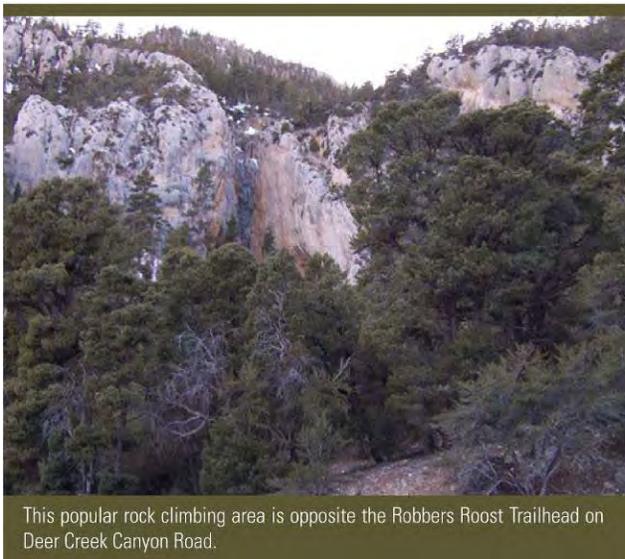
Recreation facilities in Kyle Canyon include two campgrounds, the Kyle Canyon Interim Visitor Center, one picnic area, and four trailheads. Forest Service administrative facilities, residential areas, and the Mt. Charleston Lodge are also present in Kyle Canyon. In Deer Creek Canyon, recreation facilities include two campgrounds, one picnic area, an overlook, and two trailheads. Recreational facilities in Lee Canyon include two picnic areas, two campgrounds, two trailheads, a Clark County camp, a Girl Scout camp, a snow play area, and the Las Vegas Ski and Snowboard Resort.

Dispersed camping occurs throughout the Kyle, Deer Creek, and Lee Canyon areas of the SMNRA, typically within close proximity to existing roads. Repeated use of the same site eventually results in development of concentrated use areas with associated resource impacts including litter, trash, human waste, compacted soils, trampling of plants, damage to vegetation from firewood gathering, and unattended campfires. Several concentrated use areas with associated resource impacts have been inventoried in the Kyle, Deer Creek, and Lee Canyon areas.

## Desired Condition

The GMP for the SMNRA describes the desired condition for recreation management on the east side of the SMNRA (Forest Service 1996). The following are the goals and objectives of the Forest Service.

- Limit new development in upper Kyle and Lee Canyons while distributing use and facilities to other areas of the SMNRA, including the lower canyons. A higher emphasis would be placed on protection of native species, ecological processes, and cultural resources, incorporating these considerations into the management of recreation areas.
- Provide additional recreation opportunities and customer service through development of trails, campgrounds and picnic areas, interpretive facilities, and approval of certain commercial developments and uses. These could include extension of existing facilities and uses, or entirely new developments. This goal would encourage new recreation opportunities where consistent with the goals of conserving the health, diversity, integrity, and beauty of the ecosystem; protecting American Indian cultural values and cultural resources; and maintaining current uses and users.
- Manage lands within the SMNRA to provide a range of developed recreation opportunities, with an emphasis on opportunities not available on private lands. Provide a range of recreational opportunities and facilities that are responsive to current and anticipated recreation trends based on changing user demographics and user expectations and that are consistent with resource protection goals.
- Provide additional multiuse recreation facilities in lower Kyle or Lee Canyons and allow new campgrounds and picnic areas to be developed in lower Kyle and Lee Canyons, east of SR 158.



The CA includes an action item to “focus new recreation development (campgrounds, picnic areas, and other facilities) in the least sensitive areas at

lower elevations, to lessen visitor impacts on the species of concern and other sensitive ecological resources” (Forest Service 2003).

It is also desirable for the Forest Service to secure SNPLMA funding for the construction of new recreation facilities or refurbishing existing facilities to protect resources, enhance the visitor experience, and/or improve operations within the SMNRA. SNPLMA funding is available to provide opportunities on federal lands to improve the quality of life for the residents of Clark County, Nevada.

Specifically the Forest Service would develop new recreation facilities at lower elevations within Kyle Canyon to meet the current and future population demands and recreation trends for Las Vegas. The facilities would be environmentally, socially, and financially sustainable. They would help to alleviate congestion in the upper canyons by providing a quality experience for the visitor, thereby reducing the need for the visitor to venture into the upper canyons.

A diverse range of activities would be provided creating a destination experience that results in repeat visitation through changing, interesting activities, programs and places that use the natural environment to attract visitors. All people, including all ages, ethnicities, income levels, and abilities—both individually and in groups—would feel welcome, safe, and comfortable.



The Kyle CCC Camp was built in the 1930's and was determined eligible for listing in the National Register of Historic Places in 1998.

There would be connectivity with the surrounding area. A diversity of recreational uses and settings would provide a variety of experiences, from contemplative to social. Appropriate visitor limits would be in place to maintain healthy environments and the desired recreation experience. Newly constructed facilities would be visually appealing, of quality and durable construction,

consistent with the stated vision and principles contained in the 2007 SMNRA Built Environment Image Guide (Shapins Associates and AJC Architects 2007) and implemented in a manner that is environmentally responsible according to a recognized rating system, such as U.S. Green Building Council's Leadership in Energy and Environmental Design. New facilities would meet or exceed the Forest Service goals for sustainability. Proposed facilities would be designed and implemented in a manner that contributes to long-term economic sustainability.

## Purpose

To provide a diverse range of additional recreation opportunities that are socially, financially, and environmentally sustainable to the extent practicable and will attract visitors away from the sensitive upper Kyle, Lee, and Deer Creek Canyons. To reduce visitor impacts to major concentrations of plant and wildlife species of concern by providing a comprehensive destination visitor facility near the entrance to the SMNRA that will be readily accessible to the maximum number of SMNRA visitors.

A socially sustainable site is defined as one that is dynamic and entertaining so that visitors will return again and again over a long period. Such a site will remain viable and connected to the social fabric of the community in a rapidly changing cultural and demographic setting (PwC 2008).

Financial sustainability means that, to the extent possible, the operations and maintenance costs for the SMNRA will be covered by non-appropriated Forest Service funding such as fees, partnerships, or other innovative funding mechanisms (PwC 2008).

According to the Forest Service, environmental sustainability requires any facilities built or services offered to be environmentally appropriate for the unique conditions present in the surrounding ecosystem and must sustain the health, diversity, and productivity of the area to meet the needs of present and future generations (Forest Service 2009a).

### 1.3.2 Need Statement 2

There is a need for relocating Forest Service fire and administrative facilities outside upper Kyle Canyon.

## Existing Condition

The current Forest Service administrative facilities are located west of SR 158 at the Kyle Civilian Conservation Corps (CCC) Camp adjacent to and south of SR 157 (see Figure 1-2). The Kyle CCC Camp is also known as the Kyle Ranger Station and the Kyle administrative site. This document will refer to the existing administrative site as the Kyle CCC Camp. The Kyle CCC Camp is located

immediately adjacent to Fletcher View Campground on the west and Kyle Canyon Campground on the east. Also located here are the Kyle Canyon Interim Visitor Center, Forest Service employee housing, public restrooms, public parking for approximately 10 vehicles, and an outdoor storage area for Forest Service equipment and supplies. A Forest Service fire crew and engine operate out of this location. Seasonal recreation and resource crews also operate out of this facility. Employee office space is inadequate.



A chain-link fence surrounds the Nevada Department of Transportation maintenance facility off of SR 157.



Law enforcement responsibilities are shared among the Las Vegas Metro Police (Metro), the Nevada Highway Patrol (NHP), and the Forest Service.

The entrance to the Kyle CCC Camp is often congested on weekends due to increased weekend visitation, visitor use of the restrooms and visitor center, and limited parking available at the facility. Forest Service fire personnel have reported “near misses” with private vehicles when pulling the fire engines onto SR 157 during heavy traffic periods. The engines use the same egress and ingress lanes as visitors use to access the interim visitor center and restroom facilities. The Forest Service operation and maintenance activities and employee housing at this location are highly visible and accessible by the public. The current location of these activities conflicts with the visitor experience and Forest Service security for employees and facilities.

The Kyle CCC Camp was built in the 1930s and was determined eligible for listing in the National Register of Historic Places in 1998. Although the Kyle Canyon Interim Visitor Center (constructed in 2004) and the temporary employee housing (constructed in 2006) were designed to conform to the historic setting of the camp, these buildings were not part of the original facility layout or historic setting. Currently, the Forest Service does not provide interpretive information for visitors on the historic significance of the CCC structures.

Fire and law enforcement responsibilities in Kyle Canyon are multi-jurisdictional due to the presence of private properties within the National Forest boundary and because SR 157 is a Nevada Department of Transportation (NDOT) facility. Fire suppression responsibilities are shared among Clark County Fire Department (CCFD), Nevada Department of Forestry (NDF), and the Forest Service. The

existing CCFD and NDF facilities are located in the town of Mt. Charleston, in inadequately sized spaces with little room for expansion due to the same physical constraints as the Kyle CCC Camp (e.g., narrow canyon with limited suitable building areas).

Law enforcement responsibilities are shared among the Las Vegas Metropolitan Police Department (Metro), the Nevada Highway Patrol (NHP), and the Forest Service. Currently, each entity maintains its facility either within the SMNRA or in near proximity. The Metro office is located in a trailer facility near the NDOT facility under a special use permit from the Forest Service. The local area NHP office is located in a trailer near the community of Indian Springs, approximately 30 miles north of SR 157 on US 95.

## Desired Condition

The Forest Service administrative activities and visitor service facilities would be located outside upper Kyle Canyon. Removal of non-historic structures and rehabilitation of unneeded use areas would restore habitat within the biologically sensitive upper Kyle Canyon area. Relocation of these facilities to the less sensitive lower elevations would continue to provide emergency response to the upper Kyle Canyon area.

The relocated facilities would be situated on relatively flat terrain that provides suitable space to accommodate facility needs—including a staging area for an incident command center in the event of emergencies—and would be in an area of lower fire risk with more than one exit in the event of a large incident. The visitor experience would be enhanced by the geographic separation of the administrative facilities and activities to an area that is not as visible or easily accessible by the recreating visitor. Safety would be improved for visitors, and the security of Forest Service administration operations would be enhanced by this separation. Overall, the relocated facilities would optimize the staff's ability to serve the public.

The GMP for the SMNRA provides direction to protect and preserve cultural resources while providing opportunities for interpretation and public education. The desired condition for the Kyle CCC Camp would be to preserve the historic nature and setting of the structures and manage as a historic site. Visitors would be afforded the opportunity to appropriately use and experience the site.

Collocation of the CCFD, NDF, NHP, and Las Vegas Metro with the Forest Service in the relocated administrative site is an opportunity that would result in more efficient coordination, responsiveness, and effectiveness of the public agencies in the SMNRA.

## Purpose

To provide Forest Service fire and administrative facilities in a secure, accessible location that would be less visible to the public; provide adequate work facilities

and room for expansion; improve communications between agencies; provide more employee housing; preserve sensitive species habitat; preserve the historic setting of the Kyle CCC Camp; enhance the visitor experience; and be readily accessible to the Kyle Canyon and Deer Creek areas of the SMNRA.



### 1.3.3 Need Statement 3

There is a need for providing improved visitor information and environmental interpretation.

#### Existing Condition

The small (approximately 800 square feet) interim visitor center was established in 2004 as a temporary facility until a larger and more comprehensive visitor center could be built. Operated by the Southern Nevada Interpretive Association, the interim visitor center includes a bookstore, recreational trail information, recreation brochures, and guided hikes. Currently, interpretation opportunities relative to the SMNRA biological and cultural resources are inadequate and limited to a few panels in and outside the center. Other sources of visitor information include the Forest Service web site and the SMNRA office in Las Vegas.

The current interim visitor center serves about 30,000 visitors per year, a fraction of the total estimated annual visitors to the SMNRA (PwC 2008). The size of the

visitor center and available parking limit the number of persons that the visitor center can serve at one time.

Visitor information is limited and not well coordinated between the Forest Service, its concessionaires, and local businesses. Many roads, trails, and trailheads are not well marked. As a result, many users become confused and frustrated about what recreation opportunities are available, where and how to access them, and the rules that apply to using them (Shapins Associates 2005).

Users who do not understand the natural environment of the SMNRA can unwittingly damage sensitive resources, and many users discard trash along trails and roadsides.



## Desired Conditions

The GMP for the SMNRA provides direction in several passages regarding public education and interpretation. The GMP states a desired condition for the SMNRA is to provide public information that emphasizes the range of opportunities available and to provide appropriate locations to direct visitation and disperse use. Also, public awareness of the unique environment of the SMNRA is increased, and knowledge of low-impact recreation skills is emphasized.

The GMP also provides the guidance to develop a SMNRA visitor center along the entrance to Kyle and/or Lee Canyons.

The CA provides a list of actions to be taken by the Forest Service to promote environmental education on the SMNRA. The intent of these actions is to inform the public about biodiversity protection and ecosystem management.

Specifically, an environmental interpretation and informational program would be established on the SMNRA to provide a broad range of opportunities for public enjoyment. The intent of the SMNRA Act would be met by implementing plans for a continued program of environmental interpretation and public information about the resources and values of the SMNRA. When visiting the SMNRA, the public would be knowledgeable of environmental conditions that could affect their recreational experience and would be appropriately prepared.

Environmental interpretation and information programs would be designed to reach the maximum number of visitors. Displays, presentations, guided walks, driving tours, and informational brochures would highlight the importance of cultural resources, the sensitivity of the species unique to the Spring Mountains, the importance of species diversity, the significance of the Spring Mountains' biodiversity, and appropriate low-impact visitor activities. Road and trail systems would be well marked on the ground.

Environmental information materials would direct user groups to utilize low-impact recreation techniques and emphasize resource protection. Such materials would be readily available at developed recreation areas, at trailheads, near sensitive habitats and select cultural sites, and at the entrance to wildernesses. Targeted user groups would include climbers, spelunkers, mountain bikers, equestrians, off-highway vehicle (OHV) users, hikers, and the general public.

Environmental interpretation programs would be fun, exciting, innovative, and dynamic and would influence all ages to be appreciative and respectful of the natural world. Wayfinding information and self-guided materials would be available 24 hours a day 7 days a week at a variety of locations. The information and interpretation would promote responsible behavior.

## Purpose

To provide a focused destination for visitors to the SMNRA with multiple opportunities for on-site environmental interpretation and information that promotes visitor understanding and appreciation through a variety of methods and reflects the Forest Service's unique identity.

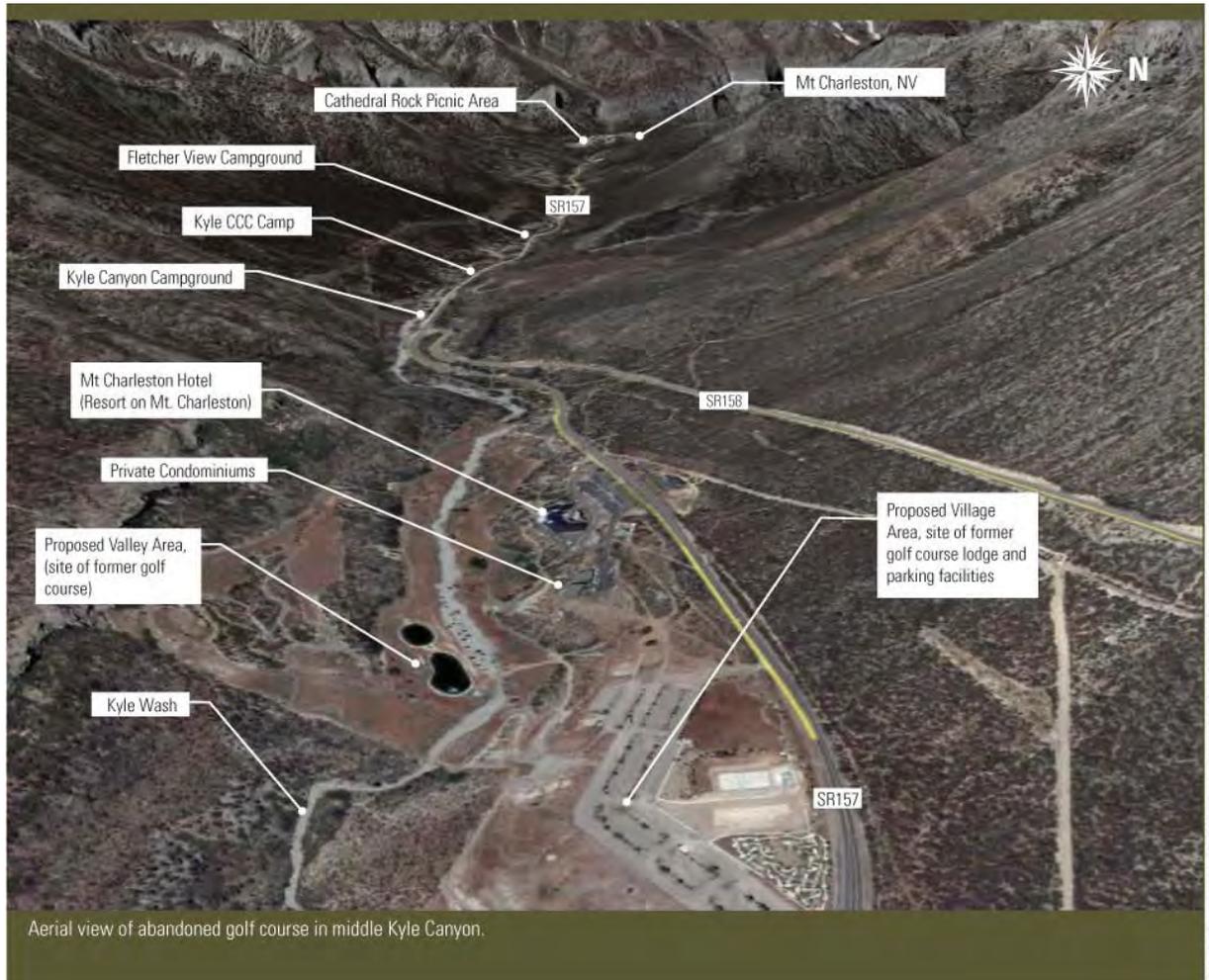
## 1.4 Proposed Action

The Forest Service is proposing the action, which includes the construction and operation of the facilities described below and shown on Figure 1-3. This Proposed Action responds to the goals and objectives outlined in the SMNRA GMP, an amendment to the Toiyabe Forest Plan, and helps move the project area



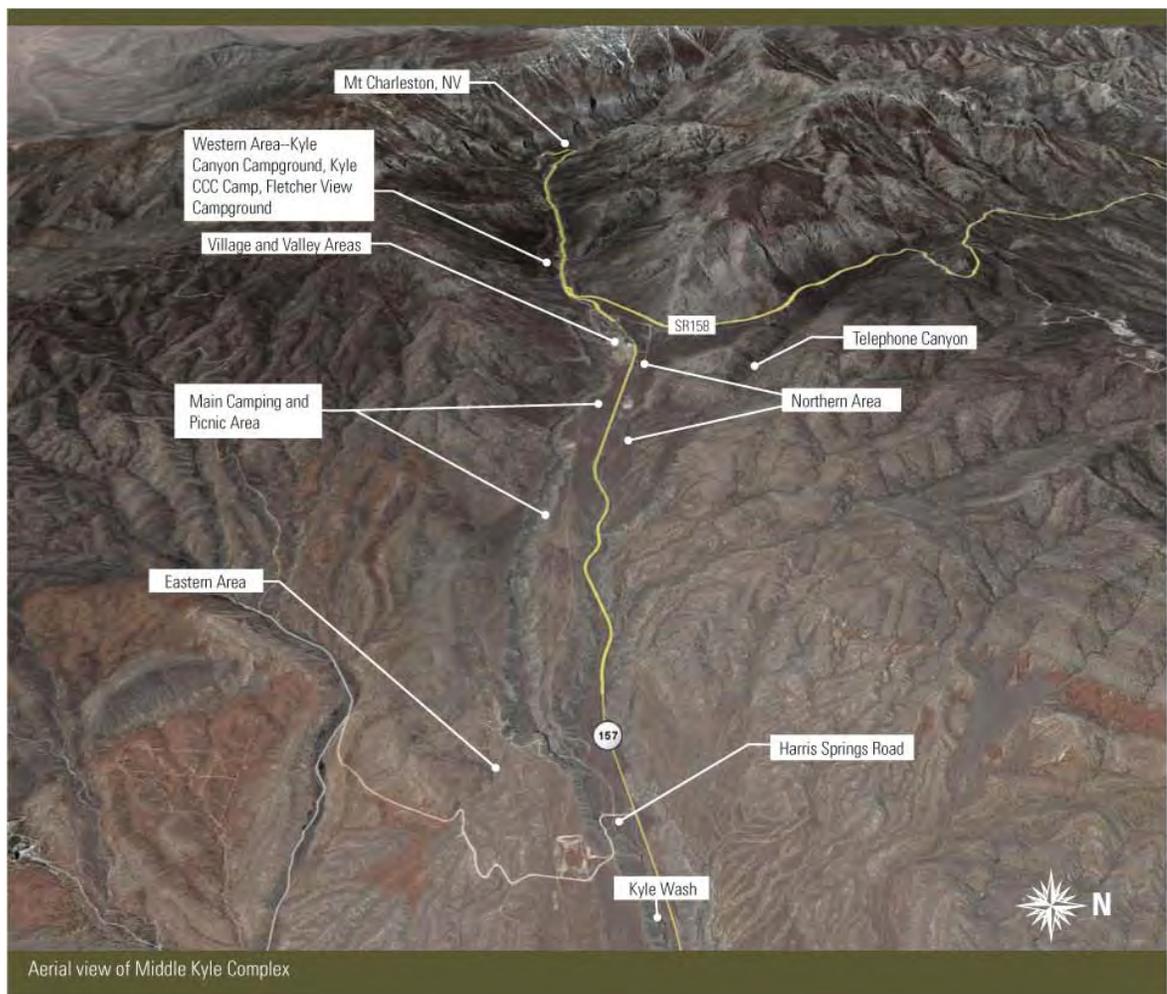


towards desired future conditions described in that plan (Forest Service 1996). This action is different than the Proposed Action as described in the NOI published in the FR on February 21, 2006. The Proposed Action described in the NOI was developed based on Option 1 identified in the Middle Kyle Canyon Framework Plan of August 2005 (Shapins Associates 2005). See Chapter 2, *Alternatives, Including the Proposed Action*, for a description of the differences between the actions and the reasons for the changes.



The Proposed Action is located in Kyle Canyon, approximately 16 miles west of the intersection of SR 157 with US 95 and adjacent to a 6-mile section of SR 157 as shown on Figure 1-2. The area covered by the Proposed Action begins at the Fletcher View Campground on the west and extends to the Harris Springs Road on the east. There are six areas within the project area used to describe the location of proposed facilities and activities: the Western Area, the Village, the Valley, the Main Camping and Picnic areas, the Northern Area, and the Eastern Area. The Proposed Action footprint is approximately 4,300 acres in size for the Middle Kyle Complex and an additional 4,900 acres for administrative actions proposed to occur outside the Middle Kyle Complex area. Refer to Figure 1-3 for the location of the facilities and land uses described below.

The Western Area comprises the existing developed sites, including Fletcher View Campground, the Kyle Canyon Campground, Kyle CCC Camp, Interim Visitor Center, and Fletcher Canyon Trailhead. Improvements proposed for this area include the Kyle Canyon Wash Trail, a hiking/biking trail connecting the proposed Village area to the existing campgrounds and Kyle CCC Camp, and a looped hiking trail south of Kyle Canyon Campground. The Fletcher View Campground existing drainage structure would be replaced to meet current Forest Service standards. Kyle Canyon Campground would be reconstructed with updated campsites, new restrooms, and three new walk-in units. Selected roads and parking stalls would be widened and rehabilitated, and sewer lines, septic tank, and drain field would be installed, as would electrical utility. The water distribution system would be replaced and existing drainage structures would be upgraded to meet current Forest Service standards.



Improvements proposed at the Kyle CCC Camp include restoration of existing historic buildings for managed public use; removal of non-historic outbuildings; removal of aboveground fuel tanks; removal of public restrooms and interim visitor center; rehabilitation and restoration of abandoned roads, parking, and boneyard (outdoor storage) area; and infrastructure improvements to retained roads and trails. A new trail loop would be added to the Fletcher Canyon Trail

and would connect to proposed trails in the Northern Area. Kyle Canyon Wash Trail would also be constructed as a paved trail meeting Forest Service Trail Accessibility Guidelines (FSTAG). This hiking/biking trail would connect the proposed Village area to the existing campgrounds and Kyle CCC Camp.

The Village would be the center of proposed activities and would be located on the previously disturbed areas of the 128-acre parcel recently acquired by the Forest Service, south of SR 157. Facilities at the Village would include a new visitor center, indoor group meeting area, retail space, food concession areas, residential space (security/artist-in-residence), one indoor and one outdoor classroom, plaza area including landscaped/play areas, 1,500-person amphitheater, three group picnic sites, commons area, underground parking structure, transit center, and an access road.

The Valley area would be located adjacent to the Village, in the wash and southern uplands of the 128-acre acquired parcel. Activities proposed for this area include reconstruction and restoration of existing ponds for wildlife/fishing ponds for children, site restoration around the ponds, outdoor classrooms, restoration of Kyle wash and uplands areas, and removal of remnants of the golf course. Facilities proposed for this area include a natural amphitheater, sledding hill, public restrooms, paved and unpaved trails including new trail crossings over Kyle wash, an FSTAG-accessible interpretive trail, the Kyle Canyon Wash Trail, and a trail connection to the Mount Charleston Hotel (recently renamed the Resort on Mount Charleston).

The Main Camping and Picnic areas are proposed to be located on a large flat area immediately east of the Village, south of SR 157. Forest Service-style campgrounds would include tent/RV sites with hook-ups, group camping areas, shower and restroom facilities, a small amphitheater, and access roads. Pedestrian and bicycle trails would also be included in the camping and picnic areas with connections to the main multiuse trail system. The picnic areas would include individual sites, group sites, restroom structures, shade structures, parking, and an access road. Pedestrian and bicycle trails would also be included in the camping and picnic areas with connections to the main multiuse trail system.

Proposed facilities located north of SR 157 would include single- and multiuse hiking, biking, and equestrian trails; a horse rental concession area; an equestrian campground; and an OHV trailhead to access existing trails. Proposed equestrian facilities would include a horse rental concession, equestrian campground, equestrian corrals and trailhead parking; and an equestrian/hiking crossing on SR 158 connecting the Northern Area trails to the Fletcher Canyon trails.

Forest Service administrative facilities are proposed for this area and would include fire and administrative office/warehouse, concessionaire office, research center, helipads, and seasonal employee housing. Facility and office space may be included for other agencies. The Nevada Highway Patrol and Las Vegas Metro facility would be relocated to the proposed administrative area and the existing site rehabilitated. The existing solid waste transfer station would be removed and the site rehabilitated. NDOT maintenance yard highway access would be rerouted to connect to the new road leading into the administrative and

equestrian campground areas. Rehabilitation of existing water storage reservoirs and unneeded roads would occur. Telephone Canyon Road would be gated and closed to motor vehicle use north of the employee housing area. A pedestrian crossing of SR 157 and new access roads would be constructed.

Facilities proposed for the Eastern Area located adjacent to the Harris Springs Road south of SR 157 include a paved access road and a trailhead with vault toilet connecting to a hiking trail in the canyon bottom. A paved trail connecting to the Rim Trail is proposed west of Harris Springs Road. Also proposed for the south side of the Kyle wash are a second trailhead and restrooms, a mountain bike rental/concession, and mountain bike/hiking trails. Harris Springs Road would be widened and paved from SR 157 to the mountain bike rental/concession facility with an improved drainage crossing at Kyle wash. Many of the designated roads and trails west of the mountain bike rental/concession would be closed to motorized vehicles for use as hiking and biking trails.

Other proposed facilities may include, but are not limited to the following: infrastructure to support the planned facilities (e.g., roads, utilities, stormwater management, wastewater treatment); improvements to SR 157 to provide safe intersections for vehicles and pedestrians; restoration and revegetation of abandoned roads, trails, and utility sites; removal of illegally dumped materials; moving portions of existing aerial utility lines installed underground; select removal of non-native trees and shrubs in the Village area; closure of selected Forest Service roads to motor vehicles; and conversion of selected Forest Service roads to non-motorized trail use. The SMNRA Motor Vehicle Use Map and Travel Management Plan would be updated to be consistent with the transportation decisions made through this analysis. Several of the high-use recreation and administrative areas may include select plantings with non-native, non-invasive tree and turf species. Under the Proposed Action the water system for all proposed facilities east of the Western Area would be entirely on lands owned and managed by the Forest Service. The sewer system would consist of several on-site septic tank and drain field systems. Appropriate water conservation measures and sustainable design techniques would be implemented.

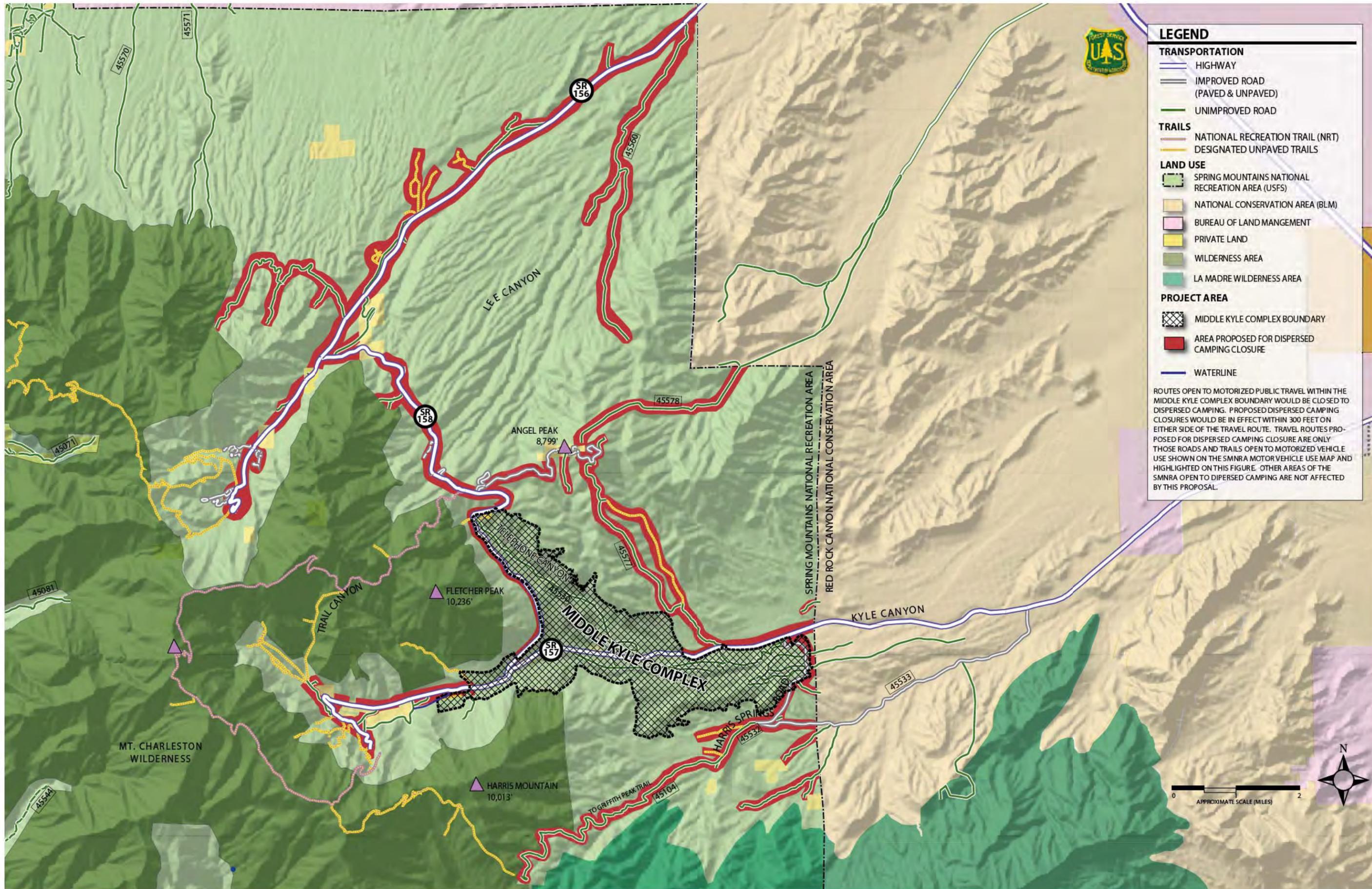
See Chapter 2, *Alternatives, Including the Proposed Action*, for a more detailed description of the Proposed Action.

Construction of the Proposed Action is anticipated to begin within 1 year after publication and circulation of the final EIS and record of decision. Design and construction of the Proposed Action may occur in phases over a period of 15 years.

The funding provided by the SNPLMA would support the majority of the costs of design and construction of the Proposed Action.

The Forest Service may also implement the following administrative action that includes areas outside of the Middle Kyle Complex project area (see Figure 1-4):

- Dispersed camping would be prohibited within 300 feet on either side of Forest Service roads and trails open to motorized vehicles, trailheads, county roads, and state highways within the Lee Canyon, Kyle Canyon, and Deer



# MIDDLE KYLE COMPLEX

USDA FOREST SERVICE

SPRING MOUNTAINS NATIONAL RECREATION AREA

**FIGURE 1-4 : PROPOSED DISPERSED CAMPING CLOSURE AREAS**



Creek areas of the SMNRA, including connecting and tributary Forest Service routes such as those in the Macks Canyon and Harris Springs areas.

## 1.5 Decision Framework

The Forest Supervisor of the Humboldt-Toiyabe National Forest is the responsible official and will make the decision based on review of the Proposed Action, the other alternatives, and the environmental consequences in the EIS. The decision to be made is whether to implement the action as proposed, implement a modification of the Proposed Action, or take no action at this time. The decision will also encompass the mitigation measures and monitoring that will be required.

## 1.6 Public Involvement

Following is a summary of the public involvement conducted for the Proposed Action.

### 1.6.1 Pre-NEPA Public Involvement

#### Middle Kyle Canyon Framework Plan

Extensive pre-NEPA public involvement was conducted to identify options and new opportunities for conservation, recreation, and environmental education on approximately 2,500 acres of land located in middle Kyle Canyon. The focus of this effort was to gather information and analyze a range of potential land use options. The land use options analyzed provided for resource protection, recreation and administrative facility development needs, and environmental education opportunities.

The result was the planning document titled *Middle Kyle Canyon Framework Plan*, dated August 2005. The Forest Service used a variety of public involvement methods for gathering information to develop the vision and goals for the area and to formulate three options for analysis in the planning document. Based on feedback from the public, the three options were narrowed to a preferred option (Option 1). This preferred option was presented in the NOI as the Proposed Action for evaluation under the NEPA process.

Development of the framework plan included a broad range of public involvement activities. These activities were conducted during 2004 and 2005 and included those listed below.

- Conducting several small group information-gathering meetings with environmental organizations, recreation user groups, elected officials, Mt. Charleston residents and business owners, tourism groups, and others

with an interest in or knowledge of the Kyle Canyon area to gain an understanding of the area's special qualities and issues.

- Hosting a 2-day workshop and field trip for American Indian tribes that have a connection to the Spring Mountains on September 2 and 3, 2004.
- Presenting the master planning process and preferred option at the "Focus on the Forest: A Mt. Charleston Summit" held on February 22, 2005. The summit's purpose was to discuss a variety of issues and planning efforts underway to conserve the SMNRA. Approximately 200 invited guests from various government agencies, organizations, and community groups attended the summit, including two Nevada senators; members of the Las Vegas Paiute Tribe; representatives from the Nevada Division of Forestry, the Regional Transportation Commission of Southern Nevada, the USFWS, and The Nature Conservancy; a Clark County Commissioner; residents of Mt. Charleston; representatives from Pahrump; and other entities. The draft preferred option was available for public comment beginning on February 22, 2005, and ending on April 9, 2005.
- Presenting the draft preferred option to a planning review group consisting of more than 20 community and local government representatives.
- Holding a public open house on March 29, 2005, where members of the public could review the options, ask questions, and provide comments. More than 100 people attended. The meeting was publicized through press releases, at the Mt. Charleston Summit, in a newsletter distributed in February 2005, on the Mt. Charleston Summit's web site, and over local radio announcements. More than 35 questionnaires were received during the comment period. The comments were summarized and incorporated into the framework plan and presented to the planning review group.
- Distributing newsletters at meetings and to a mailing list of more than 500 people. The first newsletter was distributed in August 2004 and presented information regarding the SMNRA and the framework plan. The second newsletter was mailed in February 2005 and described the vision and goals for the Proposed Action and details of the three options. The third newsletter was mailed in July 2005. This newsletter described the final draft preferred option, summarized the public comments, and presented the next steps for the framework plan.
- Creating a web site to keep the public informed of the latest developments regarding the framework plan. Information on the web site included project description; reports, documents, and newsletters created during the process; and descriptions of the three plan options. This Web site can be accessed at <[http://www.fs.fed.us/r4/htnf/projects/smnra/middle\\_kyle\\_complex/home.shtml](http://www.fs.fed.us/r4/htnf/projects/smnra/middle_kyle_complex/home.shtml)>.

## 1.6.2 Notice of Intent

The *Forest Service Environmental Policy and Procedures Handbook* (FSH 1909.15\_10) requires an early and open "scoping" process as part of the preparation of an EIS. *Scoping* is the process by which the lead agency solicits

input from the public and interested agencies on the nature and extent of the issues to be addressed in the EIS.

The NOI was published in the FR on Tuesday, February 21, 2006. It is the first formal step in preparing an EIS and scoping process. The NOI asked for public comment on the proposal from February 21, 2006, to April 3, 2006. As part of the public involvement process related to the release of the NOI, a letter dated February 23, 2006, was also sent to 451 stakeholders. An additional letter, dated March 6, 2006, was sent to nine American Indian tribal chairs. The letters included information regarding initiation of the NEPA process and the intent to prepare an EIS, a project summary and a map of the Proposed Action, and requested comments.

The Proposed Action was modified after the NOI was published. Changes to the Proposed Action include replacement of the existing water main from the Rainbow Subdivision water meter to Kyle CCC Camp and reconstruction of the Kyle Canyon Campground. A summary of these modifications was provided to a list of interested parties and posted on the Forest Service internet site with a request to submit written comments on the modifications from April 30, 2008, to May 31, 2008.

### 1.6.3 Notice of Availability

The Notice of Availability of the Middle Kyle Complex DEIS was published in the FR on October 2, 2009. Additionally, email and postcard notifications were distributed on September 23, 2009, to individuals and agencies on the project mailing list. The DEIS was mailed to all interested parties for public comment on September 23 and 24, 2009.

The DEIS was posted on the project web site and hard copies were available for review at three locations:

- BLM Public Room, 4701 N Torrey Pines Drive, Las Vegas, NV 89130;
- Sahara West Library, 9600 West Sahara Avenue Las Vegas, NV 89117; and
- Mount Charleston Library, 1252 Aspen Avenue, Las Vegas, NV 89124.

Legal notices were published in the following publications:

- *Las Vegas Review-Journal* and the *Las Vegas Sun* on October 5, 2009; and
- *The Reno Gazette-Journal* on October 7, 2009.

The comment period on the DEIS ended on November 16, 2009, a period of 45 calendar days.

## 1.6.4 Cooperating Agencies

To facilitate interagency participation in the preparation of the EIS, the Nevada Department of Wildlife, the Clark County Department of Air Quality and Environmental Management, and the BLM are the cooperating agencies for the EIS process. The USFWS was involved in the EIS process as a participating agency under the CA. Meetings were held throughout the EIS process to update the agencies on the status and schedule of the Middle Kyle Complex project, receive specific agency comments, and/or discuss issues regarding the proposed project and project area resources.

Cooperating agencies may be federal, tribal, state, and local government agencies that have jurisdiction by law and/or special expertise with respect to reasonable alternative or significant environmental, social, or economic impacts associated with the proposed project. The benefits of granting cooperating agency status include disclosure of relevant information early in the analytical process; receipt of technical expertise and staff support; avoidance of duplication with state, tribal, and local procedures; and identification and discussion of intergovernmental issues. Cooperating agency relationships with federal, tribal, state, and local agencies help to achieve the direction set forth in NEPA to work with other levels of government “to promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”

## 1.6.5 American Indian Collaboration

Culturally affiliated tribes<sup>1</sup> were informed of the Middle Kyle Complex project during the pre-NEPA public involvement process through workshops, site visits, meetings, and letters. Formal consultation on a government-to-government basis, as required by Executive Order 13175, began on August 7, 2006, when a presentation on the proposed project was given to representatives of the American Indian tribes. The tribal governments expressed the need to be informed as alternatives were developed and when the preferred alternative was identified for the decision. The tribal governments expressed their desire that they be included in the decision.

A second meeting was held with the tribal governments on March 18 and 19, 2008, in conjunction with other federal agencies, at which an update on the Middle Kyle Complex project was provided.

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<sup>1</sup> The culturally affiliated tribes include the following tribal governments: the Las Vegas Paiute Tribe, the Pahrump Paiute Tribe, the Moapa Band of Paiute Indians, the Paiute Indian Tribe, and the Colorado River Indian Tribes (Chemehuevi only). Culturally affiliated refers to tribal governments that consider the Spring Mountains landscape to be their creation place.

In May 2009, the Nuwuvi Working Group<sup>2</sup> was formed to provide a participatory and collaborative process in a culturally approved format to improve government-to-government consultation for this project. Nuwuvi Working Group members received a copy of the administrative DEIS prior to a meeting held June 23 and 24, 2009, at which the alternatives were presented and a field visit was conducted. Topics of discussion included providing written Nuwuvi commentary for incorporation in the FEIS, and providing comments on the DEIS and vegetation management plan upon release of the DEIS to the public. The Nuwuvi Working Group provided the Forest Service with initial reactions on the alternatives following the meeting.

On October 18 through 20, 2009, the Nuwuvi Working Group held a meeting to prepare written comments on the DEIS. The Forest Service attended the last day of that meeting to respond to questions.

On November 30, 2009, a final meeting was held with the Nuwuvi Working Group and the Forest Service. The Forest Service presented the preferred alternative currently under consideration in the FEIS and the draft Record of Decision, discussed the cultural resource survey report, responded to questions from the Nuwuvi Working Group, and discussed how to incorporate Nuwuvi comments on the DEIS and commentary into the FEIS.

## 1.7 Issues

Using comments from the public, state, and local governments; other federal agencies; and American Indian tribes, the IDT developed a list of issues to address in the analysis. Forest Service NEPA guidance defines an issue as “a point of disagreement, debate, or dispute about the Proposed Action based on effects identified through scoping” (Forest Service 2006b).

### 1.7.1 Significant Issues

The CEQ directs agencies to “concentrate on issues that are truly significant to the action in question, rather than amassing needless detail” [40 CFR 1500.1(b)].

The Forest Service deciding official determined the issue below to be significant. This significant issue was used to either develop alternatives to the Proposed Action, project design features, or mitigation measures or followed throughout the analysis of the environmental effects of the Proposed Action. The analysis of environmental effects is presented in Chapter 3, *Affected Environment and Environmental Consequences*.

- Construction and use of the proposed Kyle Canyon Wash Trail from the Village to Kyle Canyon Campground through Spring Mountains acastus checkerspot butterfly (*Chlosyne acastus robusta*) habitat may adversely impact this species (designated as Forest Service sensitive species,

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<sup>2</sup> The Nuwuvi Working Group comprises tribally designated representatives from the seven tribal governments identified as having ancestral relationships with the Spring Mountains.

CA species of concern, MSHCP covered species, and LA Tier 1 Special Status Species). The indicators used to compare between alternatives include the measure of permanent and temporary loss of acastus checkerspot habitat (in acres). The potential loss of habitat is measured as the amount of known foraging and mate selection habitat within the project area that will be impacted temporarily (during construction) and permanently (during operations) due to the proposed project. These indicators are tracked by analysis conducted for the evaluation of the alternatives.



## 1.7.2 Non-Significant Issues

The NOI published on February 21, 2006, asked for comment on the proposal. During the comment period (between February 21 through April 3, 2006), 27 comment letters were received from federal, state, and local agencies and from the general public. These comments resulted in identification of the significant issue and several other issues and resource areas that were deemed non significant by the Forest Service.

Five comment letters were received in response to the request for comments on the revised Proposed Action. Respondents included one federal agency and the general public. These comments identified several issues and resource areas that were deemed to be non-significant by the Forest Service.

See Appendix A of the DEIS, for a detailed description of the comments received as well as responses and rationale used by the Forest Service to arrive at a determination of non-significance for each comment.

## 1.8 Permits and Required Compliance

Nevada Division of Environmental Protection National Pollution Discharge Elimination Permit

Nevada Division of Environmental Protection National Pollutant Discharge and Elimination System General Stormwater Permit for Construction

Clark County Department of Air Quality and Environmental Management Dust Control Permit for Construction Activities

Clark County Development Services for road improvement plan and drainage study approvals for county road improvements

Clean Water Act Section 404 Compliance

Nevada Department of Transportation Encroachment Permit

Nevada Division of Environmental Protection Clean Water Act Section 401 Water Quality Certification

Nevada Division of Environmental Protection, Bureau of Safe Drinking Water permit to operate public water systems

Nevada Division of Environmental Protection and/or Clark County Health Department permits for waste water treatment facilities